


REPORT TO LICENSING SUB-COMMITTEE 1

20 March 2019

Subject:	Application for a New Premises Licence at Alisha Supermarket, Unit 3B Capehill Retail Park, Smethwick B66 4PH
Director:	Director – Prevention and Protection – Stuart Lackenby
Contribution towards Vision 2030:	
Contact Officer(s):	Makhan Singh Gosal Licensing Officer Makhan_singhgosal@sandwell.gov.uk

DECISION RECOMMENDATIONS

That the Licensing Sub Committee:

1. Consider the application for a new premises licence submitted by Kashif Ahmed Afzal for a new premises licence in respect of Alisha Supermarket, Unit 3B Capehill Retail Park, Smethwick B66 4PH
2. Each application must be considered on its merits taking into account the evidence presented at the hearing, and the Guidance issued under Section 182 of the Licensing Act 2003 and the Council's Licensing Policy. The options that can be considered that can be considered once evidence has been heard are detailed at paragraph 6.

1 **PURPOSE OF THE REPORT**

To consider an application for a new premises licence at Alisha Supermarket, Unit 3B Capehill Retail Park, Smethwick B66 4PH following receipt of an objection from the Police objecting to the grant of the application.

2 IMPLICATIONS FOR VISION 2030

- 2.1 Investing in people and jobs. Licensed premises provide employment in the Borough and help to support the Borough's economy.
- 2.2 It is the Authority's aim to offer a wide choice of high quality and well managed entertainment and cultural venues within a safe, orderly and attractive environment; valued by those who live here, work here and come to visit. We want to ensure that businesses operate responsibly and safely so that our residents live in decent neighbourhoods and have a good quality of life.

3 BACKGROUND AND MAIN CONSIDERATIONS

- 3.1 Under the Licensing Act 2003, a responsible authority or any other person who lives or works in the vicinity of the premises may make representations in respect of the application which must be relevant to one or more of the four licensing objectives, namely;
 - The Prevention of Crime and Disorder
 - Public Safety
 - The Prevention of Public Nuisance
 - The Protection of Children from Harm
- 3.2 Objections have been received from the Police in relation to the Prevention of Crime and Disorder.
- 3.3 All objections to the application are attached as Appendix 2.

4 THE CURRENT POSITION

- 4.1 An application has been made by Kashif Ahmed Afzal and is attached as Appendix 1.
- 4.2 Hours premises are to open to the public. Mondays to Sunday 08.00 – 23.00.
- 4.3 Supply of alcohol off the premises. Monday to Sunday 08.00 – 23.00
- 4.4 The general description of the premises is described as follows.
"Supermarket"

Operating Schedule/Proposed Conditions

4.5 General

The designated Premises Supervisor or another qualified person will train any staff at the premises on the basic laws of selling alcohol and on

compliance with the conditions on the premises licence and a log of this training will be maintained. The training log can be inspected by any responsible authority on request.

4.6 The Prevention of Crime and Disorder

Digital CCTV will be installed at the premises to the reasonable satisfaction of the Police. The system must be operational at the times when licensable activity is taking place. The system must have an image download capability. All recorded images must be kept for a minimum of 28 days. Full access to recordings must be given to responsible authorities immediately upon request.

A notice stating that no sales of alcohol to persons under 18 years of age will be displayed at the premises.

4.7 Public Safety

As other statutory obligations apply no further conditions are deemed appropriate under the Licensing Act 2003.

4.8 The Prevention of Public Nuisance

As other statutory obligations apply no further conditions are deemed appropriate under the Licensing Act 2003.

4.9 The Protection of Children from Harm

A notice stating that it is illegal for persons to buy alcohol on behalf of persons under 18 years of age will be displayed at the premises.

A Challenge 25 policy will be operated by the premises with notices informing customers of the policy being displayed within the premises with at least 1 sign on the door to the premises and 1 displayed behind the counter. Staff must be trained on this policy. The staff will be regularly reminded/trained to enforce the Challenge 25 policy.

All alcohol sale refusals will be noted in a refusal register which can be inspected by a responsible authority on request.

Acceptable ID will only be a passport, photo driving licence or a recognised proof of age card.

5 CONSULTATION (CUSTOMERS AND OTHER STAKEHOLDERS)

A notice has been published in a local paper and a public notice has been displayed at the premises outlining the application and inviting comments/representations to be sent to the Licensing Authority, detailing

a closing date for these to be received. Details of the application were also published on the Council's website.

6 ALTERNATIVE OPTIONS

- 6.1 The options available to the Licensing Sub-Committee having considered all the relevant information are as follows:
- 6.2 To refuse to grant the application.
- 6.3 To grant the application with (or without) conditions in full (or in part).
- 6.4 If the application is to be granted in line with the submitted operating schedule, then the agreed amendments if negotiated prior to the hearing would need to be included in the licence – Nothing has been agreed or negotiated.
- 6.5 Additional conditions or restrictions to licensable activities and/or times should only be imposed if considered appropriate for the promotion of the licensing objectives. If other law already places certain statutory responsibilities on a premise, it would not be appropriate to impose similar duties.
- 6.6 Members of the Sub Committee should be advised that the applicant, licence holder or any other person who made relevant representations in relation to the application, may appeal the decision made to the Magistrate's Court within 21 days of the date on which they were notified.

7 STRATEGIC RESOURCE IMPLICATIONS

There are no direct strategic resource implications associated with this application.

8 LEGAL AND GOVERNANCE CONSIDERATIONS

- 8.1 Members of the Licensing Sub Committee when making their decision on the application must take into account the four licensing objectives, the Guidance issued under Section 182 of the Licensing Act 2003 and the Council's own Statement of Licensing Policy. The applicant and objectors have the right to appeal the decision made by the Licensing Sub Committee to the Magistrates Court, so the Committee are asked to give reasons for their decision wherever possible.
- 8.2 Members of the Sub-Committee should not allow themselves to predetermine the application or to be prejudiced in favour or opposed to

the applicant and/or the licence holder and shall only determine the application having had an opportunity to consider all relevant facts.

9 EQUALITY IMPACT ASSESSMENT

- 9.1 The Equality Act 2010 legally protects people from discrimination in the workplace and in wider society.
- 9.2 The operators of this premises are responsible for complying with all relevant legislation.

10 DATA PROTECTION IMPACT ASSESSMENT

Whilst full details of the application and any representations have been shared with the committee members, only information that is in the public domain has been made available for the reports that have been made public on line, in line with data protection protocols.

11 CRIME AND DISORDER AND RISK ASSESSMENT

- 11.1 The Police are a statutory consultee for all Licensing Act 2003 applications. Prevention of Crime and Disorder is one of the four licensing objectives and applicants have to demonstrate how they will achieve this objective by volunteering measures in the operating schedule submitted with the Licence application.
- 11.2 The Police have made an objection to this application on crime and disorder issues.

12 SUSTAINABILITY OF PROPOSALS

In respect of premises licence applications, we do not for see any issues in respect of sustainability of proposals.

13 HEALTH AND WELLBEING IMPLICATIONS (INCLUDING SOCIAL VALUE)

This is not applicable to applications for premises licences submitted under the Licensing Act 2003.

14 IMPACT ON ANY COUNCIL MANAGED PROPERTY OR LAND

The application relates to privately owned property.

15 CONCLUSIONS AND SUMMARY OF REASONS FOR THE RECOMMENDATIONS

The Licensing Sub Committee is asked to make a decision on the application based on any evidence presented at the hearing taking into account the Guidance issued under Section 182 of the Licensing Act 2003 and the Council's own Statement of Licensing Policy and to give reasons for their decision.

16 BACKGROUND PAPERS

- Sandwell Metropolitan Borough Council Licensing Policy
- Guidance issued under Section 182 of the Licensing Act 2003
- The Licensing Act 2003 (Hearings) Regulations 2005

17 APPENDICES:

- Appendix 1 – Licence application with site plan
- Appendix 2 – Representation
- Appendix 3 – Location Plan

Stuart Lackenby
Director – Prevention and Protection