

**Minutes of the  
Licensing Sub Committee 3**

**20<sup>th</sup> March 2019 at 10.00am  
at Sandwell Council House, Oldbury**

**Present:** Councillor Allen (Chair);  
Councillors K Davies and S Davies.

15/19 **Minutes**

**Resolved** that the minutes of the meeting held on 19<sup>th</sup> February 2019 be confirmed as a correct record.

**Matters Delegated to the Licensing Sub Committee to exercise those functions of the Licensing Committee under the Licensing Act 2003 and any regulations made under that Act, together with any related functions.**

16/19 **Application for a New Premises Licence at Alisha Supermarket, Unit 3B, Capehill Retail Park, Smethwick B66 4PH**

**Present:** Makhan Singh Gosal (Licensing Officer);  
David Elliott (Local Authority Solicitor);  
Nick Steventon (West Midlands Police);  
Sarah Evans (West Midlands Police);  
Kashif Ahmed Afzal (Applicant);  
Adrian Curtis (Applicant's Solicitor);  
K Tirennny (Applicant's Solicitor Assistant).

The Sub Committee considered 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

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Police to the grant of the premises licence under the prevention of crime and disorder objective.

The application had been made by Kashif Ahmed Afzal and it was proposed that the premises would be open to the public Monday to Sunday 8.00am to 11.00pm including the supply of alcohol off the premises.

The Operating Schedule and Proposed Conditions to uphold the licensing objectives were as follows:

- the Designated Premises Supervisor or a suitably qualified person would train staff at the premise on the basic laws of selling alcohol and compliance with the conditions of the premises licence, record and maintain the training log and present it for inspection when requested by a responsible authority;
- digital CCTV would be installed at the premises to the satisfaction of the Police and must be operational at the times when licensable activity was taking place. All recordings 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 would be displayed at the premises;
- a notice stating that it was illegal for persons to buy alcohol on behalf of persons under 18 years of age would be displayed at the premises;
- a Challenge 25 policy would be operated by the premises and notices displayed by premises. Staff would be trained to enforce the Challenge 25 policy;
- all alcohol sales refusals would be noted in a refusal register which could be inspected by a responsible authority on request;
- the only acceptable identification would be a passport, photo driving licence or a recognised proof of age card.

The applicant had published a notice in a local newspaper and a public notice had been displayed at the premises outlining the application and inviting comments and representations to be sent to the Licensing Authority, details of the application had also been published on the Council's website.

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West Midlands Police requested that this matter be heard in private session as they did not wish to jeopardise ongoing investigations and any potential court proceedings. Officers were unable to confirm how long investigations would continue.

The Licensing Sub Committee took advice from its Legal Advisor before deciding that the public interest was best served by continuing the proceedings in private session.

**Resolved** that the public and press be excluded from the rest of the meeting to avoid the possible disclosure of exempt information under Schedule 12A to the Local Government Act 1972, as amended by the Local Government (Access to information) (Variation) Order, 2006, relating to any individual and information relating to an action taken or to be taken in connection with the prevention, investigation or prosecution of crime and Regulation 4 of the Licensing Act (Hearings) Regulations 2005.

West Midlands Police presented their case and answered questions from the Licence Holders' Solicitor and the Sub Committee.

The Licence Holders' Solicitor presented their case and answered questions from the Sub Committee and West Midlands Police.

The Sub Committee took advice from its Legal Advisor before adjourning to make a decision on the application.

The Sub Committee was satisfied that West Midlands Police had acted properly and was grateful their concerns had been brought before The Sub Committee. The applicant had no previous convictions and had requested to supply alcohol during the modest hours of 8.00am and 11.00pm. Investigations being undertaken by police were complex and could continue for another six months. The Sub Committee was minded to grant the Premises Licence as sought.

The Police were able to call for a review of the licence if they had evidence that the Licensing objectives were being undermined and were informed of their right of appeal within 21 days of the decision letter being received.

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**Resolved** that a premises licence in respect of Alisha Supermarket, Unit 3B, Capehill Retail Park, Smethwick B66 4PH be granted.

In making its decision the Licensing Sub Committee took into account the provisions of the Licensing Act 2003, mainly Sections 51 and 52. It also took into account Section 182 guidance, particularly paragraphs from Sections 9 and 11. It also considered and applied the case of Daniel Thwaites v Wirral Magistrates (2008), and the Human Rights Act, 1998.

Those who made a relevant representation in relation to the application, may appeal against the decision made to the Magistrates' Court within 21 days from the receipt of written notification.

(Meeting ended at 11.19 am)

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