


## REPORT TO LICENSING SUB-COMMITTEE 3

09 January 2020

<b>Subject:</b>	Review of a Premises Licence under Section 51 of the Licensing Act 2003 in respect of Kulkula Village Shop, 14 Market Place, Tipton, DY4 7AR
<b>Director:</b>	Director – Prevention and Protection – Neil Cox
<b>Contribution towards Vision 2030:</b>	
<b>Contact Officer(s):</b>	Sarah Brookes Licensing Officer Licensing_team@sandwell.gov.uk

### DECISION RECOMMENDATIONS

#### **That Licensing Sub-Committee 1:**

1. Consider an application made by Sandwell MBC Trading Standards for review of the premises licence, in respect of Kulkula Village Shop, 14 Market Place, Tipton, DY4 7AR, and consider what steps are appropriate and proportionate for the promotion of the licensing objectives.
2. Review application must be considered on its merits taking into account the evidence presented at the hearing, the Guidance issued under Section 182 of the Licensing Act 2003 and the Council's Licensing Policy. The options that can be considered once evidence has been heard are detailed at paragraph 6.

## **1 PURPOSE OF THE REPORT**

- 1.1 To advise members of an application made under section 51 of the Licensing Act 2003 for review of the Premises Licence in respect of Kulkula Village Shop, 14 Market Place, Tipton, DY4 7AR.

## **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.
- 2.3 Our communities are built on mutual respect and taking care of each other, supported by all the agencies that ensure we feel safe and protected in our homes and local neighbourhoods, all local partners are focused on what really matters in people's lives and communities.

## **3 BACKGROUND AND MAIN CONSIDERATIONS**

- 3.1 Under the Licensing Act 2003, a responsible authority or any other person 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 No representations were received during the statutory consultation period.

## **4 THE CURRENT POSITION**

- 4.1 An application has been made by SMBC Trading Standards on 14 November 2019 for a review of the premises licence.
- 4.2 A copy of the application is attached at Appendix 1.

- 4.3 The application has been made on the grounds of the prevention of crime and disorder as the premises are involved in the sale and supply of illicit tobacco.
- 4.4 SMBC Trading Standards are recommending that the premises licence be revoked.
- 4.5 A representation has been made to this application by West Midlands Fire Service on the grounds of public safety and the protection of children from harm. A copy of the representation is attached at Appendix 4.
- 4.6 The premises licence was granted on 24 October 2018.
- 4.7 Mansour Muhammed Omar has been the Premises Licence Holder and Designated Premises Supervisor since 12 April 2019.
- 4.8 The hours permitted for the sale by retail of alcohol are 6am to midnight every day of the week.
- 4.9 The opening hours of the premises are also 6am to midnight every day of the week.
- 4.10 The premises licence was suspended on 21 November 2019 for non-payment of the annual fee. Licensable activities will remain unauthorised until the annual fee is paid, and the suspension can be lifted. The premises appear to have been closed since Trading Standards' enforcement action.
- 4.11 A copy of the current licence is attached at Appendix 2.
- 4.12 The premises is actually sited at number 15 Market Place, however the application for a premises licence was made in respect of number 14 Market Place, therefore the premises licence includes the incorrect premises address. The location of the premises can be seen on the location map attached at Appendix 3.

## **5 CONSULTATION (CUSTOMERS AND OTHER STAKEHOLDERS)**

- 5.1 The Licensing Team have displayed a public notice on or near the premises and at the council offices, outlining the application and inviting 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.
- 5.2 Representations have been made to this application by West Midlands Fire Service.

## **6 ALTERNATIVE OPTIONS**

6.1 The options available to the Licensing Sub-Committee having considered all the relevant information are as follows:

- To modify the conditions of the licence
- To exclude a licensable activity from the scope of the licence
- To remove the designated premises supervisor
- To suspend the licence for a period not exceeding three months
- To revoke the licence

6.2 Modification of existing condition/s can include alteration, omission or addition of any new conditions, including those that restrict the times at which licensable activities authorised by the licence can take place.

6.3 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 premises, it would not be appropriate to impose similar duties.

## **7 STRATEGIC RESOURCE IMPLICATIONS**

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

## **8 LEGAL AND GOVERNANCE CONSIDERATIONS**

8.1 A licensing authority must carry out its functions under this Act with a view to promoting the four licensing objectives, taking into account the Guidance issued under Section 182 of the Licensing Act 2003 and the Council's own Statement of Licensing Policy.

8.2 Members of the Sub-Committee must give full reasons for their decision.

8.3 The applicant, licence holder or any other person who made relevant representations in relation to the application, may appeal against the decision made to the Magistrates' Court within 21 days of the date on which they were notified.

- 8.4 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**

- 10.1 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 Licensing Act 2003 applications. The Prevention of Crime and Disorder is one of the four licensing objectives and licence holders should take steps to promote the licensing objectives.

## **12 SUSTAINABILITY OF PROPOSALS**

- 12.1 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)**

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

## **14 IMPACT ON ANY COUNCIL MANAGED PROPERTY OR LAND**

- 14.1 The application relates to privately owned property.

**15 CONCLUSIONS AND SUMMARY OF REASONS FOR THE RECOMMENDATIONS**

- 15.1 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 – Review application  
Appendix 2 – Premises Licence  
Appendix 3 – Location Plan  
Appendix 4 – Fire Service Representation

**Neil Cox**  
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