

Agenda

Licensing Sub Committee 1

Friday, 29 April 2022 at 9.45 am
In Committee Room 2, Sandwell Council House

This agenda gives notice of items to be considered in private as required by Regulations 5 (4) and (5) of The Local Authorities (Executive Arrangements) (Meetings and Access to Information) (England) Regulations 2012.

1 Apologies for Absence

Members to declare any interests in matters to be discussed at the meeting.

2 Declarations of Interest

Members to declare any interests in matters to be discussed at the meeting.

3 Minutes

5 - 20

To confirm the minutes of the meeting held on 13th, 17th and 20th December 2021.

4 Renewal of Sexual Entertainment Venue Licence for Angels Gentlemen's Club

21 - 48

To consider the Renewal of Sexual Entertainment Venue Licence for Angels Gentlemen's Club.

5 Application for the grant of a New Premises

49 - 92



**Licence at Papa John's, 3B Church Street,
Oldbury B69 3AD**

Members to consider the new premises
application of Papa John's, 3B Church Street,
Oldbury B69 3AD.

**6 Application for the grant of a New Premises
Licence at Jay's Juicez. 34 Redwood Road,
Walsall, WS5 4LB**

93 - 128

Members to consider the new premises
application of Jay's Juicez. 34 Redwood Road,
Walsall, WS5 4LB.

Kim Bromley-Derry CBE DL
Managing Director Commissioner
Sandwell Council House
Freeth Street
Oldbury
West Midlands

Distribution

Councillor Allen (Chair)
Councillors Fenton and Hadley

Contact: democratic_services@sandwell.gov.uk

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Minutes of Licensing Sub Committee 1

Monday 13th December 2021 at 10.00am
in the Council Chamber at Sandwell Council House, Oldbury

Present: Councillor Allen (Chair)
Councillors R Jones, Z Hussain and Mabena.

Also Present: Councillor Williams.

Officers: Usha Devi (Licensing Enforcement Officer);
Christian Attard (Licensing Enforcement Officer);
David Elliott (Solicitor);
Trisha Newton (Senior Democratic Services Officer);
Amundeeep Johal (Democratic Services Officer);
Gabrielle Evans (Democratic Services Officer).

53/21 Apologies for Absence

There were no apologies for absence.

54/21 Declarations of Interest

No interests were declared at the meeting.

55/21 **Minutes**

Resolved that the minutes of the meetings held on 24 August 2021, 27 August 2021, 8 September 2021, 20 September 2021, 23 September 2021 and 25 October 2021 were confirmed as a correct record.

56/21 **Exclusion of the Public**

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 any action taken or to be taken in connection with the prevention, investigation or prosecution of crime.

Matter Delegated to the Sub Committee to consider Local Government (Miscellaneous Provisions) Act 1976 – Private Hire Driver’s/Vehicles/Operators Licensing related matters

57/21 **Review of a Dual Private Hire and Hackney Carriage Driver’s Licence in respect of Mr S H**

Members considered a review of the Private Hire and Hackney Carriage Drivers Licence in respect of Mr S H.

Mr S H was in attendance at the meeting, accompanied by his legal representative.

The Sub Committee was advised that Mr S H had been invited to attend the Committee meeting following a conviction for Driving without Due Care and Attention and failure to notify the Taxi Licensing Office that he had been summoned in respect of the driving offence within 7 days as required by the conditions of his licence.

The Committee heard that this conviction was as a result of a road traffic collision in Mr S H's Private Hire Vehicle on 11th March 2021. Whilst Mr S H advised that this accident was reported to the Taxi Licensing Office following the accident, there were no records of this and the office had only been informed on 2 September 2021.

Additionally, the Taxi Licensing Office received a report from Ola, following a complaint from a passenger. On 30th May 2021, a private hire booking was made on behalf of a female passenger who, after the journey took place, realised several belongings had been left in the vehicle. Ola were notified and connected the passenger to the driver who arranged to return the items after his current commitments. It was reported that Mr S H phoned the passenger demanding £25 for the cost of returning the property.

It was reported that the operator had reported the matter to West Midlands Police, however, the matter was not taken further by the Police.

Mr S H's legal representative advised that Mr S H had attempted to report the accident from his hospital bed but the ongoing pandemic prevented him from informing and receiving a response from officers. Officers stated that there was no evidence of this phone call being made. Furthermore, when the driver was interviewed by Licensing Enforcement, he was still unaware of the charge and had not received any paperwork relating to the charge for the client until the third week of August 2021. On the 3rd September, after appearing in Court, the conviction had been reported to the Taxi Licensing Team. In terms of reporting, drivers were required to submit written notification upon any arrests or investigations within 3 days and were obliged to notify within 7 days of any convictions.

The legal representative also highlighted that the driver had been licensed by Sandwell Council for 8 years and had no other previous incidents or complaints. Evidence in support of Mr S H's character was supplied to the Taxi Licensing Team.

It was highlighted that the operator upheld a zero-tolerance policy to charging customers for lost property retrieval. It was noted by the Committee that Mr S H no longer worked for the operator and his account had been suspended.

Whilst a medical examination was undertaken on 22nd June 2021, in line with license requirements, there was no record of Mr S H having an operation for the Taxi Licensing Team to make a decision on fitness to drive.

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

The Sub Committee had taken into consideration representations made by all parties.

Having considered all the information before them, the decision was made to revoke the licence due to the conviction of a major road traffic offence. The Sub Committee noted the serious nature of the road traffic offence and failure to provide written notification in accordance with requirements of the licensing conditions. Public safety was of paramount importance. With respect to the customer complaint, the Sub Committee noted with concern that the work arrangements with the operator had been terminated. The Sub Committee saw no reason to depart from guidance on this occasion.

Resolved that the Dual Private Hire and Hackney Carriage Driver's Licence in respect of Mr S H be revoked.

In making the decision the Committee had regard to the Local Government (Miscellaneous Provisions) Act 1976, Council Policy and Guidelines, relevant case law and the Human Rights Act 1998.

58/21

**Review of a Private Hire Driver's Licence in respect of Mr
T H**

Due to time restraints, the Sub Committee agreed to adjourn the meeting and reconvene on Monday 20th December 2021.

Meeting ended at 13:50pm

Contact: democratic_services@sandwell.gov.uk

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Minutes of Licensing Sub Committee 1

**Friday 17 December 2021 at 10.00am
in the Council Chamber, Sandwell Council House, Oldbury**

Present: Councillor Allen (Chair)
Councillor Fenton and Webb

Officers: Kiran Dhesi (Licensing Officer)
Mr Radjou (applicant)
Duncan Craig (representing the applicant)
Nicola Stansbie (West Midlands Police)
David Elliott (Legal Advisor)
Trisha Newton (Senior Democratic Services Officer)
Gabrielle Evans (Democratic Services Officer)
Connor Robinson (Democratic Services Officer)

59/21 Apologies for Absence

Apologies for absence were received from Councillor Chidley.

60/21 Declarations of Interest

There were no declarations of interest

61/21 Additional Item of Business

There were no additional items of business to consider.



Application for a variation of a Premises Licence for Nowa Polka, 17 Waterloo Road, Smethwick

The Sub Committee considered the application for a variation of a Premises Licence for Nowa Polka, 17 Waterloo Road, Smethwick, following representations by West Midlands Police.

The premises operated as a convenience store with an off licence known as Nowa Polka, the application sought to increase the operating hours and sale of alcohol at the premises to 24 hours a day Monday-Sunday.

The West Midlands Police representative addressed the Sub Committee and set out the reasons for their representation:

- the Premises was situated in an Impact Area (a small geographical area comprising a few neighbourhoods where there was a disproportionate amount of crime, demand, deprivation and harm);
- the sale of alcohol 24 hours a day at this location was a serious concern and would undermine the prevention of the crime and disorder objective;
- the Premises was located near to supported accommodation for young, vulnerable adults many of whom have been subject to drug and alcohol issues and exploitation;
- a similar Premises opposite to Nowa Polka had at the same time also applied for a 24-hour licence, raising the possibility of a trend which was a concern for the Police (these Premises had subsequently withdrawn their application).

In response to the representations made, the applicant's legal representative addressed the Sub Committee, stating that the applicant was aware of the challenges in the area, that the convenience store was not selling solely alcohol, and the reasoning for the change was to meet a demand locally for a service the establishment provided.

The applicant's legal representative outlined a series of draft conditions for consideration by the Sub Committee as a means of addressing any concerns with a particular focus on:



- a minimum of one personal licence holder would be on the premises whenever licensable activities are being undertaken;
- the personal licence holder would ensure there was sufficient, competent staff on duty at the premises for the purpose of fulfilling the conditions of the licence and for preventing crime and disorder;
- CCTV would be installed and maintained in good working order and be correctly time and date stamped;
- an incident book would be kept at the Premises and maintained up to date at all times;
- every sale of alcohol for consumption off the premises would not be less than the minimum price calculated at 99 pence per cans or bottles of beer and cider;
- the minimum price applicable to the supply of alcohol not being a can or bottle of beer or cider would be the minimum price for the type of alcohol most similar to that supplied. The minimum price would be varied every two years following discussions with the Premises Licence Holder (unless the Licensing Authority considered it appropriate not to do so);
- the premises would not stock or sell beers or ciders with an ABV in excess of 6.5% with the exception of craft beers;
- the premises would have no more than 20% of its overall display area in the retail area dedicated to alcoholic products.

The applicant stressed his desire to operate his business within the proposed conditions and how he would ensure his business operated fully at all time within them all.

The Sub Committee questioned the effectiveness of minimum pricing on alcohol and stocking of products with an ABV with an excess of 6.5% on deterring any alcohol abuse.

West Midlands Police indicated that no compromise had been proposed by the applicant despite Police representation, with the applicant noting that the business model depended on the 24-hour opening.

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



The Sub Committee had taken into consideration representations made by all parties and was minded to refuse the application on the basis that:-

- members had first-hand knowledge of the area and understood the issues prevalent in the community and considered that the application would have a detrimental impact in that area;
- consideration had been given to the Police representation and considered that the extension of the operating hours would undermine the crime and disorder objectives;
- while the proposed conditions of the applicant had been considered, they did not in the opinion of the Sub Committee address the core issues and concerns raised by the Police and members.

Resolved that the application for a variation in relation to the Premises Licence for Nowa Polka, 17 Waterloo Road, Smethwick, B66 4JX be refused.

In making its decision the Sub Committee took into account the Licensing Act itself, the Section 182 Guidance and noted that it must carry out all its functions under the Act with a view to promoting the licensing objectives. It also took into account the Human Rights Act 1998.

The Premises Licence Holder would be advised of his right of appeal under section 53c of the Licensing Act 2003 to the Magistrates Court within 21 days of receipt of the decision letter.

63/21

Application for a variation of a Premises Licence for Tani Sklep, 6 – 8 Waterloo Road, Smethwick B66 4JW

The Sub Committee was advised that, following discussions with the responsible authorities prior to the meeting, the applicant had withdrawn the application for the Temporary Event Notice.



Consideration of this matter by the Sub Committee was therefore no longer required.

Meeting ended at 1.45pm

Contact: democratic_services@sandwell.gov.uk



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Minutes of Licensing Sub Committee 1

**Monday 20 December 2021 at 10.00am
in the Council Chamber at Sandwell Council House, Oldbury**

Present: Councillor Allen (Chair)
Councillors Z Hussain and R Jones

Officers: Usha Devi (Licensing Enforcement Officer);
David Elliott (Solicitor);
Trisha Newton (Senior Democratic Services Officer);
Amundeeep Johal (Democratic Services Officer);
Gabrielle Evans (Democratic Services Officer).

59/21 **Apologies for Absence**

There were no apologies for absence.

60/21 **Declarations of Interest**

No interests were declared at the meeting.

61/21 **Exclusion of the Public**

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 any action taken or to be taken in connection with the prevention, investigation or prosecution of crime.

**Matter Delegated to the Sub Committee to consider
Local Government (Miscellaneous Provisions) Act 1976
– Private Hire Driver’s/Vehicles/Operators Licensing
related matters**

62/21 **Review of a Private Hire Driver’s Licence in respect of Mr
T H**

Further to Minute No. 58/21 (13 December 2021), the Sub Committee considered an application for the review of a Private Hire Driver’s Licence in respect of Mr T H.

Mr T H was in attendance and was supported by his friend. Members were informed that Mr T H had not previously appeared before the Licensing Sub Committee.

The Committee was advised that Mr T H had failed to declare the fact that he had been arrested and interviewed by the West Midlands Police due to a serious offence involving violence, within 3 days as per policy guidelines. Mr T H had also failed to provide any information whilst being further investigated and had not informed the Taxi Licensing Department about his bail order, within 3 days as per policy guidelines.

Furthermore, Mr T H had failed to declare details of the offence and the date of being convicted by the Magistrates Court within 7 days.

Mr T H submitted his Private Hire Drivers renewal application form on the 17 June 2021, where he had incorrectly provided officers with his previous address and failed to declare any cautions or convictions. On 9th July 2021, upon being served with an immediate suspension due to his DBS having expired, Mr T H attended the taxi licensing office and mentioned to the licensing officer he had received a caution for assault by beating.

Upon competition of the conviction notification form and the Court paperwork provided by Mr T H, it was identified that the address provided was different to Licensing Office records. Mr T H informed the Licensing Officer that he had been given a restraining order and had confirmed he had been arrested. Mr T H was advised of the conditions of his licence with regard to notifying the Council of an arrest or conviction which he had failed to comply with.

On 18th November 2021, Mr T H was informed that the immediate suspension issued would not be lifted due to the nature of the offences leading to his conviction, therefore Mr T H remained suspended in the interest of public safety and information received by West Midlands Police.

Mr T H advised that he had been licensed by Sandwell Council since 2015 and had a clean record. Evidence in support of Mr T H's character was supplied to the Taxi Licensing Team.

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

The Sub Committee had taken into consideration representations made by all parties. Having considered all the information before them, members were minded to revoke the licence due to the conviction of two counts of assault. The Sub Committee noted the serious nature of the offences and failure to notify the Taxi Licensing Team of the initial arrest and conviction and also the change in address. The Sub Committee noted with concern that the lack of knowledge of the conditions of licence presented a threat to potential passengers. The Sub Committee saw no reason to depart from guidance on this occasion.

Resolved that the Private Hire Driver's Licence in respect of Mr T H be revoked.

In making the decision the Committee had regard to the Local Government (Miscellaneous Provisions) Act 1976, Council Policy and Guidelines, relevant case law and the Human Rights Act 1998.

Meeting ended at 12:21pm

Contact: democratic_services@sandwell.gov.uk

Report to Licensing Committee 1

29 April 2022

Subject:	Renewal of Sexual Entertainment Venue Licence for Angels Gentlemen’s Club, 303 High Street, West Bromwich, B70 8ND
Director:	Director – Borough Economy – Alice Davey
Contact Officer:	Balbir Dhugga Licensing Officer Email: licensing_team@sandwell.gov.uk

1 Recommendations

- 1.1 The Sub Committee is requested to consider the application (Appendix 1) made by WB2 Anchor Ltd of 114 Holly Lane, Smethwick, B67 7LA for the renewal of a sexual entertainment venue licence in respect of Angels Gentlemen’s Club, 303 High Street, West Bromwich B70 8ND.
- 1.2 Each application must be considered on its merits taking into account the evidence presented at the hearing, and the Guidance issued under Schedule 3 of the Local Government (Miscellaneous Provisions) Act 1982 and the Council’s Licensing Policy. The options that can be considered once evidence has been heard are detailed at section 6.
- 1.3 If approved, the licence will run for a period of 12 months.


2 Reasons for Recommendations

- 2.1 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 Schedule 3 of the Local Government (Miscellaneous Provisions) Act 1982 and the Council's Licensing Policy and to give reasons for their decision.

3 How does this deliver objectives of the Corporate Plan?

	<p>A strong and inclusive economy Investing in people and jobs. Licensed premises provide employment in the Borough and help to support the Borough's economy.</p> <p>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.</p>
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4 THE CURRENT POSITION

- 4.1 The premises has traded as a licensed sex establishment at this address since April 2012 and the licence has been renewed each year.
- 4.2 On grant of the initial application, the Committee decided to vary the standard condition 45 to allow advertising by the use of vehicles.
- 4.3 In November 2017, the premises were transferred to the current applicant.
- 4.4 If the licence is renewed, it will run for a period of 12 months commencing 1st April 2022 and will expire on 31st March 2023.
- 4.5 A copy of the current licence and conditions are attached for information as Appendix 2.
- 4.6 A map of the area showing the location of the licensed premises is attached for information as Appendix 3.



4.7 There is also a premises licence under the Licensing Act 2003 in force at these premises authorising the sale and supply of alcohol, late night refreshment and regulated entertainment between the hours of 10.00am until 5.00am Monday – Sunday. The premises opening hours are 10.00am until 5.30am Monday – Sunday.

5 CONSULTATION (CUSTOMERS AND OTHER STAKEHOLDERS)

5.1 The applicant has complied with all the statutory requirements with regard to the application process.

5.2 The applicant is required to advertise the application in a paper circulating in the vicinity of the premises within 7 days of submitting the application and to also display a public notice outside the premises for 21 days. The application was received on 14th March 2022, and it has been confirmed that the advert appeared in the Express and Star on 16th March 2022 and Officers checked that the advert was also displayed outside the premises during the consultation period.

5.3 No objections have been submitted by West Midlands Police and no other objections have been received for this application.

6. ALTERNATIVE OPTIONS

6.1 The grant, renewal and transfer of sex establishment licences are subject to the provisions of Schedule 3 of the Local Government (Miscellaneous Provisions) Act 1982.

6.2 An application for renewal may be refused on one or more of the following grounds:

6.2.1 The applicant is unsuitable to hold the licence by reason of having been convicted of an offence or any other reason.



- 6.2.2 That if the licence were to be renewed, the business to which it relates would be managed by, or carried on for the benefit of a person other than the applicant who would be refused the renewal of the licence if he made the application himself.
- 6.2.3 That the number of sex establishments in the relevant locality at the time the application is determined is equal to or exceeds the number which the Panel considers is appropriate for that locality.
- 6.2.4 That the renewal of the licence would be inappropriate, having regard to
- The character of the relevant locality
 - The use to which any premises in the vicinity are put
 - The layout, character or condition of the premises in respect of which the application is made.
 -
- 6.3 An applicant whose application for renewal is refused on any of the grounds specified in paragraphs 6.2 above does not have the right to appeal that decision. In such cases, the applicant could only challenge the Panel's decision by way of judicial review.
- 6.4 An applicant must be given the opportunity of appearing before the body making the decision before an application is refused.

7 Implications

Resources:	<p>There are no direct strategic resource implications associated with this application.</p> <p>In respect of premises licence applications, we do not foresee any issues in respect of sustainability of proposals.</p> <p>The application relates to a privately owned property.</p>
Legal and Governance:	<p>1.1 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</p>



	<p>determine the application having had an opportunity to consider all relevant facts.</p> <p>1.2 In 1983, the Council resolved to adopt the provisions of Schedule 3 of the Local Government (Miscellaneous Provisions) Act 1982 in relation to the control of sex establishments, including sex shops.</p> <p>1.3 Article 6 of the Human Rights Act 1988 states that, in determination of a person’s civil rights and obligations, everyone is entitled to a fair and public hearing within a reasonable time by an independent and impartial tribunal established by law.</p> <p>1.4 Article 8 states that everyone has the right to respect for his private and family life, his home and his correspondence.</p> <p>1.5 Part II, Article 1 states that every natural or legal person is entitled to the peaceful enjoyment of his possessions. No one shall be deprived of his possessions except in the public interest and subject to the conditions provided for by law and by the general principles of international law.</p>
<p>Risk:</p>	<p>The Police are a statutory consultee for sex establishment applications under Schedule 3 of the Local Government (Miscellaneous Provisions) Act 1982. They consider the crime and disorder and risk assessment.</p> <p>The Police have been consulted on this application and have not identified any concerns regarding this application. Therefore, no representation has been received.</p> <p>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 online, in line with data protection protocols.</p>
<p>Equality:</p>	<p>The Equality Act 2010 legally protects people from discrimination in the workplace and in wider society.</p>



	The operators of this premises are responsible for complying with all relevant legislation.
Health and Wellbeing:	This is not applicable to applications for premises licences submitted under the Local Government (Miscellaneous Provisions) Act 1982.
Social Value	This is not applicable to applications for premises licences submitted under the Local Government (Miscellaneous Provisions) Act 1982.

8. Appendices

Appendix 1 – Application

Appendix 2 – Current Licence

Appendix 3 – Map of Location

9. Background Papers

Schedule 3 of the Local Government (Miscellaneous Provisions) Act 1982 (as amended)

Director – Borough Economy – Alice Davey



By virtue of paragraph(s) 3 of Part 1 of Schedule 12A
of the Local Government Act 1972.

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of the Local Government Act 1972.

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Report to Licensing Sub Committee 1

29 April 2022

Subject:	Application for the grant of a New Premises Licence at Papa John's, 3B Church Street, Oldbury B69 3AD.
Director:	Director – Borough Economy – Alice Davey
Contact Officer:	Kiran Jalaf (Licensing Officer) licensing_team@sandwell.gov.uk

1. Recommendations

1. Consider the application for the grant of a new premises licence under section 17 of the Licensing Act 2003 in respect of Papa John's, 3B Church Street, Oldbury B69 3AD
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 once evidence has been heard are detailed at section 5.


2. Reasons for Recommendations

- 2.1 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.
- 2.2 To consider an application for the grant of a new premises licence in respect of Papa John's, 3B Church Street, Oldbury B69 3AD, following a



representation received from Environmental Health, objecting to the grant of the application due to the prevention of public nuisance issues.

3. How does this deliver objectives of the Corporate Plan?

	<p>A strong and inclusive economy Investing in people and jobs. Licensed premises provide employment in the Borough and help to support the Borough's economy.</p> <p>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.</p>
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4. Context and Key Issues

4.1 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

4.2 A representation has been received from Environmental Health. A copy of the representations is attached at Appendix 4.

CURRENT POSITION

4.3 An application has been made by GKH 1 Limited for the grant of a new premises licence.

4.4 A copy of the full application pack is attached at Appendices 1 and 2.



- 4.5 The proposed Licensable activity applied for is Late Night Refreshments (On and Off the premises). The proposed hours are Every Day 23:00 to 05:00.
- 4.6 The proposed opening hours are Every Day 23:59 to 00:00.
- 4.7 The application states the premises main business will be a fast food store with delivery service.

4.10 Operating Schedule/Proposed Conditions

General

The licensing objectives have been considered taking into account the nature of the premises and the proposed style of operation. The premises will operate in accordance with all relevant legislation. The premises will liaise and co-cooperate with the Responsible Authorities.

The prevention of crime and disorder

A CCTV system with recording equipment will be installed and in operation at the premises during the provision of licensable activities. All recordings used in conjunction with CCTV will:
Be of evidential quality in all lighting conditions;
Indicate the correct time and date;
and be retained for a period of 31 consecutive days.

Public Safety

The premises will operate in accordance with all relevant legislation which promotes the prevention of public safety objective. For example, the Health & Safety and Food Safety legislation. The premises will liaise and co-operate with the Responsible Authorities.



The prevention of public nuisance

The premises will operate in accordance with all relevant legislation which promotes the prevention of public nuisance objective. For example, Environmental Protection Act 1990. Arrangements for the storage and disposal of refuse will not cause a nuisance. The premises will liaise and co-operate with the Responsible Authorities.

The Protection of children from harm

The licensing objectives have been considered taking into account the nature of the premises and the proposed style of operation. The premises will operate in accordance with all relevant legislation. The premises will liaise and co-cooperate with the Responsible Authorities.

4.12 A location map of the premises is attached at Appendix 3.

4.13 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.

5. Alternative Options

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

- to grant the licence subject to conditions consistent with the operating schedule accompanying the application, and any mandatory conditions which must be included in the licence
- to exclude from the scope of the licence any of the licensable activities to which the application relates;
- to refuse to specify a person in the licence as the premises supervisor;
- to reject the application



- 5.2 Conditions may be altered or omitted, or any new condition added.
- 5.3 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 premise, it would not be appropriate to impose similar duties.
- 5.4 Members of the Sub Committee should be advised that the applicant, 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.

6. Implications

Resources:	<p>There are no direct strategic resource implications associated with this application.</p> <p>In respect of premises licence applications, we do not foresee any issues in respect of sustainability of proposals.</p>
Legal and Governance:	<p>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 those who have made relevant representations 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.</p> <p>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.</p>
Risk:	<p>The Police are a statutory consultee for all Licensing Act 2003 applications. Prevention of Crime and</p>



	<p>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.</p> <p>The Police have not made a representation to this application.</p> <p>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 online, in line with data protection protocols.</p>
Equality:	<p>The Equality Act 2010 legally protects people from discrimination in the workplace and in wider society.</p> <p>The operators of this premises are responsible for complying with all relevant legislation.</p>
Health and Wellbeing:	<p>This is not applicable to applications for premises licences submitted under the Licensing Act 2003.</p>
Social Value	<p>This is not applicable to applications for premises licences submitted under the Licensing Act 2003.</p>

7. Appendices

- Appendix 1 – Premises Licence Application
- Appendix 2 – Premises Plan
- Appendix 3 – Location Map
- Appendix 4 – Representation

8. 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



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Report to Licensing Sub Committee 1

29 April 2022

Subject:	Application for the grant of a New Premises Licence at Jay's Juicez. 34 Redwood Road, Walsall, WS5 4LB
Director:	Director – Borough Economy – Alice Davey
Contact Officer:	Geeta Bangerh (Licensing Officer) licensing_team@sandwell.gov.uk

1. Recommendations

1. Consider the application for the grant of a new premises licence under section 17 of the Licensing Act 2003 in respect of Jay's Juicez. 34 Redwood Road, Walsall, Ws5 4LB.
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 once evidence has been heard are detailed at section 5.


2. Reasons for Recommendations

- 2.1 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.
- 2.2 To consider an application for the grant of a new premises licence in respect of Jay's Juicez. 34 Redwood Road, Walsall, WS5 4LB, following



representations received from the local resident, objecting to the grant of the application due to public safety and the prevention of crime and disorder issues.

3. How does this deliver objectives of the Corporate Plan?

	<p>A strong and inclusive economy Investing in people and jobs. Licensed premises provide employment in the Borough and help to support the Borough's economy.</p> <p>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.</p>
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4. Context and Key Issues

4.1 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

4.2 Representations have been received from local residents and a local Councillor. A copy of the representations is attached at Appendix 10.

CURRENT POSITION

4.3 An application has been made by Jaydene Donnay Thompson for the grant of a new premises licence.

4.4 A copy of the full application pack is attached at Appendices 1, 2 and 3.



- 4.5 The proposed Licensable activities for are Sale of alcohol (Off the premises) The proposed hours are Sunday to Thursday 12:00 to 22:00 and Friday to Saturday 12:00 to 23:00.
- 4.6 The proposed opening hours are Sunday to Thursday 12:00 to 22:00 and Friday to Saturday 12:00 to 23:00.
- 4.7 The application states the premises main business will be Milk-Shakes, Mocktails and Slushies with a small percentage of Alcoholic Milk-shakes and Cocktails.

4.10 Operating Schedule/Proposed Conditions

General

The Premises Licence holder shall ensure a refusal book shall be kept on the premises detailing the time and date of refusal and the reasons the reasons the refusal was made. This book will be kept on the premises and handed to any responsible authority on request. There will be a 'Challenge 25' policy in place and only photographic ID including a driving licence, passport, student card or 'Pass' scheme card will be accepted as proof of age. "Challenge 25" signage will be predominately displayed for customers in the premises.

Staff will be trained in signs of underage drinking and this will be recorded in the training book and kept on the premises and can be inspected on request by any responsible authority.

The prevention of crime and disorder

The Premises licence holder shall ensure CCTV will be digital recorded for up to 28 days and will be made available on request to all licensing authorities. There will be a member of staff on duty who is trained and able to show and download images from the system during opening hours. It will be in recording operation during opening hours and will cover all licensable activity areas of the premises.



Public Safety

The Premises Licence holder shall ensure a risk assessment will be carried out and updated on an annual basis.

The prevention of public nuisance

The Premises Licence holder shall ensure prominent signs will be displayed requesting customers to have regard for local residents when leaving the premises. The Premises Licence holder shall ensure adequate bins will be available for customers to dispose of litter.

The Protection of children from harm

The Premises Licence holder shall ensure a 'Challenge 25' policy will be adopted to reduce the potential for underage sales of age restricted products including alcohol. If a customer appears to be under 25 years of age and cannot prove they are eligible to purchase the age restricted item with a valid UK or Ireland photocard Driving Licence, a valid Passport or PASS accredited proof of age scheme card, they will be refused service.

The Premises Licence holder shall ensure 'Challenge 25' posters will be displayed at the premises to reinforce this policy. Posters will be placed at each till; each area alcohol is stocked and at the point of entry into the store. The posters will be displayed prominently and in sight of customers and staff.

The Premises Licence holder shall ensure a refusals register is to be used to record all incidents when a sale is refused. The register is to be kept in the store at all times unless it is requested by authorised officers of responsible authorities. The refusal/Challenger Register is to be checked and signed off by Designated Premises Supervisor every 2 weeks.



All staff who are not personal licence holders, working at the premises involved in the sale of age restricted products, including alcohol will receive on-going training and will be refreshed at least every 6 months. This will be recorded in a staff training register and will include a written test of knowledge. The training records shall be made available to authorised officers of responsible authorities on request. These records shall be retained at the premises.

4.12 A location map of the premises is attached at Appendix 4.

4.13 **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.

5. **Alternative Options**

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

- to grant the licence subject to conditions consistent with the operating schedule accompanying the application, and any mandatory conditions which must be included in the licence
- to exclude from the scope of the licence any of the licensable activities to which the application relates;
- to refuse to specify a person in the licence as the premises supervisor;
- to reject the application

5.2 Conditions may be altered or omitted, or any new condition added.

5.3 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 premise, it would not be appropriate to impose similar duties.

- 5.4 Members of the Sub Committee should be advised that the applicant, 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.

6. Implications

Resources:	<p>There are no direct strategic resource implications associated with this application.</p> <p>In respect of premises licence applications, we do not foresee any issues in respect of sustainability of proposals.</p>
Legal and Governance:	<p>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 those who have made relevant representations 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.</p> <p>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.</p>
Risk:	<p>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.</p>



	<p>The Police have not made a representation to this application.</p> <p>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 online, in line with data protection protocols.</p>
Equality:	<p>The Equality Act 2010 legally protects people from discrimination in the workplace and in wider society.</p> <p>The operators of this premises are responsible for complying with all relevant legislation.</p>
Health and Wellbeing:	<p>This is not applicable to applications for premises licences submitted under the Licensing Act 2003.</p>
Social Value	<p>This is not applicable to applications for premises licences submitted under the Licensing Act 2003.</p>

7. Appendices

- Appendix 1 – Licence Application
- Appendix 2 – Consent to DPS
- Appendix 3 – Plan
- Appendix 4 – Location Plan
- Appendix 5 – Representations

8. Background Papers

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