

# Report to Licensing Sub Committee 1

**7 September 2023**

<b>Subject:</b>	Application for the grant of a New Premises Licence at William Off Licence and Convenience Store, 19 William Road, Smethwick, B67 6LN
<b>Director:</b>	Director – Borough Economy – Alice Davey
<b>Contact Officer:</b>	Geeta Bangerh Licensing Officer licensing_team@sandwell.gov.uk

## 1. Recommendations

1. To consider the application for the grant of a new premises licence under section 17 of the Licensing Act 2003 in respect of William Off Licence and Convenience Store, 19 William Road, Smethwick, B67 6LN.
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 William Off Licence and Convenience Store, 19 William Road, Smethwick, B67 6LN, following receipt of representations from local residents objecting to the grant of the application due to Public Safety, The Prevention of Public Nuisance and The Protection of Children from Harm.

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

	<p><b>A strong and inclusive economy</b> 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 has been received from local residents. Copies of the representations are attached at Appendix 4.

### CURRENT POSITION

- 4.3 An application has been made by Mr Gourav Rai for the grant of a new premises licence.
- 4.4 A copy of the full application and plan is attached at Appendix 1.



- 4.5 The application is for Supply of alcohol (Off the premises) Monday – Sunday 07:00 – 23:00.
- 4.6 The proposed hours the premises will be open to the public is Monday – Sunday 07:00 – 23:00.
- 4.7 **Operating Schedule/Proposed Conditions**

### **General**

No alcohol or tobacco will ever be purchased from sellers calling at the premise. Exceptions to the condition would be purchases made from authorised representatives who have made prior appointments to visit the store.

All alcohol and tobacco products sold at the premises shall have the relevant UK duty paid.

Foreign tobacco, which does not comply with relevant UK legislation, shall not be stored and/or sold at the premise. If any spirits purchased for or on behalf of the business have UK Duty Stamps that do not fluoresce under ultra-violet light, or are otherwise suspicious, the licensee and/or designated premises supervisor shall notify the supplier to Trading Standards and HMRC as soon as possible.

If any tobacco products purchased for or on behalf of the business have UK Duty Paid fiscal mark or are otherwise suspicious, the licensee and/or designated premises supervisor shall notify the supplier to Sandwell Council, Trading Standards and HMRC as soon as possible.

### **The prevention of crime and disorder**

The CCTV system must be installed and operate internally to cover all areas that licensable activities take place and where alcohol is displayed within any public area.

The CCTV unit shall be positioned in a secure part of the licensed premise. Access to the system should be allowed immediately to the Police upon request.



A competent trained person in the use of and operation of the CCTV will be in attendance at the premises at all times that licensable activities take place and be able to fully operate the CCTV system to be able to download in a recognised format any information requested by the all the responsible authorities, immediately on request.

The CCTV system clock should be set correctly and maintained (taking account of GMT and BST).

A facility will be available for the Police to remove from the CCTV system a copy of any material relevant to any ongoing Police investigation.

All CCTV images will be retained for a period of not less than 31 days.

An incident register of all occurrences and ejections from the premises will be maintained at the premises and all details of public order offences will be recorded.

All persons involved in the sale of alcohol will receive initial and subsequent 6 monthly refresher training by the Designated Premises Supervisor or an appropriately accredited training provider with regards to the law in relation to the sale of alcohol. This will be recorded in a staff training register and will include, signature of the member of staff, the DPS or an appropriately accredited training provider together with the date.

All Records shall be retained at the premises for a period of no less than 12 months and made available to responsible authorities on request.

## **Public Safety**

A risk Assessment will be in place and updated annually.

## **The prevention of public nuisance**

Prominent signs will be displayed requesting customers to have regard for or local residents when leaving the premises.



Adequate bins are available for customers to dispose of litter.

## **The Protection of children from harm**

We will operate CHALLENGE 25.

Notices to be displayed prominently including the following locations-on or near the entrance to the premises, where alcohol is being offered for sale on general display and near the checkout. The notices will state “UNDER 25? PLEASE BE PREPARED TO SHOW PROOF OF AGE WHEN BUYING AGE RESTRICTED PRODUCTS”

A notice stating it is an offence to buy alcohol for persons under the age of eighteen to be displayed on or near the door to the premises.

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

### **4.9 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

<b>Resources:</b>	<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>
<b>Legal and Governance:</b>	<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</p>



	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.
<b>Risk:</b>	<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 <b>not</b> 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>
<b>Equality:</b>	<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>
<b>Health and Wellbeing:</b>	This is not applicable to applications for premises licences submitted under the Licensing Act 2003.
<b>Social Value</b>	This is not applicable to applications for premises licences submitted under the Licensing Act 2003.

## 7. Appendices

- Appendix 1 – Application Form
- Appendix 2 – Consent form
- Appendix 3 – Location Plan
- Appendix 4 – Representations



## 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

