

Report to Licensing Sub Committee 3

2 October 2023

Subject:	Application for the grant of a New Premises Licence at Tiger Bites, 12 Unity Place, Oldbury, West Midlands, B69 4DB
Director:	Director – Borough Economy – Alice Davey
Contact Officer:	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 Tiger Bites, 12 Unity Place, Oldbury, West Midlands, B69 4DB.
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 Tiger Bites, 12 Unity Place, Oldbury, West Midlands, B69 4DB, following receipt of representations from Environmental health and the local residents objecting to the grant of the application due to all the licensing objectives.

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 has been received from Environmental health and local residents. Copies of the representations are attached at Appendix 4.

CURRENT POSITION

- 4.3 An application has been made by Al Raheem Limited for the grant of a new premises licence.



- 4.4 A copy of the full application is at Appendix 1 and plan is attached at Appendix 2.
- 4.5 The application is for Late night refreshment (Indoors Only) Monday – Sunday 23:00 – 03:00.
- 4.6 The proposed hours the premises will be open to the public is Monday – Sunday 16:00 – 03:00.
- 4.7 The premises is a small takeaway providing fast food to the local area.
- 4.8 **Operating Schedule/Proposed Conditions**

General

Installation of internal and external CCTV system to monitor activity. This will be recorded 24 hours a day and be kept for 28 days.

Safe area for customers to place and collect orders separate from cooking areas

Promote our online ordering business model to deliver to customers directly without the need to attend the premises (this will lower the possible footfall inside the takeaway)

Seating area inside to be closed to the public from midnight each night

The prevention of crime and disorder

Internal and external CCTV to be installed to monitor activities of all stakeholders. This will be recorded 24 hours a day and be kept for 28 days.

Competent person trained in the use of CCTV at premises while open to the public.

The reporting of any unlawful behaviour or activities.

Current business model promotes the delivery of takeaway items therefore we would expect low levels of walk in customers and more Online orders for delivery.

If required by local authority SIA security can be provided where deemed necessary. Necessary paperwork can be filed. Incident register of all ejections from the premises can be maintained and provided.



Clear CCTV signage displayed to notify customers. Signage also to advise customers to be respectful of noise levels when leaving the property.

Seating area inside to be closed to the public from midnight each night

Public Safety

CCTV internal and external to monitor activities.

Fire safety equipment in case of fire.

Safe environment for walk in customers segmented from any cooking zones.

Current business model promotes the delivery of takeaway items therefore we would expect low levels of walk in customers and more online orders for delivery.

No alcohol to be served at any point.

Seating area inside to be closed to the public from midnight each night.

The prevention of public nuisance

No playing of loud music.

Delivery drivers to be respectful to the local area relating to noise .

Internal and external CCTV to be installed to monitor activities of all stakeholders

The reporting of any unlawful behaviour or activities.

Current business model promotes the delivery of takeaway items therefore we would expect low levels of walk in customers and more online orders for delivery.

This is an extension of a current business with no previous history of public nuisance.

Incident register of all ejections from the premises can be maintained and provided.

Clear CCTV signage displayed to notify customers. Signage also to advise customers to be respectful of noise levels when leaving the property.

Seating area inside to be closed to the public from midnight each night.



The Protection of children from harm

Remain within employment law on any employment positions or work experience comply with working regulations.

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

4.10 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

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



	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.
Equality:	The Equality Act 2010 legally protects people from discrimination in the workplace and in wider society. 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 Licensing Act 2003.
Social Value	This is not applicable to applications for premises licences submitted under the Licensing Act 2003.

7. Appendices

- Appendix 1 – Application Form
- Appendix 2 – Plan
- Appendix 3 – Location Plan
- Appendix 4 – Representations
- Appendix 5 – Planning Report

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

