

Report to Licensing Sub Committee 1

7 February 2022

Subject:	Application for the grant of a new Premises Licence at Dylans Drink Shop 627 Bearwood Road Smethwick B66 4BL
Director:	Director – Borough Economy – Alice Davey
Contact Officer:	Geeta Bangerh Licensing Officer licensing_team@sandwell.gov.uk

1. Recommendations

- 1.1 Consider the application for the grant of a new premises licence under section 17 of the Licensing Act 2003 in respect of Dylans Drink Stop, 627 Bearwood Road, Smethwick, B66 4BL.
- 1.2 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 Dylans Drink Shop, 627 Bearwood Road, Smethwick, B66 4BL, following receipt of representations from West Midlands Police and Sandwell MBC's Licensing Enforcement Department, objecting to the grant of the application due to concerns that some of the four licensing objectives would be undermined, those specifically being Crime and Disorder and the Protection of Children from Harm.

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 received from the West Midlands Police and Licensing Enforcement Officer. A copy of the representations are attached at Appendix 3 and 4.

CURRENT POSITION

- 4.3 An application has been made by Mr Krystian Mateusz Mizinski for the grant of a new premises licence.

- 4.4 A copy of the full application is attached at Appendix 1.
- 4.5 The licensable activities are for:
The Supply of Alcohol (Off Premises only)
Monday - Sunday from 00:00 to 00:00 (operating 24 hours a day).
- 4.6 The proposed Premises opening hours to the public will be:
Monday - Sunday from 00:00 to 00:00 (operating 24 hours a day).
- 4.7 The applicant has stated the premises will be trading as a convenience store selling general produce, groceries and sale of alcohol for Off Sales only.
- 4.8 **Operating Schedule/Proposed Conditions**

General

The Designated Premises Supervisor shall ensure that all existing staff, new staff, supervisors and managers receive an induction in the legality and procedure of alcohol sales (including Sec 141 selling to drunks and section 146 selling to children), prior to undertaking the sale of alcohol. This training will include the lawful selling of age restricted products, refusing the sale of alcohol to a person who is drunk or appears to be intoxicated, the contents of the premises licence; times of operation, licensable activities and all conditions. Verbal refresher training will be undertaken at intervals not to exceed 12 months. Training documents shall be signed and dated, and training records be made available to an authorised officer of the Licensing Authority or the Police upon reasonable request. The records will be retained for at least 12 months.

An incident log will be maintained by the premises showing a detailed note of incidents that occur in the premises. The log will be inspected and signed off by the DPS (or a person with delegated authority) at least once a week. The log book shall be kept on the premises and be available for inspection at all times the premises are open by authorised officers of the Licensing Authority or the police. An incident will be defined as being one which involves an allegation of a criminal offence and/or is relevant to the licensing objectives.

Documented delegation of authority to sell alcohol will be maintained at the premises and made available for inspection by police or any other authorised officer.

A reduction in the shelf space for alcohol products to 50% of the total shop shelf space. The remaining 50% being for the sale of non-alcohol related goods.

The Prevention of Crime and Disorder

A fully working and maintained CCTV system capable of recording and storing images must be installed on the premises.

The CCTV system will record at all times, the premises are open to the public for licensable activity.

CCTV images will be stored for a minimum of 28 days with date & time stamping.

As a minimum the CCTV will cover all entry and exit points, both sides of all areas where the sale of alcohol takes place.

A person conversant with the retrieval and down-loading of CCTV footage must be present on the premises at all times it is open to the public. All recordings must be made available to an officer from a responsible authority upon written request and in line with the provisions of the Data Protection Act 1998.

Clear signage will be displayed that CCTV is in operation.

A buzzer entry system will operate between midnight and 0600hrs and a 1 person entry limit at any one time during that time frame.

Entry to the premises by the public between midnight and 06.00hrs will not be permitted unless there are 2 members of staff working. If less than 2 people are working in the shop, then sales will take place through the 'Night Service Hatch' in the locked front door.

Public Safety

All exit doors shall be easily openable and shall not require the use of a key, card, code or similar means.

Doors at exits shall be regularly checked to ensure that they function satisfactorily, and a record of the check will be kept.

Clear gangways to exits will be maintained.

Curtains, hangings and temporary decorations are located so as not to obstruct exits, fire safety signs or fire-fighting equipment.

The prevention of public nuisance

Signs will be placed in a prominent place at all exit points of the premise requesting patrons to respect the neighbours and leave quietly and dispose of litter in the bins provided.

Litter shall be prevented at all times and where identified regularly cleared from the immediate vicinity of the premises.

The Protection of children from harm

A 'Challenge 25' policy will be adopted.

Challenge 25 signage will be displayed at the point of sale and at least one other prominent position within the premises.

Acceptable Proof of Age Identification will be: Passport, Photo Driving Licence, PASS card, British Military ID, National ID card or any other document/ID approved by the Home Office.

A refusals register shall be maintained and be made available for inspection to Police or authorised officers upon request. The Designated Premises Supervisor shall regularly check the register to ensure it is being consistently used by all staff.

No unaccompanied children to be permitted or to remain on the premises between 22.00hrs and 06:00hrs.

4.9 A location map of the premises is attached at Appendix 5.

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 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</p>

	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 – Licence application
- Appendix 2 – Premises Plan
- Appendix 3 – Police Representation
- Appendix 4 – Enforcement Representation
- Appendix 5 – Location Plan

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