

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

- Sandwell Metropolitan Borough Council Licensing Policy
- Guidance issued under Section 182 of the Licensing Act 2003
- The Licensing Act 2003 (Hearings) Regulations 2005

