

Meeting date: 8 December 2022

Report to: Licensing Act Panel

Report title: Review of the premises licence granted in respect of Tiwana's, 101-103 Alder Drive, Chelmsley Wood, B37 7QG, following an application submitted by Richard Staveley, Trading Standards and Environment Manager at Solihull Council.

Report from: Director for Economy & Infrastructure

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Wards affected:

- All Wards | Bickenhill | Blythe | Castle Bromwich | Chelmsley Wood |
 Dorridge/Hockley Heath | Elmdon | Kingshurst/Fordbridge | Knowle |
 Lyndon | Meriden | Olton | Shirley East | Shirley South |
 Shirley West | Silhill | Smith's Wood | St Alphege
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Public/private report: Public

Exempt by virtue of paragraph: N/A

1. Executive Summary

- 1.1 To consider a review of the premises licence granted in respect of Tiwana's, Alder Drive, Chelmsley Wood.
- 1.2 The review is required following an application submitted by Richard Staveley on 14 October 2022. The statutory consultation period of 28 days finished on 11 November 2022 and Licensing Authority is now obliged to consider the application within a further 20 working days of that date.

2. Decision(s) Recommended

- 2.1 That the panel consider the application and all representations and make an appropriate and proportionate decision in line with legislation and guidance.

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1. Matters for Consideration

- 1.1 Tiwana's is an off licence and general store set in a small shopping parade on Alder Drive in Chelmsley Wood. The premises licence, number SOL/PR/005691 was originally granted by way of conversion from the Licensing Act 1964 and came in to force on 24 November 2005. The premises licence is attached at **Appendix A**.
- 1.2 On 14 October 2022 an application was received from Richard Staveley, Trading Standards and Environment Manager, for the review of the premises licence following the sale of alcohol to a child during a test purchasing exercise (reference 22/03496/LAPREV). The application is attached at **Appendix B**.
- 1.3 Following consultation, one representation was received from the Local Safeguarding Children's Partnership, which is attached at **Appendix C**.

2. What options have been considered and what is the evidence telling us about them?

- 2.1 The steps the Licensing Act Panel may take (if any) are as follows:
 - (a) Modify the conditions of the premises licence (including the adding, altering or omitting of any condition);
 - (b) Exclude a licensable activity from the scope of the licence;
 - (c) Remove the Designated Premises Supervisor;
 - (d) Suspend the licence for a period not exceeding three months;
 - (e) Revoke the licence.
- 2.2 The decision of the Panel must be proportionate and appropriate for the promotion of the four licensing objectives, which are:
 - (a) The prevention of crime and disorder
 - (b) Public safety
 - (c) The prevention of public nuisance
 - (d) The Protection of children from harm

3. Reasons for recommending preferred option

- 3.1 The preferred option must be in line with the appropriate legislation and guidance and full reasons must be given for the decision.

3.2 Officers do not have the delegated authority to make decisions on this matter.

4. Implications and Considerations

4.1 State how the proposals in this report contribute to the priorities in the [Council Plan](#):

Priority:	Contribution:
<p>People and Communities:</p> <ol style="list-style-type: none"> 1. Improving outcomes for children and young people in Solihull. 2. Good quality, responsive, and dignified care and support for Adults in Solihull when they need it. 3. Take action to improve life chances and health outcomes in our most disadvantaged communities. 4. Enable communities to thrive. 	<p>To support residents and businesses to work together, ensuring the needs of both are effectively balanced.</p>
<p>Economy:</p> <ol style="list-style-type: none"> 5. Develop and promote the borough's economy, with a focus on revitalising our town and local centres. 6. Maximising the opportunities of UK Central and HS2. 7. Increase the supply of affordable and social housing that is environmentally sustainable. 	<p>To promote and support responsible businesses operating within the hospitality sector.</p>
<p>Environment:</p> <ol style="list-style-type: none"> 8. Enhance our natural environment, improve air quality and reduce net carbon emissions. 	<p>N/A</p>
<ol style="list-style-type: none"> 9. Promote employee wellbeing 	<p>N/A</p>

4.2 Consultation and Scrutiny:

4.2.1 All Responsible Authorities were consulted as follows:

Solihull MBC – Solihull Local Children's Partnership

Solihull MBC - Environmental Health

Solihull MBC – Licensing Authority

Solihull MBC – Planning

Solihull MBC – Public Health

Home Office (Immigration)

West Midlands Fire Service

West Midlands Police

4.2.2 The review application was advertised by way of statutory notices posted at the premises, at the licensing office and on the licensing register on the Council website. The consultation period ran from 15 October – 11 November 2022.

4.3 Financial implications:

4.3.1 None

4.4 Legal implications:

4.4.1 Members are reminded of the need to have regard to the relevant provisions of the European Convention on Human Rights, the Human Rights Act 1998 and the Crime and Disorder Act 1998.

4.4.2 Members should also have regard to statutory guidance issued by the Home Office under s182 of the Licensing Act (last revised April 2018), as well as the Council's own Statement of Licensing Policy (published January 2021).

4.5 Risk implications, including Risk Appetite:

4.5.1 If the applicant (Richard Staveley), the premises licence holder or any other person is aggrieved by the decision of the panel, they may appeal to Birmingham Magistrates Court within 21 days of receiving notification of the decision.

4.6 Equality implications:

4.6.1 None identified

4.7 Linkages to our work with the West Midlands Combined Authority (WMCA), Local Enterprise Partnership or the Birmingham & Solihull Integrated Care System (ICS):

4.7.1 No specific linkages – this is a statutory process.

5. List of appendices referred to

5.1 Appendix A – Current Premises Licence

Appendix B – Review application

Appendix C – Representation

6. Background papers used to compile this report

6.1 None

7. List of Other Relevant Documents

7.1 None