

**Minutes of the Licensing Sub-Committee 1  
Tuesday, 21<sup>st</sup> January, 2020 at 10.05 am  
In the Council Chamber, The Council House, Dudley**

**Present:**

Councillor S Keasey (Chair)  
Councillors P Miller and E Taylor

**Officers:**

B Hughes – Assistant Team Manager (Directorate of the Public Realm), R Clark – Principal Solicitor, K Buckle – Democratic Services Officer and Gemma Gray – Assistant Democratic Services Officer (All Directorate of Finance and Legal).

**Also in attendance:**

Mr R Jones – Enforcement Officer, Trading Standards (Observer).

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13. **Apologies of Absence**

Apologies for absence from the meeting were submitted on behalf of Councillors C Elcock and C Perks

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14. **Appointment of Substitute Members**

It was reported that Councillors P Miller and E Taylor had been appointed as substitute Members for Councillors C Elcock and C Perks for this meeting of the Sub-Committee only.

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15. **Declarations of Interest**

There were no declarations of interest from Members in accordance with the Members' Code of Conduct.

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16. **Minutes**

**Resolved**

That the minutes of the meeting held on 28<sup>th</sup> November, 2019, be approved as a correct record and signed.

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17. **Variation of Designated Premises Supervisor – Spar Stores, 56-63 Lapwood Avenue, Kingswinford**

A report of the Director of Public Realm was submitted on an application for a variation of Designated Premises Supervisor in respect of Spar Stores, 56-63 Lapwood Avenue, Kingswinford.

The following persons were in attendance at the meeting in respect of the application:-

Mr S Panchal – Director of Institute of Licensing – Representative of Mrs J Sethi  
Mrs J Sethi – Designated Premises Supervisor  
Mr Singh – Supporter  
Ms D Jenkins – Licensing Officer (West Midlands Police)  
Ms K Turley – Licensing Officer (West Midlands Police)

Following introductions the Assistant Team Manager presented the report on behalf of the Council. It was reported that on 11<sup>th</sup> December, 2019 West Midlands Police had lodged objections to the application for variation of Designated Premises Supervisor (DPS) on the grounds of prevention of crime and disorder.

It was reported that Mrs Sethi had formerly been a DPS of the premises in 2018 but her position was subsequently relinquished, due to a failed test purchase to an underage child, in favour of her husband. As a result of consistent failures to uphold licensing objectives and licensing conditions agreed between trading standards and the premises licence holder, under the management of her husband, the premises licence had been revoked. However, the revocation was the subject of an appeal to be heard in the near future.

West Midlands Police made representations regarding their objections to the variation of DPS. It was reported that West Midlands Police had attended the premises on three separate occasions following the revocation of the licence. Further to enquiries at the premises, staff advised that Mrs Sethi was unknown to them and that there had been no communication or attendance by her at the premises. Further enquiries identified that staff employment and training records were not up to date, in particular training to operate the Closed Circuit Television (CCTV) system. Members of staff stated that they were unable to operate the CCTV system and consequently this would be a breach of the current licensing conditions.



Arising from a question raised by Mr Panchal, West Midlands Police stated that initial investigations in 2018 would have been dealt with by Trading Standards and not the Police. The Assistant Team Manager confirmed that the conditions added to the licence would have been standard and that the Committee had approved the previous licence based on these conditions being upheld. It was noted that those conditions had been breached on several occasions.

Mr Panchal presented the case on behalf of the applicant and in doing so reported that the application had been made subsequent to Mrs Sethi's husband being remanded in custody. It was stated that the failed test purchase in 2018 had been carried out by a trained member of staff and not Mrs Sethi herself and as a result the person in question had been dismissed.

It was advised that Mrs Sethi had agreed to undergo a Level 3 training course to ensure that licencing objectives were met. It was envisaged that the appointment of Mrs Sethi as DPS would be temporary as the premises were due to be sold.

Mrs Sethi replied to comments and concerns raised regarding her lack of attendance at the premises, communication and training to staff since becoming a DPS in December, 2019. Mrs Sethi advised that she had attended the premises in December, 2019 but had been unable to attend further due to personal circumstances; that she intended to visit the premises three times a week; that an experienced member of staff, currently manages the store and holds a personal licence whom she had visited on occasions but mainly communicated by telephone. It was further stated that Mrs Sethi intended provide essential training to staff.

In response to a question raised by West Midlands Police, Mrs Sethi specified that there were four members of staff employed at the premises whom she had met face to face. West Midlands Police reported that the staff rota confirmed there were eight members of staff and who had advised, when asked, they had never had any contact with Mrs Sethi.

Arising from a query raised concerning the management of the premises whilst the current manager had been on sick leave, Mr Panchal advised that procedures were in place and that staff dealt with day to day workloads themselves. It was confirmed that the manager had recently returned to work.

Further to a question raised by the Sub-Committee, Mrs Sethi gave evidence that she was able to identify the four licensing objectives.

The Sub-Committee raised questions concerning the procedure in place to prevent the sale to underage children and Mrs Sethi confirmed that she would ask for proof of age from customers. However, when asked she could not specifically refer to the Challenge 25 Policy.



## Resolved

That, following consideration of the information contained in the report submitted and presented at the meeting, the application for the variation of a Designated Premises Supervisor in respect of the premises known as Spar Stores, 56-63 Lapwood Avenue, Kingswinford, be refused, as the Sub-Committee were not satisfied that the applicant would promote the objective of preventing crime and disorder at the premises.

Mrs J Sethi was advised of her right to appeal the decision of the Sub-Committee.

The meeting ended at 11.10am

CHAIR



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