

LICENSING SUB-COMMITTEE 2

Tuesday 18th September, 2012 at 10.05 am
in The Council Chamber, The Council House, Dudley

PRESENT:-

Councillor Cowell (Chair)
Councillors Bills and Russell

Officers

Mr R Clarke (Legal Advisor), Mrs J Elliott (Licensing Officer) and Mrs K Taylor (Directorate of Corporate Resources)

7 APOLOGY FOR ABSENCE

An apology for absence from the meeting was submitted on behalf of Councillor Mrs Ameson.

8 APPOINTMENT OF SUBSTITUTE MEMBER

It was noted that Councillor Bills had been appointed as a substitute member for Councillor Mrs Ameson, for this meeting of the Sub-Committee only.

9 DECLARATIONS OF INTEREST

No member declared an interest in accordance with the Members' Code of Conduct.

10 MINUTES

RESOLVED

That the Minutes of the Meeting of the Sub-Committee held on 29th May, 2012, be approved as a correct record and signed.

11 APPLICATION FOR A CLUB PREMISES CERTIFICATE – COOMBS WOOD SPORTS AND SOCIAL CLUB

A report of the Director of Corporate Resources was submitted on an application for the grant of a club premises certificate in respect of Coombs Wood Sports and Social Club, Stewarts and Lloyds House, Stewarts Road, Halesowen.

Mr N Jones, Chairman, and Mr K Barrat, Supporter and Member of the premises Committee were in attendance at the meeting.

Also in attendance and objecting to the application was Councillor Hill, Ward Member, on behalf of his constituents.

Mrs J Elliott, Licensing Officer, Directorate of Corporate Resources, presented the report on behalf of the Council.

Councillor Hill then presented the representations on behalf of Councillor Shakespeare and the residents, which had been circulated to all parties in accordance with the Licensing Act 2003. He made particular reference to the concerns raised in respect of the intended opening hours and the impact this would have on local residents given that the premises was located within a residential area, and in doing so requested that the hours be reduced.

The Licensing Officer informed the Sub-Committee that it was common for an applicant to apply for a licence with hours that may not necessarily be used, in order to provide flexibility.

In responding to comments made, Mr Jones stated that the purpose for the longer hours was to achieve more flexibility, and confirmed that the premises would not stay open late in the weekday, but that the hours would likely be extended on a Friday, Saturday and Sunday to accommodate the busy periods.

Mr Barratt informed the Sub-Committee that the premises would not be hiring the facilities for events such as birthday parties, but that it would be open to members only.

Further to comments received from Councillor Shakespeare in relation to car parking, Mr Barratt stated that at the new premises, there would be specified parking in a residential area.

In responding to a question by a member, Mr Barratt confirmed that members would be asked to leave the premises quietly when leaving, and that they hope to involve the neighbours as much as possible, and would be willing to discuss any problems directly with them.

He further stated that the premises was predominately a sports and social club and very family orientated.

In responding to a question from the Licensing Officer in respect of the sound proofing of the building, Mr Barratt confirmed that as the premises had recently been built the building had been sound proofed, and a noise limit machine installed.

In summing up, Mr Barratt wished to reiterate that the opening hours requested was to provide flexibility, and not to allow the premises to be open late in the evening.

Councillor Hill commented that the applicant had given him the reassurance in respect of the opening hours, and that the applicant would make the effort to be a good neighbour.

The parties then withdrew from the meeting in order to enable the Sub-Committee to determine the application.

The Sub-Committee, having made their decision, invited the parties to return and the Chair then outlined the decision.

RESOLVED

That the application for the grant of a club premises certificate in respect of Coombs Wood Sports and Social Club, Stewarts and Lloyds House, Stewarts Road, Halesowen be approved, in the following terms :-

Sale of Alcohol / Indoor Sporting Events

Monday – Sunday 10.00 – 01.00

New Years Eve – 36 hours. To extend the hours to cover big sporting events such as the world cup giving the police licensing officer 7 days prior notice in writing of the event and times.

Live Music / Recorded Music / Performance of Dance

Monday – Thursday 18.00 – 23.30
Friday and Saturday 18.00 – 00.00
Sunday 18.00 – 23.30

Christmas Eve until 01.00
New Years Eve until 02.00
Bank Holiday Sundays until 00.00

REASON FOR DECISION

The application for a premises licence is granted.

The Sub-Committee is satisfied that the club will work with the local community to allay any concerns that local residents may have, in particular around the proposed licensing hours to 1.00 am.

A report of the Director of Corporate Resources was submitted on an application for the grant of a premises licence in respect of Dudley Stores, 28 High Street (Market Place), Dudley.

Mr M Kandeepan, Applicant, and Mr R Jordan, Representative, were in attendance at the meeting.

Also in attendance and objecting to the application was Ms D McNulty, Dudley Primary Care Trust (PCT).

Mrs J Elliott, Licensing Officer, Directorate of Corporate Resources, presented the report on behalf of the Council.

Ms McNulty then presented the representations on behalf of Ms V Little, Director of Public Health, Dudley PCT, which had been circulated to all parties in accordance with the Licensing Act 2003. She made particular reference to the number of recorded attendances at the hospital for assaults in 2011/12 from the Dudley High Street area.

It was noted that four out of six attendances at the hospital had been a result of drinking in the daytime.

Arising from comments made, it was noted that the representations made by Dudley PCT were general comments for that specific area and not directly linked to the premises.

Mr Jordan then presented his case on behalf of the applicant and in doing so provided a brief background of Mr Kandeepan's experience in the alcohol trading industry.

Mr Jordan informed the Sub-Committee of the procedures that would be implemented such as a training programme for all staff members; identification procedures; a copy of the home office guidance in respect of fake identification badges would be displayed by the registers to guide staff members; advice given on proxy sales; that the refusals register would be approved by the Designated Premises Supervisor on a daily basis; and the consequences of selling alcohol to underaged customers to be explained to all.

It was also noted that staff would be reminded to request identification from all customers who appeared to be under twenty-five if they entered the premises in a group.

It was noted that every staff member would sign a training log to confirm that they had received training, and that refresher training would be provided on a six monthly basis.

Reference was made to the representations received from Public Health, Dudley PCT, and Mr Jordan stated that the concerns raised were not directly linked to the premises and that the majority of alcohol related disturbances occurred between the hours of 10.30 pm and 3.00 am, therefore he considered that the hours requested were reasonable.

In responding to a question by a member, Mr Kandeepan confirmed that he would be happy to discuss any problems with customers in order to resolve any issues.

In responding to a question by the Legal Advisor in respect of CCTV, Mr Kandeepan confirmed that there six cameras installed inside the premises with an additional one at the front and two at the back of the premises. He further confirmed that he would retain the footage for a period of twenty-eight days.

Further to comments made in regard to the refresher training provided to staff, Mr Kandeepan confirmed that he would be happy to provide the training on a four monthly basis.

The parties then withdrew from the meeting in order to enable the Sub-Committee to determine the application.

The Sub-Committee, having made their decision, invited the parties to return and the Chair then outlined the decision.

RESOLVED

That the application for the grant of a premises licence in respect of Dudley Stores, 28 High Street (Market Place), Dudley be approved, in the following terms :-

Sale of Alcohol

Monday – Saturday	08.00 – 20.00
Sunday	10.00 – 17.00

REASON FOR DECISION

The application for a premises licence is granted.

The concerns raised by Dudley Director of Public Health have been noted by the Sub-Committee but do not amount to representations upon which the Sub-Committee would not grant the application as made.

The applicant has consented to conditions in the operating schedule being amended to state :-

- 1) Staff training at four monthly intervals, which will be recorded.
- 2) CCTV footage will be retained for a minimum of twenty-eight days for inspection by the Police.

A report of the Director of Corporate Resources was submitted on an application for the grant of a premises licence in respect of Tesco Stores Limited, 142 Bromley Lane, Kingswinford.

Mr J Bark, Solicitor, Mr M Herbett, Store Manager and Ms A Haslow, Area Manager, were in attendance at the meeting.

Mrs J Elliott, Licensing Officer, Directorate of Corporate Resources, presented the report on behalf of the Council.

Mr Bark then presented the representations on behalf of Tesco Stores, and in doing so informed the Sub-Committee that the premises would open on 26th October, 2012. It was noted that the alcohol products stored in a Tesco express store was significantly lower than other products.

Mr Bark further stated that the challenge 25 policy was operated through the till register, and explained that when an alcohol product had been scanned a message would be displayed prompting the employee to request identification if the customer appeared to be under the age of 25. It was noted that the register was updated on a daily basis to highlight date of births that were within the legal remit to sell alcohol.

It was further noted that an audit was regularly undertaken on a quarterly basis which also included a mystery shopping exercise.

Mr Bark stated that the company provided a comprehensive training programme that had seen members of staff progress into senior management, which demonstrated the company's commitment to training. A legal refresher training course was also provided on a two yearly basis.

It was noted that there were ten CCTV cameras installed in the premises overlooking areas such as the registers and entrance. Mr Bark stated that all alcohol spirits were stocked behind the register, and half bottle sizes were not sold, therefore it would deter underaged customers as the full size alcohol product would have to be purchased.

It was confirmed that there would be four managers and sixteen members of staff at the premises on a daily basis.

Reference was made to representations received from local residents in relation to anti-social behaviour. Mr Bark stated that should customers misbehave in the premises then they would be asked to leave, and that if a customer refused to leave or continued to be disruptive then the employee would be expected to refer the matter to the Police.

Mr Bark referred to the 'rogues gallery' that had been implemented, which displayed CCTV images of customers who had been barred from the premises, and also referred to the good working relationship with the local police.

It was also noted that promotional offers, particularly alcohol related products, were not available in Tesco Express stores, Mr Bark then stated that Tesco was a responsible operator and had maintained a good record in the Dudley area.

In responding to a question by a member in relation to the self service areas and the possibility of thefts, Mr Bark stated that when an alcohol related product was scanned it alerted the member of staff to enter a date of birth if the customer appeared to be under the age of twenty-five. Referring to the comments made in relation to thefts, he stated that scales were installed on the self-service registers to weigh the goods, and if any were removed in order to steal them, then the alarm alerted the employees.

The parties then withdrew from the meeting in order to enable the Sub-Committee to determine the application.

The Sub-Committee, having made their decision, invited the parties to return and the Chair then outlined the decision.

RESOLVED

That the application for the grant of a premises licence in respect of Tesco Stores Limited, 142 Bromley Lane, Kingswinford be approved, in the following terms :-

Sale of Alcohol

Monday – Sunday 06.00 – 23.00

REASON FOR DECISION

The application for a premises licence is granted.

The Sub-Committee has considered the written representations from local residents, and notes their concerns, but does not consider that there are sufficient grounds to refuse the application.

The meeting ended at 12.05 pm

CHAIR