

Minutes of the Licensing Sub-Committee 1

Tuesday 24th November, 2015 at 10.00 am
in the Council Chamber, The Council House, Dudley

Present:-

Councillor D Russell (Chair)
Councillors C Elcock and C Perks

Officers:-

R Clark (Principal Solicitor), L Rouse (Licensing Clerk) and K Taylor (Democratic Services Officer) – All Resources and Transformation Directorate.

20 **Declarations of Interest**

No Member made a declaration of interest in accordance with the Members' Code of Conduct.

21 **Minutes**

Resolved

That the minutes of the meeting of the Sub-Committee held on 20th October, 2015, be approved as a correct record and signed.

22 **Application for Grant of a New Premises Licence – Dudley Booze Ltd, 47 Wolverhampton Street, Dudley**

A report of the Strategic Director Resources and Transformation was submitted on an application for the grant of a premises licence in respect of the premises known as Dudley Booze Ltd, 47 Wolverhampton Street, Dudley.

The following persons attended the meeting in respect of this application:-

Mr R Singh Madian – Applicant
Mr H Somal – Representative
Mr J Williams – Objector on behalf of residents

Following introductions, the Licensing Clerk presented the report on behalf of the Council. It was noted that objections had been received from three residents and comments from Trading Standards.

Mr Williams then presented his representations on behalf of local residents, and in doing so referred to the number of shops selling alcohol in close proximity to the premises resulting in parking problems for customers and residents, and the number of police incidents within the area caused by excessive alcohol consumption and drug-taking. Mr Williams also expressed concerns regarding the selling of alcohol later on a Friday and Saturday, which could cause additional problems.

Mr Somal, on behalf of the applicant, responded to comments made by Mr Williams, and in doing so stated that the number of shops and the nuisance that already existed was irrelevant to the application and not directly linked to the premises.

Mr Somal responded to questions asked by Members, and in doing so confirmed that Mr Madian had successfully completed his personal licence training, and that the premises was Mr Madian's first off-licence which would primarily sell wine. It was also noted that there were double yellow lines outside the premises, however there were limited parking spaces nearby for residents and customers.

Reference was made to the CCTV footage recorded in store, and Mr Somal confirmed that Mr Madian would be agreeable to extend the storage time of footage from fourteen days to twenty-eight days.

In summing up, Mr Williams reiterated his comments made previously and expressed his concerns of the number of shops in the area that already sold alcohol.

In summing up, Mr Somal on behalf of the applicant, stated that the objections presented were not relevant to the application submitted as they were not directly linked to the premises and that there had been no evidence to support the concerns raised.

Following all comments, the Legal Advisor stated that the Sub-Committee must be satisfied that the representations made today related to the Licensing Objectives and the premises. He stated that the representations in regards to the number of outlets selling alcohol in the area, was not a relevant consideration under the licensing legislation and guidance, and that the nuisance could not be linked to the sale of alcohol from the premises. It was also noted that there had not been any representations submitted by West Midlands Police or Highways on the application submitted.

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 grant of a premises licence in respect of Dudley Booze Ltd, 47 Wolverhampton Street, Dudley, be approved, in the following terms: -

Sale of Alcohol

Monday – Thursday	12.00 – 23.30
Friday & Saturday	12.00 – 00.00
Sunday	12.00 – 23.30

Reasons for Decision

This is an application for a new premises licence for Dudley Booze Limited.

The applicant is Dudley Booze Ltd and Mr Rameshwar Singh Madian is the proposed Designated Premises Supervisor. He attended the Sub-Committee today with a representative.

Mr Williams attended on behalf of local residents. He highlighted the existence of about 10 shops selling alcohol within 300 yards and parking problems. He also highlighted alleged drug taking problems on the street which had led to a recent fight. The lateness of the terminal hour on the application was also a concern. The applicant confirmed that the original intention was to trade to 1.00am on Friday and Saturday, but that in response to concerns expressed by the police, the terminal hour had been brought back to midnight on those days.

The Sub-Committee has some sympathy with the representations about the number of outlets selling alcohol in the area, but this is not a relevant consideration for this Sub-Committee under the licensing legislation and guidance. Further concerns about alleged drunkenness and drug taking in the area cannot be linked to the sale of alcohol from these specific premises, and it is noted that the police have not made any representations about crime or disorder resulting from these premises. This is an application for a new premises licence.

The proposed Designated Premises Supervisor confirmed that he had been through the training for a personal licence. The business plan was to be an off-licence primarily, and would focus on selling wine. The applicant confirmed that there were double yellow lines outside the shop but parking bays nearby, together with separate residents parking.

The Sub-Committee heard today that the CCTV footage created by cameras in the store will be stored for 28 days for viewing upon request by an officer of a responsible authority. The Sub-Committee therefore takes the step on imposing the maintenance of CCTV footage for 28 days as a condition of the licence, in substitution for the current 14 days.

The Sub-Committee therefore grants the application as sought today, there being no representations giving grounds for refusing it. The Sub-Committee is satisfied that the operating schedule demonstrates that the licensing objectives will be upheld.

23 **Application for Grant of a New Premises Licence – 31 Market Street, Kingswinford**

It was noted that the application had been withdrawn prior to the meeting.

The meeting ended at 10.50 am

CHAIR