

Licensing Sub-Committee 1

**Tuesday, 24th November, 2015 at 10.00am
in the Council Chamber at the Council House, Priory Road, Dudley**

Agenda - Public Session (Meeting open to the public and press)

1. Apologies for absence.
2. To report the appointment of any substitute Members for this meeting of the Sub-Committee.
3. To receive any declarations of interest under the Members' Code of Conduct.
4. To confirm and sign the minutes of the meeting held on 20th October, 2015 as a correct record
5. Application for Grant of a New Premises Licence – Dudley Booze Ltd, 47 Wolverhampton Street, Dudley
6. Application for Grant of a New Premises Licence – 31 Market Street, Kingswinford



Strategic Director Resources and Transformation

Dated: 12th November, 2015

Distribution:

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

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Minutes of the Licensing Sub-Committee 1

Tuesday 20th October, 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 M Johal (Democratic Services Officer) – All Resources and Transformation Directorate.

15 **Declarations of Interest**

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

16 **Minutes**

Resolved

That the minutes of the meeting of the Sub-Committee held on 15th September, 2015, be approved as a correct record and signed.

17 **Application for Review of Premises Licence – Bill's General Store**

A report of the Strategic Director Resources and Transformation was submitted on an application for the review of the premises licence in respect of Bill's General Store, Wellington Road, Dudley.

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

Mr B Singh – Premises Licence Holder and Mrs S Kaur – Spouse
Mr J Singh – Interpreter and friend
Mr G Wintrip – Trading Standards
Ms D McNulty – Public Health

Following introductions, the Licensing Clerk presented the report on behalf of the Council.

Mr Wintrip then presented the facts of the case relating to the prevention of crime and disorder and the protection of children from harm under the Licensing Act 2003 which had resulted in the application being made for a review of the premises. In presenting the case it was suggested that should the Sub-Committee be minded not to revoke or suspend the licence, consideration be given to imposing conditions to the licence.

Ms McNulty commented on the impact on health in adolescents as a consequence of alcohol consumption and it was considered that the sale of alcohol to young people was a serious matter. Any actions to prevent the sale of alcohol to a young person on the grounds of protecting children from harm were entirely supported.

The Premises Licence Holder and his spouse, with assistance from the interpreter, responded to queries from Members and in doing so stated that they understood the consequences of selling alcohol to underage young people. Mrs Kaur was extremely remorseful for her actions and had recently completed relevant training to sell alcohol. The Refusals Register was circulated for the Sub-Committee's perusal and it was also commented that consideration was being given to installing a cash register with a till prompt.

The parties then withdrew from the meeting 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, subject to the following conditions being applied to the premises licence, no further action be taken in relation to the review of the premises licence in respect of Bill's General Store, Wellington Road, Dudley : -

Conditions

- (1) A written Proof of Age Policy (Challenge 25) is to be put in force, which all staff authorised to sell alcohol will be trained in and adhere to. Valid proof of identification will only include passport, photographic driving licence or a Proof of Age Standards Scheme (PASS) proof of age card such as Citizen card. No other form of identification shall be accepted.
- (2) A4 notices to be displayed on the door to the premises and near the point of sale stating that it is an offence to buy alcohol for persons under the age of 18.

- (3) A Register of Refusals of Sale of Alcohol which indicates the date, time and reason for refusal will be operated and maintained at the premises. The Premises Licence Holder shall review the book once a week ensuring it is completed and up-to-date. The Premises Licence Holder will sign the book each time it is checked. This book shall be made available for inspection by an officer of any responsible authority.
- (4) CCTV to be in place at the premises and to be recording at all times when the premises are open for licensable activity, to the specifications of the West Midlands Police Crime Reduction Officer so that the alcohol display area and the point of sale area can be viewed. All images are to be recorded and kept for a minimum of 28 days and made available to any responsible authority upon request immediately, and all staff are to be trained and able to operate and download CCTV. The hard drive is to be locked but readily accessible to staff.
- (5) The Premises Licence Holder will take proportionate steps to review the premises' CCTV on a weekly basis in order to identify persons under the age of 18 who are attempting to buy alcohol or persons over the age of 18 buying on their behalf. A record of these checks shall be maintained and be available for inspection upon request by an officer of any responsible authority.
- (6) All persons engaged to sell alcohol must complete a training programme, which includes a written test to verify the competency of that person prior to them being authorised to sell alcohol.
- (7) The premises licence holder shall ensure that monthly reviews are conducted with any persons authorised to sell alcohol in order to reinforce training, promote best practice and policy. The monthly reviews will be recorded in writing.
- (8) A file shall be maintained at the premises for each person authorised to sell alcohol (with proof of identity which will be a copy of passport and/or driving licence). This file shall contain all training records for each person along with copies of monthly reviews as stated in point 7. This file shall be made available for inspection by any officer from a responsible authority upon request.
- (9) Any person who is suspected of purchasing alcohol for any person under the age of 18, shall be refused service.

Reasons for Decision

This review of the premises licence, brought due to the sale of alcohol to a 15 year old test purchaser on 26th June, 2015, was adjourned from 15th September 2015. The adjournment of the review was to invite the attendance of the wife of the Premises Licence Holder, Mrs Sukhjinder Kaur, specifically because she had made the sale to the 15 year old. It was also adjourned because the Sub-Committee was not satisfied that Mr Singh understood the issues before the Sub-Committee and their importance, had not read the papers and understood them, and that this might, in part, be due to a difficulty in understanding the English Language.

The Premises Licence Holder, Mr Singh, attended today with Mrs Kaur, his wife and a friend of Mr Singh, Mr Jaswinder Singh, who stated that he was a friend of Mr Singh and also a Premises Licence Holder himself. He was acting as their interpreter and supporter. Mr Wintrip from Trading Standards had attended the premises for an advisory visit after the hearing on 15th September, to advise Mr Singh of his duties and provide information. He had not examined the training records or looked to see if the CCTV was working.

Mrs Kaur stated today that she was on the telephone when the sale was made. She stated that she did not look properly to assess the age of the purchaser, because she was not concentrating. She stated that she had care of her children. She apologised today to the Sub-Committee and acknowledged that this should not have happened. She confirmed that she had attended training in West Bromwich in the last two weeks and had passed the training for personal licence holders.

The Refusals Register was handed to the Sub-Committee today. This had three entries for October, 2015 since they stated that the original register could not be found. Mr Singh confirmed that he was looking into purchasing an electronic till prompt system.

Mr Singh confirmed that he had read the conditions proposed by Trading Standards and would be able to comply with all of them, if they were attached to the premises licence.

Having considered all of the information provided today, the Sub-Committee decides that in order to address the concern over the underage sale, it is necessary to impose the nine conditions proposed by Trading Standards on the licence, and it does so. The Sub-Committee remains concerned that this is a new business and that Mr Singh has not shown a clear understanding of the responsibilities of a Premises Licence Holder from the start of the business. The Sub-Committee expects this business to be managed in future in accordance with licensing law and the conditions imposed, and any future issues brought before the Sub-Committee will be considered extremely seriously.

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Application for House to House Collections Permit – N and A Recycling Ltd (Leukaemia and Myeloma Research UK)

A report of the Strategic Director Resources and Transformation was submitted on an application for the grant of a House to House Collections permit in respect of N and A Recycling Ltd on behalf of the charity known as Leukaemia & Myeloma Research UK.

The applicant was not in attendance at the meeting.

The Sub-Committee noted that the matter was due to be considered by Licensing Sub-Committee 2 on the 22nd September, 2015. As the applicant had not attended that meeting the Sub-Committee resolved that the application be deferred to a future meeting to enable the applicant to attend and also to provide information contained in Section 2(a) of the House to House Collections Act 1939 relating to their accounts, in particular the percentage of their income that would be donated to the charity.

On the basis that the applicant had again failed to attend the meeting and failure to provide the information requested it was:-

Resolved

That, following careful consideration of the information contained in the report submitted, the grant of a House to House Collections permit in respect of N & A Recycling Ltd on behalf of the charity known as Leukaemia & Myeloma Research UK, be refused for the following reason:-

The applicant or holder of the licence has refused or neglected to furnish to the Council such information to enable it to ascertain the amount likely to be applied for charitable purposes from collections made.

Application for the Grant of Consent to Engage in Street Trading – Teenage Market – Stone Street Square, Dudley

A report of the Strategic Director Resources and Transformation was submitted on an application for the grant of consent to engage in street trading at a site in Stone Street Square, Dudley.

The applicant, Ms Nikki Cheung was in attendance at the meeting and responded to queries from Members and in particular stated that the teenage market would not conflict with current stall holders as this type of market would not be held on a regular basis.

The parties then withdrew from the meeting 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, following consideration of the information contained in the report submitted, the grant of consent to engage in street trading in respect of the Teenage Market and waiver of the fee application, be approved;

The meeting ended at 11.45 am

CHAIR

Licensing Sub-Committee 1 – 24th November 2015

Report of the Strategic Director Resources and Transformation

Application for Grant of a New Premises Licence – Dudley Booze Ltd

Purpose of Report

1. To consider the application for the grant of a new premises licence in respect of the premises known as Dudley Booze Ltd,

Background

2. On the 29th September 2015 an application for the grant of a new premises licence was received from Dudley Booze Ltd, in respect of the premises known as Dudley Booze Ltd, 47, Wolverhampton Street, Dudley, West Midlands. A copy of that application has been forwarded to the Committee Members and interested parties in accordance with the Licensing Act 2003.
3. The application had the following documents enclosed:-
 - Plan of the premises
 - Correct Fee
 - Consent of proposed premises supervisor

4. The application for a premises licence is as follows:

Sale of Alcohol

| | |
|--------------------|-------------------|
| Monday to Thursday | 12.00 until 23.30 |
| Friday & Saturday | 12.00 until 00.00 |
| Sunday | 12.00 until 23.30 |

5. Confirmation that copies of the application form and supporting documentation have been served on the relevant authorities has been received.
6. Representations have been received from 3 local residents copies of which have been forwarded to the Applicant, Committee Members and Interested parties in accordance with the Licensing Act 2003.
7. Comments have also been received from Trading Standards copies of which have also been forwarded to the Applicant, Committee Members and Interested parties in accordance with the Licensing Act 2003.

8. This applications falls within the Council's responsibility for liquor licensing which has a direct link to the Council's key corporate priority that safety matters.

Finance

9. There are no financial implications.

Law

10. The law relating to the determination of applications for the grant of a premises licence is governed by the Licensing Act 2003, part 3, section 18.
11. Pursuant to Section 18(3) of the Licensing Act 2003, where a relevant authority has made representations, the Licensing Authority must:-
- (a) hold a hearing to consider them, unless the authority, the applicant each person who has made such representations agree that a hearing is unnecessary, and
 - (b) having regard to the representations, take such of the steps mentioned in subsection (4) (if any) as it considers appropriate for the promotion of the Licensing objectives.
12. Pursuant to Section 18 (4) the steps are:-
- (a) to grant the licence subject to:-
 - (i) conditions that are consistent with the operating schedule accompanying the application modified to such an extent as the authority considers appropriate for the promotion of the licensing objectives, and
 - (ii) any condition which must under section 19, 20 or 21 included in the licence;
 - (b) to exclude from the scope of the licence any of the licensable activities to which the application relates;
 - (c) to refuse to specify a person in the licence as the premises supervisor;
 - (d) to reject the application
13. Pursuant to Section 23(1) of the Licensing Act 2003 where an application (or any part of an application) is granted under section 18 of the Licensing Act 2003, the Licensing Authority must immediately give notice to that effect to:-
- 1 (a) (i) the applicant
 - 1 (a) (ii) any person who made relevant representations in respect of the application and

- 1 (a) (iii) the Chief Officer of Police for the police area in which the premises are situated and
 - 1 (b) issue the application with the licence and a summary of it
14. Pursuant to section 23(2) where relevant representations were made in respect of the application, the notice under subsection (1)(a) must state the authorities reasons for its decisions as to the steps (if any) to take under section 18(3)(b).
15. Pursuant to section 23(3) where an application is rejected under section 18, the licensing authority must immediately give a notice to that effect stating its reasons for the decision, to
- (a) the applicant
 - (b) any person who made relevant representations in respect of the application, and
 - (c) the Chief of Police area in which the premises are situated

Where a Local Authority grant a licence under section 18 pursuant to schedule 5 of the Licensing Act, section 2 the holder of the licence may appeal against any decision:-

- (a) to impose conditions on the licence under subsection (2)(a) or 3(b) of that section, or
 - (b) to take any step mentioned in subsection (4)(b) or (c) of that section (exclusion of licensable activity or refusal to specify person as premises supervisor)
16. Where a person who made relevant representations in relation to the application desires to contend:-
- (a) that the licence ought not to have been granted, or
 - (b) that, on granting the licence, the licensing authority ought to have imposed different or additional conditions, or to have taken a step mentioned in subsection (4)(b) or (c) of that section, he may appeal against the decision.
17. In pursuance of regulation 26(1) of the Licensing Act 2003 (Hearing Regulations 2005) the Licensing Authority must make its determination at the conclusion of the hearing.
18. If the Licensing Authority refuse to grant the application, there is a right of appeal to the Magistrates' Court pursuant to schedule 5 section 18 part 1(a).

Equality Impact

19. This report takes into account the Council's policy on equal opportunities.

20. The licensing of premises and individuals will impact on children and young people through their attendance at licensed premises.
21. There has been no consultation or involvement of children and young people in developing these proposals.

Recommendation

22. That the Sub-Committee determine the application.



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Strategic Director Resources and Transformation.

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List of Background Papers

Licensing Sub-Committee 1 – 24th November 2015

Report of the Strategic Director Resources and Transformation

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

Purpose of Report

1. To consider the application for the grant of a new premises licence in respect of the premises known as 31 Market Street, Kingswinford, DY6 9JS.

Background

2. On the 9th October 2015 an application for the grant of a new premises licence was received from Quality Solicitors Talbots on behalf of Mr Imran Afzal, in respect of the premises known as 31, Market Street, Kingswinford, West Midlands. A copy of that application has been forwarded to the Committee Members and interested parties in accordance with the Licensing Act 2003.
3. The application had the following documents enclosed:-
 - Plan of the premises
 - Correct Fee
 - Consent of proposed premises supervisor
4. The application for a premises licence is as follows:

Sale of Alcohol

Monday to Sunday inc – 07.30 until 22.00

5. Confirmation that copies of the application form and supporting documentation have been served on the relevant authorities has been received.
6. Representations have been received from Trading Standards and the West Midlands Police, copies of those objections have been forwarded to the Applicant, Committee Members and Interested parties in accordance with the Licensing Act 2003.
7. This applications falls within the Council's recent responsibility for liquor licensing which has a direct link to the Council's key corporate priority that safety matters.

Finance

8. There are no financial implications.

Law

9. The law relating to the determination of applications for the grant of a premises licence is governed by the Licensing Act 2003, part 3, section 18.
10. Pursuant to Section 18(3) of the Licensing Act 2003, where a relevant authority has made representations, the Licensing Authority must:-
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11. Pursuant to Section 18 (4) the steps are:-
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 - (i) conditions that are consistent with the operating schedule accompanying the application modified to such an extent as the authority considers appropriate for the promotion of the licensing objectives, and
 - (ii) any condition which must under section 19, 20 or 21 included in the licence;
 - (b) to exclude from the scope of the licence any of the licensable activities to which the application relates;
 - (c) to refuse to specify a person in the licence as the premises supervisor;
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17. If the Licensing Authority refuse to grant the application, there is a right of appeal to the Magistrates' Court pursuant to schedule 5 section 18 part 1(a).

Equality Impact

18. This report takes into account the Council's policy on equal opportunities.
19. The licensing of premises and individuals will impact on children and young people through their attendance at licensed premises.

20. There has been no consultation or involvement of children and young people in developing these proposals.

Recommendation

21. That the Sub-Committee determine the application.



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