

**Minutes of the Licensing Sub-Committee 2  
Tuesday, 5th November, 2019 at 10.00 am  
In the Council Chamber, the Council House, Dudley**

**Present:**

Councillor M Evans (Chair)  
Councillors J Baines and P Drake

**Officers:-**

S Smith – Team Manager (Licensing and Waste Enforcement) (Place Directorate), R Clark – Principal Solicitor and K Buckle – Democratic Services Officer (Chief Executive’s Directorate).

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20 **Declarations of Interest**

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

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21 **Minutes**

**Resolved**

That the minutes of the Licensing Sub-Committee 2 meetings held on 1st October, 2019, be approved as a correct record and signed.

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22 **Application to Vary a Premises Licence - Lye Service Station, Pedmore Road, Stourbridge**

A report of the Strategic Director Place was submitted on an application for variation of the premises licence in respect of Lye Service Station, Pedmore Road, Stourbridge.

The following persons were in attendance at the meeting:

Mr Baker – RB Retail and Licensing Services Limited  
Mr T Head – Highway Stops Retail Limited – Applicant  
Mr M Satkunarajh – Manager and Designated Premises Supervisor

Mr Light - Advocate  
Councillor V Wale – Objector

Following introductions the Team Manager (Waste and Fleet Care) presented the report on behalf of the Council.

Councillor V Wale raised the objections of local residents and provided details of two incidents in 2019. One incident involved five masked men who were let into the premises in February, 2019 at 4.00am, following a gentleman who presented himself as a Police Officer and gained the confidence of the attendant. The Group then committed a robbery.

The Applicant asserted that the member of staff was not injured during the above incident. The Applicant agreed that a man had approached the premises on more than one occasion before the day of the robbery, dressed as a Police Officer warning of counterfeit bank notes, and had therefore gained the confidence of the attendant.

Mr Light submitted that the above incident had been a unique one off event. As a result all staff had been asked to insist on formal identification from all official callers.

It was further stated that the current condition 12 would not have prevented such an incident from occurring.

Councillor V Wale also referred to a further incident that had occurred whereby there ensued a disagreement between two groups of local men resulting in a fight breaking out on the forecourt of the premises at 8pm in February, 2019. The incident had come to the attention of Councillor V Wale by way of press reports and local residents who had witnessed the incident.

The Applicant submitted that the current condition 12 did not affect the incident above as it was on the forecourt and at 8.00pm.

Mr Light presented representations on behalf of the applicant and in doing so stated that the condition that was attached to the licence as condition 12 was one that was volunteered by the business and not imposed by the Licensing Authority. It was confirmed that the Applicant proposed an amended condition in order that at all times whilst the door at the premises could be opened, it would employ two staff and further, that it was proposed to the West Midlands Police that the condition should be amended to allow staff discretion to open the premises after 10.00pm, rather than the door automatically opening.

It was noted that the doors would be controlled by a button (shunt lock) and a panic alarm had been installed for staff.

Members were presented with an email from Ms K Turley, Licensing Officer of West Midlands Police dated 4<sup>th</sup> November, 2019 in which it stated that the Police would have no objection to the condition as amended on the basis that there were open.

The Applicant also stated that their alarm had been updated and was directly linked to the Police Station. The Closed Circuit Television (CCTV) had also been installed in order that the unit could not be taken by any person attempting to remove it, as had happened during the robbery.

The Applicant confirmed that there had been one incident of theft at the premises approximately four years ago and as a result the CCTV had been improved and procedures amended. The CCTV covered both inside and outside the premises. It was submitted that this had a deterrent effect in itself.

Mr Light stated that the 1986 Planning Permission for the premises had no condition relating to opening hours, and that the proposed licence conditions were for a Planning Application that was never implemented. Therefore the Applicant submitted that the planning representation was irrelevant.

The Sub-Committee considered the application before them at length and Members asked questions with a focus on staff safety in particular, during the hours after 10.00pm.

In responding to questions raised by Mr Light, the Applicant and Mr Baker referred to the amended condition before the Sub-Committee that proposed the door to the premises would remain closed after 10.00pm, however it would be at the discretion of the staff to open the door, and that there would be two staff employed after 10.00pm.

It was noted that the incident at the premises had not related to the condition that the premises had not been physically open after 10.00pm.

The parties 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 Principal Solicitor outlined the decision.

## **Resolved**

- (1) That following careful consideration of the information contained in the report submitted and presented at the meeting, the application for variation of the premises licence in respect of the premises known as Lye Service Station, Pedmore Road, Stourbridge, be granted in the following terms:-

To amend condition number 12 so as to allow all sales made between 22:00 and 06:00 via the night pay window and the door of the shop to remain locked save that customers may be admitted to the shop at the cashier's discretion between the following hours:

- (a) 22:00 to 01:00 on Thursdays to Saturdays (ie; until 01:00 on Friday or Saturday or Sunday morning)
- (b) 22:00 to 23:00 on Sundays to Wednesdays.

The meeting ended at 11.35pm

CHAIR