

**Minutes of the Licensing Sub-Committee 1**

**Tuesday 15<sup>th</sup> September, 2015 at 10.00 am  
in Committee Room 2, The Council House, Dudley**

**Present:-**

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

**Officers:-**

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

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10      **Declarations of Interest**

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

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11      **Minutes**

Resolved

That the minutes of the meeting of the Sub-Committee held on 30<sup>th</sup> June, 2015, be approved as a correct record and signed.

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12      **Application for Review of Premises Licence – Bill's General Store, Wellington Road, Dudley**

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 Khan (Previous Owner)  
Mr G Wintrip – Trading Standards  
Ms D McNulty – Public Health  
Mr R Gutteridge – Express and Star

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

Mr Wintrip then presented the facts of the case and explained that the current premises licence was granted to Mr Singh on 10<sup>th</sup> June, 2015, and is also the Designated Premises Supervisor and holds a personal licence issued by Sandwell Metropolitan Borough Council. It was noted that although advisory visits were conducted when the business was being run by the previous owners, no advisory visits have been carried out since Mr Singh took on the business in June, 2015.

On 26<sup>th</sup> June, 2015, Trading Standards officers carried out a test purchase at the premises and on this occasion a fifteen year old female child test purchase volunteer purchased a bottle of WKD Blue with 4% alcohol by volume. The seller made no attempt to ask the age of the volunteer, or for proof of identification, and was on the phone whilst the purchase was made. On returning to the premises, the individual who sold the alcohol to the test purchase volunteer was identified as Mrs S Kaur, the wife of Mr B Singh, and once informed of the sale she made no reply. On inspection of the premises, it was established that there was a Challenge 25 poster displayed, however the Refusals Register could not be produced upon request by officers.

In concluding, Mr Wintrip stated that should the Sub-Committee be minded not to revoke or suspend the premises licence, they consider including additional conditions to the licence. A full list of proposed additional conditions had been circulated to all parties prior to the meeting.

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.

In responding to a question from a Member, Mr Wintrip confirmed that Trading Standards were not notified when a premises licence had been transferred as they were not considered a responsible authority.

Mr Singh then presented his case, together with Mrs Khan, and in doing so stated that the premises was his first business and that he would be more vigilant in the future. Mrs Khan reported that she had previously owned the premises for 29 years with no complaints or issues, and that she had sold the business in April, 2015.

Following a request made by the Chair, Mr Singh circulated a copy of the refusals register.

In responding to queries Mr Singh confirmed that his wife had not received any training, and that CCTV had been installed at the premises and was available to download for a period of four weeks. It was noted that there were no other staff employed at the premises, and that A4 posters were displayed behind the counter and windows in the premises.

In summing up, Mr Wintrip stated that he had concerns in regard of the lenient nature of the management of the premises, in particular, that Mrs Kaur had been distracted on the phone during the contravention.

In responding to a question by the Chair in relation to the conditions suggested by Trading Standards, Mr Singh confirmed that he had not read the conditions submitted. The Sub-Committee allowed Mr Singh the opportunity to read the conditions, following which Mr Singh confirmed that he would adhere to the conditions should they be attached to the premises licence.

Resolved

That consideration of the review of the premises licence issued to Bill's General Store, Wellington Road, Dudley, be adjourned to a future meeting of the Sub-Committee.

#### Reasons for Decision

This is a review application brought by Trading Standards on 20<sup>th</sup> July 2015.

The Premises Licence Holder is Mr Balraj Singh. He has been the owner of the business since 20<sup>th</sup> April 2015. The premises license was transferred to him on 28<sup>th</sup> May 2015. He is also the Designated Premises Supervisor. He attended the Sub-Committee today.

The review is brought further to a 15 year old female test purchaser being sold a bottle of WKD Blue on 26<sup>th</sup> June 2015. The seller, Mrs. Sukhjinder Kaur, the wife of the Premises Licence Holder, made no attempt to ascertain the age of the test purchaser and was not concentrating on the sale, as she was on a mobile telephone. She was not able to produce a refusals register to Trading Standards Officers but a challenge 25 policy was on display in the store. She was later cautioned and issued with a Fixed Penalty Notice.

Mr. Wintrip informed the Sub-Committee that Trading Standards were not aware that the Premises had changed hands, and that if had been aware, he would have conducted an advisory visit to the premises.

Mr Singh stated that this was his first business. His wife, who made the sale, was not present.

Mr Singh presented a refusals register to the Sub-Committee, which had a first refusal recorded on 30<sup>th</sup> June 2015 (immediately after the date of the sale) and had seven entries up to September 2015. He confirmed that his wife had had no training in the sale of alcohol, that he had CCTV in the shop which recorded for 28 days and that no other staff worked in the shop.

The Sub-Committee was not satisfied that Mr Singh understood enough English to understand some of questions being put to him today. He had not read the review papers thoroughly and appeared not to have read the 9 conditions that Trading Standards had suggested could be attached to his license. He admitted that his wife had had no training in the sale of alcohol when she made the sale, and he apparently had not taken any steps to provide her with training since the test purchase exercise some 2 ½ months ago. Mrs Kaur did not attend today.

The Sub-Committee adjourns the hearing today to allow Mrs. Kaur to attend the Sub-Committee with Mr. Singh and to ensure that Mr. Singh has thoroughly read the papers and has an interpreter with him, if his English is not sufficiently good to understand the issues being dealt with by the Sub-Committee.

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13      **Application to Vary a Premises Licence to Specify an Individual as a Designated Premises Supervisor – The Rising Sun, Coseley**

The Sub-Committee noted that the application had been withdrawn.

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14      **Application for Renewal of Consent to Engage in Street Trading – LSD Promotions Ltd – Food/Craft Market, Ryemarket, Stourbridge**

A report of the Director of the Corporate Resources was submitted on an application made on behalf of Mr D McGillicuddy of LSD Promotions, for the renewal of the consent to engage in street trading for a Food/Craft Market, on the 1<sup>st</sup> and 3<sup>rd</sup> Saturday of each month from 9.00 am until 4.00pm at a site in Ryemarket, (High Street to a point 30 metres from High Street), Stourbridge.

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

Mr M Morgan – On behalf of the Applicant, Mr D McGillicuddy.  
Mr V Khosla – Objector

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

Mr Morgan presented his case, and in doing so stated that the food/craft market was operational, and in relation to the objection submitted by Mr Khosla, Mr Morgan confirmed that food such as burgers and sausages would be sold at the market, and would not include hot beverages. He stated that the food stalls were situated a considerable distance away from Mr Khosla's premises.

Mr Khosla then presented his objections, which had been circulated to Members prior to the hearing, and in doing so referred to previous Street trading consent applications that had been refused, and that although he did not object to the market, he objected the food element of the market.

Following a brief discussion, it was

Resolved

That the application made on behalf of Mr D McGillicuddy of LSD Promotions for the renewal of consent to engage in street trading for a Food/Craft market on the 1<sup>st</sup> and 3<sup>rd</sup> Saturday of each month from 9 am to 4 pm at a site in Ryemarket, Stourbridge, be approved.

#### Reasons for Decision

Mr. McGillicuddy is represented by Mr. Morgan today, upon his application for renewal of the consent to engage in street trading, by a food/craft market.

Mr. Khosla has made a representation that a stall selling burgers and sausages in the market is not necessary and does not sell unusual or speciality food which is part of a craft/food market. He does not object to the market in its self, but does to the type of English food, which he was promised would not be sold in the market. Mr. Morgan stated that he had no knowledge of this verbal agreement made between Mr. McGillicuddy and Mr. Khosla.

The Sub-Committee grants the renewal of the consent to engage in street trading. It is satisfied that the range of food and drinks for sale is only on the first and third Saturdays of the month, and that the market is of benefit to the shoppers in Stourbridge.

The meeting ended at 12 noon

CHAIR