

**Minutes of the Licensing Sub-Committee 2  
Tuesday, 15<sup>th</sup> December, 2020 at 10.00 am  
on Microsoft Teams**

**Present:**

Councillors P Drake, P Miller and E Taylor

**Officers:-**

S Smith – Team Manager - Licensing and Waste Enforcement (Directorate of Public Realm),  
R Clark – Principal Solicitor, K Taylor – Democratic Services Officer and G Gray - Assistant  
Democratic Services Officer (Directorate of Finance and Legal).

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**4 Election of Chair**

In the absence of the Chair (Councillor Evans) it was

**Resolved**

That Councillor Miller be elected Chair for this meeting of the Sub-Committee  
only.

(Councillor Miller in the Chair)

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**5 Apologies for absence**

Apologies for absence from the meeting were submitted on behalf of Councillors J  
Baines and M Evans.

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**6 Appointment of Substitute Members**

It was noted that Councillors E Taylor and P Miller had been appointed as substitutes  
for Councillors J Baines and M Evans, respectively, for this meeting of the Sub-  
Committee only.

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7 **Declarations of Interest**

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

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8 **Minutes**

**Resolved**

That the minutes of the meeting held on 20<sup>th</sup> October, 2020, be approved as a correct record and signed.

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9 **Application for Grant of a New Premises Licence – 16 Gorge Road, Sedgley**

A report of the Acting Director of Public Realm was submitted on an application for the grant of a new premises licence in respect of the premises known as 16 Gorge Road, Sedgley, DY3 1LA.

The following persons were in attendance at the meeting in respect of the application:

Mr T Lafferty – Applicant

Councillor T Westwood – Ward Councillor and Objector

Following introductions, the Team Manager – Licensing and Waste Enforcement presented the report on behalf of the Council.

Councillor T Westwood then presented her case and outlined the reason for the objection to the application, in view of the premises being a residential property located on a main road and the potential impact to neighbours from deliveries to and from the premises. She stated that although the objection raised was not in relation to the business itself, the uncertainty of the nature of the business and potential impact to neighbours was a concern.

Mr Rafferty then presented his case and in doing so confirmed that the business model was to deliver alcohol products purchased online or by telephone from the premises to customers and the Sub-Committee were assured that orders would not be collected at the premises directly. In responding to the objections raised, Mr Rafferty stated that large quantities of alcohol would not be stored at the property in view of the length of time a product may be stored without becoming unsuitable for use or consumption.

It was intended that relationships with breweries would be established to purchase and deliver their alcohol, which would be collected by Mr Rafferty and organised at the premises prior to delivery to customers at an allocated time.

In responding to concerns raised by a Member in relation to the proposed licensing hours of 8.00am and 3.00am seven days a week, Mr Rafferty confirmed that the hours sought was to provide some flexibility to receive orders and commented on shops that were located within the vicinity that operated similarly. He also stated that neighbours had welcomed the proposed business, and that the alcohol would not be stored in the van but indoors and not visible to the public, including young persons.

Mr Rafferty anticipated that his customers would be members of the public and that he would be undertaking one delivery per day during the evening, and that he had operated a similar business as a sole trader in Southampton to students.

It was noted that the business would operate a Challenge 25 policy, and during deliveries, customers would be requested identification if they appeared under 25, with no delivery being made to persons unable to produce valid identification on request or appeared intoxicated. It was further noted that payment for the alcohol would be requested in advance.

In responding to a question by the Chair, Mr Rafferty confirmed that the products would be delivered by himself initially, however third party contractors would be sought if needed, and that all parking would be on the premises drive only.

All parties were given the opportunity to sum up their cases and the legal advisor to the Sub-Committee outlined the law relating to the determination of applications for the grant of a premises licence.

All parties then withdrew from the meeting to enable the Sub-Committee to determine the application, the decision of which would be conveyed to both parties after the meeting had concluded.

## **Resolved**

That, following careful consideration of the information contained in the report submitted and presented at the meeting, the application for a new premises licence in respect of the premises known as 16 Gorge Road, Sedgley, DY3 1LA, be granted, subject to the addition of the following condition, in order to prevent public nuisance:-

- (1) There shall be no loading or unloading of vans on the premises after midnight seven days a week.

The meeting ended at 10.58am.

CHAIR



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the historic capital of the Black Country



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