

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

**Tuesday 8<sup>th</sup> March, 2016 at 10.00 am**  
**in the Council Chamber, The Council House, Dudley**

**Present:-**

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

**Officers:-**

T Holder (Solicitor – Resources and Transformation Directorate),  
S Smith (Interim Licensing Manager – Place Directorate) and M Johal  
(Democratic Services Officer – Resources and Transformation Directorate).

28      **Declarations of Interest**

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

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29      **Minutes**

**Resolved**

That the minutes of the meeting of the Sub-Committee held on 29<sup>th</sup>  
December, 2015, be approved as a correct record and signed.

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30      **Application for Review of Premises Licence – Wallbrook Mini Market,  
Wallbrook Street, Coseley**

A report of the Strategic Director Place was submitted on an application for  
a review of the premises licence in respect of Wallbrook Mini Market,  
Wallbrook Street, Coseley.

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

Mrs K K Sidhu – Premises Licence Holder  
Mr G Wintrip – Trading Standards  
Ms D McNulty – Public Health  
PC Baldwin – West Midlands Police  
PC K Turley – West Midlands Police  
PCSO C Langford – West Midlands Police

Following introductions, the Interim Licensing Manager 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. It was explained that on 30<sup>th</sup> September, 2015, a male child test purchaser, aged fifteen years old was sold alcohol, namely four cans of Foster's Lager from the premises, which was contrary to Section 146(1) of the Licensing Act 2003 and in direct contravention of the licensing objectives. The Sub-Committee were informed that several other test purchases had previously been conducted by Dudley Trading Standards and there had been no issues. Further details were given on the history of interventions by Trading Standards and in conclusion 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.

PC Baldwin informed the meeting that police system checks had revealed that the premises licence holder had logged a call with the police in August, 2015 to report a vehicle that had driven past the premises and had fired a shot smashing the shop window. Although the police have had no others calls relating to the premises, the local Neighbourhood Team had concerns about anti social behaviour in the vicinity. PCSO Langford then reported that a large group of youths (friends of Mrs Sidhu's son) congregated around the premises and complaints had been made from intimidated residents.

In presenting her case, Mrs Sidhu explained that at the time of the incident she was managing her fish and chip shop next door. She explained that her daughter had been distracted when making the illegal sale during the test purchase. With regard to correspondence sent to her Mrs Sidhu indicated that she had not received the second letter sent in December and she had not responded to the first letter as she could not locate her Certificate for including in the response. Mrs Sidhu confirmed that there were a large number of youths congregating in the vicinity of the premises and although Mrs Sidhu and her son had spoken to them on a number of occasions they still continued to return. .

In responding to questions Mrs Sidhu confirmed that her daughter had not had any official training and she under the impression that as Mrs Sidhu had provided training to her daughter this would suffice as she was a family member. Mrs Sidhu stated that she was not the Designated Premises Supervisor and she was not aware of any requirements in relation to this.

The Interim Licensing Manager confirmed that the previous owner was still the Designated Premises Supervisor. PC Baldwin advised that premises could have a registered Designated Premises Supervisor even if they lived in another part of the country.

Upon further questioning Mrs Sidhu stated that she had two businesses, had four children, her husband had passed away in 2014, all of her children worked and she and her younger daughter were responsible for running the businesses. Mrs Sidhu confirmed that the opening hours for the mini market were from 1pm until 9pm and the chip shop from 4pm – 9 pm. Mrs Sidhu's daughter was mainly managing the mini market whilst Mrs Sidhu ran the chip shop. She confirmed that there was no licence on display at the mini market. Mrs Sidhu stated that she would be selling the mini market if she was offered a decent price for it and then retain and continue to manage the chip shop as it was a more profitable business. The Refusals Register was circulated to the Sub-Committee and Mrs Sidhu answered queries relating to the entries and discrepancies with dates.

Mrs Sidhu confirmed that she had had a fair hearing and 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 and presented at the meeting the premises licence in respect of Wallbrook Mini Market, Wallbrook Street, Coseley, be suspended for a period of three months.

The applicant was informed on her right of appeal.

## Reasons for Decision

We are here today to hear a review of premises known as Wallbrook Mini Market. We have heard from Trading Standards, the Police and Public Health. This matter was brought before the Sub-Committee because of an underage sale that took place on 30<sup>th</sup> September, 2015. On hearing the evidence today from all parties (including Mrs Sidhu, the Premises Licence Holder), the Sub-

Committee are very concerned about the management of these premises, namely:-

- (1) The Designated Premises Supervisor has no involvement in the running of the premises
- (2) The premises licences are not displayed
- (3) The only member of staff is not properly trained
- (4) There is no till prompt
- (5) The Premises Licence Holder did not respond to correspondence
- (6) No evidence of CCTV
- (7) The only person with Licensing training does not work on the premises
- (8) No adequate use of Refusals Register

The Sub-Committee are also concerned about the congregation of youths outside the premises.

The Sub-Committee has therefore decided that the premises licence shall be suspended for a period of three months.

The premises licence holder shall also implement the following ten conditions as detailed on the letter sent to her on 3<sup>rd</sup> December, 2015:-

- (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. A4 notices will be displayed on the door and near to the point of sale advertising this policy.
- (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 License 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 age, shall be refused service.
- (10) An Electronic Point of Sale (EPOS) system will be installed and used at the premises. The system will be used to scan all Age Restricted Products and prompt the staff to confirm that the buyer of any such product is over the age of 18 years before any sale of such goods can be completed.

We also require that the staff in the premises are trained appropriately and able to assume the role of Designated Premises Supervisor.

We have taken into account your previous good record in arriving at the decision.

The meeting ended at 11.50 pm

CHAIR