



Licensing Sub-Committee 3

**Tuesday, 19th July, 2016 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 14th June, 2016 as a correct record
5. Application for Grant of a Premises Licence – Pensnett Convenience Store, 35 Church Street, Pensnett, Brierley Hill (Pages 1 – 4)

A handwritten signature in black ink, appearing to read "Sarah Noun". The signature is fluid and cursive, with a long horizontal stroke at the end.

Chief Executive

Dated: 7th July, 2016

Distribution:

Councillor M Evans (Chair); Councillors J Cowell and G Simms

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- Elected Members can submit apologies by contacting Democratic Services. The appointment of any Substitute Member(s) should be notified to Democratic Services at least one hour before the meeting starts.
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Minutes of the Licensing Sub-Committee 3

Tuesday 14th June, 2016 at 10.05 am
in the Council Chamber, The Council House, Dudley

Present:-

Councillor J Cowell (Chair)
Councillors K Finch and G Simms

Officers:-

R Clarke – Principal Solicitor – Chief Executive Directorate , L Rouse –
Licensing Clerk – Place Directorate and K Buckle, Democratic Services
Officer – Chief Executive Directorate.

1. **Apology for Absence**

An apology for absence from the meeting was received on behalf of
Councillor M Evans.

2. **Appointment of Substitute Member**

It was reported that Councillor K Finch had been appointed as a
substitute Member for Councillor M Evans for this meeting of the Sub-
Committee only.

3. **Declarations of Interest**

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

4. **Minutes**

Resolved

That the minutes of the meeting of the Sub-Committee held on
26th April, 2016, be approved as a correct record and signed.

5. **Application for Renewal and Variation of Consent to Engage in Street Trading – Mr P R Guy – Hagley Street, Halesowen**

A report of the Strategic Director Place was submitted on an application for renewal and variation of consent to engage in street trading at a site in Hagley Street, Halesowen.

Mr P R Guy was in attendance at the meeting.

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

The Applicant Mr P R Guy responded to questions from Members and in particular stated that no objections personally had been received in relation to the application for variation.

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 for renewal and variation of street trading in Hagley Street, Halesowen, be approved.

6. **Application for Renewal and Variation of Consent to Engage in Street Trading Mr D G Morrison – High Street/Castle Street, Dudley**

A report of the Strategic Director Place was submitted on an application for renewal and variation of consent to engage in street trading at a site in High Street/Castle Street, Dudley.

Mr D G Morrison was in attendance at the meeting.

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

The Applicant Mr D G Morrison responded to questions from Members and in particular stated that he had not been aware of a complaint from a local business in respect of several units sited outside their premises obstructing the view of their shop premises, and had not received any objections personally.

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 for renewal and variation of street trading in High Street/Castle Street, Dudley, be approved.

7. **Application for House to House Collections Permit – ECS Textiles Ltd/Forces Support**

A report of the Strategic Director Place was submitted on the grant of a House to House Collections permit in respect of ECS Textiles Ltd on behalf of the charity known as Forces Support.

Having decided to hear the matter in the applicant's absence, there followed a discussion in respect of the accounts submitted to the Sub-Committee by the applicant and the lack of information in relation to whether the activities of the Charity would be beneficial to the residents of the Dudley Borough.

Following further discussion it was

Resolved

That, following consideration of the information, the application submitted for the grant of a House to House Collections Permit made by Ms Julia Bykova of ECS Textiles Ltd on behalf of the charity known as Forces Support, be refused on the grounds that the information provided in support of the application gave rise to a number of questions and concerns, which could not be answered.

The meeting ended at 11.10 am

CHAIR

Licensing Sub-Committee 19th July 2016

Report of the Strategic Director Place

Application for Grant of a New Premises Licence

Purpose of Report

1. To consider the application for the grant of a new premises licence in respect of the premises known as Pensnett Convenience Store, 35, Church Street, Pensnett, Brierley Hill, West Midlands, DY5 4HB.
2. On the 27th May 2016 an application for the grant of a new premises licence was received from PMB Licensing on behalf of Ms Ketheeswaran Kathiravelu in respect of the premises known as Pensnett Convenience Store, 35, Church Street, Pensnett, Brierley Hill, West Midlands, DY5 4HB. 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 – Sunday 06.00 until 23.00
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 a Ward Councillor, Trading Standards, West Midlands Police and the Licensing Authority, copies of which 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 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:-
- (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.
11. 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
12. 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

13. 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).
14. 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)
15. 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.
16. 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.
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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Strategic Director Place.

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List of Background Papers