

Licensing Sub-Committee 1

**Tuesday, 8th March, 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 29th December, 2015 as a correct record
5. Application for Review of Premises Licence – Wallbrook Mini Market, 13 – 13A Wallbrook Street, Coseley



Strategic Director Resources and Transformation

Dated: 25th February, 2016

Distribution:

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

Please note the following important information concerning meetings at Dudley Council House:

- In the event of the alarms sounding, please leave the building by the nearest exit. There are Officers who will assist you in the event of this happening, please follow their instructions.
- There is no smoking on the premises in line with national legislation. It is an offence to smoke in or on these premises.
- Public WiFi is available in the Council House. The use of mobile devices or electronic facilities is permitted for the purposes of recording/reporting during the public session of the meeting. The use of any such devices must not disrupt the meeting – Please turn off any ringtones or set your devices to silent.
- If you (or anyone you know) is attending the meeting and requires assistance to access the venue and/or its facilities, please contact us in advance and we will do our best to help you.
- Information about the Council and our meetings can be viewed on the website www.dudley.gov.uk
- 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.
- You can contact Democratic Services by Telephone 01384 815238 or E-mail Democratic.Services@dudley.gov.uk

Minutes of the Licensing Sub-Committee 1

Tuesday 29th December, 2015 at 10.00 am
in the Council Chamber, The Council House, Dudley

Present:-

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

Officers:-

N Bangar (Solicitor – Resources and Transformation Directorate),
L Rouse (Licensing Clerk – Place Directorate), S Smith (Licensing
Enforcement Officer – Place Directorate) and M Johal (Democratic
Services Officer – Resources and Transformation Directorate).

24 **Declarations of Interest**

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

25 **Minutes**

Resolved

That the minutes of the meeting of the Sub-Committee held on 24th
November, 2015, be approved as a correct record and signed.

26 **Application to Vary a Premises Licence – Spar, 48 Castle Street,
Coseley**

A report of the Strategic Director Resources and Transformation was
submitted on an application for variation of the premises licence in respect
of Spar, Castle Street, Coseley. A separate folder containing documents
and records relating to training, procedures and policies had also been
circulated to Members prior to the meeting.

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

Ms C Shields – Manager
Mr J Dyson – Area Manager
Mr O Davies – Regional Manager
Mr C Hopkins – Legal Representative
Councillor C Baugh – Ward Councillor (Objector)
PC Baldwin – West Midlands Police

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

PC Baldwin, on behalf of the police, stated that although there were general concerns in selling alcohol from 6am in the morning, they had no objection to the variation of the premises licence to extend the alcohol licensing hours. There had been a total of fourteen police logs since January, 2015 relating to the premises. However, it should be noted that if there were to be an increased number of calls to service and/or an increase in anti-social behaviour in the area, the police would seek a review of the licence.

Councillor Baugh presented his case and made representations on behalf of Coseley East residents in opposing the application and objecting to the extension of the alcohol licensing hours. It was stated that there were already alcohol related problems in the area and selling alcohol from 6am in the morning would exacerbate the situation.

In presenting their case Blakemore Retail representatives and the legal representative responded to issues and concerns raised. It was pointed out that all new applications relating to their stores were completed on a generic basis to incorporate the changes in licensing legislation. Individual stores operated varying opening hours and it was clarified that although the application stated that the sale of alcohol was to commence from 6am it would not apply to this store as it did not open until 7am. It was explained that staff at the store were placed in a difficult position as they suffered abuse from customers, particularly on a Sunday as the store was open until 10.30 pm, however alcohol could not be served after 10.00 pm due to restrictions on the licence. The application sought to allow the store to sell alcohol during their normal trading hours which would appease customers and also benefit the store as currently they were losing business as customers tended to shop elsewhere. Members were assured that the organisation was a responsible business, rigid procedures were in place and Blakemore Retail employed an external company to conduct test purchases at all their stores to measure compliancy. The representatives acknowledged comments made by Councillor Baugh and stated that they were willing to work with Ward Members and the community to alleviate any concerns or problems should they arise.

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 application for variation of the premises licence in respect of Spar, Castle Street, Coseley, be approved as follows:-

Supply of Alcohol – Monday to Saturday – 06:00 to 23:00

Supply of Alcohol – Sunday – 06:00 to 23:00

Reasons for Decision

The Sub- Committee is satisfied that the company does and will continue to trade in line with the licensing objectives.

27

Application to Vary a Premises Licence – The St John’s Service Station, St John’s Road, Stourbridge

A report of the Strategic Director Resources and Transformation was submitted on an application for variation of the premises licence in respect of The St John’s Service Station, St John’s Road, Stourbridge.

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

Mr K P Sharma – Premises Licence Holder
Ms S Walker – Designated Premises Supervisor
Mr R Baker – Licensing Agent
Mr R Light – Legal Representative
Councillor N Barlow – Ward Councillor (Objector)
PC Baldwin – West Midlands Police

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

PC Baldwin referred to meetings that had taken place between the organisation and the police to discuss the application prior to its submission. The previous application sought to apply for the sale of alcohol on a twenty four hour basis but upon advice from the police the organisation agreed to change the timings for the supply of alcohol from 06:00 to 02:00 in line with neighbouring facilities.

Councillor Barlow made representations and objected to the proposed extension to the premises licence. He commented that the area had a busy night time economy and an additional establishment selling alcohol in the early hours of the morning could potentially exacerbate anti social behaviour and crime and disorder which would impact on police resources.

In presenting their case the organisation's representatives and the legal representative responded to issues and concerns raised. It was pointed out that the premises were well established, the designated premises supervisor had extensive experience as she had been employed with the organisation for thirty years, there had been no complaints and Trading Standards had carried out a recent visit to the premises and no issues of concern had been raised. Arising from previous discussions and advice from the police the organisation had agreed to amend their initial application to reduce the time for sale of alcohol and they had also agreed to apply and abide to further conditions which included employing a mobile external security provider to assist them should the need arise which would reduce the need for police assistance. The refusals register was circulated to members for their information.

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

- (1) That, following 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 St John's Service Station, St Johns's Road, Stourbridge, be approved as follows:-

Supply of Alcohol – Monday to Sunday – 06:00 to 02:00

- (2) That approval be given to amend the layout of the premises.

Reasons for Decision

Having heard all of the representations made at the hearing, the Sub-Committee is satisfied that the conditions attached to the licence will enable the premises to trade within the licensing objectives.

The meeting ended at 12.10 pm

CHAIR

Licensing Sub-Committee 1 – 8th March 2016

Report of the Strategic Director Place

Application for Review of Premises Licence

Purpose of Report

1. To consider the application for the review of the premises licence in respect of Wallbrook Mini Market, 13 – 13A Wallbrook Street, Coseley, WV14 8HJ.

Background

2. The Wallbrook Mini Market was first issued with a premises licence on the 26th September 2005, that licence was subsequently transferred on the 19th August 2009. The current premises licence is issued for the following:

Sale of Alcohol	Monday to Saturday	08:00	23:00
Sale of Alcohol	Sunday	10:00	22:30
Sale of Alcohol	Good Friday	08:00	22:30
Sale of Alcohol	Christmas Day	12:00	15:00
Sale of Alcohol	Christmas Day	19:00	22:30

3. On the 21st January 2016, an application for the review of the premises licence was received from the Public Protection Manager (Food & Consumer Safety). A copy of that application has been circulated to Committee Members and interested parties in accordance with the Licensing Act, 2003.
4. The Council has advertised the application for review of the premises licence in accordance with Licensing Regulation S1, 2004, No. 42, Section 38. A copy of that notice is attached to this report as Appendix 1.
5. Confirmation that the application has been served on the premises licence holder and relevant authorities has been received.
6. On the 27th January 2016, the West Midlands Police made representations.

7. On the 12th February 2016, the Office of Public Health also made representations copies of all representations have been forwarded to Committee Members, the Premises Licence Holder and Interested Parties.
8. The current premises licence holder is Mrs K K Sidhu.
9. This application falls within the Council's recent responsibility for liquor licensing which has a direct link to the Council's key corporate priority that safety matters.

Finance

10. There are no financial implications to the Council.

Law

11. The law relating to the review of licences is governed by the Licensing Act, 2003 Section 52(1).

52(1) This section applies where:-

- a) The relevant licensing authority receives an application made in accordance with Section 51.
 - b) the applicant has complied with any requirement imposed on him under subsection (3)(a) or (d) of that section, and
 - c) the authority has complied with any requirement imposed on it under subsection (3)(b) or (d) of that section
12. Before determining the application, the authority must hold a hearing to consider it and any relevant representations.
 13. The authority must, having regard to the application and any relevant representations, take such of the steps mentioned in subsection (4) (if any) as it considers appropriate for the promotion of the licensing objectives.
 14. The steps are -
 - a) to modify the conditions of the licence;
 - b) to exclude a licensable activity from the scope of the licence;
 - c) to remove the designated premises supervisor;
 - d) to suspend the licence for a period not exceeding three months;
 - e) to revoke the licence;

and for this purpose the conditions of the licence are modified if any of them is altered or omitted or any new condition is added.

15. Subsection (3) is subject to sections 19,20 and 21 (requirement to include certain conditions in premises licences).
16. Where the authority takes a step mentioned in subsection (4) (a) or (b) it may provide that the modification or exclusion is to have effect for only such period (not exceeding three months) as it may specify.
17. In this section “relevant representations” means representations which -
 - a) are relevant to one or more of the licensing objectives, and
 - b) meet the requirements of subsection (8).
18. The requirements are -
 - a) that the representations are made –
 - i) by the holder of the premises licence, a responsible authority or an interested party, and
 - ii) within the period prescribed under section 51(3)(c)
 - b) that they have not been withdrawn, and
 - c) if they are made by an interested party (who is not also a responsible authority), that they are not, in the opinion of the relevant licensing authority, frivolous or vexatious.
19. Where the relevant licensing authority determines that any representations are frivolous or vexatious, it must notify the person who made them of the reasons for that determination.
20. Where a licensing authority determines an application for review under this section it must notify the determination and its reasons for making it to -
 - a) the holder of the licence
 - b) the applicant
 - c) any person who made relevant representations, and
 - d) the chief officer of police for the police area (or each police area) in which the premises are situated.
21. A determination under this section does not have effect -
 - a) until the end of the period given for appealing against the decision, or
 - b) if the decision is appealed against, until the appeal is disposed of
22. Pursuant to schedule 5 part 1, section 8(2)
An appeal may be made against the decision of the committee by –

- a) the applicant for the review
- b) the holder of the premises licence or
- c) any other person who made relevant representations in relation to the application for review.

Equality Impact

- 23. This report takes into account the Council's policy on equal opportunities.
- 24. The licensing of premises and individuals will impact on children and young people through their attendance at licensed premises.
- 25. There has been no consultation or involvement of children and young people in developing these proposals.

Recommendation

- 26. That the Sub-Committee determine the review of the premises licence.

A handwritten signature in black ink, appearing to read 'L. Rouse', is positioned below the recommendation section.

Strategic Director Place

Contact Officer: Mrs. L. Rouse
Telephone: 01384 815377
Email: liz.rouse@dudley.gov.uk

List of Background Papers

DUDLEY METROPOLITAN BOROUGH COUNCIL

www.dudley.gov.uk

REVIEW OF PREMISES LICENCE
UNDER THE LICENSING ACT 2003

Notice of Review of the Premises Licence issued to Wallbrook Mini Market, 13-13A Wallbrook Street, Coseley, WV14 8HJ.

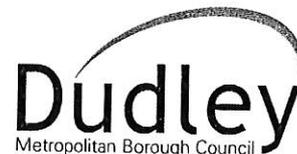
Interested parties and relevant authorities may make representations in writing to the Licensing Office, Unit 1 Hurst Business Park, Narrowboat Way, Brierley Hill, West Midlands, DY5 1UF between 22nd January 2016 and 18th February 2016

The Review of Licence has been requested by a relevant authority on the grounds of

- Prevention of crime and disorder
- Protection of children from harm

The details of the grounds for review may be inspected at the Licensing Offices (address as above) between the hours of 08.30 am and 4.00pm (Monday to Friday except Public Holidays).

It is an offence knowingly or recklessly to make a false statement in connection with an application and the maximum fine for which a person is liable on summary conviction for the offence is £5,000.



A Lunt
Strategic Director Place