

LICENSING SUB-COMMITTEE 4

TUESDAY 18th JUNE, 2013

**AT 10.00 AM
COUNCIL CHAMBER
COUNCIL HOUSE
PRIORY ROAD
DUDLEY**

If you (or anyone you know) is attending the meeting and requires assistance to access the venue and/or its facilities, could you please contact Democratic Services in advance and we will do our best to help you

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IMPORTANT NOTICE

COUNCIL MEETINGS

Welcome to Dudley Council House

In the event of the alarm 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 to be no smoking on the premises in line with national legislation. It is an offence to smoke in or on these premises.

This meeting is scheduled for live broadcast on the Internet www.dudley.gov.uk. The cameras in the chamber do not record the images of people in the public gallery.

Please turn off your mobile phones and mobile communication devices during the meeting.

Thank you for your co-operation.

Your ref:

Our ref:
KT

Please ask for:
Karen Taylor

Telephone No.
01384 818116

6th June, 2013


Dear Member

Meeting of Licensing Sub-Committee 4 – Tuesday 18th June, 2013

You are requested to attend a meeting of Licensing Sub-Committee 4 to be held on Tuesday 18th June, 2013 at 10.00 am in the Council Chamber at the Council House, Priory Road, Dudley, West Midlands, DY1 1HF to consider the business set out in the Agenda below.

The agenda and reports for this meeting can be viewed on the Council's internet site www.dudley.gov.uk and follow the links to Meetings and Decisions.

Yours sincerely



Director of Corporate Resources

A G E N D A

1. APOLOGIES FOR ABSENCE

To receive apologies for absence from the meeting.

2. APPOINTMENT OF SUBSTITUTE MEMBERS

To report the appointment of any substitutes for this meeting of the Committee.

3. DECLARATIONS OF INTEREST

To receive declarations of interest in accordance with the Members' code of conduct.

4. MINUTES

To approve as a correct record and sign the minutes of the meeting held on 26th February, 2013 (copy attached).

5. APPLICATION FOR REVIEW OF PREMISES LICENCE – CORNER STORES, 36 BROMSGROVE ROAD, HALESOWEN (PAGES 1 – 5)

To consider a report of the Director of Corporate Resources.

6. APPLICATION FOR A LICENSED PREMISES GAMING MACHINE PERMIT - REVIEW OF PREMISES LICENCE – THE LUTLEY OAK, 327 STOURBRIDGE ROAD, HALESOWEN (PAGES 6 - 10)

To consider a report of the Director of Corporate Resources.

7. APPLICATION FOR HOUSE TO HOUSE COLLECTIONS LICENCE – FORCES SUPPORT (RECYCLING SOLUTIONS (NORTH WEST) LIMITED) (PAGES 11 – 13)

To consider a report of the Director of Corporate Resources.

8. TO ANSWER QUESTIONS UNDER COUNCIL PROCEDURE RULE 11.8 (IF ANY).

Distribution

Councillors: Roberts (Chair) Perks Woodall

LICENSING SUB-COMMITTEE 4

Tuesday 26th February, 2013 at 10.10 am
in the Council Chamber, The Council House, Dudley

PRESENT:-

Councillor Roberts (Chair)
Councillors Perks and Taylor

Officers: -

Mr R Clark (Legal Advisor), Mrs L Rouse (Licensing Clerk), Mrs K Taylor
and Miss L Mason (Observer) – All Directorate of Corporate Resources.

37 **DECLARATIONS OF INTEREST**

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

38 **MINUTES**

RESOLVED

That the minutes of the meeting of the Sub-Committee held on
22nd January, 2013, be approved as a correct record and signed.

39 **APPLICATION FOR REVIEW OF PREMISES LICENCE – SHELL CORNER OFF LICENCE AND NEWSAGENTS, 307-308 LONG LANE, HALESOWEN**

A report of the Director of Corporate Resources was submitted on an
application for the review of the premises licence in respect of Shell
Corner Off Licence and Newsagents, 307-308 Long Lane, Halesowen.

Mr S Balaghan, Designated Premises Supervisor was in attendance at
the meeting.

Also in attendance were Mr C King, Principal Trading Standards Officer
and Mr G Wintrip, Age Restricted Products Enforcement Officer, both from
the Directorate of the Urban Environment, Ms D McNulty, Dudley Primary
Care Trust (PCT); and PC A Taylor and WPC N Lees from West Midlands
Police.

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

Mr King presented the representations of Trading Standards and in doing so highlighted that the grounds for the review had been based on the serious undermining of the two licensing objectives, namely, the prevention of crime and disorder and the protection of children from harm due to the poor management of the premises with respect to the sale of alcohol to children.

Mr King informed the Sub-Committee that on 5th December, 2012, a sixteen year old child test purchaser had been sold alcohol from the premises contrary to section 146(1) of the Licensing Act 2003 and in direct contravention to the licensing objectives.

On 13th September, 2012, an officer from Trading Standards carried out a visit to the premises and spoke to Mr Balaghan. The purpose of the visit was to provide advice in relation to preventing underage sales of age restricted products, information in respect of acceptable proof of age and the benefits of keeping a refusals register. Mr Balaghan was provided with an information pack that included an advice booklet, a Challenge 25 poster, a refusals register, which had been signed and dated before handing over, a poster about proof of age and a sample Proof of Age Standards Scheme card. He was also informed that test purchasing was carried out at premises that sell age restricted products and was requested to ensure that all staff were aware of their obligations under the Licensing Act 2003. It was reported that during the course of this visit, Mr Balaghan signed a form to acknowledge receipt of the information pack.

Mr King further stated that on 5th December, 2012, Trading Standards together with West Midlands Police, carried out a test purchasing exercise to determine compliance with the law on the sale of alcohol to children. On that occasion, a sixteen year old male test purchaser volunteer purchased a bottle of Stella Artois Cidre with 4.5% alcohol by volume. The seller made no attempt to ask the age of the volunteer, and did not ask for identification.

Following the sale, and having returned to the premises, it was discovered that the individual who sold the alcohol to the test purchaser had been Mr Balaghan. When questioned Mr Balaghan admitted making the sale claiming that he had been busy with customers and had been distracted, and explained that he had always requested identification before making a sale.

On inspection of the premises, it was noted that there were Age Restricted Products posters displayed and a challenge 21 policy in place. Following a request by officers Mr Balaghan was able to produce a refusals register, which included a number of entries. Mr Balaghan was then issued with a Fixed Penalty Notice.

A full list of proposed additional conditions, which had been suggested by Trading Standards, had been circulated to all parties prior to the meeting.

Ms McNulty then presented the representations on behalf of Ms V Little, Director of Public Health, Dudley PCT, which had been circulated to all parties in accordance with the Licensing Act 2003. She made particular reference to the number of well documented impacts on the health of adolescents as a consequence of alcohol consumption.

It was noted that in the opinion of Ms Little, she considered the sale of alcohol to underage young people to be very serious and supported the recommendation to revoke or suspend the premises licence.

PC Taylor then presented the representations of West Midlands Police and in doing so informed the Sub-Committee that the Police had carried out regular patrols in the vicinity and had not received any feedback from the public or local businesses to indicate any problems with the premises such as anti-social behaviour or incidents of crime.

PC Taylor informed the Sub-Committee that the Fixed Penalty Notice issued to Mr Balaghan had been paid the following day.

A full list of proposed additional conditions, which had been suggested by West Midlands Police, had been circulated to all parties prior to the meeting.

Mr Balaghan then presented his case and in doing so stated that the sale of alcohol on 5th December, 2012 had been a result of him being distracted by a number of customers who were in the premises at that time, and that he considered that the test purchaser appeared to be over the age of eighteen.

Mr Balaghan further stated that he was very regretful that the sale had been made and that he did not dispute the facts surrounding the incident.

In responding to a question by a member in respect of items sold at the premises, Mr Wintrip informed the Sub-Committee that Mr Balaghan sold a number of Age Restricted Products, however these did not include solvents and DVDs.

In responding to a question by a member in respect of CCTV, Mr Balaghan confirmed that CCTV had been installed at the premises and currently retained footage for fourteen days, however it was his intention to extend this to twenty-eight days.

Reference was made to the proposed additional conditions that had been submitted by Trading Standards and West Midlands Police, where Mr Balaghan confirmed that he was in agreement with the proposals.

In responding to a question by the Legal Advisor, Mr Balaghan informed the Sub-Committee that he would make some amendments to the premises in particular, to change the positioning of the shelves to enable staff to have improved visibility of customers.

It was noted that a number of alcohol products had been stolen previously, which resulted in Mr Balaghan re-positioning expensive alcohol to behind the counter.

In responding to a question by the Chair, Mr Balaghan confirmed that the premises' peak periods were predominately on Friday and Saturday evenings, and that there were four members of staff altogether.

In responding to a question by the Chair, all parties confirmed that they had a fair hearing.

Following all comments, the Legal Advisor stated that the Sub-Committee would determine the application made on the information submitted and comments made at the meeting by all parties, and that any decision made must be reasonable and proportionate.

The parties then withdrew from the meeting in order 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, subject to the following conditions being applied to the premises licence, no further action to be taken in relation to the review of the premises licence in respect of Shell Corner Off Licence and Newsagents, 307-08 Long Lane, Halesowen : -

Conditions

- (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.
- (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' CCTV shall be reviewed 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 other person, regardless of age, shall be refused service.

REASONS FOR DECISION

The Sub-Committee has heard evidence from Trading Standards, the Police and Mr Balaghan, the Premises Licence Holder. Mr Balaghan does not dispute that he sold alcohol to an underage test purchaser on 5th December, 2012, and states that he believed he looked eighteen, did not ask his age and was distracted due to the business of the shop. He paid the fixed penalty notice the next day.

Mr Balaghan has discussed the proposed conditions recommended by Trading Standards and the Police and accepts them all; and has agreed to make some amendments to the premises and his administration to achieve the new conditions. The Sub-Committee has considered all of the options and finds that imposition of these significant conditions do address the concerns raised by this under age sale and are a proportionate response to the child protection concerns raised by the sale. The Sub-Committee therefore imposes the nine conditions as recorded in this decision.

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APPLICATION FOR REVIEW OF PREMISES LICENCE – SPAR, 115A BRETTELL LANE, AMBLECOTE, STOURBRIDGE

A report of the Director of Corporate Resources was submitted on an application for the review of the premises licence in respect of Spar, 115A Brettell Lane, Amblecote, Stourbridge.

Mr P Kettle, Solicitor was in attendance at the meeting on behalf of Mr Jacques, Designated Premises Supervisor due to Mr Jacques recovering from an operation.

Also in attendance were Mr C King, Principal Trading Standards Officer and Mr G Wintrip, Age Restricted Products Enforcement Officer, both from the Directorate of the Urban Environment; and PC A Taylor and WPC N Lees from West Midlands Police.

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

Mr King presented the representations of Trading Standards and in doing so highlighted that the grounds for the review had been based on the serious undermining of the two licensing objectives, namely, the prevention of crime and disorder and the protection of children from harm due to the poor management of the premises with respect to the sale of alcohol to children.

Mr King informed the Sub-Committee that on 12th December, 2012, a fifteen year old child test purchaser had been sold alcohol from the premises contrary to section 146(1) of the Licensing Act 2003 and in direct contravention to the licensing objectives.

On 10th October, 2012, an officer from Trading Standards carried out a visit to the premises and spoke to Mr Jacques, who stated that he was a joint partner in the business. The purpose of the visit was to provide advice in relation to preventing underage sales of age restricted products, information in respect of acceptable proof of age and the benefits of keeping a refusals register. Mr Jacques was provided with an information pack that included an advice booklet, a Challenge 25 poster, a refusals register, which had been signed and dated before handing over, a poster about proof of age and a sample Proof of Age Standards Scheme card. He was also informed that test purchasing was carried out at premises that sell age restricted products and was requested to ensure that all staff were aware of their obligations under the Licensing Act 2003. It was reported that during the course of this visit, Mr Jacques signed a form to acknowledge receipt of the information pack.

Mr King further stated that on 12th December, 2012, Trading Standards together with West Midlands Police, carried out a test purchasing exercise to determine compliance with the law on the sale of alcohol to children. On that occasion, a fifteen year old male test purchaser volunteer purchased a 500ml can of Strongbow Cider with 4.8% alcohol by volume. The seller made no attempt to ask the age of the volunteer, and did not ask for identification, however he did ask whether the volunteer required a bag for his purchase.

Following the sale, and having returned to the premises, it was discovered that the individual who sold the alcohol to the test purchaser had been a Ms R Bingham. It was noted that the Designated Premises Supervisor was not present on the premises at the time of the sale.

Following enquiries it was discovered that Ms Bingham had received training relating to the sale of age restricted products when she commenced her employment at the premises six months previously.

On inspection of the premises, it was noted that there were Age Restricted Products posters displayed; a challenge 25 policy in place and an electronic till prompt at the point of the sale, however the refusals register could not be located. Ms Bingham was then issued with a Fixed Penalty Notice.

A full list of proposed additional conditions, which had been suggested by Trading Standards, had been circulated to all parties prior to the meeting.

PC Taylor then presented the representations of West Midlands Police and in doing so informed the Sub-Committee that the Police had carried out regular patrols in the vicinity and had not received any feedback from the public or local businesses to indicate any problems with the premises such as anti-social behaviour or incidents of crime.

PC Taylor informed the Sub-Committee that the Fixed Penalty Notice issued to Ms Bingham had been paid.

Mr Kettle then presented the case on behalf of Mr Jacques, and in doing so stated that Mr Jacques had been involved in the business for a long period of time, and there had been no incidents or concerns received. He stated that Mr Jacques understood his role as a Premises Licence Holder in particular the need for every effort to be made to comply with the requirements of the Licensing Act 2003 and the Licensing Objectives.

It was further noted that there were three members of staff employed at the premises that were also Personal Licence Holders.

Mr Kettle stated that Mr Jacques did not dispute the facts surrounding the incident, but that he was saddened that the sale had been made as every effort had been made to ensure that an incident would not occur.

Reference was made in relation to the refusals register not being located at the time of the sale on 12th December, 2012, and Mr Kettle stated that Ms Bingham had since been retrained and was currently unable to sell alcohol unsupervised.

Reference was made to the proposed additional conditions that had been submitted by Trading Standards and West Midlands Police, where Mr Kettle confirmed that Mr Jacques was in agreement with the proposals, however he did request that the condition requiring Mr Jacques to review the CCTV footage on a weekly basis, should be amended to include 'in conjunction with the refusals register', in order to allow Mr Jacques to view refusals only.

In responding to a question by a member who suggested placing the refusals register by the till register in order to act as a reminder to staff, Mr Kettle stated that the refusals register could be located by the till register and it was Mr Jacques intention that the register would be countersigned.

In responding to a question by the Chair, all parties confirmed that they had a fair hearing.

Following all comments, the Legal Advisor stated that the Sub-Committee would determine the application made on the information submitted and comments made at the meeting by all parties, and that any decision made must be reasonable and proportionate.

The parties then withdrew from the meeting in order 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, subject to the following conditions being applied to the premises licence, no further action to be taken in relation to the review of the premises licence in respect of Spar, 115A Brettell Lane, Amblecote, Stourbridge : -

Conditions

- (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.
- (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 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' CCTV shall be reviewed on a weekly basis, in conjunction with the refusals register, 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 other person, regardless of age, shall be refused service.

REASONS FOR DECISION

This is an application for a premises review of the licence at Spar, Brettell Lane, Amblecote. The review is brought by Trading Standards and relates to an underage sale to a test purchaser on 12th December, 2012. The purchase has been admitted by Mr Jacques, the Premises Licence Holder. The sale was made by a 19 year old member of staff, who made no attempt to ask for proof of age or identity, but had been trained on sale of age restricted products six months earlier, she could not locate the refusals register. A Fixed Penalty Notice was issued to Ms Bingham and has been paid. The police have put forward no recent concerns of an alcohol related nature in or around the premises.

Mr Jacques profoundly regrets the sale, despite his best efforts to avoid such an incident. Mr Jacques did not attend the Sub-Committee as he has recently undergone a quadruple heart bypass but is legally represented by Talbots Solicitors today.

The parties have agreed that the imposition of conditions to the licence will address the concerns relating to crime and disorder and child protection and have also agreed the terms of the conditions.

The Sub-Committee agrees that these conditions are appropriate and address the concerns raised, and having considered all of the options, imposes the agreed conditions upon the premises licence.

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VARIATION OF DESIGNATED PREMISES SUPERVISOR – HARE AND HOUNDS, WYNALL LANE, STOURBRIDGE

It was noted that this item had been withdrawn.

The meeting ended at 12.05 pm

CHAIR

Licensing Sub-Committee 4 – 18th June 2013

Report of the Director of Corporate Resources

Application for Review of a Premises Licence

Purpose of Report

1. To consider the application for the review of the premises licence in respect of Corner Stores, 36 Bromsgrove Road, Halesowen, West Midlands, B63 3JL.

Background

2. Corner Stores, 36 Bromsgrove Road, Halesowen, West Midlands, B63 3JL was first issued with a premises licence on the 26th September 2005.
3. The current premises licence is issued for the following:-

Sale of Alcohol	Monday to Saturday	08.00 – 23.00
	Sundays	10.00 – 22.30
	Good Friday	08.00 – 22.30
	Christmas Day	12.00 – 15.00
	Christmas Day	19.00 – 22.30
4. On the 26th April 2013, an application for the review of the premises licence was received from the Trading Regulation and Enforcement Manager. A copy of that application has been circulated to Committee Members and interested parties in accordance with the Licensing Act 2003.
5. 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.
6. Confirmation that the application has been served on the premises licence holder and relevant authorities has been received.
7. The current premises licence holder is Mr T Rehman.
8. On the 7th May 2013, the West Midlands Police made representations. A copy of that report has been circulated to Committee members, the premises licence holder and interested parties.

9. On the 14th May 2013, the Director of Public Health made representations. A copy of that report has been circulated to Committee members, the premises licence holder and interested parties.
10. This application 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

11. There are no financial implications.

Law

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

Determination of application for review

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
13. Before determining the application, the authority must hold a hearing to consider it and any relevant representations.
 14. 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.
 15. 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.

16. Subsection (3) is subject to sections 19,20 and 21 (requirement to include certain conditions in premises licences).

17. 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,
18. 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).
19. 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.
20. 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.
21. 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.
22. 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
23. Pursuant to schedule 5 part 1, section 8(2)
24. 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

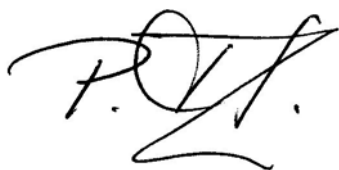
- c) any other person who made relevant representations in relation to the application for review.

Equality Impact

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

Recommendation

- 28. That the Sub-Committee determine the review of the premises licence in respect of Corner Stores, 36 Bromsgrove Road, Halesowen, West Midlands, B63 3JL.



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DIRECTOR OF CORPORATE RESOURCES

Contact Officer: Mrs. L Rouse
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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 Corner Stores,
36 Bromsgrove Road, Halesowen, B63 3JL.

Interested parties and relevant authorities may make
representations in writing to the Licensing Office, Law and
Governance, 5 Ednam Road, Dudley, West Midlands, DY1 1HL
between 29th April 2013 and 26th May 2013.

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 9.00
am and 4.30pm (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.



P J Tart
Director of Corporate Resources

Licensing Sub-Committee 4 – 18th June 2013

Report of the Director of Corporate Resources

Application for a Licensed Premises Gaming Machine Permit

Purpose of Report

1. To consider the application for the grant of a Licensed Premise Gaming machine permit for 3 machines in respect of The Lutley Oak, 327 Stourbridge Road, Halesowen, West Midlands.

Background

2. The Lutley Oak holds a current premises licence for the following:-

Sale of Alcohol & Regulated Entertainment (Live Music/Recorded Music)

Mondays to Saturday	11.00 – 00.00
Sundays	11.00 – 23.30

A further additional hour into the morning following every Friday, Saturday, Sunday and Monday for each May Bank Holiday, Spring/Whitsun Bank Holiday and every August Bank Holiday weekend. A further additional hour into the morning following every Thursday, Friday, Saturday, Sunday and Monday for the Easter Bank Holiday weekend. A further additional hour every Christmas Eve and Boxing Day to reflect existing New Years Eve and Day hours.

3. The Local Authority licensing policy states as follows:-
 - If authorisation is sought for more than two category C or D machines the applicant will be required to attend a hearing to support the application. All plans submitted with applications for premises licences must set out the siting of each Category C or D machine.
 - Parliament has placed no restrictions on the age at which such machines may be played (other than those in amusements arcades). It is, therefore, a matter for the discretion of the premises licence holder and any adults accompanying the children concerned whether they are entitled to play such machines. In the case of premises used exclusively or primarily for the consumption of alcohol, all children under the age of 16 will only be permitted entry to the premises if accompanied by adults. All such machines must be sited in accordance with the Gaming Act, further advice will be given on receipt of application.

- There is unlikely to be the need for a hearing where the application is for renewal of the existing permit for more than two machines or where the application is for the grant of a Licensed Premises Gaming Machine Permit at premises which already have an existing permit for more than two machines, and where that number is not increased.
4. On the 4th April 2013, an application was received from Gamestec in respect of the Lutley Oak for the grant of a Licensed Premises Gaming Machine Permit for 3 category C machines.
 5. On the 2nd May 2013, a site plan of the premises was received highlighting the proposed position of the gaming machines. A copy of that plan is attached to this report as Appendix 1.
 6. The current licence holder of the premises licence is Spirit Pub Company (Services) Limited. The premises currently has a notification of intention to offer up to 2 gaming machines.
 7. 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

8. There are no financial implications.

Law

9. Pursuant to schedule 13, section 283 of the Gaming Act 2005 the Council can grant a licensed premises gaming machine permits.
10. Pursuant to schedule 13, section 283 4 (2) on considering an application for a permit the Licensing Authority shall:-
 - (a) grant an application
 - (b) refuse the application, or
 - (c) grant it in respect of:-
 - (i) a smaller number of machines than that specified in the application
 - (ii) a different category of machines from that specified in the application, or
 - (iii) both
11. Pursuant to schedule 13, section 283 5
 - (1) A Licensing Authority may not attach conditions to a permit

- (2) As soon as is reasonably practicable after granting an application a Licensing Authority shall issue a permit to the applicant.
12. Pursuant to schedule 13, section 283 5(3) as soon as it reasonably practicable after refusing an application a Licensing Authority shall notify the applicant of:-
- (a) the refusal, and
 - (b) the reasons for it
13. In pursuance of schedule 13, section 283 6 (2) a Licensing Authority may not refuse an application, or grant an application in respect of a different category or smaller number of gaming than that specified in the application, unless they have
- (a) notified the applicant of their intention to refuse or grant the application in respect of
 - (i) a smaller number of machines than that specified in the application
 - (ii) a different category of machines than that specified in the application or
 - (iii) both, and
 - (b) given the applicant an opportunity to make representations
14. In pursuance of schedule 13 section 283 6 (3) a Licensing Authority can satisfy the opportunity to make representations by giving the applicant an opportunity to make:-
- (a) oral representations
 - (b) written representations, or
 - (c) both
15. In pursuance of schedule 13 section 283 21 (1) the applicant for a holder of a permit may appeal to the Magistrates Court if the Licensing Authority:-
- (a) reject an application for a permit
 - (b) grant an application for a permit in respect of a smaller number of machines than that specified in the application or a different category of machines from that specified in the application.

Equality Impact

16. This report complies with the Council's policy on equal opportunities.
17. The licensing of premises and individuals will impact on children and young people through their attendance at licensed premises.
18. There has been no consultation or involvement of children and young people in developing these proposals.

Recommendation

19. That the Sub-Committee give consideration to this application.



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DIRECTOR OF CORPORATE RESOURCES

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List of Background Papers

None

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70-CL/7

Licensing Sub-Committee 4 -18th June 2013

Report of the Director of Corporate Resources

Application for House to House Collections Licence

Forces Support (Recycling Solutions (North West) Limited)

Purpose of Report

1. To consider the application for the grant of a House to House Collections Licence in respect of Recycling Solutions North West Limited on behalf of the charity known as Forces Support.

Background

2. On 3rd April 2013, James Cook of Recycling Solutions North West Limited made application for a House to House Collections Licence in respect of the charity Forces Support. A copy of that application has been forwarded to Committee members and interested parties.
3. In January 1999, the Licensing Section in accordance with the Neighbouring Authorities Working Group introduced a policy requiring all House to House Collection applicants to submit income and expenditure accounts for the previous financial year.
4. In recent years applications for House to House Collections have been received from independent commercial companies undertaking collections on behalf of specific charities. Therefore in November 2009, the Council introduced a further policy that applicants for House to House Collection Licences be required to submit with the application income and expenditure accounts for the previous financial year of the charity for which the collection is being made and also for the company or organisation making the collection. This is to ensure that a substantial amount of the monies collected are used for charitable purposes. A copy of those accounts have been circulated to Committee Members and interested parties.
5. Copies of the application were circulated to the West Midlands Police and the Directorate of the Urban Environment (Highways). These agencies raised no objections to the application.

6. This report has a direct link to the Council's policy for safety as the principal reason for submission is safeguarding the public.

Finance

7. There are no financial implications.

Law

8. House to house collection permits are governed by Section 2 of the House-to-House Collections Act 1939.
9. The Council may refuse to grant a licence or where a licence has been granted may revoke it if it appears to the Authority:-
 - (a) that the total amount likely to be applied for charitable purposes as the result of the collection (including any amount already so applied) is inadequate in proportion to the value of the proceeds likely to be received (including any proceeds already received).
 - (b) that remuneration which is excessive in relation to the total amount aforesaid is likely to be, or has been, retained or received out of the proceeds of the collection by any person.
 - (c) that the grant of a licence would be likely to facilitate the commission of any offence under section three of the Vagrancy Act 1824, or that an offence under that section has been committed in connection with the collection.
 - (d) that the applicant or the holder of the licence is not a fit and proper person to hold a licence by reason of the fact that he has been convicted in the United Kingdom of any offences specified in the Schedule to this Act, or has been convicted in any part of His Majesty's dominions of any offence conviction for which necessarily involved a finding that he acted fraudulently or dishonestly, or of any offence of a kind the commission of which would be likely to be facilitated by the grant of a licence.
 - (e) that the applicant or the holder of the licence, in promoting a collection in respect of which a licence has been granted to him, has failed to exercise due diligence to secure that persons authorised by him to act as collectors for the purposes of the collection were fit and proper persons, to secure compliance on the part of persons so authorised with the provisions of regulations made under this Act, or to prevent prescribed badges or prescribed certificate of authority being obtained by persons other than persons so authorised.
 - (f) that the applicant or holder of the licence has refused or neglected by furnish to the authority such information as they may have reasonably required for the purpose of informing themselves as to any of the matters specified in the fore-going paragraphs.

10. If the Committee refuse to grant a licence or revoke a licence which has been granted. There is a right of appeal within 14 days to the Secretary of State against the refusal or revocation of licence.

Equality Impact

11. This report takes into account the Council's policy on equal opportunities.
12. There has been no consultation or involvement of children and young people in developing these proposals.

Recommendation

13. That the Committee consider the applications for House to House Collections Licence in respect of Recycling Solutions (North West) Limited on behalf of the charity known as Forces Support.



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DIRECTOR OF CORPORATE RESOURCES

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List of Background Papers