

LICENSING SUB-COMMITTEE 4

Tuesday 26th January, 2010 at 10.05 am
in the Council Chamber, The Council House, Dudley

PRESENT:-

Councillor Taylor (Chairman)
Councillors Mrs Coulter and Vickers

Officers

Principal Solicitor (Legal Advisor), Mrs J Elliott (Licensing Officer) and
Miss H Shepherd – Directorate of Law, Property and Human Resources

5 APOLOGY FOR ABSENCE

An apology for absence from the meeting was submitted on behalf of
Councillor A Finch.

6 APPOINTMENT OF SUBSTITUTE MEMBER

It was noted that Councillor Vickers had been appointed as a substitute
member for Councillor A Finch for this meeting of the Sub-Committee
only.

7 DECLARATIONS OF INTEREST

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

8 MINUTES

RESOLVED

That the minutes of the meeting of the Sub-Committee held on
29th September 2009, be approved as a correct record and
signed.

APPLICATION FOR PREMISES LICENCE – MIDLANDS CO-OP, 2
OVERFIELD ROAD, RUSSELLS HALL ESTATE, DUDLEY

A report of the Director of Corporate Resources was submitted on an application received from Harvey Ingram Solicitors on behalf of Midlands Co-Operative Society Limited, for the grant of a premises licence in respect of the Midlands Co-op, 2 Overfield Road, Russells Hall Estate, Dudley.

Mr D Coppin, Mr D Ellgood, Ms J Howat, Mr N Mellor representatives of the Midlands Co-op were in attendance, together with Mr P Staden from Marlborough Properties, the freeholder of the property, as well as Mr F Whale, Legal Representative from Harvey Ingram Solicitors.

Also in attendance was Councillor M Davis, objecting to the application.

Following introductions, the Chairman outlined the procedure to be followed.

Mrs J Elliott, Licensing Officer, Directorate of Law, Property and Human Resources, presented the report on behalf of the Council. At this juncture, she informed the sub-committee that the applicants and Councillor M Davis, had met prior to the meeting and that the opening hours were the area of contention.

Councillor M Davis then outlined the reason for the objection, stating that he had been approached by several residents within his constituency, who were already experiencing difficulties with alcohol related anti-social behaviour. He also referred to Bushy Fields Hospital, which housed people with alcohol related problems, being within the area, and considered that residents would be attracted by the new opening hours. He stated that this had no reflection on the Co-op itself, but suggested that the opening times requested on the application for the sale of alcohol should be reduced. He also requested for consideration be taken into account of the location of the Co-op site being situated next to a Children's Home and opposite a primary school and that if alcohol was sold at the current stated times, this would be while the children were on their way to school.

Arising from the representations made by Councillor M Davis, questions were asked by Mr Whale the Legal Representative from Harvey Ingram Solicitors. He stated that the other stores selling alcohol being referred to were not nationally known companies and therefore not as experienced in license trade.

The Legal Representative on behalf of Midlands Co-op then stated his case and in doing so informed the sub-committee that if the application was not granted there was a possibility that the store development would not go ahead and that the existing service would resume. He clarified the trading hours of the premises stating that the application requested 6.00 am to midnight; however the actual trading hours would be 7.00 am to 10.00 pm with the flexibility of additional hours, particularly around Christmas, without the need to apply for a temporary event notice. In relation to the concerns raised he stated that the premises would be operated by a national company, which had a strict training regime which all staff undertook. CCTV would be in operation internally and externally, with lighting outside making it visible for staff, including security staff, to see any anti-social behaviour taking place.

Mr Coppin stated that he had worked in area's that had experienced the same problems referred to, but worked in partnership with the community, schools and police to resolve any concerns.

Mr Whale sought clarification from Councillor Davis with regard to the public meeting where concerns had been raised. Councillor Davis informed the sub-committee that concerns had been raised at a neighbourhood community meeting and not a public meeting. It was suggested that Co-op representatives would be willing to attend a meeting with residents to discuss their concerns and objections.

Following questions raised by the Sub-committee, the Co-op representative confirmed that the opening hours for Sundays would be 7.00 am to 10.00 pm. He also confirmed that the internal siting of the CCTV cameras would not be decided upon until all fixtures and fittings had been completed and consultation with the Police Licensing Officer had taken place.

The parties then withdrew from the meeting in order to enable the Sub-Committee to determine the application.

Following a discussion by the Sub-Committee, and having made their decision, all the remaining parties were invited to return and the Chairman outlined the decision.

RESOLVED

That the application for a premises license in respect of the Midlands Co-op, 2 Overfield Road, Russells Hall Estate, Dudley be approved for the following reasons:-

That the Sub-Committee has considered this application for a premises license, and the representations made by Councillor M Davis, on behalf of his constituents, in particular, to the sale of alcohol between the hours of 7.00 am and 9.00 am, before the start of the school day.

The Sub-Committee is satisfied with the operating procedures proposed by the applicant and that these will promote the Council's licensing objectives, and, in particular, protect young persons. The Sub-Committee notes that it is the intention of the applicant to operate the license between the hours of 7.00 am and 10.00 pm. The Sub-Committee also notes that there have been no representations from the Police, and grants the application of the hours 6.00 am to Midnight, 7 days a week.

CHAIRMAN