



Licensing Sub-Committee 3

**Tuesday, 22nd July, 2014 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 17th June, 2014 as a correct record.
5. Application for a Licensed Premises Gaming Machine Permit – The Grange, Grange Road, Dudley.
6. Application for a Premises Licence – Lovi's, 164 High Street, Quarry Bank.
7. To consider any questions from Members to the Chair where two clear days notice has been given to the Director of Corporate Resources (Council Procedure Rule 11.8).

A handwritten signature in black ink, appearing to be "P. V. H.", is written over a horizontal line.

Director of Corporate Resources

Dated: 10th July, 2014

Distribution:

Councillors J Cowell (Chair), A Taylor and E Taylor

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Minutes of the Licensing Sub-Committee 3

Tuesday 17th June, 2014 at 10.15 am
In the Council Chamber, The Council House, Dudley

Present:-

Councillor D Russell (Chair)
Councillors K. Finch and R. James

Officers:-

R Clark (Legal Advisor), B Hughes (Licensing Enforcement Officer)
and K Taylor (Democratic Services Officer) – All Directorate of
Corporate Resources.

1 Declarations of Interest

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

2 Minutes

Resolved

That the minutes of the meeting of the Sub-Committee held
on 6th May, 2014, be approved as a correct record and
signed.

3 Application to Vary a Premises Licence – The Hare and Hounds, Wynall Lane, Stourbridge

A report of the Director of Corporate Resources was submitted on an
application for variation of the premises licence in respect of the
premises known as The Hare and Hounds, Wynall Lane, Stourbridge.

Mr P Robson (Solicitor); Mr R Webb (Operations Manager, Marstons
PLC); Mr L Sergeant (Licensee), Ms W Wild (Supporter) and Miss R
Smith (Supporter), were in attendance at the meeting.

Also in attendance and objecting to the application was Councillor R
Body (Ward Member and local resident).

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

Councillor Body then presented his representations, and in doing so stated that the main reasons he objected the application submitted, was the noise nuisance caused during the warm evenings whilst the windows in the rear room were opened, and that he had lived in a nearby street for over eighteen years.

It was noted that Councillor Body had visited a number of properties in close proximity of the premises, and it was evident that the residents were not aware of the proposed variation of the premises licence. He further stated that he could not identify a notice displayed at the premises, and that he circulated letters to local residents informing them of the applications, and the process should they wish to object.

Mr Robson then presented the case, on behalf of the applicant, and in doing so referred to comments made by Councillor Body in relation to a public notice highlighting the proposed variation; in responding he confirmed that Mr Sergeant had received advice from the Licensing Office in respect of the notice and the correct positioning.

Mr Robson further stated that the premises was part of the community and operated by demand, therefore Mr Sergeant submitted the application to offer existing customers a safe and enjoyable environment in order to prevent customers re-locating to another venue. It was noted that the application requested an additional hours trading on Friday and Saturday nights only, with the premises closing to the public thirty minutes thereafter.

Mr Robson confirmed that Mr Sergeant was the Designated Premises Supervisor and had extensive experience in the industry, and had been at the premises for over a year.

Mr Robson acknowledged the objections submitted by local residents, however it was evident that no objections had been received from other responsible authorities, including West Midlands Police and Environmental Health, which suggested that the premises was a positive influence.

Reference was made to concerns raised in relation to noise nuisance from customers, and Mr Robson stated that there were other premises in the local area and therefore the people who were causing the nuisance, might not have been customers of The Hare and Hounds.

Mr Robson referred to the concerns raised by Councillor Body in relation to the noise nuisance as a result of the windows being opened, and proposed a number of conditions, including closing the windows and doors after 11.30pm, that the Sub-Committee could attach to the premises licence to address the concerns raised.

In concluding, Mr Robson stated that residents could raise any concerns with Mr Sergeant, and that Mr Sergeant was willing to circulate his mobile number to the objectors.

In responding to a question by Councillor Body; Mr Robson and Mr Sergeant confirmed that the windows at the premises were double-glazed and a hook could be removed from the rear door to prevent the door being constantly opened.

In responding to a question by a Member in relation to whether Mr Sergeant expected additional customers should the application be granted, Mr Sergeant stated that he wished to maintain his existing customers only, and that he would not want to accept more customers after the current closing time.

Following comments made in relation to the issues raised in relation to noise nuisance, it was reported that there had been no official complaints received by the Council or to Mr Sergeant directly.

In responding to a question by the Chair, Mr Sergeant confirmed that there were air vents available in the rear room at the premises.

In responding to a question by the Legal Advisor, Mr Robson stated that Mr Sergeant would manage the rear of the premises, including the smoking area, and ask customers to be quiet and mindful of local residents. Mr Sergeant also reported that the door to the premises would be closed at 11.30pm, and relevant signage could be displayed by the exit in relation to noise.

In summing up, Councillor Body, on behalf of local residents, reiterated his comments made previously, and stated that the rooms at the premises were small and the noise nuisance increased during the warm evenings.

In summing up, Mr Robson, on behalf of the applicant, reiterated his comments made previously, and stated that the Sub-Committee's decision should be proportionate and appropriate to promote the Licensing Objectives, and requested that the application be granted. He reported that the conditions suggested by Mr Sergeant would address the concerns raised, in particular, those relating to noise nuisance.

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 below conditions being applied to the premises licence, the application for the variation of the premises licence in respect of The Hare and Hounds, Wynall Lane, Halesowen, be approved.

Reasons for Decision

This is an application by Marstons PLC for a variation in the Licensing hours of the Hare and Hounds, from 10.00am to Midnight on Friday and Saturday, until 1am on those days.

Local residents have made representations, opposing the additional hour on Fridays and Saturdays. Nine local residents in total have made representations. The main concerns raised are that the public house currently creates noise by way of music and voices up until midnight and after. There have been no complaints made formally to the Police or the Council about noise, or directly to the landlord, before this application. The applicant has put forward these conditions in order to address the concerns of local residents about noise from the pub and specifically its function room. The Sub-Committee takes account of the fact that there have been no complaints about noise with the current hours being to midnight, and that the conditions proposed address the noise issue specifically. The Sub-Committee attaches the following conditions to the premises licence and grants the application. They are:-

- (1) On Friday and Saturdays when live or recorded music are played, the doors and windows will be closed at 11.00pm, except the doors for access and egress.
- (2) Notices will be displayed prominently at all doors asking customers to leave the premises quietly and to respect local residents.
- (3) Throughout the evening on Friday and Saturdays when live or recorded music are played, a staff member will conduct an hourly tour of the pub, car park and beer garden, and record any noise problems, in order to address these. This record will be available to a Responsible Authority for inspection on request.

A report of the Director of Corporate Resources was submitted on an application for the grant of a premises licence in respect of Johal's Convenience Store, 14A – 14B Enville Road, Kingswinford.

Mr D Hardy (Representative), and Mrs S Johal (Licensee), together with her husband were in attendance at the meeting.

Also in attendance and objecting to the application were three local residents.

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

A local resident then presented her representations, and in doing so stated that the location was a small village and there were a number of licensed premises within a close proximity. She stated that there was existing nuisance from members of the public consuming alcohol and anti-social behaviour at a nearby park by children who had purchased alcohol.

She further reported that local residents had not been informed about the premises and there were existing parking problems in the village.

In responding to a question by Mr Hardy, the residents confirmed that the issues raised had been an existing problem in the area.

Mr Hardy then presented the case, on behalf of the Applicant, and in doing so informed the Sub-Committee that Mr and Mrs Johal were very experienced and were aware of the area and demographics, which reflected in the application, submitted. He reported that measures would be implemented in the premises to address the concerns of the residents, including extensive CCTV to the inside and outside of the premises, and internal shutters to maintain the standard of the premises.

In concluding, Mr Hardy stated that the owners were distinguished for training their staff to a high standard, and confirmed that staff members would remove any litter in front of the store on a daily basis.

In responding to a question by a local resident in relation to the delivery of stock to the premises; Mr Hardy responded that the applicants would consider an appropriate time for the deliveries.

In summing up, the local residents stated that the main concerns were in respect of the deliveries to the premises.

In summing up, Mr Hardy, on behalf of the applicant, stated that he respected the petition submitted, however there had been no representations submitted by other responsible authorities such as West Midlands Police.

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 the application for the grant of a premises licence in respect of Johal's Convenience Store, Enville Road, Kingswinford, be approved.

Reasons for Decision

This is an application by Sandip Johal for a premises licence for a shop, to be called Johal's Convenience Store, Enville Road, Kingswinford. The licensing hours sought are 7.00am to 10.00pm.

The Police have made no representations, and neither has any other Responsible Authority. However a petition has been signed by a number of local residents, opposing the grant. There appear to be fourteen names.

Local residents are concerned about the number of alcohol outlets in the area. This, however, is not a matter that the Sub-Committee can take into account. Local residents also raise concerns about current drinking and drunkenness in the area, and excessive litter on the pavement outside the shop. These issues however cannot be linked to this applicant, or this premise since it is currently closed and locked up.

To address the concerns of residents, the applicants state that they will install CCTV inside and outside the store, clear away all rubbish from the pavement outside the store daily, to install internal window shutters in the store to maintain the standard of the premises and be available to residents to listen to any concerns raised. They have also stated that they will consider the timing of any deliveries to the shop in view of the parking and limited access to the store.

The Sub-Committee therefore grants the application.

Mr P Samra, Premises Licence Holder and Designated Premises Supervisor was in attendance at the meeting, together with his Solicitor, Mr A Aleheart.

Also in attendance were Mr C King, Trading Standards Officer, and Mr G Wintrip, Age Restricted Products Enforcement Officer, both from the Directorate of the Urban Environment; Ms K Turley, Planning and Licensing Officer, and Detective Inspector W Bird, Public Protection Unit, West Midlands Police.

Following introductions by the Chair, the Licensing Enforcement Officer then presented the report on behalf of the Council.

Mr King then presented the representations of Trading Standards and in doing so highlighted that the grounds of 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 following the sale of alcohol to a person under the age of eighteen.

Mr King informed the Sub-Committee that on 5th March, 2013, a fifteen year old male 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.

It was noted that complaints had been made on 12th December, 2011 and 4th January, 2012, in respect of underage sales at the premises.

On 16th January, 2012, an officer from Trading Standards carried out an advisory visit to the premises and spoke to Mr Samra, the Premises Licence Holder. The purpose of the visit was to provide advice in relation to preventing underage sales of age restricted products, and Mr Samra was given detailed advice including information in respect of acceptable proof of age and the importance of keeping a refusals register. Mr Samra also signed an Age Restricted Products form 0543 to acknowledge receipt of the information and advice.

It was noted that alcohol test purchase exercises were conducted at the premises on 17th February, 2012 and 18th May, 2012, with no sale being made.

Mr King reported that during the weekend of 7th July, 2012, an allegation was made to West Midlands Police, that a thirteen year old girl had been sold a "fake" 20cl bottle of Glens vodka. The vodka was taken to the Police for investigation, which confirmed that the vodka was genuine. The girl's parents declined to take the matter further.

On 12th July, 2012, an officer from Trading Standards carried out an advisory visit to the premises and spoke to Mr Samra, providing him with detailed advice and information in relation to preventing underage sales of age restricted products. Mr Samra was given an advice pack relating to the sale of age restricted products and was asked to ensure that all staff were aware of their obligations under the Licensing Act 2003. The pack contained an advice booklet, a challenge 25 poster, a refusals register, a proof of age poster and a sample PASS (proof of age) card. Mr Samra signed ARP form 0600 to acknowledge receipt of the pack.

It was noted that an alcohol test purchase exercise was conducted at the premises on 24th July, 2013, with no sale being made.

Mr King reported that a further advisory visit was undertaken at the premises on 25th July, 2013, and Mr Samra signed ARP form 0914 to acknowledge that the visit had taken place and the advice given. During the visit, officers located nine bottles of Glens vodka that were displaying counterfeit duty paid labels on the rear of the bottles, which were seized and Mr Samra given a Trader's Notice 0439 as a receipt. Following investigation, the manufacturer confirmed that the alcohol had been made for the export market and therefore must have been purchased on the black market. Mr Samra was issued a warning letter and the bottles were destroyed.

It was noted that on 20th February, 2014, information was received from West Midlands Police alleging that alcohol had been sold knowingly from the premises in May, 2013, to a sixteen year old. The alcohol was then supplied to a thirteen year old girl who became intoxicated and then subjected to a number of serious sexual assaults which were still under investigation by the Public Protection Unit.

On 5th March, 2014, Trading Standards together with West Midlands Police, carried out a test purchase exercise to determine compliance with the law on the sale of alcohol to children. On that occasion, a fifteen year old male child test purchase volunteer purchased a bottle of Smirnoff Ice with 4% alcohol by volume. The seller made no attempt to ask the age of the volunteer or proof of identification despite a "challenge 25" policy being in place.

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 Samra. When cautioned, Mr Samra made no reply.

On inspection of the premises, it was noted that there were several Age Restricted Products posters displayed including "challenge 25" in place, however there were no entries inputted in the Refusals Register. Mr Samra was then issued with a Fixed Penalty Notice.

Mr King further reported that whilst the officers were at the premises, an examination of the premises identified fourteen 70cl bottles of Glens vodka. It was noted that four of the bottles were displayed on the shelving behind the counter. The rest were found in a box under the counter, that were displaying counterfeit duty paid labels on the rear of the bottles. These were seized and Mr Samra given a Trader's Notice as a receipt.

Following investigation, the manufacturer confirmed that the alcohol had been made for the export market, but had been diverted and counterfeit duty paid labels stuck on the rear. Mr Samra was requested to produce invoices or receipts to cover the purchase of the illicit bottles by 14th March, 2014, however to date he had not submitted these, or made contact with Trading Standards to offer any explanation.

In concluding, Mr King stated that should the Sub-Committee be minded not to revoke or suspend the premises licence, they could consider including additional conditions to the licence. A full list of the proposed conditions had been circulated to all parties prior to the meeting.

Reference was made by Mr Aleheart in relation to the assault to a thirteen year old girl in May, 2013, in particular, that he had concerns that the allegation had been highlighted in the application for review of the premises licence, considering the allegation had taken place over twelve months ago. In responding, Mr King reported that the information had been received from West Midlands Police in February, 2014, however Mr Samra did fail the alcohol test purchase exercise undertaken on 5th March, 2014 that resulted in a sale being made.

Ms K Turley then presented the representations of West Midlands Police and in doing so informed the Sub-Committee that the Police had carried out checks on the Police systems and there had not been recent reports of crime or disorder at the premises or anti social behaviour attributed to the premises.

Ms Turley further stated that the sale of alcohol to a minor was a serious matter and supported the recommendations made by Trading Standards.

Detective Inspector Bird then presented her representations as she was the investigation officer for the assault of a thirteen-year-old girl in May, 2013, following the consumption of alcohol alleged to have been purchased at the premises. It was reported that the delays in commencing the investigating was due to the time in which the victim reported the assault.

Mr Aleheart referred to the alcohol test purchase exercise in July, 2013, two months following the assault, where there was no sale made, therefore it was evident that there were measures in place at the premises. He stated that the review of the premises licences was a licensing matter and that it was incorrect to link the assault and sale of alcohol together. In responding Detective Inspector Bird reported that although she considered that there was a link between the thirteen-year-old girl and the premises, she was unable to produce the evidence to the Sub-Committee.

Mr Aleheart made reference to the three successful test purchase exercises and the historic complaints received in 2011 and 2012, and in responding, Mr Wintrip stated that the application for review was balanced and included both positive and negative information in respect of the premises.

Reference was made to the proposed conditions, and Mr Aleheart asked Trading Standards if they considered that imposing the conditions, and additional conditions proposed by Mr Samra, would address the concerns raised. In responding, Mr Wintrip stated that the conditions depended on Mr Samra imposing the conditions correctly.

In responding to a question by a member in relation to the seizure of counterfeit alcohol in July, 2013 and the possible sanctions; Trading Standards confirmed that the manufacturer of the alcohol would not provide information, as the alcohol was genuine, therefore Trading Standards applied for a review of the premises licence. It was also noted that despite requests made to Mr Samra to provide information in relation to the purchase of the counterfeit goods, he had failed to do so.

In responding to a question by the Legal Advisor, Detective Inspector Bird stated that the CCTV at the premises had not been reviewed in relation to the assault in May, 2013, as the incident was historic, therefore was referred to Licensing.

Mr Aleheart then presented the case, on behalf of Mr Samra, and in doing so informed the Sub-Committee that it was accepted that there had been some failings and referred to the purchase of counterfeit goods, in particular, that although the alcohol was genuine, it had been purchased from a man who had entered the premises. It was noted that Mr Samra had a ultra-violet machine that projected a fluorescent light to identify UK Duty Stamps; and Mr Samra believed the bottles to be genuine but did admit that he had made a mistake.

Mr Aleheart reported that he had produced a credited training manual and record for staff and referred to various sections in the Licensing Act 2003, in particular, that there should be an appropriate response in order to promote the Licensing Objectives.

In concluding, Mr Aleheart stated that Mr Samra had accepted that he had made a mistake and was willing to do everything he could do to maintain his business.

In responding to a question by Mr King, Mr Samra confirmed that he had purchased the second batch of counterfeit goods from a van, in order to compete with other businesses, as it was cheaper, and it was evident that customers had stopped purchasing alcohol at the retail price in between the two seizures.

Reference was made to the lack of entries in the Refusals Register, and Mr Samra confirmed that the register had been overlooked and although refusals were made they were not logged.

In responding to comments made in relation to Mr Samra's failure to provide receipts to Trading Standards for the counterfeit alcohol, Mr Samra confirmed that the purchases were cash sales only, and that he submitted his receipts to his accountant on a quarterly basis.

In responding to a question by a member in relation to the sale of alcohol to a test purchase volunteer on 5th March, 2014, Mr Samra stated that he had been distracted as he was writing a stock record. Mr Samra acknowledged the health impacts on children who consumed alcohol.

The Legal Advisor made reference to the complaint received in 2011 by a Council employee who claimed that their child had been sold at the premises whilst underage; Mr Samra denied the sale had taken place as the staff would question customers, and stated that he had recently installed a till-prompt system that prompted staff members to challenge customers that appeared underage. Mr Samra also denied selling alcohol to a sixteen year old in May, 2013, and confirmed that he had CCTV installed at the premises.

In responding to a question by the Legal Advisor, Mr Samra confirmed that he could implement the conditions suggested immediately.

In responding to a question by the Chair, Mr Samra confirmed that there were three members of staff at the premises.

In summing up, Mr King, on behalf of Trading Standards, stated that the actions of Trading Standards had been proportionate considering the complaints received for the premises, and the main priority was to ensure that children were safe.

In summing up, Mr Aleheart, on behalf of Mr Samra, reiterated his comments made previously, and stated that there had been no prosecutions in respect of the counterfeit alcohol and the decision made by the Sub Committee should be a proportionate response to the issues raised. Mr Aleheart suggested that the conditions proposed would address the concerns raised, and that should Mr Samra breach the conditions he would be brought back to the Sub-Committee which could result in his premises licence being revoked.

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, following careful consideration of the information contained in the report submitted, and as reported at the meeting, Mr P Samra be removed as the Designated Premises Supervisor in respect of the premises known as the Convenience Store/Liquor World, Bromley Lane, Halesowen.

The conditions listed below will also be attached to the premises licence.

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 record 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 Licence 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 the age of 18, shall be refused service.
- (10) All alcohol purchased for sale on the premises must only be purchased from a recognised, reputable and traceable wholesaler.

- (11) All alcohol purchased for sale on the premises must be covered by a receipt. The receipt will be on headed notepaper bearing the name, address and contact number of the supplier together with their VAT and company registration number where appropriate. These receipts will be kept in a file for a minimum of 2 years and must be made available for inspection, on demand, by an officer of a responsible authority.
- (12) A personal licence holder will be present at the premises before 09:00 and after 15:00 at all times that the premises are open to members for licensable activities.
- (13) No alcoholic drinks will be purchased from sellers calling at the premises.
- (14) A strict stock control system will be introduced so that the licensee can quickly identify where and when alcoholic drinks have been purchased.
- (15) An ultra-violet light will be available at the premises for the purpose of checking the UK Duty Stamp on all spirits as soon as practicable after they have been purchased.
- (16) If any of the spirits purchased have UK Duty Stamps which do not fluoresce under ultra-violet light or are otherwise suspicious, the licensee shall identify the supplier to the Trading Standards department and/or HMRC as soon as possible.
- (17) An electronic point of sale (EPOS) till system shall be used for all sales of alcohol with a prompt to remind staff members to check the age of the person attempting to purchase the alcohol.

Reasons for Decision

This review is brought by Trading Standards, as a result of an underage sale to a test purchaser, aged fifteen, on 5th March, 2014. Previous test exercises in 2012 and 2013 have not resulted in a sale. However, the sale on 5th March, 2014 was made by the Premises Licence Holder and Designated Premises Supervisor Mr Pubhinder Samra. Upon inspection there were no entries in the stores refusal register. He says he has now installed till software to prompt questioning of potential purchases.

In addition, on 25th July, 2013 Trading Standards found nine bottles of vodka on the premises which had evaded duty and should not be sold in UK premises. Despite having those bottles confiscated, and being given a warning notice, a further fourteen bottles of vodka were found on the premises on 5th March, 2014. These again had counterfeit duty labels on them. Mr Samra has not produced receipts for any of the bottles to prove that he purchased them from a reputable wholesaler. He did not have them and bought alcohol “out of the back of a van”.

The Police have given evidence that a fifteen year old girl has stated that a sixteen year old friend who was known to the store, purchased alcohol and plied her with it. Mr Samra denies knowing this sixteen year old or making sales in December, 2011 and January, 2012 to young persons.

Mr Samra admitted that he purchased vodka from sources which did not give him proper receipts in order to make a profit and undercut competitors. He did this twice. He also admitted that he had not kept proper accounts for these purchases. Further he admitted that he was distracted when he made the underage sale in March 2014 as he was completing a stock record.

The Sub-Committee finds that although Mr Samra has made proposals today to attach conditions to his licence, to address some of these concerns, he has not managed the business and purchase and sale of alcohol responsibly to protect the public and children.

The Sub-Committee therefore takes the step of removing Mr Samra as the Designated Premises Supervisor. A new Designated Premises Supervisor will need to be appointed to manage the licence responsibly. The Sub-Committee accepts the imposition of the conditions put forward by trading standards, together with the additional six put forward by Mr Samra. It finds that these do address the issue of underage sales and the purchase of alcohol with counterfeit labels.

The meeting ended at 2.20 pm.

CHAIR

Licensing Sub-Committee 3 – 22nd July 2014

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, Category C machines, in respect of The Grange, Grange Road, Dudley, West Midlands, DY1 2AW.

Background

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

Playing of Recorded

Monday to Sunday	07.00 – 01.30
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Live Music

Monday to Sunday	14.00 – 00.00
Bank Holiday Monday & Good Friday	14.00 – 00.00
Christmas Eve and New Years Eve	20.00 – 02.00

Sale of Alcohol

Monday to Sunday	11.00 – 02.00
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Christmas Eve and New Years Eve	11.00 – 03.00
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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 9th May, 2014, Recaf Equipment Limited made application for the grant of a licensed premises Gaming Machine Permit for 3, Category C machines. A site plan was also received highlighting the proposed position of all 3 machines. The application together with the site plan has been circulated to Committee members and interested parties.
 5. The current licence holder of the premises licence is Kerryman Pub Co Limited. The premises currently holds a notification for up to 2 machines.
 6. 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

7. There are no financial implications.

Law

8. Pursuant to schedule 13, section 283 of the Gaming Act 2005 the Council can grant a licensed premises gaming machine permits.
9. 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
10. 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.
11. 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
12. 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
13. 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
14. 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

15. This report complies with the Council's policy on equal opportunities.
16. The licensing of premises and individuals will impact on children and young people through their attendance at licensed premises.

17. There has been no consultation or involvement of children and young people in developing these proposals.

Recommendation

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



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DIRECTOR OF CORPORATE RESOURCES

Contact Officer: Mrs L Rouse
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List of Background Papers

None

Licensing Sub-Committee 3 - 22nd July 2014

Report of the Director of Corporate Resources

Application for a Premises Licence

Purpose of Report

1. To consider the application for the grant of a premises licence in respect of Lovi's, 164 High Street, Quarry Bank, West Midlands, DY5 2AF.

Background

2. On the 19th May 2014 an application was received from Bhupinder Jit Singh Lakra, in respect of the premises known as Lovi's, 164 High Street, Quarry Bank, West Midlands, for the grant of a new premises licence. 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 of £100.00
 - Consent of proposed premises supervisor
4. The application for a premises licence is as follows:

Sale of Alcohol.

Monday to Saturday inc	09.00 until 22.00
Sundays	10.00 until 22.00

5. Confirmation that copies of the application form and supporting documentation have been served on the relevant authorities has been received.
6. Letters making representations have been received from 5 individual Local Residents. Representations have also been received from local residents in the form of a petition. 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 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. 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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DIRECTOR OF CORPORATE RESOURCES

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List of Background Papers