

**Minutes of the Licensing Sub-Committee 3  
Tuesday, 21st February 2023 at 10.45 am  
In Conference Room 9, Saltwells Education Development  
Centre, Bowling Green Road, Netherton, Dudley**

**Present:**

Councillor A Taylor (Chair)  
Councillors K Finch and T Creed

**Officers: -**

N Slym – Assistant Team Manager - Licensing and Waste Enforcement (Directorate of Public Realm), R Clark – Principal Solicitor and K Buckle - Democratic Services Officer (Directorate of Finance and Legal).

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**12. Apologies for absence**

No apologies were submitted for this meeting of the Sub-Committee.

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**13. Appointment of Substitute Members**

There were no substitute members for this meeting of the Sub-Committee.

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**14. Declarations of Interest**

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

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15. **Minutes**

**Resolved**

That the minutes of the meetings held on 20th December 2022, be approved as a correct record and signed.

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16. **Exclusion of the Public**

**Resolved**

That the public and press be excluded from the meeting for the following item of business on the grounds that it involves the likely disclosure of exempt information relating to any individual(s) as defined in Part I of Schedule 12A to the Local Government Act, 1972, as amended.

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17. **Application for Review of a Premises Licence – News Express (The Wine Cellar), 15-17 Abbey Road, Gornal, Dudley.**

A report of the Interim Director of Public Realm was submitted for the review of the premises licence in respect of News Express (The Wine Cellar), 15-17 Abbey Road, Gornal Wood.

The following persons were in attendance at the meeting: -

A Singh – Premises Licence Holder and Designated Premises Supervisor  
D Dadds LLP – Barrister A Singh's representative.  
K Turley – West Midlands Police  
R Jones – Enforcement Officer (Trading Standards)  
M Beesley – Senior Trading Standards Officer (Environmental Health and Trading Standards)  
K Maan – Principal Trading Standards Officer (Environmental Health and Trading Standards)

Following introductions, the Assistant Team Manager - Licensing and Waste Enforcement presented the report on behalf of the Council who advised that an application for review of the premises licence was received from Environmental Health and Trading Standards on 3rd January 2023, on the grounds of breaches to the licensing objectives in relation to the prevention of crime and disorder and the protection of children from harm.

It was noted that there were six letters from local residents in support of the premises.

It was reported that the premises had been the subject of a review by the Sub-Committee previously on 28<sup>th</sup> June 2022. As result of that review the following conditions had been applied to the premises licence:

- (1) Closed Circuit television (CCTV) is to be installed at the premises. This shall be capable of retaining images for 30 days. CCTV images must be made available for playback in store to the Police or Council Licensing Officers at any time the store is open. CCTV images must be provided to the Police or Council Licensing Officers within 48 hours of a GDPR compliant request.
- (2) A member of staff capable of operating the CCTV and downloading and/or playing images shall be present at the premises at all times when it is open.
- (3) A challenge 25 policy shall be operated at the premises.
- (4) All staff selling age restricted products shall be given training in the promotion of the licencing objectives and the challenge 25 policy. Refresher training shall be provided at least every six months. A record of training shall be maintained and retained for a period of at least three years. Copies of training records shall be provided to Council Licensing Officers within 48 hours of a request being made for them.
- (5) A log shall be kept detailing all refused sales of alcohol. The log must include the date and the time of the refused sale and the name of the member of staff who refused the sale. The log shall be retained for a period of three years. Copy of the refusal log shall be provided to Council Licensing Officers within 48 hours of a request being made for it.

R Jones presented the facts of the case referring to the breach in relation to the prevention of crime and disorder and the protection of children from harm, under the Licensing Act 2003, that had resulted in the application being made for the review of the premises licence.

Details of the underage purchase were noted, and R Jones referred to the recommendations of Environmental Health and Trading Standards.

K Turley then presented representations on behalf of West Midlands Police advising that the recommendations of Environmental Health and Trading Standards were supported.

Following questions and responses, Mr Dadds presented the case on behalf of Mr A Singh and in doing so advised that the application for the review of the premises licence should be considered on its own merits. It was stated that the premises in question consisted of a small shop with Mr A Singh being present for the majority of the time on the shop premises with one other in his employment.

It was noted that the employee who had sold the product to an underage purchaser had been dismissed as a result and there were no objections to a further condition being applied to the premises licence that the former employee be excluded from the premises.

It was accepted that Mr A Singh was under an obligation to provide training to his employees, and it was noted that there was a robust system of training in place as referred to in the additional information provided by Mr Dadds which outlined the monthly training regime that continued to take place.

The evidence of Mr G Hicks, Licensing Consultant at Raven Consultants was referred to and it was noted that although that evidence related to the underage sale it was incoherent and Members agreed that the audio evidence was inaudible.

Members noted that Challenge 25 training had been provided to Mr P Singh, there were posters throughout the business premises in relation to the Challenge 25 policy, and sophisticated software had been installed to the cashiers till prompting shop assistants to request identification as part of Challenge 25 policy.

Mr Dadds asserted that no offence whatsoever had been committed by Mr A Singh.

As appropriate further responses were provided to questions from Officers and Members.

All parties were given the opportunity to sum-up their cases. The parties then withdrew from the meeting in order to enable the Sub-Committee to determine the application for review.

The Sub-Committee having made their decision invited the parties to return and the Solicitor then outlined the decision.

## **Resolved**

That following careful consideration of the information contained in the report submitted and the information presented at the meeting, the following additional condition numbered (6) be applied to the premises licence operating schedule in respect of the premises known as News Express (The Wine Cellar), 15-17 Abbey Road, Gornal Wood:-

Mr. Parvittar Singh is excluded from the premises known as News Express (The Wine Cellar), 15-17 Abbey Road, Gornal Wood, Dudley.

## **Reasons for the Decision**

On balance of probabilities, the sub-committee believed that the test purchaser was unlikely to have not stated his age correctly, and the audio recording was so poor, that this could not be confirmed either way.

Nevertheless, the seller did not follow best practice and did not ask for proof of age, for a purchaser who appeared to be under 25 on the video recording viewed by the sub-committee. The seller has been dismissed.

The sub-committee had seen good evidence that the premises license holder and Designated Premises Supervisor (DPS) had implemented training and updates for his staff, had installed an efficient till prompt system, had maintained training records, has operated a 'refusals register' and had displayed challenge 25 posters. The sub-committee was satisfied that the specific seller did not follow this training and these procedures, despite his training.

The sub-committee was therefore satisfied that the premises licence holder had fulfilled his responsibilities, and therefore takes no steps to revoke the licence or remove the DPS. It has however found that the imposition of the proposed condition did address the issues raised by this review and places that condition into the operating schedule. of the premises licence. This condition was offered by the premises license holder, as a means of avoiding any future confusion about Mr Parvitter Singh returning to the premises in any capacity.

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The meeting ended at 12.25pm

CHAIR