



## **Licensing Sub-Committee 1**

**Tuesday, 29<sup>th</sup> December, 2015 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 24<sup>th</sup> November, 2015 as a correct record
5. Application to Vary a Premises Licence – Spar 48, Castle Street, Coseley
6. Application to Vary a Premises Licence – The St John's Service Station, St John's Road, Stourbridge

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

**Strategic Director Resources and Transformation**

**Dated: 11<sup>th</sup> December, 2015**

#### **Distribution:**

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

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## **Minutes of the Licensing Sub-Committee 1**

**Tuesday 24<sup>th</sup> November, 2015 at 10.00 am**  
**in the Council Chamber, The Council House, Dudley**

### **Present:-**

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

### **Officers:-**

R Clark (Principal Solicitor), L Rouse (Licensing Clerk) and K Taylor (Democratic Services Officer) – All Resources and Transformation Directorate.

#### 20      **Declarations of Interest**

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

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#### 21      **Minutes**

##### **Resolved**

That the minutes of the meeting of the Sub-Committee held on 20<sup>th</sup> October, 2015, be approved as a correct record and signed.

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#### 22      **Application for Grant of a New Premises Licence – Dudley Booze Ltd, 47 Wolverhampton Street, Dudley**

A report of the Strategic Director Resources and Transformation was submitted on an application for the grant of a premises licence in respect of the premises known as Dudley Booze Ltd, 47 Wolverhampton Street, Dudley.

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

Mr R Singh Madian – Applicant  
Mr H Somal – Representative  
Mr J Williams – Objector on behalf of residents

Following introductions, the Licensing Clerk presented the report on behalf of the Council. It was noted that objections had been received from three residents and comments from Trading Standards.

Mr Williams then presented his representations on behalf of local residents, and in doing so referred to the number of shops selling alcohol in close proximity to the premises resulting in parking problems for customers and residents, and the number of police incidents within the area caused by excessive alcohol consumption and drug-taking. Mr Williams also expressed concerns regarding the selling of alcohol later on a Friday and Saturday, which could cause additional problems.

Mr Somal, on behalf of the applicant, responded to comments made by Mr Williams, and in doing so stated that the number of shops and the nuisance that already existed was irrelevant to the application and not directly linked to the premises.

Mr Somal responded to questions asked by Members, and in doing so confirmed that Mr Madian had successfully completed his personal licence training, and that the premises was Mr Madian's first off-licence which would primarily sell wine. It was also noted that there were double yellow lines outside the premises, however there were limited parking spaces nearby for residents and customers.

Reference was made to the CCTV footage recorded in store, and Mr Somal confirmed that Mr Madian would be agreeable to extend the storage time of footage from fourteen days to twenty-eight days.

In summing up, Mr Williams reiterated his comments made previously and expressed his concerns of the number of shops in the area that already sold alcohol.

In summing up, Mr Somal on behalf of the applicant, stated that the objections presented were not relevant to the application submitted as they were not directly linked to the premises and that there had been no evidence to support the concerns raised.

Following all comments, the Legal Advisor stated that the Sub-Committee must be satisfied that the representations made today related to the Licensing Objectives and the premises. He stated that the representations in regards to the number of outlets selling alcohol in the area, was not a relevant consideration under the licensing legislation and guidance, and that the nuisance could not be linked to the sale of alcohol from the premises. It was also noted that there had not been any representations submitted by West Midlands Police or Highways on the application submitted.

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 grant of a premises licence in respect of Dudley Booze Ltd, 47 Wolverhampton Street, Dudley, be approved, in the following terms: -

### Sale of Alcohol

Monday – Thursday	12.00 – 23.30
Friday & Saturday	12.00 – 00.00
Sunday	12.00 – 23.30

### Reasons for Decision

This is an application for a new premises licence for Dudley Booze Limited.

The applicant is Dudley Booze Ltd and Mr Rameshwar Singh Madian is the proposed Designated Premises Supervisor. He attended the Sub-Committee today with a representative.

Mr Williams attended on behalf of local residents. He highlighted the existence of about 10 shops selling alcohol within 300 yards and parking problems. He also highlighted alleged drug taking problems on the street which had led to a recent fight. The lateness of the terminal hour on the application was also a concern. The applicant confirmed that the original intention was to trade to 1.00am on Friday and Saturday, but that in response to concerns expressed by the police, the terminal hour had been brought back to midnight on those days.

The Sub-Committee has some sympathy with the representations about the number of outlets selling alcohol in the area, but this is not a relevant consideration for this Sub-Committee under the licensing legislation and guidance. Further concerns about alleged drunkenness and drug taking in the area cannot be linked to the sale of alcohol from these specific premises, and it is noted that the police have not made any representations about crime or disorder resulting from these premises. This is an application for a new premises licence.

The proposed Designated Premises Supervisor confirmed that he had been through the training for a personal licence. The business plan was to be an off-licence primarily, and would focus on selling wine. The applicant confirmed that there were double yellow lines outside the shop but parking bays nearby, together with separate residents parking.

The Sub-Committee heard today that the CCTV footage created by cameras in the store will be stored for 28 days for viewing upon request by an officer of a responsible authority. The Sub-Committee therefore takes the step on imposing the maintenance of CCTV footage for 28 days as a condition of the licence, in substitution for the current 14 days.

The Sub-Committee therefore grants the application as sought today, there being no representations giving grounds for refusing it. The Sub-Committee is satisfied that the operating schedule demonstrates that the licensing objectives will be upheld.

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23      **Application for Grant of a New Premises Licence – 31 Market Street, Kingswinford**

It was noted that the application had been withdrawn prior to the meeting.

The meeting ended at 10.50 am

CHAIR

**Licensing Sub-Committee 1 – 29<sup>th</sup> December 2015.**

**Report of the Strategic Director Resources and Transformation**

**Application to Vary a Premises Licence**

**Purpose of Report**

- 1 To consider the application for variation of the premises licence in respect of the premises known as Spar 48, Castle Street, Coseley, West Midlands, WV14 9EP.

**Background**

- 2 The Spar, 48 Castle Street, Coseley, was first issued with a premises licence on the 26<sup>th</sup> September 2005, that licence was subsequently transferred on the 15<sup>th</sup> January 2015.
- 3 The current premises licence is issued for the following:

<b>Supply of Alcohol</b>	<b>Monday to Saturday</b>	<b>08:00</b>	<b>23:00</b>
<b>Supply of Alcohol</b>	<b>Sunday</b>	<b>10:00</b>	<b>22:30</b>
<b>Supply of Alcohol</b>	<b>Good Friday</b>	<b>08:00</b>	<b>22:30</b>
<b>Supply of Alcohol</b>	<b>Christmas Day</b>	<b>12:00</b>	<b>15:00</b>
<b>Supply of Alcohol</b>	<b>Christmas Day</b>	<b>19:00</b>	<b>22:30</b>

- 4 The current premises licence holder is A F Blakemore & Son Ltd (Trading as Blakemore Retail).
- 5 On the 3<sup>rd</sup> November 2015, Lanyon Bowdler, Solicitors, made application for the variation of the premises licence in respect of the Spar, 48 Castle Street, Coseley..

The application for variation of licence is as follows:

### **Sale of Alcohol**

<b>Supply of Alcohol</b>	<b>Monday to Saturday</b>	<b>06:00</b>	<b>23:00</b>
<b>Supply of Alcohol</b>	<b>Sunday</b>	<b>06:00</b>	<b>23:00</b>

**The nature of the application is to extend opening/licensing hours of the store and to remove the embedded restrictions inherited from the Licensing Act 1964 which relate to Good Friday and Christmas Day.**

- 6 Confirmation that copies of the application form and supporting documentation have been served on the relevant authorities has been received.
- 7 Objections to the application have been received from a Ward Councillor, copies of those objections have been circulated to the applicant, Committee Members and interested parties in accordance with the Licensing Act 2003.
- 8 Comments have also been received from the West Midlands Police copies of which have also been forwarded to the Applicant, Committee Members and Interested parties in accordance with the Licensing Act 2003.
- 9 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**

- 10 There are no financial implications.

### **Law**

- 11 The law relating to the granting of applications to vary premises licences is governed by the Licensing Act 2003, part 3, section 34.
- 12 Pursuant to section 35(3)(a) of the Licensing Act 2003, where a relevant authority has made representations, the Licensing Authority must:-
  - Hold a hearing to consider item, unless the authority, the applicant and each person who has made such representations agree that a hearing is unnecessary, and,



- Having regard to the representations, take such of steps mentioned in subsection (4) (if any) as it considers appropriate for the promotion of the licensing objectives.
  - The steps are:-
  - To modify the conditions of licence;
  - To reject the whole or part of the application.
- 13 Pursuant to Section 36(1) and (4) of the Licensing Act 2003 where an application (or any part of an application) is granted or rejected under Section 35 of the Licensing Act 2003, the Licensing Authority must immediately give notice to that effect to :-
- the applicant;
  - any person who made relevant representations in respect of the application and
  - the Chief Officer of Police for the police area in which the premises are situated.
- 14 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.
- 15 In pursuance of schedule 5, section 4 if the Licensing Authority refuse to grant the application vary the premises licence, there is a right of appeal to the Magistrates' Court.
- 16 In pursuance of schedule 5, section 4(2) where the Licensing Authority grant an application to vary a premises licence in whole or in part. The applicant may appeal against any decision to modify the conditions of the licence under subsection 4(a) of section 35 of the Licensing Act 2003.
- 17 In pursuance of schedule 5 section 4(3) where a person who made relevant representations to the application desires to contend:-
- a) that any variation made ought not to have been made, or
  - b) that, when varying the licence, the Licensing Authority ought not to have modified the conditions of the licence, or ought to have modified it in a different way, under subsection 4(a) of section 35 of the Licensing Act.

They have the right of appeal to the Magistrates' Court.

### **Equality Impact**

- 18 This report complies with 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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### **Strategic Director Resources and Transformation**

Contact Officer: Mrs L Rouse  
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Email: [liz.rouse@dudley.gov.uk](mailto:liz.rouse@dudley.gov.uk)

### **List of Background Papers**

None

**Licensing Sub-Committee 1 – 29<sup>th</sup> December 2015**

**Report of the Strategic Director Resources and Transformation**

**Application to Vary a Premises Licence**

**Purpose of Report**

- 1 To consider the application for variation of the premises licence in respect of the premises known as The St John's Service Station, St John's Road, Stourbridge, West Midlands, DY8 1ET.

**Background**

- 2 The St John's Service Station was first issued with a premises licence on the 30<sup>th</sup> July 2008, that licence was subsequently transferred on the 4<sup>th</sup> November 2015, with effect from the 30<sup>th</sup> October 2015.
- 3 The current premises licence is issued for the following:

<b>Late Night Refreshment</b>	<b>Monday to Sunday</b>	<b>23:00</b>	<b>05:00</b>
<b>Supply of Alcohol</b>	<b>Monday to Sunday</b>	<b>06:30</b>	<b>23:00</b>

- 4 The current premises licence holder is Mr Kumar Pavan Sharma.
- 5 On the 30<sup>th</sup> October 2015, RB Retail and Licensing Services Limited, made application on behalf of Mr Kumar Pavan Sharma for the variation of the premises licence in respect of the St John's Service Station, St John's Road, Stourbridge, West Midlands.

The application for variation of licence is as follows:

Variation of Licensable activities.

**Supply of Alcohol**

Monday to Sunday 06.00 until 02.00

To Amend the retail layout of the premises.

Confirmation that copies of the application form, revised plan of the premises and supporting documentation have been served on the relevant authorities has been received.

- 6 Objections to the application have been received from a Ward Councillor a copy of those objections/representations have been circulated to the Applicant, Committee Members and interested parties in accordance with the Licensing Act 2003.
- 7 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**

- 8 There are no financial implications.

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- 9 The law relating to the granting of applications to vary premises licences is governed by the Licensing Act 2003, part 3, section 34.
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  - Hold a hearing to consider item, unless the authority, the applicant and each person who has made such representations agree that a hearing is unnecessary, and,
  - Having regard to the representations, take such of steps mentioned in subsection (4) (if any) as it considers appropriate for the promotion of the licensing objectives.
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### **List of Background Papers**

None