

Minutes of the Licensing Sub-Committee 2

Tuesday 12th- July, 2016 at 10.00 am
in the Council Chamber, The Council House, Dudley

Present:-

Councillor E Taylor (Chair)
Councillors C Bayton and C Elcock

Officers:-

R Clark – Solicitor (Chief Executive Directorate), L Rouse – Licensing Clerk (Place Directorate) and K Buckle, Democratic Services Officer (Chief Executive Directorate).

1. Apology for absence

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

2 Appointment of Substitute Member

It was noted that Councillor C Elcock had been appointed as a substitute member for Councillor A Taylor for this meeting of the Committee only.

3 Declarations of Interest

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

4 Minutes

Resolved

That the minutes of the meeting of the Sub-Committee held on 19th April, 2016, be approved as a correct record and signed.

Application for Grant of New Premises Licence – Kents Tuck Inn, 2 The Arcade, Upper Gornal, Dudley.

A report of the Strategic Director Place was submitted on an application for the grant of a new premises licence in respect of Kents Tuck Inn, 2 The Arcade, Upper Gornal, Dudley.

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

Mr B Singh Cheema – Applicant's Spouse.
Councillor D Perks – Objector

Also in attendance:-

Councillor D Birch – Conservative Deputy Leader, Bracknell Forest Council – Observer.

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

It was noted that representations had been received from a Ward Councillor and two local residents.

Arising from further discussions Members expressed concerns that the Applicant was not present and no authority had been received to state that the Applicant's spouse could represent her.

Resolved

The application for the grant of a new premises licence in respect of Kents Tuck Inn be deferred, for the reasons given below.

Reasons for the Decision

This is an application for the grant of a new premises license, specifically to use the premises as an off license, with hours of 11am to 11pm Monday to Saturday and 4pm to 11pm on Sundays. These are the opening hours of the existing shop, which sells fast food (fish and chips).

Mrs. Jasbinder Cheema made the application on 24th May. Her proposal is that Mr. Balvinder Singh Cheema is to become the Designated Premises Supervisor.

Mrs. Cheema did not attend committee today. Her Husband attended, and stated that he was to represent her today. The committee however was not satisfied that the applicant was not present, and

there was no written authority from the applicant for her husband to represent her. The committee therefore deferred the application for the applicant herself to attend.

6 **Application for Review of a Premises Licence – Bargain Booze (AKA Costcutter), Dibdale Road, Milking Bank, Dudley.**

A report of the Strategic Director Place was submitted on an application for a review of the premises licence in respect of Bargain Booze (AKA Costcutter), Dibdale Road, Milking Bank, Dudley.

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

Mr A Singh Grewal – Premises Licence Holder
Mr B Kaulwell – Store Manager
Mr G Wintrip – Trading Standards
PC A Baldwin – West Midlands Police
Miss K Turley – West Midlands Police

Also in attendance:-

Councillor D Birch – Conservative Deputy Leader, Bracknell Forest Council – Observer.

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

Mr Wintrip then presented the facts of the case relating to the prevention of crime and disorder and the protection of children from harm under the Licensing Act 2003 which had resulted in the application being made for a review of the premises licence. It was explained that on 29th April, 2016 a test purchase had been carried out at the premises and on that occasion a child test purchaser had been sold scrumpy jacks cider with the seller making no attempt to ask the age of the volunteer, or for identification.

The Premises Licence Holder circulated the Register of Refusals of the Sale of Alcohol to Members for inspection purposes and it was noted that the Register was up to date.

In responding to a question from a Member, Mr A Singh Grewal, the Premises Licence holder responded stating that the member of staff responsible for the sale had been interviewed and formally disciplined and that all staff were fully trained in relation to the implications of selling alcohol to those who were under the statutory age and those who were intoxicated. It was also noted that upon a three monthly basis flyers were forwarded to all members of staff reminding them of those responsibilities.

In summing up Mr A Singh Grewal advised that the sale of alcohol referred to above had not been unacceptable and he would continue to do everything in his power to adhere to practices, advising staff of the implications of selling alcohol to those who under the statutory age together the financial implications on those involved including possible job losses.

The parties then withdrew from the meeting 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 consideration of the information contained in the report submitted and presented at the meeting, the following conditions be applied to the premises licence in respect of Bargain Booze (AKA Costcutter), Dibdale Road, Milking Bank, Dudley.

The Licensing Authority be requested to visit Bargain Booze (AKA Costcutter), Dibdale Road, Miking Bnak, Dudley within the preceding three months to ensure that the conditions were being adhered to.

Conditions

- (1) 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.
- (2) 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.
- (3) 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 a 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.
- (4) Any person who is suspected of purchasing alcohol for any person under age, shall be refused service.

Mr A Singh Grewal was informed of his right to appeal the decision of the Sub-Committee.

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Transfer of Premises Licence and Variation of Designated Premises Supervisor – Local 201, Stourbridge Road, Halesowen

A report of the Strategic Director Place was submitted on an application for the review of the premises licence and variation of designated premises supervisor in respect of Local 201, Stourbridge Road, Halesowen.

The following persons attended the meeting in relation to the application:-

Mr B Nota – Applicant
PC A Baldwin – West Midlands Police
Miss K Turley – West Midlands Police

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

PC Baldwin outlined the reasons for their objections to the application and it was noted that Mr Nota was currently on bail until 16th September, 2016 when he was due to attend Court.

Mr Nota confirmed that he was currently on bail until 16th September, 2016 but stated that the only outstanding charge was that of failing to provide a breath specimen.

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

- (1) That, consideration of this application be deferred pending the outcome of the court hearing in relation to the Applicant on 16th September, 2016.
- (2) That a further meeting of this Sub-Committee, comprising the same Members including the substitute serving at this meeting, be held on Tuesday 20th September, 2016 to determine the application.

Reason for the Decision

This is an application dated 2nd June 2016 for transfer of an existing premises license from Mr. Satnam Singh Sandhu to Baiant Nota of 15 Springfield Road, Oldbury. Mr. Sandhu is also the current

Designated Premises Supervisor and it is intended that Baiant Nota will also become the new Designated Premises Supervisor. A representation has been made by the West Midlands police opposing the transfer application, based on the fact that Mr. Baiant Nota is not a fit person.

The police evidence was that on 22nd May 2016 he was charged with driving when uninsured and failing to give a breath test. He was not charged with a threatened assault on a police officer but this is recorded as a police marker. He is on court bail to 16th September 2016. The threatening behaviour was reported from the time he was detained in police cells and he allegedly made offensive and homophobic comments.

Mr. Nota denied that he was charged with threatening behaviour, and stated that it was not mentioned on his bail conditions. He also stated that the insurance details were later provided and this issue had also been resolved. The police confirmed that there was a note indicating this on their file. Thirdly he stated that the breath specimen could not be given, having tried very hard to give one, and he stated that this was due to a heart condition. No information was provided about why he did not give a urine or blood sample. He believed that he was initially “pulled over” due to his private number plates only.

Mr. Nota stated that he had one premise in Oldbury that is very successful. Previously he had been an area manager for Dominos Pizzas. This transfer was due to Mr. Nota purchasing the business from Mr. Sandhu as a going concern.

Having heard all of this evidence, the committee is not in a position to make a determination, until the matter has been concluded by the court. Until that point, the committee is not in possession of enough information to make a decision as to whether he is a fit person to hold a premises license.

The matter is therefore deferred for a decision in the first committee after 16th September 2016.

The meeting ended at 12.40 pm

CHAIR

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