

LICENSING SUB-COMMITTEE 4

TUESDAY 27TH AUGUST, 2013

AT 10.00 AM
COMMITTEE ROOM 2
COUNCIL HOUSE
PRIORY ROAD
DUDLEY

If you (or anyone you know) is attending the meeting and requires assistance to access the venue and/or its facilities, could you please contact Democratic Services in advance and we will do our best to help you

KAREN TAYLOR
DEMOCRATIC SERVICES OFFICER
Internal Ext – 8116
External – 01384 818116
E-mail – Karen.taylor@dudley.gov.uk

You can view information about Dudley MBC on
www.dudley.gov.uk

The logo for Dudley Metropolitan Borough Council features the word "Dudley" in a large, bold, sans-serif font. A thick, black, curved line arches over the top of the letters "d", "u", and "d". Below the word "Dudley", the words "Metropolitan Borough Council" are written in a smaller, black, sans-serif font.

Dudley
Metropolitan Borough Council

IMPORTANT NOTICE

MEETINGS IN DUDLEY COUNCIL HOUSE

Welcome to Dudley Council House

In the event of the alarm sounding, please leave the building by the nearest exit. There are Officers who will assist you in the event of this happening, please follow their instructions.

There is to be no smoking on the premises in line with national legislation. It is an offence to smoke in or on these premises.

Please turn off your mobile phones and mobile communication devices during the meeting.

Thank you for your co-operation.

Your ref:

Our ref:
KT

Please ask for:
Karen Taylor

Telephone No.
01384 818116

15th August, 2013

Dear Member

Meeting of Licensing Sub-Committee 4 – Tuesday 27th August, 2013

You are requested to attend a meeting of Licensing Sub-Committee 4 to be held on Tuesday 27th August, 2013 at 10.00 am in **Committee Room 2** at the Council House, Priory Road, Dudley, West Midlands, DY1 1HF to consider the business set out in the Agenda below.

The agenda and reports for this meeting can be viewed on the Council's internet site www.dudley.gov.uk and follow the links to Meetings and Decisions.

Yours sincerely



Director of Corporate Resources

A G E N D A

1. APOLOGIES FOR ABSENCE

To receive apologies for absence from the meeting.

2. APPOINTMENT OF SUBSTITUTE MEMBERS

To report the appointment of any substitutes for this meeting of the Committee.

3. DECLARATIONS OF INTEREST

To receive declarations of interest in accordance with the Members' code of conduct.

4. MINUTES

To approve as a correct record and sign the minutes of the meeting held on 18th June, 2013 (copy attached).

5. APPLICATION FOR REVIEW OF PREMISES LICENCE – NICK'S CONVENIENCE STORE (ALSO KNOWN AS COSTCUTTER), 71 BATH STREET, SEDGLEY (PAGES 1 – 5)

To consider a report of the Director of Corporate Resources.

6. APPLICATION FOR REVIEW OF PREMISES LICENCE – SUPER STOP, 135 PRIORY ROAD, DUDLEY (PAGES 6 - 12)

To consider a report of the Director of Corporate Resources.

7. APPLICATION FOR HOUSE TO HOUSE COLLECTIONS LICENCE – FORCES SUPPORT (RECYCLING SOLUTIONS (NORTH WEST) LIMITED) (PAGES 13 - 15)

To consider a report of the Director of Corporate Resources.

8. TO ANSWER QUESTIONS UNDER COUNCIL PROCEDURE RULE 11.8 (IF ANY).

Distribution

Councillors: Roberts (Chair) Perks Woodall

LICENSING SUB-COMMITTEE 4

Tuesday 18th June, 2013 at 10.20 am
in the Council Chamber, The Council House, Dudley

PRESENT:-

Councillor Roberts (Chair)
Councillors Bills and Russell

Officers: -

Mr R Clark (Legal Advisor), Mrs L Rouse (Licensing Clerk) and Mrs K Taylor – All Directorate of Corporate Resources.

1 APOLOGIES FOR ABSENCE

Apologies for absence from the meeting were received on behalf of Councillors Perks and Woodall.

2 APPOINTMENT OF SUBSTITUTE MEMBERS

It was reported that Councillors Bills and Russell had been appointed as substitute Members for Councillors Perks and Woodall respectively for this meeting of the Sub-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 26th February, 2013, be approved as a correct record and signed.

5 APPLICATION FOR REVIEW OF PREMISES LICENCE –
CORNER STORES, 36 BROMSGROVE ROAD, HALESOWEN

A report of the Director of Corporate Resources was submitted on an application for the review of the premises licence in respect of Corner Stores, 36 Bromsgrove Road, Halesowen.

Mr T Rehman, Designated Premises Supervisor was in attendance at the meeting together with his Solicitor, Mr Samra.

Also in attendance were Mr C King, Principal Trading Standards Officer and Mr G Wintrip, Age Restricted Products Enforcement Officer, both from the Directorate of the Urban Environment, Ms D McNulty, office of Public Health; and WPC N Lees and a colleague from West Midlands Police.

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

It was noted that additional paperwork had been submitted to the Sub-Committee prior to the meeting on behalf of Mr Rehman. Following a discussion, concerns were raised in regard to the timescale of the submission of the paperwork, however all parties agreed to allow Mr Samra, on behalf of Mr Rehman, to summarise the contents.

Mr Samra then proceeded to outline the contents of the additional paperwork and in doing so stated that Mr Rehman was residing at the premises and operated a family run business.

Mr Samra referred to an anomaly within the statement provided by Mr Wintrip that dated the sale as 10th February 2013 and not 10th April 2013. Mr Wintrip confirmed that this was a typing error and should read 10th April, 2013.

Mr Samra further stated that Mr Rehman was agreeable to the conditions submitted by Trading Standards and the West Midlands Police, and that he understood his obligations under the Licensing Objectives. It was further noted that Mr Rehman had implemented measures such as operating a Challenge 25 policy and the posters displayed; the installation of a CCTV system and a refusals register.

Mr King referred to the refusals register that had been implemented and the CCTV system, in particular whether Mr Rehman could validate the entries on the refusals register via the CCTV. Mr Rehman stated that although CCTV had been installed it was not currently recording; however this could be arranged within a week.

Mr King presented the representations of Trading Standards and in doing so highlighted that the grounds for 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 with respect to the sale of alcohol to children.

Mr King informed the Sub-Committee that on 10th April, 2013, a sixteen year old 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 on 1st June, 2011, an alcohol test purchase exercise had been undertaken at the premises which did not result in a sale being made.

On 22nd November, 2012, an officer from Trading Standards carried out a visit to the premises and spoke to Mr Rehman. The purpose of the visit was to provide advice in relation to preventing underage sales of age restricted products, information in respect of acceptable proof of age and the importance of keeping a refusals register. Mr Rehman was provided with an information pack that included an advice booklet, a Challenge 25 poster, a refusals register, which had been signed and dated before handing over, a poster about proof of age and a sample Proof of Age Standards Scheme card. He was also requested to ensure that all staff were aware of their obligations under the Licensing Act 2003, Mr Rehman also signed a form to acknowledge receipt of the information pack during the visit.

Mr King further stated that on 10th April, 2013, Trading Standards together with West Midlands Police, carried out a test purchasing exercise to determine compliance with the law on the sale of alcohol to children. On that occasion, a sixteen year old male test purchaser volunteer purchased a 500ml can of Woodpecker Cider with 3.5% alcohol by volume. The seller made no attempt to ask the age of the volunteer, and did not ask for identification.

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 Rehman.

On inspection of the premises, it was noted that there was a "Valid I.D" poster displayed near to the register but there were no other Age Restricted Products posters displayed. Following a request by officers Mr Rehman stated that he did not have a Refusals Register despite being issued with one during the visit on 22nd November, 2012. Mr Rehman was then issued with a Fixed Penalty Notice.

A full list of proposed additional conditions, which had been suggested by Trading Standards, had been circulated to all parties prior to the meeting.

Mr King further stated that a request had been made prior to the meeting by Mr Samar to look at the picture of the test purchase volunteer given that Mr Rehman considered the volunteer to look eighteen due to the child's significant height (6ft 8in). Mr King stated that this request had been refused in accordance with policy however it would be available to the Sub-Committee if they wished to view the photograph. The Sub-Committee agreed to look at the picture in view of this being an issue presented by Mr Rehman.

Following the representations of Trading Standards, Councillor Bills highlighted the importance of operating a Refusals Register, in particular that it should remain by the register at all times in order to enter any refusals immediately.

Ms McNulty then presented the representations on behalf of Ms V Little, Director of Public Health, which had been circulated to all parties in accordance with the Licensing Act 2003. She made particular reference to the number of well-documented impacts on the health of adolescents as a consequence of alcohol consumption.

It was noted that in the opinion of Ms Little, she considered the sale of alcohol to underage young people to be very serious and supported the recommendation to revoke or suspend the premises licence.

WPC Lees 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 that there were no recent intelligence in relation to underage sales at the premises or any problems with the premises such as anti-social behaviour or incidents of crime.

Mr Samar then presented his case on behalf of Mr Rehman and in doing so stated that although Mr Rehman could not remember receiving the advice booklet on 22nd November, 2013 he did accept that he had signed the acknowledgement form.

Mr Samar further stated that Mr Rehman accepts that the sale had taken place, and referred to the previous test purchase exercise which had taken place on 1st June, 2011 which did not result in a sale being made.

It was noted that Mr Rehman had implemented measures to the premises such as keeping a refusals register, and by informing his wife and daughter, who work at the premises, of the Challenge 25 policy.

Reference was made to the proposed additional conditions that had been submitted by Trading Standards, where Mr Rehman confirmed that he was in agreement with the proposals.

In responding to a question by the Legal Advisor, Mr Samar confirmed that Mr Rehman was operating under Challenge 18 during the time of the sale, and considered the test purchase volunteer to be eighteen considering his height and appearance.

In responding to a question by the Chair, Mr Samar confirmed that Mr Rehman would be attending a training course in August.

Reference was made to Mr Rehman's comments in regard to the test purchase volunteer, Mr King stated that although he was tall, he still looked sixteen, and stated that it is not the intention to trick premises by 'employing' volunteers who appeared older than sixteen.

Concerns were raised in regard to the entries on the refusals register, which had commenced in May, 2013, in particular that the register was not in chronological order.

In responding to a question by the Chair, all parties confirmed that they had a fair hearing.

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, the premises licence issued to Corner Stores, 36 Bromsgrove Road, Halesowen be suspended for a period of one month.

The following conditions will be applied 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 book 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' CCTV shall be reviewed 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 other person, regardless of age, shall be refused service.

REASONS FOR DECISION

This is a review of a premises licence, brought by Trading Standards, as a result of a failed test purchase on 10th April, 2013. Mr Rehman admits today that he made the sale to a sixteen year old, and has said that he was sorry for his mistake. Mr Rehman states that since the test purchase, he has taken steps to ensure that his family business has adopted the challenge 25 Policy, maintains a refusals register, and other steps in order to meet the conditions proposed by Trading Standards and the Police.

Mr Rehman presented the new refusals register, started on 11th May 2013, as evidence that he is complying with the proposed conditions. The (newly purchased) CCTV however is not recording and so Trading Standards could not confirm the entries in the new register. However, the dates on the register are not in chronological order, despite Mr Rehman stating that entries were made at the point of the attempted purchase. The Sub-Committee does not accept the possible explanations given for this. The Sub-Committee is therefore not satisfied that it can rely on the new register as an accurate record of attempted purchase refusals, and therefore, it is vital that CCTV is recording for twenty-eight days in these premises, to allow Trading Standards and West Midlands Police to monitor and review sales in the premises. This is particularly to ensure that young people are protected.

The Sub-Committee is also not satisfied with the description of the test purchaser, given in evidence today. Regardless of how tall he was and how old he may have appeared, Mr Rehman described him as wearing baggy clothes and as having straggly hair that partially obscured his face. The photograph presented by Trading Standards dated 10th April, 2013, three hours before the test purchase, clearly shows that his clothes were not baggy and his hair was short. Mr Rehman's evidence was therefore not accurate.

Mr Rehman has agreed to accept the conditions proposed. This is to his credit. The Sub-Committee therefore agrees and impose those conditions. However, the Sub-Committee has decided to suspend the premises licence for a period of one month. This decision is taken because the Sub-Committee is not satisfied that Mr Rehman has been totally truthful in his evidence today. Further, the period of one month is to allow Mr Rehman to ensure that his CCTV is recording, that those recordings are available for twenty-eight days, and that Trading Standards or West Midlands Police are able to access them and are satisfied (in accordance with all of the conditions regarding CCTV) that the system is operating to protect young persons from underage sales. The Sub-Committee also takes these steps, having heard evidence from Public Health about the impact of underage drinking.

6 APPLICATION FOR A LICENSED PREMISES GAMING MACHINE PERMIT – THE LUTLEY OAK, 327 STOURBRIDGE ROAD, HALESOWEN

A report of the Director of Corporate Resources was submitted on an application for the grant of a licensed premises gaming machine permit for three machines in respect of the Lutley Oak, 327 Stourbridge Road, Halesowen.

Ms L Bayliss, Account Manager from Gamestec was in attendance at the meeting.

It was noted that the Designated Premises Supervisor was not in attendance and notification had not been received.

Following a further discussion it was

RESOLVED

That, in view of the Designated Premises Supervisor non-attendance, the application received for the grant of a licensed premises gaming machine permit in respect of the Lutley Oak, 327 Stourbridge Road, Halesowen, be deferred to a future meeting of a Sub-Committee.

7 APPLICATION FOR HOUSE TO HOUSE COLLECTIONS LICENCE – FORCES SUPPORT (RECYCLING SOLUTIONS (NORTH WEST) LIMITED)

A report of the Director of Corporate Resources was submitted to consider an application for the grant of a House to House Collections Licence in respect of Recycling Solutions North West Limited on behalf of the charity known as Forces Support.

It was noted that the applicant was not in attendance and notification of the non-attendance was received.

RESOLVED

That, the grant of a House to House Collections Licence in respect of Recycling Solutions North West Limited be deferred to a future meeting of a Sub-Committee when the applicant shall attend the meeting.

The meeting ended at 12.15 pm

CHAIR

Licensing Sub-Committee 4 – 27th August 2013

Report of the Director of Corporate Resources

Application for Review of a Premises Licence

Purpose of Report

1. To consider the application for the review of the premises licence in respect of Nick's Convenience Store also known as Costcutter, 71 Bath Street, Sedgley, DY3 1LS.

Background

2. Nick's Convenience Store was first issued with a premises licence on the 14th September 2005. That licence was subsequently transferred the 5th January 2012.
3. The current premises licence is issued for the following:-

Sale of Alcohol	Monday to Saturday	08.00 – 23.00
	Sundays	10.00 – 22.30
	Good Friday	08.00 – 22.30
	Christmas Day	12.00 – 15.00
	Christmas Day	19.00 – 22.30
4. On the 3rd July 2013, an application for the review of the premises licence was received from the Trading Regulation and Enforcement Manager. A copy of that application has been circulated to Committee Members and interested parties in accordance with the Licensing Act 2003.
5. The Council has advertised the application for review of the premises licence in accordance with Licensing Regulation S1, 2004, No 42, Section 38. A copy of that notice is attached to this report as Appendix 1.
6. Confirmation that the application has been served on the premises licence holder and relevant authorities has been received.
7. On the 15th July 2013 the West Midlands Police made representations. A copy of that report has been circulated to Committee members, interested parties and the premises licence holder.

8. On the 15th July 2013 the Director of Public Health made representations. A copy of that report has been circulated to Committee members, interested parties and the premises licence holder.
9. The current premises licence holder is Mr N Gill.
10. 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

11. There are no financial implications.

Law

12. The law relating to the review of licences is governed by the Licensing Act 2003 Section 52(1).

Determination of application for review

52(1) This section applies where:-

- a) The relevant licensing authority receives an application made in accordance with section 51,
 - b) the applicant has complied with any requirement imposed on him under subsection (3)(a) or (d) of that section, and
 - c) the authority has complied with any requirement imposed on it under subsection (3)(b) or (d) of that section
13. Before determining the application, the authority must hold a hearing to consider it and any relevant representations.
 14. The authority must, having regard to the application and any relevant representations, take such of the steps mentioned in subsection (4) (if any) as it considers appropriate for the promotion of the licensing objectives.
 15. The steps are -
 - a) to modify the conditions of the licence;
 - b) to exclude a licensable activity from the scope of the licence;
 - c) to remove the designated premises supervisor;
 - d) to suspend the licence for a period not exceeding three months;
 - e) to revoke the licence;

and for this purpose the conditions of the licence are modified if any of them is altered or omitted or any new condition is added.

16. Subsection (3) is subject to sections 19,20 and 21 (requirement to include certain conditions in premises licences).
17. Where the authority takes a step mentioned in subsection (4) (a) or (b) it may provide that the modification or exclusion is to have effect for only such period (not exceeding three months) as it may specify,
18. In this section “relevant representations” means representations which -
 - (a) are relevant to one or more of the licensing objectives, and
 - (b) meet the requirements of subsection (8).
19. The requirements are -
 - (a) that the representations are made –
 - (i) by the holder of the premises licence, a responsible authority or an interested party, and
 - (ii) within the period prescribed under section 51(3)(c)
 - (b) that they have not been withdrawn, and
 - (c) if they are made by an interested party (who is not also a responsible authority), that they are not, in the opinion of the relevant licensing authority, frivolous or vexatious.
20. Where the relevant licensing authority determines that any representations are frivolous or vexatious, it must notify the person who made them of the reasons for that determination.
21. Where a licensing authority determines an application for review under this section it must notify the determination and its reasons for making it to -
 - a) the holder of the licence
 - b) the applicant
 - c) any person who made relevant representations, and
 - d) the chief officer of police for the police area (or each police area) in which the premises are situated.
22. A determination under this section does not have effect -
 - a) until the end of the period given for appealing against the decision, or
 - b) if the decision is appealed against, until the appeal is disposed of
23. Pursuant to schedule 5 part 1, section 8(2)

24. An appeal may be made against the decision of the committee by –
- a) the applicant for the review
 - b) the holder of the premises licence or
 - c) any other person who made relevant representations in relation to the application for review.

Equality Impact

25. This report takes into account the Council's policy on equal opportunities.
26. The licensing of premises and individuals will impact on children and young people through their attendance at licensed premises.
27. There has been no consultation or involvement of children and young people in developing these proposals.

Recommendation

28. That the Sub-Committee determine the review of the premises licence in respect of Nick's Convenience Store, 71 Bath Street, Sedgley, DY3 1LS.



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DIRECTOR OF CORPORATE RESOURCES

Contact Officer: Mrs. L Rouse
Telephone: 01384 815377
Email: liz.rouse@dudley.gov.uk

List of Background Papers

DUDLEY METROPOLITAN BOROUGH COUNCIL

www.dudley.gov.ukREVIEW OF PREMISES LICENCE
UNDER THE LICENSING ACT 2003

Notice of Review of the Premises Licence issued to
Costcutter/Nick's Convenience Store, 71, Bath Street, Sedgley,
DY3 1LS.

Interested parties and relevant authorities may make
representations in writing to the Licensing Office, Law and
Governance, 5 Ednam Road, Dudley, West Midlands, DY1 1HL
between 4th July 2013 and 31st July 2013.

The Review of Licence has been requested by a relevant authority
on the grounds of

- Prevention of crime and disorder
- Protection of children from harm

The details of the grounds for review may be inspected at the
Licensing Offices (address as above) between the hours of 9.00
am and 4.30pm (Monday to Friday except Public Holidays).

It is an offence knowingly or recklessly to make a false statement
in connection with an application and the maximum fine for which a
person is liable on summary conviction for the offence is £5,000.



P J Tart
Director of Corporate Resources

Licensing Sub-Committee 4 – 27th August 2013

Report of the Director of Corporate Resources

Review of a Premises Licence

Purpose of Report

1. To consider the application for the review of a premises licence in respect of Super Stop, 135 Priory Road, Dudley, West Midlands.

Background

2. On the 18th December 2008, an application was received from Kenyon Son & Craddock Solicitors in respect of the premises known as 135 Priory Road, Dudley, West Midlands.

3. The application had the following documents enclosed:-

- Plan of the premises
- Correct fee of £100.00
- DPS Consent form

4. The application for a premises licence was as follows:-

To allow the sale of alcohol

Monday – Sunday 07.00 - 23.00

Copies of the application form and supporting documentation were served on the relevant authorities.

5. Following receipt of the application on the 18th December 2008, the premises licence was granted on the 14th January 2009, this being the closing date for objections.
6. The Licensing office contacted the Applicant's Solicitors as a copy of the newspaper advertisement had not been received and therefore the licence could not be issued.

7. On the 27th January 2009, a petition was received from local residents. On receipt of the petition the Applicant's Solicitor was again contacted by the Licensing office, as it was imperative that the Licensing office had sight of the advert, as that was proof of the closing date for objections.
8. The Applicant's Solicitors informed the Licensing office that they had mistakenly put the closing date on the newspaper advertisement as the 28th January 2009 therefore the premises licence was cancelled and the matter referred to the sub-committee as objections had been received to the application by local residents.
9. A copy of the petition received from local residents concerning public nuisance was circulated to the Committee Members, interested parties and the Applicant in accordance with the Licensing Act 2003.
10. This matter was considered by the Licensing Sub-Committee on the 17th February 2009. The Committee resolved that the application be granted as follows:-

Sale of Alcohol

Monday – Sunday 07.00 – 23.00

All conditions set out as in the operating schedule only

11. That licence was subsequently transferred on the 25th January 2011 into the name of Mr Tilak Raj.
12. On the 13th September 2012, the Trading Regulation & Enforcement Manger made application for the review of the premises licence in respect of 135 Priory Road, Dudley, West Midlands. A copy of that application was circulated to the Committee Members and interested parties.
13. The Council advertised the application for review of the premises licence in accordance with Licensing Regulation S1, 2004, No 42, Section 38.
14. Confirmation that the application had been served on the relevant authorities and the premises licence holder was received.
15. This matter was considered by the Licensing & Safety Sub-Committee on the 30th October 2012. The Committee resolved that subject to the following conditions being applied to the premises licence that no further action be taken in relation to the review of the premises licence.

A Challenge 25 policy will be operated at the premises whereby any individual attempting to purchase alcohol who appears to be under 25 years of age will be asked to provide valid identification to prove they are 18 years or older. All staff must be made aware of this policy.

Valid proof of identification only to 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.

Publicity materials notifying customers of the operation of the "Challenge 25" scheme shall be displayed at the premises, including a "Challenge 25" sign of at least A4 size at each point of sale.

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.

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 check the book once a week ensuring it is completed and up-to-date. The Premises Licence Holder will sign the book each time it is checked. This book shall be made available for inspection by an Officer of the Trading Standards Department and/or the Police.

CCTV to be in place at the premises 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 within 24 hours.

The premises CCTV shall be reviewed 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 the Trading Standards Department and/or Police. All staff are to be trained to work the CCTV and are able to download when required to do so and the cameras are to be operational during working hours.

No supply of alcohol may be made under the premises licence at a time when the Designated Premises Supervisor does not hold the Level 2 Award for Designated Premises Supervisors. Proof of qualification shall be provided to the Police and/or an Officer of the Trading Standards Department upon request.

All persons engaged to sell alcohol will have completed a training programme which included a written test to verify the competency of that person prior to them being authorised to sell alcohol.

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.

A file shall be maintained at the premises for each person authorised to sell alcohol. This file shall contain all training records for each person along with copies of monthly reviews as stated in point 10. This file shall be available for inspection to an Officer of the Trading Standards Department and/or Police upon request.

16. On the 3rd July 2013, an application for a further review of the premises licence was received from the Trading Regulation and Enforcement Manager. A copy of that application has been circulated to Committee Members and interested parties in accordance with the Licensing Act 2003.

17. The Council has advertised the application for review of the premises licence in accordance with the Licensing Regulation S1, 2004, No 42, Section 38. A copy of that notice is attached to this report as Appendix 1.
18. Confirmation that the application has been served on the premises licence holder and relevant authorities has been received.
19. On the 23rd July, 2013 the West Midlands Police made representations. A copy of that report has been circulated to Committee members, interested parties, the applicant and premises licence holder.
20. 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

21. There are no financial implications.

Law

22. The law relating to the review of licences is governed by the Licensing Act 2003 Section 52(1).

Determination of application for review

52(1) This section applies where:-

- a) The relevant licensing authority receives an application made in accordance with section 51,
 - b) the applicant has complied with any requirement imposed on him under subsection (3)(a) or (d) of that section, and
 - c) the authority has complied with any requirement imposed on it under subsection (3)(b) or (d) of that section
23. Before determining the application, the authority must hold a hearing to consider it and any relevant representations.
 24. The authority must, having regard to the application and any relevant representations, take such of the steps mentioned in subsection (4) (if any) as it considers appropriate for the promotion of the licensing objectives.
 25. The steps are -
 - a) to modify the conditions of the licence;
 - b) to exclude a licensable activity from the scope of the licence;
 - c) to remove the designated premises supervisor;

- d) to suspend the licence for a period not exceeding three months;
- e) to revoke the licence;

and for this purpose the conditions of the licence are modified if any of them is altered or omitted or any new condition is added.

- 26. Subsection (3) is subject to sections 19, 20 and 21 (requirement to include certain conditions in premises licences).
- 27. Where the authority takes a step mentioned in subsection (4) (a) or (b) it may provide that the modification or exclusion is to have effect for only such period (not exceeding three months) as it may specify,
- 28. In this section “relevant representations” means representations which -
 - (a) are relevant to one or more of the licensing objectives, and
 - (b) meet the requirements of subsection (8).
- 29. The requirements are -
 - (a) that the representations are made –
 - (i) by the holder of the premises licence, a responsible authority or an interested party, and
 - (ii) within the period prescribed under section 51(3)(c)
 - (b) that they have not been withdrawn, and
 - (c) if they are made by an interested party (who is not also a responsible authority), that they are not, in the opinion of the relevant licensing authority, frivolous or vexatious.
- 30. Where the relevant licensing authority determines that any representations are frivolous or vexatious, it must notify the person who made them of the reasons for that determination.
- 31. Where a licensing authority determines an application for review under this section it must notify the determination and its reasons for making it to -
 - a) the holder of the licence
 - b) the applicant
 - c) any person who made relevant representations, and
 - d) the chief officer of police for the police area (or each police area) in which the premises are situated.

32. A determination under this section does not have effect -
- a) until the end of the period given for appealing against the decision, or
 - b) if the decision is appealed against, until the appeal is disposed of

Pursuant to schedule 5 part 1, section 8(2)

An appeal may be made against the decision of the committee by –

- a) the applicant for the review
- b) the holder of the premises licence or
- c) any other person who made relevant representations in relation to the application for review.

Equality Impact

- 33. This report takes into account the Council's policy on equal opportunities.
- 34. The licensing of premises and individuals will impact on children and young people through their attendance at licensed premises.
- 35. There has been no consultation or involvement of children and young people in developing these proposals.

Recommendation

- 36. That the Sub-Committee determine the review of the premises licence in respect of Super Stop, 135 Priory Road, Dudley, West Midlands.



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DIRECTOR OF CORPORATE RESOURCES

Contact Officer: Mrs. L Rouse
Telephone: 01384 815377
Email: liz.rouse@dudley.gov.uk

List of Background Papers

DUDLEY METROPOLITAN BOROUGH COUNCIL

www.dudley.gov.uk

REVIEW OF PREMISES LICENCE
UNDER THE LICENSING ACT 2003

Notice of Review of the Premises Licence issued to Superstop,
135, Priory Road, Dudley, DY1 4EH.

Interested parties and relevant authorities may make representations in writing to the Licensing Office, Law and Governance, 5 Ednam Road, Dudley, West Midlands, DY1 1HL between 4th July 2013 and 31st July 2013.

The Review of Licence has been requested by a relevant authority on the grounds of

- Prevention of crime and disorder

The details of the grounds for review may be inspected at the Licensing Offices (address as above) between the hours of 9.00 am and 4.30pm (Monday to Friday except Public Holidays).

It is an offence knowingly or recklessly to make a false statement in connection with an application and the maximum fine for which a person is liable on summary conviction for the offence is £5,000.



P J Tart
Director of Corporate Resources

Licensing Sub-Committee 4 – 27th August 2013

Report of the Director of Corporate Resources

Application for House to House Collections Licence

Forces Support (Recycling Solutions (North West) Limited)

Purpose of Report

1. To consider the application for the grant of a House to House Collections Licence in respect of Recycling Solutions North West Limited on behalf of the charity known as Forces Support.

Background

2. On 3rd April 2013, James Cook of Recycling Solutions North West Limited made application for a House to House Collections Licence in respect of the charity Forces Support. A copy of that application has been forwarded to Committee members and interested parties.
3. In January 1999, the Licensing Section in accordance with the Neighbouring Authorities Working Group introduced a policy requiring all House to House Collection applicants to submit income and expenditure accounts for the previous financial year.
4. In recent years applications for House to House Collections have been received from independent commercial companies undertaking collections on behalf of specific charities. Therefore in November 2009, the Council introduced a further policy that applicants for House to House Collection Licences be required to submit with the application income and expenditure accounts for the previous financial year of the charity for which the collection is being made and also for the company or organisation making the collection. This is to ensure that a substantial amount of the monies collected are used for charitable purposes. A copy of those accounts have been circulated to Committee Members and interested parties.
5. Copies of the application were circulated to the West Midlands Police and the Directorate of the Urban Environment (Highways). These agencies raised no objections to the application.

6. This matter was due to be considered by the Licensing Sub-Committee 4 on the 18th June 2013. The Committee resolved at the request of the applicant that the matter be deferred.
7. This report has a direct link to the Council's policy for safety as the principal reason for submission is safeguarding the public.

Finance

8. There are no financial implications.

Law

9. House to house collection permits are governed by Section 2 of the House-to-House Collections Act 1939.
10. The Council may refuse to grant a licence or where a licence has been granted may revoke it if it appears to the Authority:-
 - (a) that the total amount likely to be applied for charitable purposes as the result of the collection (including any amount already so applied) is inadequate in proportion to the value of the proceeds likely to be received (including any proceeds already received).
 - (b) that remuneration which is excessive in relation to the total amount aforesaid is likely to be, or has been, retained or received out of the proceeds of the collection by any person.
 - (c) that the grant of a licence would be likely to facilitate the commission of any offence under section three of the Vagrancy Act 1824, or that an offence under that section has been committed in connection with the collection.
 - (d) that the applicant or the holder of the licence is not a fit and proper person to hold a licence by reason of the fact that he has been convicted in the United Kingdom of any offences specified in the Schedule to this Act, or has been convicted in any part of His Majesty's dominions of any offence conviction for which necessarily involved a finding that he acted fraudulently or dishonestly, or of any offence of a kind the commission of which would be likely to be facilitated by the grant of a licence.
 - (e) that the applicant or the holder of the licence, in promoting a collection in respect of which a licence has been granted to him, has failed to exercise due diligence to secure that persons authorised by him to act as collectors for the purposes of the collection were fit and proper persons, to secure compliance on the part of persons so authorised with the provisions of regulations made under this Act, or to prevent prescribed badges or prescribed certificate of authority being obtained by persons other than persons so authorised.
 - (f) that the applicant or holder of the licence has refused or neglected by furnish to the authority such information as they may have reasonably

required for the purpose of informing themselves as to any of the matters specified in the fore-going paragraphs.

11. If the Committee refuse to grant a licence or revoke a licence which has been granted. There is a right of appeal within 14 days to the Secretary of State against the refusal or revocation of licence.

Equality Impact

12. This report takes into account the Council's policy on equal opportunities.
13. There has been no consultation or involvement of children and young people in developing these proposals.

Recommendation

14. That the Committee consider the applications for House to House Collections Licence in respect of Recycling Solutions (North West) Limited on behalf of the charity known as Forces Support.



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DIRECTOR OF CORPORATE RESOURCES

Contact Officer: Mrs. L. Rouse
Telephone: 01384 815377
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