

LICENSING SUB-COMMITTEE 3

Tuesday 24th September, 2013 at 10.10 am
In the Council Chamber, The Council House, Dudley

PRESENT:-

Councillor K Finch (Chair)
Councillors Perks and Taylor

Officers

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

17. APOLOGIES FOR ABSENCE

Apologies for absence from the meeting were submitted on behalf of Councillors Mrs Ameson and Sykes.

18. APPOINTMENT OF SUBSTITUTE MEMBERS

It was noted that Councillor Perks and Taylor were serving as substitute members for Councillor Sykes and Mrs Ameson for this meeting of the Sub-Committee only.

19. DECLARATIONS OF INTEREST

No member declared an interest in accordance with the Members' Code of Conduct.

20. MINUTES

RESOLVED

That the minutes of the meeting held on 20th August, 2013, be approved as a correct record and signed.

21. APPLICATION TO VARY A PREMISES LICENCE – THE FAMILY SHOPPER, SCHOOL HOUSE, CHURCH ROAD, NETHERTON

A report of the Director of the Corporate Resources was submitted on an application for variation of the premises licence in respect of The Family Shopper, School House, Church Road, Netherton, Dudley.

Mr B S Kooner, Applicant, and Mr D Hardy, Licensing Trade Solutions, were in attendance at the meeting.

Following introductions, Mrs L Rouse, Licensing Clerk, Directorate of Corporate Resources, presented the report on behalf of the Council including an objection submitted by a local resident, received on 29th August, 2013 and submitted to all parties prior to the hearing.

Mr Hardy presented the case on behalf of Mr Kooner, and in doing so stated that Mr Kooner requested an extension of hours in order to trade the same hours as the existing outlets in the area.

In responding to a question by a member in relation to the premises being previously known as Kwik Save, Mr Hardy referred to the objection received, in particular the mention of the premises selling cheap alcohol, and stated that Mr Kooner operated four businesses and did not want the name of the premises to be associated to alcohol. It was noted that due to Mr Kooner's pricing structure, the alcohol sold was more expensive than other retailers.

In responding to a question by the Chair in relation to how Mr Kooner would cope with incidents of anti-social behaviour; Mr Hardy circulated photographs of the refusals register and stated that the number of entries of the register identified that employees were diligent and assured the Sub-Committee that this would continue should the application be granted.

Reference was made to the objection received by a local resident, in particular Mr Hardy stated that if there were significant cases of crime and disorder from customers, or to the residential area, then there would have been a number of representations by the Police and residents.

Mr Hardy further stated that Mr Kooner had installed an expensive external and internal CCTV system, all employees were aware of proxy sales and staff training was undertaken on a regular basis.

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 made for the variation of the premises licence in respect of The Family Shopper, School House, Church Road, Netherton, Dudley, be approved, in the following terms: -

Sale of Alcohol

Monday – Sunday 07.00 – 23.00

REASONS FOR DECISION

This is an application to increase the hours for the sale of alcohol, from the current time of 9pm; seven days a week, to 11.00pm seven days a week.

There have been no representations from the Police, or any other relevant authority, but there has been a representation by one local resident. She did not attend the Sub-Committee to support her letter which was received on 29th August, 2013.

The Sub-Committee has considered the representation. It raises general concerns about nuisance late at night, as well as in the day, and about the number of drunk persons attracted to the vicinity of the property and cheap alcohol. The applicant has shown the Sub-Committee his refusals register for September, 2013, which shows a number of refusals for alcohol and cigarettes.

The applicant also states that his alcohol pricing structure means that the alcohol he sells is more expensive than other local shops, which are his competitors.

The Sub-Committee does not find that the objections raised by the local resident shows that the alcohol causing the alleged problems in the area is sold from this shop. The operating schedule appears to be appropriate.

The Sub-Committee therefore grants this application for an extension of hours.

22. HALESOWEN FARMERS AND CRAFT MARKET

A report of the Director of Corporate Resources was submitted on an application made by Mr S Evans on behalf of Bescott Promotions for the renewal of the consent to engage in street trading in Halesowen Town Centre, issued to the Halesowen Farmers and Craft Market.

It was noted that the applicant was not in attendance at the meeting, and a request had been received to defer the hearing.

RESOLVED

That consideration of the application made for the renewal of the consent to engage in street trading in Halesowen Town Centre, issued to the Halesowen Farmers and Craft Market, be deferred to a future meeting of a Sub-Committee.

23. APPLICATION FOR CONSENT TO ENGAGE IN STREET TRADING – MR J SINGH – HIGH STREET, DUDLEY

A report of the Director of the Corporate Resources was submitted on an application made by Mr J Singh for the grant of consent to engage in street trading to sell Chicken Tikka, Chicken Samosa, Curry, Chick Pea Curry, Curry Rice, Tikka Wraps, and Hot and Cold drinks between the hours of 8.00am and 5.00pm, Monday to Sunday in High Street, Dudley.

Mr J Singh, Applicant, and his representative, Mr H Singh were in attendance at the meeting.

Following introductions, Mrs L Rouse, Licensing Clerk, Directorate of Corporate Resources, presented the report on behalf of the Council.

Mr H Singh then presented the case, on behalf of Mr J Singh, and in doing so informed the Sub-Committee that Mr J Singh applied for the consent to engage in street trading to sell food that was not available in the market.

Reference was made to the representations received by various officers submitted to the Sub-Committee prior to the meeting, in particular that the sites suggested by Mr Singh was too busy to support another street trader. Mr H Singh responded that there were currently four traders between the sites suggested, and there was sufficient space.

At this juncture, the Legal Advisor informed Mr J Singh that construction work was due to take place in Dudley Market Place during 2014, and therefore most traders would be relocated during that period.

Mr H Singh stated that Mr J Singh understood the works to be undertaken, and that he was informed that he had to purchase his van prior to submitting the application, and therefore required employment to re-pay the borrowed amount.

Reference was made to the limited amount of space available within the High Street, Mr J Singh highlighted the distances between the traders currently on the High Street.

The parties then withdrew from the meeting in order to enable the Sub-Committee to determine the application.

During the decision-making, the Sub-Committee agreed to undertake a site visit to the High Street, Dudley in order to ascertain whether there would be space for an additional street trader.

The meeting re-convened at 12 pm, and the parties were invited to return. It was noted that Alan Radford, Technician Engineer, Directorate of Urban Environment was in attendance at the meeting.

Mr Radford informed the Sub-Committee that his main concern would be the potential obstruction in the area, and the sites suggested by Mr J Singh were congested by pedestrians and street furniture, which would increase should the application be granted due to the customers awaiting orders and additional space required by the trader.

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 made by Mr J Singh for the grant of consent to engage in street trading at a site in High Street, Dudley, opposite the Halifax building society, be approved.

REASONS FOR DECISION

The Sub-Committee has noted the officer's comments in relation to the two positions for which the applicant has sought a trading consent.

The Sub-Committee has made a site visit to the consent street, and decides that there is sufficient space for this applicant to trade at his second choice location, opposite the Halifax building society.

Meeting ended at 1.00 pm

CHAIR