

# **LICENSING SUB-COMMITTEE 3**

**TUESDAY 21<sup>st</sup> JANUARY, 2014**

**AT 10.00 AM  
COUNCIL CHAMBER  
COUNCIL HOUSE  
PRIORY ROAD  
DUDLEY**

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Your ref:

Our ref:  
KT

Please ask for:  
Karen Taylor

Telephone No.  
01384 818116

9<sup>th</sup> January 2014


Dear Member

**Meeting of Licensing Sub-Committee 3 – Tuesday 21<sup>st</sup> January, 2014**

You are requested to attend a meeting of Licensing Sub-Committee 3 to be held on Tuesday 21<sup>st</sup> January, 2014 at 10.00 am in the Council Chamber 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](http://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 3<sup>rd</sup> December, 2013 (copy attached).

5. APPLICATION FOR REVIEW OF PREMISES LICENCE – BEST WINE OFF-LICENCE, 4 CASTLE STREET, COSELEY (PAGES 1 – 5)

To consider a report of the Director of Corporate Resources.

6. APPLICATION FOR REVIEW OF PREMISES LICENCE – BROADSTONE CONVENIENCE STORE, TWO GATES, HALESOWEN (PAGES 6 – 13)

To consider a report of the Director of Corporate Resources.

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

**Distribution**

Councillors:	K. Finch (Chair)	Mrs Ameson	Sykes
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### **LICENSING SUB-COMMITTEE 3**

Tuesday 3<sup>rd</sup> December, 2013 at 10.55 am  
in the Council Chamber, The Council House, Dudley

#### **PRESENT:-**

Councillor K Finch (Chair)  
Councillors Bills and Russell

#### **Officers**

Miss N Bangar (Legal Advisor), Mrs L Rouse (Licensing Clerk) and Mrs K Taylor (Directorate of Corporate Resources).

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#### **24. APOLOGIES FOR ABSENCE**

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

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#### **25. APPOINTMENT OF SUBSTITUTE MEMBERS**

It was noted that Councillors Bills and Russell were serving as substitute members for Councillors Sykes and Mrs Ameson, respectively, for this meeting of the Sub-Committee only.

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#### **26. DECLARATIONS OF INTEREST**

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

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#### **27. MINUTES**

##### **RESOLVED**

That the minutes of the meeting held on 24<sup>th</sup> September, 2013, be approved as a correct record and signed.

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#### **28. APPLICATION FOR REVIEW OF PREMISES LICENCE – MICHAEL'S SUPERMARKET, 18 – 19 WOLVERHAMPTON STREET, DUDLEY**

A report of the Director of Corporate Resources was submitted on an application for the review of the premises licence in respect of Michael's Supermarket, 18 – 19 Wolverhampton Street, Dudley.

Mr C Singh, Premises Licence Holder, together with his Solicitor, Mr Curtis were in attendance at the meeting.

Also in attendance were Mr C King, Principal Trading Standards Officer, and Mr G Wintrip, Age Restricted Products Officer, both from the Directorate of the Urban Environment, Ms D McNulty, Public Health, and WPC's N Lees and K Turley, both Licensing Officers of West Midlands Police Authority.

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

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 27<sup>th</sup> September, 2013, a fifteen 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.

Mr King further reported that a Mr J Singh was the Designated Premises Supervisor.

It was noted that on 11<sup>th</sup> October, 2006 Dudley Trading Standards carried out a series of intelligence led test purchases of alcohol from licensed premises. On this occasion, the underage sale volunteers were sold one bottle of "Frosty Jack" White Cider by an employee of the then Licensee, Mr P Singh. The sale resulted in the prosecution of the seller.

It was further noted that on 30<sup>th</sup> July, 2008, there was a further test purchase failure. The underage sale volunteer was sold one bottle of WKD Blue by a Mr C Singh, who was believed to be the premises licence holder. This sale resulted in the prosecution of Mr Singh and Mr P Singh for the sale of alcohol.

On 7<sup>th</sup> April, 2011 an advisory visit was carried out at the premises, and a tobacco test purchase was conducted on 25<sup>th</sup> July, 2012 at the premises with no sale being made.

On 17<sup>th</sup> October, 2012, an advisory visit was undertaken at the premises to provide advice in relation to preventing underage sales of age restricted products. Mr C Singh, who was present at the time, was given detailed advice, including information in respect of acceptable proof of age and the importance of keeping a refusals register. Mr Singh was also provided with an information pack that included an advice booklet, a Challenge 25 poster, a refusals register, a poster about proof of age and a sample Proof of Age Standards Scheme card, and was asked to ensure that it was brought to the attention of all staff to ensure they were aware of their obligations under the Licensing Act 2003. It was reported that during the course of this visit, Mr Singh signed an ARP 0703 form to acknowledge receipt of the information pack.

On 18<sup>th</sup> September, 2013, an officer from Trading Standards carried out a further advisory visit to the premises and spoke to Mr C Singh again. The purpose of the visit was to provide advice in relation to preventing underage sales of age restricted products. It was reported that during the course of this visit, Mr Singh signed an ARP 0973 form to acknowledge that the visit had taken place.

Mr King further stated that on 27<sup>th</sup> September, 2013, Trading Standards together with West Midlands Police, carried out a test purchase at the premises to determine compliance with the law on the sale of alcohol to children. On that occasion, a fifteen year old male test purchaser volunteer purchased a 700ml bottle of WKD Iron Brew with 4% 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 a Miss R Johal, who was believed to be the daughter of Mr C Singh. When cautioned Miss Johal admitted that she had remembered making the sale.

On inspection of the premises, it was noted that there were several Age Restricted Products on display and a 'Challenge 25' policy in place.

Miss Johal was then issued with a Fixed Penalty Notice.

In concluding, Mr King stated that should the Sub-Committee be minded not to revoke or suspend the premises licence, they could consider including additional conditions to the licence. A full list of proposed additional conditions had been circulated to all parties prior to the meeting.

Ms McNulty then presented the representations 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 McNulty, the sale of alcohol to underage young people was considered to be very serious and supported the recommendation to revoke or suspend the premises licence.

Ms Turley then presented the representations of West Midlands Police and in doing so informed the Sub-Committee that on a regular basis people would enter the premises to purchase alcohol and drink the products in the town centre, which was a no drinking zone. It was noted that officers had previously attended the premises providing advice in relation to serving people who appeared to be intoxicated, however officers found staff members to be obstructive in allowing the CCTV to be viewed to either confirm or prove any offence.

Ms Turley further reported that West Midlands Police supported the recommendation to revoke the premises licence due to the recent underage sale and previous incidents.

Mr Curtis then presented the case on behalf of Mr Singh, and in doing so stated that that the premises was a family-run business, and that responsibility had been taken for the sale of alcohol to a child, which was evident through Mr Singh displaying notices in accordance with guidance notes that had been issued on 27<sup>th</sup> September, 2013.

Mr Curtis referred to the sale of alcohol on 27<sup>th</sup> September, 2013, in particular that Mr Singh and his wife left the premises to attend a wedding, and requested their daughter, Miss Johal, an experienced personal licence holder, to manage the premises in their absence.

Mr Curtis stated that Miss Johal did not distinguish the age of the test purchase volunteer or adopt the Challenge 25 policy, which was in place at the time.

Following the representations of West Midlands Police, Mr Curtis referred to the allegation made in respect of serving people who appeared to be intoxicated. He stated that there was insufficient evidence presented to support the allegation, and that Mr Wintrip had previously witnessed Mr Singh refuse a sale of alcohol to a drunken person.

Mr Curtis referred to the powers awarded to the Sub-Committee in relation to Mr Singh's premises licence, and stated that revocation of the licence would not be a proportionate response, given that previous incidents had taken place more than six years ago.

It was noted that Mr Singh had ensured that all staff members were aware of their responsibility in relation to Age Restricted Products, and that if the Sub-Committee were minded to attach the conditions suggested by Trading Standards, they would be sufficient to prevent any further mistakes.



In responding to a question, Mr Curtis confirmed that Mr P Singh was the elder brother of Mr C Singh, and was the licensee prior to Mr C Singh, and that Mr J Singh, the current Designated Premises Supervisor, was also his brother.

Further reference was made to the allegation made by West Midlands Police in relation to serving people alcohol who were intoxicated, in responding, Ms Turley stated that she was unable to provide further information due to the Sergeant who had provided a statement being unavailable.

Following a request made by a member, Mr Curtis circulated the Refusals Register.

In responding to a question by a member in relation to the condition of the CCTV installed at the premises; Mr Singh confirmed that the CCTV was in good working order and that the issues were due to some staff members not being trained to access the system.

In responding to a question by a member in respect of the proposed additional conditions submitted by Trading Standards, Mr Curtis outlined a number of conditions that he considered to be inappropriate to Mr Singh, however he accepted that the conditions were a matter for the Sub-Committee to determine.

Reference was made to comments made in respect of Miss Johal's responsibility as an experienced Personal Licence Holder; in responding, Mr Singh stated that Miss Johal deeply regretted the sale made to the child.

Following comments made by Trading Standards in respect of the entries made in the Refusals Register; Mr Singh confirmed that a previous Refusals Register could not be located due to recent refurbishments undertaken at the premises.

In responding to a question by the chair to sum up their cases; all parties confirmed that they did not have anything further to add, however Trading Standards reported that there were some concerns in respect of the incidents at the premises that were managed by the same family for a long period of time.

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 Michael's Supermarket, 18 – 19 Wolverhampton Street, Dudley, be suspended for a period of one month. Following completion of the conditions listed below, and notification given to the Licensing Officer, the suspension of the premises licence will be lifted.

The following conditions will be attached to the premises licence:

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#### 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 Licence Holder will take proportionate steps to review the premises CCTV 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

Following careful consideration of the information contained within the report and as reported at the meeting, the Sub-Committee have decided to suspend the premises licence for a period of one month.

The Sub-Committee will also attach the nine conditions as set out by Trading Standards.

Should these nine conditions be met and confirmed with the Licensing Officer before the expiration of the period of suspension, then the suspension will be lifted at that time.

The Sub-Committee is satisfied that implementation of the nine conditions will prevent the premises from further undermining the licensing objectives in particular the prevention of crime and disorder and the protection of children from harm.

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29. APPLICATION FOR HOUSE TO HOUSE COLLECTIONS LICENCE – ROYAL ORTHOPAEDIC HOSPITAL BONE TUMOUR SERVICE (ROHBTS) AND RECYCLING AND MANAGEMENT SERVICES LTD (R & MS LTD)

A report of the Director of Corporate Resources was submitted on an application for the grant of a House to House Collections Licence in respect of the Royal Orthopaedic Hospital Bone Tumour Service (ROHBTS) and Recycling and Management Services Ltd (R & MS LTD).

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

RESOLVED

- (1) That the application made for a street collection permit in respect of the Royal Orthopaedic Hospital Bone Tumour Service (ROHBTS) and Recycling and Management Services Ltd (R & MS LTD) be deferred to a future meeting of a Sub-Committee.
- (2) That the Licensing Clerk, be requested to write to the Applicant, informing them to contact the Licensing Office within fourteen days if they wished to proceed with the application, otherwise the application would then be withdrawn.

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Meeting ended at 11.55 am.

CHAIR

**Licensing Sub-Committee - 3 21<sup>st</sup> January 2014**

**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 Best Wine Off-Licence, 4 Castle Street, Coseley, West Midlands. WV14 9ES.

**Background**

2. Best Wine Off-Licence formerly known as Roseville Wines was first issued with a premises licence on the 11th July 2005, that licence was subsequently transferred on the 2<sup>nd</sup> August 2006, and again on the 23<sup>rd</sup> September 2013.

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 27<sup>th</sup> November 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 11<sup>th</sup> December 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 in accordance with the Licensing Act 2003.
8. The current premises licence holder is Mr B K Limachiya.
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 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
12. Before determining the application, the authority must hold a hearing to consider it and any relevant representations.
13. 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.
14. 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.

15. Subsection (3) is subject to sections 19, 20 and 21 (requirement to include certain conditions in premises licences).

16. 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,
17. 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).
18. 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.
19. 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.
20. 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.
21. 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
22. Pursuant to schedule 5 part 1, section 8(2)
23. 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**

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

### **Recommendation**

27. That the Sub-Committee determine the review of the premises licence in respect of Best Wine Off-Licence, 4 Castle Street, Coseley, West Midlands WV14 9ES.



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DIRECTOR OF CORPORATE RESOURCES

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### **List of Background Papers**



## DUDLEY METROPOLITAN BOROUGH COUNCIL

[www.dudley.gov.uk](http://www.dudley.gov.uk)REVIEW OF PREMISES LICENCE  
UNDER THE LICENSING ACT 2003

Notice of Review of the Premises Licence issued to Best Wine Off  
Licence, 4 Castle Street, Coseley, WV14 9ES.

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 28th November 2013 and 25th December 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

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**Licensing Sub-Committee 3 – 21<sup>st</sup> January 2014**

**Report of the Director of Corporate Resources**

**Application for review of Premises Licence**

**Purpose of Report**

1. To consider the application for the review of the premises licence in respect of the Broadstone Convenience Store, Two Gates, Halesowen, West Midlands, B63 2JR.

**Background**

2. On the 30<sup>th</sup> June 2005, an application was received from Cobbetts, Solicitors, in respect of The Broadstone Public House, Two Gates, Halesowen, to convert an existing licence into a premises licence and to vary the premises licence simultaneously.
3. Representations were received from The Directorate of the Urban Environment, and local residents.
4. This matter was considered by the Licensing Sub-Committee on the 31<sup>st</sup> August 2005. The Committee resolved that the premises licence be granted as follows:-

**Sale of Alcohol**

Monday - Thursday	10.00 – 00.00
Friday & Saturday	10.00 – 01.00
Sunday	10.00 – 00.00

**Regulated Entertainment:-**

Monday – Sunday
10.00 – 23.00
(recorded music)

Friday – Saturday
20.00 – 23.30
(live music)

**CONDITIONS**

All conditions set out as in the operating schedule, subject to the hours of opening  
Monday – Thursday and Sunday – 01.00, Friday and Saturday – 02.00

Regulated entertainment is not permitted outdoors.

The fitting of a sound-limiting device to restrict the level of music within the premises to the satisfaction of the Environment Health Officer.

The external drinking area shall not be used after 23.20 and will be cleared of all glassware by 23.30.

All doors and windows shall be kept closed during regulated entertainments.

The provision of acoustic cowls to extract vents serving the lounge area and bar area in the event that regulated entertainment is provided in the latter.

All exit doors within the premises to have signs asking customers to leave the premises quietly and respect local residents and their premises.

Signs in the car park to state:- No ball games, no sounding of horns and to leave the car park quietly.

The electrical installation be inspected by the competent electrician (eg. an approved NICEIC Contractor) and any recommended improvements be carried out.

All power sockets likely to be used for the purpose of providing electrical power to entertainment equipment shall be protected by a residual current device (RCD) having rated residual operating current not exceeding 30 milliamps to operate within 40 milli-seconds in accordance with the relevant British Standard and the Institution of Electrical Engineers.

The Sub-Committee noted that the Licensee is to resolve the nuisance caused by his dog barking during the evening.

5. The premises licence was transferred on the 15<sup>th</sup> October 2008 into the name of Admiral Taverns.
6. The premises licence was again transferred with immediate effect on the 22<sup>nd</sup> December 2010 into the name of Mr Javid Iqbal and the premises from that date to be known as The Broadstone Convenience Store.
7. On the 23<sup>rd</sup> December 2010, Licensing Matters Limited on behalf of Mr Javid Iqbal made application for the variation of the premises licence as follows:

#### Sale of alcohol

Sunday – Thursday	06.00 – 00.00
Friday & Saturday	06.00 – 01.00

To remove all activities apart from the sale of alcohol.

To remove all existing conditions including the embedded conditions and replace them with conditions consistent with the operation of a convenience store.

To change the layout of the premises.

8. On the 5<sup>th</sup> January 2011, Licensing Matters Limited confirmed on behalf of their client, Mr Iqbal that following mediation with Trading Standards their client, Mr Iqbal wished to attach the following 2 conditions to his application.
- A refusal register shall be in place, maintained and made available to the authorities on request.
  - Staff must be trained in relation to the sale of alcohol before being authorised to make sales of alcohol. The training will be documented and made available to the authorities on request.
9. Also, on the 17<sup>th</sup> January 2011, Licensing Matters Limited confirmed on behalf of their client Mr Iqbal that following mediation with the Environmental Health Department the addition of a further condition of licence as follows:-

Prevention of Public Nuisance

The outside area of the premises will be monitored by staff on a regular basis, any groups that congregate at the front of the store will be asked to move on if appropriate to do so.

10. Representations were received from 14 local residents.
11. Following receipt of copies of representations from residents, Licensing Matters Limited sent out a letter of mediation, to all local residents that had made representations.
12. On 21<sup>st</sup> January 2010, two letters were received from residents withdrawing representations they had made. The withdrawal of representations was on the prerequisite that the following conditions be attached to the licence.
- 1) CCTV is to be installed, all recorded images to be retained for a period of 28 days and made available to the authorities on request. The outside of the premises will have CCTV coverage that will be monitored by staff on duty.
  - 2) Whenever the DPS is not on the premises another person shall be nominated by them to be a responsible person to manage the premises.
  - 3) Posters will be on display asking the customers to respect the neighbours and leave quietly.
  - 4) Anybody who appears to look under the age of 21, will be asked for identification to prove they are over the age of 18.
  - 5) The only identification accepted will be passports, photo-card driving licences and government approved pass cards.
  - 6) A refusals register shall be in place, maintained and made available to the authorities on request.

- 7) Staff must be trained in relation to the sale of alcohol before being authorised to make sales of alcohol. The training will be documented and made available to the authorities on request.
  - 8) The outside area of the premises will be monitored by staff on a regular basis. Any groups that congregate at the front of the store will be asked to move on if appropriate to do so.
  - 9) The hours for sale of alcohol for the shop will be reduced to Mon – Sun, 6am – 11pm.
13. This matter was considered by the Licensing Sub-Committee on the 8<sup>th</sup> February, 2011, the Committee resolved that all licensable activities apart from the sale of alcohol be removed, the removal of existing conditions and that those conditions be replaced with conditions more consistent with the operation of a convenience store, and that the hours for the sale of alcohol be amended as follows:

Monday – Sunday inc 08.00 until 23.00.

1. CCTV inside and out
2. The Sub-Committee felt it proper due to the long house of trade for the DPS (who conceded that he would not be on the premises at all times) to notify, in writing, to the Licensing Department a pool of people who will be responsible for the management of the premises
3. Posters shall be on display inside and outside the premises requesting that respect be given to neighbours and to leave quietly. In addition, posters shall be displayed on the car park stating 'no ball games and that CCTV is in operation'
4. Anybody who appears to look under the age of 21 will be asked for identification to prove they are over the age of 18.
5. The only identification accepted will be passports, photo-card driving licences and Government approved pass cards.
6. A refusals register shall be in place, maintained and made available to the authorities on request.
7. Staff must be trained in relation to the sale of alcohol before being authorised to make sales of alcohol. The training will be documented and made available to the authorities on request.
8. To include CCTV, including the car park.
9. Hours are 08.00 – 23.00 x 7days

14. On the 22<sup>nd</sup> November 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.
15. 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.
16. Confirmation that the application has been served on the premises licence holder and relevant authorities has been received.
17. On the 10<sup>th</sup> December 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 in accordance with the Licensing Act 2003.
18. 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**

19. There are no financial implications.

### **Law**

20. 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
- (2) Before determining the application, the authority must hold a hearing to consider it and any relevant representations.
  - (3) 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.

(4) 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.

(5) Subsection (3) is subject to sections 19,20 and 21 (requirement to include certain conditions in premises licences).

(6) 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,

(7) 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).

(8) 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.

(9) 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.

(10) 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.
- (11) 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
- (12) Pursuant to schedule 5 part 1, section 8(2)
- (13) 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**

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

### **Recommendation**

- 24. That the Committee determine the application.



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DIRECTOR OF CORPORATE RESOURCES

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**List of Background Papers**



DUDLEY METROPOLITAN BOROUGH COUNCIL

[www.dudley.gov.uk](http://www.dudley.gov.uk)

REVIEW OF PREMISES LICENCE  
UNDER THE LICENSING ACT 2003

Notice of Review of the Premises Licence issued to The  
Broadstone Convenience Store, Two Gates, Halesowen, B63 2JR.

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 23rd November 2013 and 20th December 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