

LICENSING SUB-COMMITTEE 4

Tuesday 15th January 2008 at 10.00 am
in the Council Chamber, The Council House, Dudley

PRESENT:-

Councillor Mrs Ameson (Chairman)
Councillors Mrs Aston and Mrs Coulter

Officers

Assistant Director Legal and Democratic Services (Legal Advisor), Mrs J Elliott (Licensing Officer – Directorate of Law and Property), Ms K Smith and Mr P Furidze (Directorate of Law and Property)

6 DECLARATIONS OF INTEREST

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

7 MINUTES

RESOLVED

That the minutes of the meeting of the Sub-Committee held on 5th June, 2007, be approved as a correct record and signed.

8 APPLICATION FOR A PREMISES LICENCE, 201 – 203 STOURBRIDGE ROAD, DUDLEY

A report of the Director of Law and Property was submitted on an application received from Murria Solicitors, on behalf of Mrs V Virk (the applicant), in respect of 201 - 203, Stourbridge Road, Dudley, for a premises licence.

The applicant was in attendance together with the designated premises supervisor, Mr K Virk and a member of staff, Ms Webb. The applicant's solicitor, Mr Stevenson, was also in attendance.

Ms Macmillan, an objector and local resident was also in attendance. It was noted that the second objector, Mr Singh was not in attendance.

Following introductions, the Legal Advisor outlined the procedure to be followed at the meeting. It was also noted that there were no objections, to the application, from the police or the Council's Environmental Health Service.

Mrs J Elliott, Licensing Officer, Directorate of Law and Property, then presented the report on behalf of the Council.

Ms Macmillan then informed the Sub-Committee that she resided next door to the premises for which a license was being applied. She cited a number of incidents that had involved underage children approaching customers of another local shop serving alcohol who had requested customers to purchase alcohol on their behalf. Ms Macmillan told the Sub-Committee that these children subjected adults who turned down their requests to abuse. The meeting also heard that adults had bought alcohol in large quantities from another shop in the area and given it to minors of school- going age who had openly drunk alcohol in their school uniforms. There were also issues with underage drinking of alcohol in the local park that the police were aware of. She stated that on a recent Saturday police had attended the area due to an assault on another child by children who had been drinking at a local party. Ms Macmillan said that the proposed opening hours from 7am to 11pm were inappropriate as her peaceful enjoyment of her property would be affected by increased noise from gangs of youths gathering around the shop serving alcohol, litter and bad language.

Mr Stevenson, for the applicant, asked Ms Macmillan if she knew of the history of 201 –203 Stourbridge Road. Ms Macmillan stated that the shop had been renovated from its previous dilapidated state and agreed when Mr Stevenson informed the Sub-Committee that the premises had previously been disused then became a music shop and were now a convenience store and newsagents after the applicant had secured a 25 year lease on the property and invested £50,000 in its renovation. The applicant and her husband had been in the business for over 7 years, had other successful shops in Handsworth, Kingstanding and Kidderminster where they had never failed a test purchase to date.

Mr Stevenson stated that the applicant proposed to operate responsibly in line with the operating schedule attached to the report submitted to the Sub-Committee. He submitted a plan of the premises and highlighted a number of measures that would be put in place to promote the licensing objectives, in particular, CCTV cameras inside and outside the premises with 30 day records maintained, spirits and tobacco would be sited behind the counter in lockable shelving so that customers could not help themselves to these items and there would be ID checks made by the shop keeper to help prevent the sale of alcohol and tobacco to minors.

Mr Stevenson informed the sub-Committee there would be two members of staff at all times in the shop and it was confirmed that Ms Webb an experienced member of staff employed at the Kidderminster shop, would work in the Stourbridge shop and was currently undergoing her licensee training. A refusals book would be maintained to log all refused sales and the reasons for the refusal and the problem of underage drinking would be addressed through staff training to identify and refuse sales as well as the use of a proof of age scheme. The staff would also be on the lookout for any adults buying alcohol and passing it on to minors. Mr Stevenson said that the second objector's letter of objection was without merit as it was based on stopping other shops competing with him for the same type of business, that is to say, selling alcohol in the same locality. He again confirmed that the applicant had a good track record and was adequately equipped to deal with the identified problem of underage drinking.

Responding to a question from Ms Macmillan on how the applicant would be successful in combating the problem of adults buying alcohol on behalf of minors, Mr Stevenson explained that the applicant was committed to working closely with the local community to identify known adults buying alcohol for minors and refusing sales to these adults.

In response to a question from Councillor Mrs Coulter on the CCTV system and the maintenance of records, Mr Stevenson explained that currently the CCTV system was digital, set up at the highest resolution to capture clear images and was operating to a 6-day schedule. Six cameras would be inside the shop with two other cameras sited one at the front and the rear of the premises. It was confirmed that the recordings could be downloaded onto a compact disk (CD) and retained for as long as required.

Councillor Mrs Aston asked whether local staff would be employed in the shop and Ms Webb replied that she was being brought in initially to run the Stourbridge shop. The applicant's husband, the designated premises supervisor, also informed the Sub-Committee that he would also spend more time at the premises initially. In response to a question on staffing, Mr Virk confirmed that he had six staff at the Kidderminster shop and he would shuttle staff between the two shops as required.

In response to questions from the Legal Advisor regarding combating underage drinking, Mr Stevenson told the Sub-Committee that it was the responsibility of the designated premises supervisor to quickly build a reputation as having a zero tolerance approach to selling to minors and adults minded to purchase alcohol on behalf of minors.

In summary Mr Stevenson pointed out that the applicant was committed to working with the community to combat the problem of underage drinking whilst operating the business responsibly in accordance with the Council's licensing objectives.

The parties then retired for the deliberation of the Sub-Committee. The objector, Ms Macmillan stated that she preferred to receive written notice of the decision and left the meeting.

The Sub-Committee recalled Mr and Mrs Virk, Mr Stevenson and Ms Webb to clarify the times alcohol would be sold at the shop. Mr Stevenson informed the Sub-Committee that the applicant intended to sell alcohol between 8am and 11pm to meet the demands of customers at different times of the day. The parties then retired to enable the Sub-Committee to continue its deliberations on the application.

The Sub-Committee having made their decision, the parties were invited to return and the Chairman then outlined the decision and the reasons for the decision. All parties were advised of their right of appeal against the decision. Accordingly, it was-

RESOLVED

That the application received from Murria Solicitors, for a premises licence, in respect of 201 – 203 Stourbridge Road, Dudley, be granted, subject to the following terms and conditions and based on the reasons indicated: -

Application for A Premises Licence – Sale of Alcohol

Monday – Sunday 08.00 – 23.00

Conditions

All conditions as set out in the operating schedule, together with:-

- (1) License holder to maintain a “Refusals Book” to identify details of instances when alcohol sales have been refused together with the reasons why.
- (2) The Sub-Committee noted that the operating schedule indicated that CCTV recording will be maintained for 30 days and 6 cameras will be positioned inside the premises and two cameras outside to the front and rear.

Reasons For Decision

The operating schedule and the applicant’s experience should avoid any alcohol sales to underage children. The sub-Committee remained concerned about the applicant’s ability to prevent sales to adults who then supply children and hoped that the applicant would take advice from local residents who may be able to identify these adults.

The meeting ended at 11.30 am

CHAIRMAN