

LICENSING SUB-COMMITTEE 4

Tuesday 19th June, 2012 at 10.10 am
in the Council Chamber, The Council House, Dudley

PRESENT:-

Councillor Roberts (Chair)
Councillors Mrs Aston and Taylor

Officers: -

Mr R Clark (Legal Advisor), Mrs J Elliott (Licensing Officer) and Mrs K Taylor – All Directorate of Corporate Resources.

1 APOLOGY FOR ABSENCE

An apology for absence from the meeting was received on behalf of Councillor Hanif.

2 APPOINTMENT OF SUBSTITUTE MEMBER

It was noted that Councillor Mrs Aston had been appointed as a substitute member for Councillor Hanif 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 17th April, 2012, be approved as a correct record and signed.

5 CHANGE IN ORDER OF BUSINESS

Pursuant to Council Procedure Rule 13(c) it was:-

RESOLVED

That the remaining items of business be considered in the following order:-

Agenda Item No's 6, 7, 8, 9 and 5.

6

APPLICATION TO VARY A PREMISES LICENCE – MULLET PARK SERVICE STATION AND CONVENIENCE STORE, BROMLEY LANE, KINGSWINFORD

A report of the Director of Corporate Resources was submitted on an application for variation of the premises licence in respect of Mullet Park Service Station and Convenience Store, Bromley Lane, Kingswinford.

Mr N Dickinson, Licensing Ltd and Mr A Chancel, Managing Director – Bargainsound Ltd, together with a member of the press were in attendance at the meeting.

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

Mr Dickinson then made his representation on behalf of Mr Chancel, and in doing so informed the Sub-Committee that Mr Chancel currently operated nine sites and had not encountered any problems with nearby residents.

Reference was made to the representations received from Ward Members representing Kingswinford South, which had been circulated to all parties in accordance with the Licensing Act 2003 prior to the meeting; in particular to the statement that there were no other licensed premises in the locality. It was noted that the statement made was in respect of the ward and not within the borough of Dudley.

Mr Chancel then explained how he currently operated under standard hours and that the site had previously operated for twenty-four hours, he further stated that the main reason for extending the hours had been following conversations with customers.

It was noted that Mr Chancel had implemented the Challenge 25 policy, and used the “night pay” system of operation whereby at 22:00hrs the entrance door was locked shut until 01:00hrs, therefore all purchases were made solely via the night hatch. He further confirmed that should the application be approved then the hours that the night pay system operated, would be extended.

Mr Dickinson informed the Sub-Committee that the site was secure and there had been no issues in respect of security or nuisance, and that following conversations with West Midlands Police the feedback received was positive of the way the business operated.

In response to comments made regarding the premises previously operating for twenty-four hours, Mr Chancel confirmed that alcohol was not sold at that time, as the licence was not granted.

In response to concerns raised in respect of people gathering at the rear of the premises, Mr Chancel stated that the area was fenced and monitored via CCTV.

In response to a question raised by a member, Mr Chancel confirmed that he had consulted with customers on how to improve customer service, and explained that the majority of customers worked shifts and welcomed extended hours.

In response to a question raised by a member, Mr Chancel confirmed that one member of staff would be based at the premises, and that if any nuisance occurred from customers or youths then the employee would ask that they move via an intercom, if this failed then the employee could contact the West Midlands Police, however there had been no incidents of nuisance at the premises to date.

Clarification was sought with regard to the operation of the “night pay” system should the application be approved. The Sub-Committee were informed by the Licensing Officer that the operating schedule submitted by the applicant outlined the hours in which the “night pay” system would operate and if the applicant did not adhere to the schedule then it would be a breach of his conditions of licence.

Following comments, the Legal Advisor stated that the Sub-Committee would determine the application made on the behalf of Bargainsound Ltd on the thorough information and comments made at the meeting.

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 Chairman outlined the decision.

RESOLVED

That the application received from Mr N Dickinson on behalf of Bargainsound Ltd for the variation of the premises licence in respect of Mullet Park Service Station and Convenience Store, Bromley Lane, Kingswinford, be approved, in the following terms.

Sale of Alcohol

Monday – Sunday 00.00 – 23.59

Late Night Refreshment

Monday – Sunday 00.00 – 05.00

Reasons for Decision

The Sub-Committee considered the application. The applicants addressed the concerns raised in the representations made by the relevant ward councillors dated 24th April, 2012. The Sub-Committee had some sympathy for the comments made by the councillors but was assured by the applicant, and its operating schedule, that these had been thoroughly considered and would be well managed.

The Sub-Committee grants the variation of licence.

7

APPLICATION FOR A LICENSED PREMISES GAMING MACHINE PERMIT – THE BRAMFORD ARMS, PARK ROAD, WOODSETTON

A report of the Director of Corporate Resources was submitted on an application for the grant of a Licensed Premises Gaming Machine Permit for four machines in respect of The Bramford Arms, Park Road, Woodsetton.

It was noted that the applicant was not in attendance at the meeting.

The Licensing Officer confirmed that a letter notifying the manager of the premises and the brewery manager of the meeting was sent, but that no contact had been received.

In the absence of the applicant it was

RESOLVED

That the application for the grant of a Licensed Premises Gaming Machine Permit for four machines in respect of The Bramford Arms, Park Road, Woodsetton be deferred to a future Sub-Committee meeting.

8

APPLICATION FOR HOUSE TO HOUSE COLLECTIONS LICENCE – (D & P TEXTILE CO LTD) MUTUAL SUPPORT

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 (D & P Textile Co Ltd) Mutual Support.

It was noted that the applicant was not in attendance at the meeting.

The Licensing Officer confirmed that the applicant had requested a deferment.

RESOLVED

That the application for the grant of a House to House Collections Licence in respect of (D & P Textile Co Ltd) Mutual Support be deferred to a future Sub-Committee meeting.

9 APPLICATION FOR HOUSE TO HOUSE COLLECTIONS LICENCE – UK EXPORT TRADE LIMITED (CANCER RECOVERY FOUNDATION)

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 UK Export Trade Limited (Cancer Recovery Foundation).

It was noted that the applicant was not in attendance at the meeting.

The Licensing Officer confirmed that the applicant had requested a deferment.

RESOLVED

That the application for the grant of a House to House Collections Licence in respect of UK Export Trade Limited (Cancer Recovery Foundation) be deferred to a future Sub-Committee meeting.

10 REVIEW OF LICENSING STANDARDS

A report of the Director of Corporate Resources was submitted on a review of the Licensing Standards and Performance Indicators.

Following the presentation of the report by the Licensing Officer, the Sub-Committee commented on the very good results as outlined in Appendix 1 to the report submitted.

RESOLVED

That the information contained in the report submitted be noted.

The meeting ended at 10.55 am

CHAIR