

LICENSING SUB-COMMITTEE 4

Tuesday 8th February, 2011 at 10.35 am
in the Council Chamber, The Council House, Dudley

PRESENT:-

Councillor Taylor (Chairman)
Councillors Mrs Aston and Mrs Dunn

Officers

Solicitor (Legal Advisor), Mrs J Elliott (Licensing Officer) and Miss H
Shepherd – Directorate of Corporate Resources

1 APOLOGIES FOR ABSENCE

Apologies for absence from the meeting were submitted on behalf of
Councillors A Finch and Mrs Roberts.

2 APPOINTMENT OF SUBSTITUTE MEMBERS

It was noted that Councillor Mrs Aston had been appointed as a substitute
member for Councillor A Finch and that Councillor Mrs Dunn had been
appointed as a substitute for Councillor Mrs Roberts 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 January 2010, be approved as a correct record and signed.

APPLICATION TO VARY A PREMISES LICENCE – BROADSTONE
CONVENIENCE STORE, TWO GATES, TANHOUSE LANE,
HALESOWEN

A report of the Director of Corporate Resources was submitted on an application for variation of the premises licence in respect of the Broadstone Convenience Store, Two Gates, Tanhouse Lane, Halesowen.

Mr J Iqbal the premises licence holder and Ms G Sherratt, on behalf of Licensing Matters Ltd, was in attendance at the meeting. A friend of Mr Iqbal was also in attendance, as an observer.

Following introductions, the Chairman outlined the procedure to be followed.

Mrs J Elliott, Licensing Officer, presented the report on behalf of the Council. Following the report, she informed the Sub-Committee that further letters from residents, withdrawing their representations, had been received by the Licensing Office.

The Legal Advisor sought clarification with regard to the car park at the premises. It was stated that the car park had been resurfaced and the seating area had been removed and would not be replaced.

Ms Sherratt stated that the premises licence already existed and the current application was just in regard to the change of opening and sale of alcohol times and to remove any conditions on the licence that were no longer relevant.

The Sub-Committee was informed that £250,000 had been invested into the property, for the refurbishment of the premises, which had been in a derelict state. CCTV would be installed inside and outside of the property.

Ms Sherratt stated that Mr Iqbal would be working at the premises full time and had recruited an additional nine members of staff, one of which would be his second in command when Mr Iqbal was not on the premises.

The Sub-Committee was informed that the convenience store would be part of the Costcutter brand, selling a variety of products including newspapers and that this was the reason for the earlier opening times and the wish to offer customers a complete service.

Reference was made to the objections received and Ms Sherratt stated that the majority referred to the public house that had been at the site previously and very few representations had been made regarding the hours for the sale of alcohol. She stated that no representations had been made by Environmental Health or West Midlands Police.

The Sub-Committee was informed that Licensing Matters Ltd on behalf of Mr Iqbal had attempted to mediate with residents and as a result additional conditions and reduced hours for the sale of alcohol had been agreed.

Arising from a question raised, the Licensing Officer stated that historically, sub-committees had taken surrounding premises in to consideration when considering a licence.

Concerns were raised by Members with regard to safeguarding children as there were several schools and nurseries in the local vicinity. Members were informed that training would be provided to all members of staff, the Challenge 21 Scheme would be enforced and Photo Identification would only be accepted as proof of ID.

Following a question raised Ms Sherratt stated that it was not a necessary requirement for the second in command to be named and confirmed in writing as this could change on occasions. The Licensing Officer stated that this matter could be a condition on the licence if the Sub-Committee considered it to be a requirement, and that it was good practice to do so in any case. The Legal advisor referred to condition 2 in the letter of mediation produced by Licensing Matters Ltd on behalf of Mr Iqbal and stated that the condition had already been offered to residents with the omission of it being in writing.

A Member raised concerns with regard to the car park at the premises and requested signage to be displayed as well as CCTV cameras to cover that area as this would discourage children from congregating and alleviate problems for local residents.

Clarification was sought as to where the alcohol would be located in the shop. This was identified by Mr Iqbal to Members on the lay out plan.

Arising from a question raised, Mr Iqbal stated that no-one would be living on the premises at the moment, but would possibly in the future and that there was a separate access to the flat above the shop.

Following a question raised, Mr Iqbal stated that the shop would be opened by a local ward Councillor at the end of the month and that he had not had a previous licence.

In summing up, Ms Sheratt reiterated that the application was to consider the earlier opening and sale of alcohol times and that there had been none or very few representations with regard to this. She also stated that it would not be appropriate to take into consideration surrounding premises and that the decision should be on this property only.

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 then outlined the decision.

RESOLVED

That the application received for variation of the premises licence in respect of the Broadstone Convenience Store, Two Gates, Tanhouse Lane, Halesowen, be approved , subject to the following conditions:-

- 1.) CCTV is to be installed inside and outside the premises with 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 Designated Premises Supervisor (DPS) is not on the premises another person shall be nominated by them to be a responsible person to manage the premises and such nominations shall be made in writing.
- 3.) Posters shall be on display inside and outside the premises requiring 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 approved pass card.
- 5.) The only identification accepted will be passports, photo-card driving licences and government approved pass cards.
- 6.) A refusals register shall be put 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, including the car park, will be monitored by staff on a regular basis, any groups that congregate will be asked to move on if appropriate to do so.

9.) Sale of Alcohol

Monday – Sunday

08.00 – 23.00

- 10.) The DPS to notify the Licensing Officer once his licence has been issued.

REASONS FOR DECISION

The Sub-Committee considered the variation of the premises licence and considered that it is quite proper for them in any such situation to consider the whole of the licence, moreover in this scenario that consideration was to involve a substantial change of use of the premises and change of licensing activity. The Sub-Committee is of the opinion that the sale of alcohol at 06.00 was not promoting licensable objectives and seemed it was merely expedient to the running of the shop.

6 APPLICATION FOR HOUSE TO HOUSE COLLECTION LICENCE –
EAST LONDON TEXTILES LIMITED (LITTLE TREASURES CHILDRENS
TRUST)

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 East London Textile Limited on behalf of Little Treasures Children's Trust.

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

Following consideration, it was

RESOLVED

That, in view of the applicant's non-attendance at a meeting held on 25th January 2011, a request made that the applicant attend the next meeting to clarify questions with regards to the accounts, and the applicants non-attendance at this meeting, the application made for the grant of a House to House Collections Licence in respect of East London Textiles Limited on behalf of Little Treasures Children's Trust, be refused.

The meeting ended at 11.45 am

CHAIRMAN