

LICENSING SUB-COMMITTEE 3

Tuesday 9th January 2007, at 10.00 am
in the Council Chamber, Council House, Dudley

PRESENT

Councillor Blood (Chairman)
Councillors Finch and Rogers

OFFICERS

Assistant Director of Legal and Democratic Services (Legal Advisor) and
Mr R Jewkes (Directorate of Law and Property)

1 DECLARATIONS OF INTEREST

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

2 MINUTES

RESOLVED

That the minutes of the meeting of the Sub-Committee held on 21st
February, 2006, be approved as a correct record and signed.

3 APPLICATION FOR THE GRANT OF A PREMISES LICENCE – BARGAIN BOOZE, HIGH STREET, SEDGLEY

A report of the Director of Law and Property was submitted on an
application received from Bargain Booze Limited for the grant of a
premises licence in respect of the premises known as Bargain Booze,
High Street, Sedgley.

Mr Choudhry Nazir, the premises franchisee, was in attendance at the
meeting together with Ms Minary, Licensing Manager for Bargain Booze
Limited and Mr Westwood-Payne, legal representative of Bargain Booze
Limited

Also in attendance was Councillor Michael Evans, an objector to the
application.

Following introductions, the Assistant Director of Legal and Democratic
Services outlined the procedure to be followed.

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

Councillor Evans then presented his case, confirming that he was in attendance both to present his own objections to the application, and those of a number of his constituents who had requested that he speak on their behalf. He stated that Sedgley had a serious problem with anti-social behaviour, particularly in the centre of town where the premises was situated. Residents who lived in close proximity to the premises, most of whom were elderly, were already concerned about youths drinking, urinating and being abusive in the area, despite the installation of CCTV equipment in the High Street. Many residents were afraid to walk around the town at night and they felt that the opening of an additional off-license would further exacerbate the situation.

In response to questions from Mr Westwood-Payne, Councillor Evans stated that his evidence regarding anti-social behaviour in the area was based on his conversations with residents. Although he could not provide statistical evidence at the meeting demonstrating the extent of the problem, the Police had several concerns regarding alcohol related disorder in Sedgley and had established that some retailers had been selling alcohol to minors. Whilst he accepted that none of these problems could in any way be attributed to Bargain Booze as the shop had not yet opened, it was his view and that of local residents that the opening of another off-licence would result in youths congregating outside the premises with consequent anti-social behaviour.

In response to a question from the Chairman, Councillor Evans stated that to his knowledge two off-licenses were already operating in the area immediately surrounding the premises, with two nearby supermarkets also licensed to sell alcohol. Discussion ensued on the issue of the times these outlets were licensed to trade and Mrs Elliott was requested to leave the meeting temporarily in order to ascertain this information.

Mr Westwood-Payne then presented the case on behalf of the applicant, stating that Bargain Booze Limited had been trading for over twenty years and over this time had extended its franchise to more than five hundred stores nationwide. However, the company was very selective when considering whether or not to approve applications for the franchise and whilst the fascia of the shop would be that of Bargain Booze, Mr Nazir, as franchisee, would own the premises and would be directly responsible for the business conducted there. Therefore, as a member of the community, he would have a vested interest in running the business responsibly and reporting to the police any incidents of anti-social behaviour. He stated that should the application be approved, the premises, once opened, would be equipped with an eight camera CCTV system which would be used to monitor activity both inside and outside the shop. In the event of any anti-social behaviour or loitering occurring near the premises, Mr Nazir would take appropriate action to deal with the problem, either moving people on himself or notifying the Police as necessary. The CCTV equipment would also be used to ensure that

adults were not purchasing alcohol for minors and passing it on to them outside the premises.

Following the presentation on behalf of the applicant, Mrs Elliott provided the information requested earlier in the meeting regarding the hours during which other off-licenses in the vicinity of the premises were licensed to sell alcohol. She reported that all off-licences in the area were licensed to trade from 8.00am to 11.00pm on Monday to Saturdays, and from 10.00am to 10.30pm on Sundays. In relation to this point, Mr Westwood-Payne stated that although the application requested the right to sell alcohol from 8.00am to 11.00pm seven days a week, in practice the opening hours of the premises would be 10.00am to 10.00pm, with the additional hours being reserved for special events or holiday periods.

In response to comments from Councillor Evans that anti-social behaviour often happened away from the premises where alcohol had been purchased by underage drinkers, Mr Westwood-Payne stated that Bargain Booze operated a 'Challenge 21' policy whereby young people who did not appear to be over 21 years old were routinely requested to produce identification proving their age. If this was not produced, service was refused. The policy was designed to reduce the possibility of people under the age of 18 managing to purchase alcohol, as they would need to pass for 21 to avoid being required to prove their age.

In response to a question from the Chairman regarding Mr Nazir's living arrangements should the application be approved, Mr Nazir confirmed that although he currently resided in Manchester, if the application was successful he would be looking to move to the area, possibly even into one of the flats situated directly above the premises, as soon as possible, and would remain there with his family for as long as the business was operational. He did not consider that it would be possible for the business to open within two months of the application being approved, by which time he expected to have taken up residence nearby.

Following the questioning of the applicant's representative, the Chairman invited all parties to sum up their case. In doing this, Mr Westwood-Payne stated that in his view there was no evidence to suggest that granting approval to the application would cause any problems in terms of anti-social behaviour. In addition, he requested that the Sub-Committee consider the application in the context of the licensing objectives identified in the Licensing Act 2003, rather than in the context of the desire to combat anti-social behaviour in Sedgley.

The Chairman then requested that the respective parties leave the meeting in order that the Sub-Committee could determine 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 and advised the respective parties of their right to appeal against the decision.

Accordingly, it was

RESOLVED

That the application received from Bargain Booze Limited for the grant of a premises licence in respect of the premises known as Bargain Booze, High Street, Sedgley be approved, as there was no evidence to justify refusal of the application, as follows: -

Variation of premises licence: -

To allow the sale of Alcohol

Hours:

Monday – Saturday 08.00 – 23.00

Sunday 10.00 – 22.30

Sunday hours are made with the consent of the licence holder and Licensing Manager and will assist the Police in monitoring all off-licensed premises in relation to incidents of crime and disorder and anti-social behaviour.

RECOMMENDATION

That the licence holder encourages customers to use litter bins outside the premises, perhaps by way of a sign in the premises 'Keep Sedgley Tidy'.

4

APPLICATION FOR AMUSEMENTS WITH PRIZE MACHINES PERMIT,
THE MEADOW LARK, DIBDALE ROAD, DUDLEY

A report of the Director of Law and Property was submitted on an application received from Poppleston Allen, Solicitors, for the grant of an amusements with prizes machines permit in respect of the Meadow Lark, Dibdale Road, Dudley.

Ms Small, the licensee of the premises, was in attendance at the meeting together with Ms Piakarska, Business Account Manager for Leisure Link Amusements.

Following introductions by the Chairman, Mrs Elliott, Licensing Officer, Directorate of Law and Property, presented the report on behalf of the Council.

Ms Small then spoke on the application, stating that five amusement machines were currently in place at the premises, three of which were amusement with prizes machines. The application requested a permit to replace one of the games machines which did not give prizes with a further amusement with prizes machine, meaning that four of the five machines would now give prizes.

With reference to the plan of the premises which had been circulated at the meeting, Members of the Sub-Committee requested clarification as to which of the machines would be replaced with an additional amusement with prizes machine, should the application be approved. In responding, Ms Small stated that the machine near the bar would be replaced.

RESOLVED

That approval be given to the application by Poppleston Allen, Solicitors, in respect of the Meadow Lark, Dibdale Road, Dudley, for the grant of an amusements with prizes machines permit for four machines.

The meeting ended at 11.35am

CHAIRMAN