


## **Licensing Sub-Committee 4**

**Tuesday, 24<sup>th</sup> June, 2014 at 10.00am  
in the Council Chamber at the Council House, Priory Road, Dudley**

### **Agenda - Public Session (Meeting open to the public and press)**

1. Apologies for absence.
2. To report the appointment of any substitute Members for this meeting of the Sub-Committee.
3. To receive any declarations of interest under the Members' Code of Conduct.
4. To confirm and sign the minutes of the meeting held on 13<sup>th</sup> May, 2014 as a correct record.
5. Application for a Licensed Premises Gaming Machine Permit – The Cross, High Street, Kingswinford.
6. Application to Transfer a Premises Licence – Select Food and Beverages, 95 High Street, Dudley.
7. To consider any questions from Members to the Chair where two clear days notice has been given to the Director of Corporate Resources (Council Procedure Rule 11.8).



**Director of Corporate Resources**

**Dated: 12<sup>th</sup> June, 2014**

**Distribution:**

Councillors Roberts (Chair), Hemingsley and H.Turner

(Subject to your appointment to the Sub-Committee at the Meeting of the Licensing and Safety Committee to be held on 12<sup>th</sup> June, 2014)

**Please note the following important information concerning meetings at Dudley Council House:**

- In the event of the alarms sounding, please leave the building by the nearest exit. There are Officers who will assist you in the event of this happening, please follow their instructions.
- There is no smoking on the premises in line with national legislation. It is an offence to smoke in or on these premises.
- Please turn off your mobile phones and mobile communication devices during the meeting or set them to silent.
- If you (or anyone you know) is attending the meeting and requires assistance to access the venue and/or its facilities, please contact the contact officer below in advance and we will do our best to help you.
- Information about the Council and our meetings can be viewed on the website [www.dudley.gov.uk](http://www.dudley.gov.uk)
- The Democratic Services contact officer for this meeting is Karen Taylor, Telephone 01384 818116 or E-mail [karen.taylor@dudley.gov.uk](mailto:karen.taylor@dudley.gov.uk)

## **LICENSING SUB-COMMITTEE 4**

Tuesday 13<sup>th</sup> May, 2014 at 10.00 am  
in the Council Chamber, The Council House, Dudley

### **PRESENT:-**

Councillor Roberts (Chair)  
Councillors Bills and Perks

### **Officers:-**

Mr R Clark (Legal Advisor), Mr B Hughes (Licensing Clerk) and Mrs K Griffiths (Democratic Services Officer) – All Directorate of Corporate Resources.

### **Also in attendance**

Mr S Smith, Licensing Enforcement Officer – Directorate of Corporate Resources (observer)

---

32      **APOLOGY FOR ABSENCE**

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

---

33      **APPOINTMENT OF SUBSTITUTE MEMBER**

It was reported that Councillor Bills had been appointed as a substitute Member for Councillor Woodall for this meeting of the Sub-Committee only.

---

34      **DECLARATIONS OF INTEREST**

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

---

35      **MINUTES**

### **RESOLVED**

That the minutes of the meeting of the Sub-Committee held on 8<sup>th</sup> April, 2014, be approved as a correct record and signed.

APPLICATION FOR REVIEW OF PREMISES LICENCE –  
THORNHILL NEWS, 39 THORNHOLL ROAD, HALESOWEN

A report of the Director of Corporate Resources was submitted on an application for the review of the premises licence in respect of Thornhill News, 39 Thornhill Road, Halesowen.

Mrs K Kaur Pank, Premises Licence Holder and Designated Premises Supervisor, was in attendance at the meeting together with her son.

Also in attendance were, Mr G Wintrip, Age Restricted Products Enforcement Officer, Directorate of the Urban Environment and Ms D McNulty, Office of Public Health.

It was reported that West Midlands Police were not in attendance at the meeting, however, representations had been circulated to the Sub-Committee prior to the meeting.

Following introductions by the Chair, the Licensing Clerk presented the report on behalf of the Council.

Mr Wintrip then 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 following the sale of alcohol to a person under the age of eighteen.

Mr Wintrip informed the Sub-Committee that on 12<sup>th</sup> March, 2014, a fifteen year old female child test purchaser was sold alcohol, namely four cans of Strongbow Cider with 5% alcohol, from the premises contrary to section 146(1) of the Licensing Act 2003 and in direct contravention of the licensing objectives.

It was reported that the current premises licence was granted to Mrs K Kaur Pank on 1<sup>st</sup> July, 2005. It was also reported that Mrs Pank was the Designated Premises Supervisor and held a personal licence issued by Dudley Metropolitan Borough Council.

It was noted that on 13<sup>th</sup> September, 2012, an officer from Trading Standards had carried out a visit to the premises and had spoken to Mrs Pank. It was reported that the purpose of the visit had been to provide advice to help prevent the underage sale of restricted products. Mrs Pank was given detailed advice, including information in respect of acceptable proof of age and the importance of keeping a refusals register. Mrs Pank was also provided with an advice pack relating to the sale of restricted products, an advice booklet, a challenge 25 poster, a refusals register, a poster regarding 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 that they were aware of their obligations under the Licensing Act 2003. During the course of the visit, Mrs Pank signed a form to acknowledge receipt of the information pack.

It was noted that on 28<sup>th</sup> August, 2013, a tobacco test purchase was conducted at the premises with no sale being made.

On 18<sup>th</sup> February, 2014, an advisory visit had been carried out at the premises. Mrs Pank was again spoken to by the officer involved and was provided with an updated advice pack. She also signed a form to acknowledge receipt of the information.

Mr Wintrip then reported that on 12<sup>th</sup> March, 2014, officers from Trading Standards carried out a test purchase at the premises to determine compliance with the law on the sale of alcohol to persons under the age of eighteen. It was reported that a fifteen year old female child test purchase volunteer had purchased four cans of Strongbow Cider with 4% alcohol by volume. The seller made no attempt to ask the age of the volunteer and did not request any identification.

On returning to the premises, the individual who had sold the alcohol to the test purchase volunteer was identified as Mr Manveer Singh, who had stated that he was the son of the Licensee. Mr Singh was cautioned and informed that he had sold alcohol to a fifteen year old child. It was reported that Mr Singh had made no reply.

On inspection of the premises, it was reported that, various age-restricted posters had been seen on display, however, no "Challenge 25" policy was in place.

It was reported that on 19<sup>th</sup> March, 2014, a fixed Penalty Notice was issued to Mr Singh by PS Hall of West Midlands Police.

In concluding, Mr Wintrip 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 recommendations made by Trading Standards.

In responding to a question by a Member, Mr Wintrip reported that the premises did hold a refusal register, however on inspection, no entries had been made.

Mrs Pank then stated her case and in doing so informed the Sub-Committee that she had worked at the premises for twenty years and stated that there had been no history of complaints of underage sales during that time. She stated that her husband had recently had a heart attack and that the premises had suffered as a result. She also stated that they worked closely with the local police, who visited the establishment twice weekly.

In responding to questions from Members, Mrs Pank informed the Sub-Committee that she had five sons, who had been helping out at the premises while their father had been recovering. She assured the Sub-Committee that her children had received relevant training in relation to the operation of the store and sincerely apologised for her son allowing the sale.

In responding to a further question, Mrs Pank confirmed that her son had been operating the premises on his own at the time of the incident, however, reported that it was usual practice for two persons to be present at the premises at any time.

In responding to a question asked by a Member, Mrs Pank stated that she managed a small business and that she did not have a facility in place which provided the till operator with a instant message reminding them to ask for identification each time alcohol was scanned.

Concerns were raised that Challenge 25 posters had not been displayed at the premises. In responding, Mr Wintrip reported that it was not compulsory to display such posters, Trading Standards supplied the literature, however, it was at the discretion of the Premises Licence Holder to display them.

In responding to questions asked in relation to the proposed additional conditions, Mrs Pank confirmed that she had not looked at the conditions. The Legal Adviser reported that should the Sub-Committee be minded to include the proposed additional conditions to the current Premises Licence, the conditions would be binding on Mrs Pank and monitored. He stated that the proposed additional conditions would be aimed at combating underage sales of restricted products amongst other issues and suggested that Mrs Pank read them through, as it was important that she understood the information contained in the proposed additional conditions.

Mrs Pank and her son both read through the proposed additional conditions, with the approval of the Sub-Committee.

Following perusal of the proposed conditions, Mrs Pank confirmed that she would be happy to accept all conditions should the Sub-Committee be minded to include them on the Premises Licence.

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, subject to the following conditions being applied to the premises licence, no further action to be taken in relation to the review of the premises licence in respect of Thornhill News, 39 Thornhill Road, Halesowen:-

### 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 adhered to. Valid proof of identification will only include passport, photographic driving licence or a Proof of Age Standard 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 of 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 person underage, shall be refused service.



## REASONS FOR DECISION

This is an application for review of the premises licence in respect of Thornhill News, 39 Thornhill Road, Halesowen brought by Trading Standards as a result of a test purchase exercise on 12<sup>th</sup> March, 2014. Mr Manveer Singh, the son of the Premises Licence Holder, made a sale to a fifteen year old female test purchaser of four cans of Strongbow Cider, without requesting any identification or proof of age. He was issued with a fixed penalty notice. In advance of this test exercise, a visit was made to Mrs Pank, the Premises Licence Holder and Designated Premises Supervisor on 18<sup>th</sup> February, 2014. She was given detailed advice on the sale of age restricted products and preventing underage sales. She was specifically asked to bring to the attention of all staff the advice and contents in the advice pack provided to the store.

Mrs Pank attended the review today and gave evidence that her husband had a heart attack three months ago, and the premises had therefore suffered from his absence, and the sons of the family had had to step in. Her husband was recovering gradually. She apologised for her son making the sale. She stated that the store had had no problems of this nature in twenty years and Trading Standards confirmed this. Therefore, Mr Manveer Singh had not expected to be required to ask for proof of age.

In the light of all these facts, the Sub-Committee takes the step of imposing the conditions, as set out above, to the Premises Licence, recommended by Trading Standards, in order to ensure that the licensing objectives are met.

---

37

### APPLICATION FOR REVIEW OF PREMISES LICENCE – THE CONVENIENCE STORE/LIQUOR WORLD, BROMLEY LANE, KINGSWINFORD

A report of the Director of Corporate Resources was submitted on an application for the review of the premises licence in respect of The Convenience Store/Liquor World, Bromley Lane, Kingswinford.

The Licensing Clerk informed the Sub-Committee that on 6<sup>th</sup> May, 2014, notification had been received from the original representatives (GT Licensing Consultants) of Liquor World requesting that the hearing be deferred due to other work commitments. He reported that on 9<sup>th</sup> May, 2014, further correspondence from GT Licensing Consultants had been received, formally requesting the withdrawal of the deferment due to the Premises Licence Holder appointing another company to act for him.

The Licensing Clerk reported that following receipt of the original request, notification had been sent to all parties informing them of the deferment. He stated that on 12<sup>th</sup> May, 2014, he had contacted the new Solicitors acting on behalf of Liquor World informing them that the hearing was unlikely to go ahead due to the absence of West Midlands Police and requested that should representatives from Liquor World attend the hearing, the Sub-Committee consider deferring the application.

Following the non-attendance of representatives of Liquor World, it was

#### RESOLVED

That consideration of the application made for the review of the premises licence in respect of The Convenience Store/Liquor World, Bromley Lane, Kingswinford, be deferred to a future meeting.

---

The meeting ended at 10.45 am.

CHAIR

---

**Licensing Sub-Committee 4 - 24<sup>th</sup> June, 2014**

**Report of the Director of Corporate Resources**

**Application for a Licensed Premises Gaming Machine Permit**

**Purpose of Report**

1. To consider the application for the grant of a Licensed Premise Gaming Machine Permit for 3, Category C machines, in respect of The Cross, High Street, Kingswinford, West Midlands.

**Background**

2. The Cross holds a current premises licence for the following:-

Playing of Recorded Music/Live Music

Monday to Wednesday	10.00 – 00.00
Thursday to Saturday	10.00 – 01.45
Sundays	10.00 – 23.30

Sale of Alcohol

Monday to Wednesdays	10.00 – 00.00
Thursdays to Saturdays	10.00 – 01.30
Sundays	10.00 – 23.30

Late Night Refreshment

Monday to Wednesdays	23.00 – 01.00
Thursdays to Saturdays	23.00 – 01.30
Sunday	23.00 – 00.30

3. The Local Authority licensing policy states as follows:-

- If authorisation is sought for more than two category C or D machines the applicant will be required to attend a hearing to support the application. All plans submitted with applications for premises licences must set out the siting of each Category C or D machine.
- Parliament has placed no restrictions on the age at which such machines may be played (other than those in amusements arcades). It is, therefore, a matter for the discretion of the premises licence holder

and any adults accompanying the children concerned whether they are entitled to play such machines. In the case of premises used exclusively or primarily for the consumption of alcohol, all children under the age of 16 will only be permitted entry to the premises if accompanied by adults. All such machines must be sited in accordance with the Gaming Act, further advice will be given on receipt of application.

- There is unlikely to be the need for a hearing where the application is for renewal of the existing permit for more than two machines or where the application is for the grant of a Licensed Premises Gaming Machine Permit at premises which already have an existing permit for more than two machines, and where that number is not increased.
4. On 1<sup>st</sup> May, 2014, TLT made application for the grant of a licensed premises Gaming Machine Permit for 3, Category C machines. A site plan was also received highlighting the proposed position of all 3 machines. The application together with the site plan has been circulated to Committee members and interested parties.
  5. The current licence holder of the premises licence is Spirit Pub Company (Services) Limited. The premises currently holds a notification for up to 2 machines.
  6. 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**

7. There are no financial implications.

### **Law**

8. Pursuant to schedule 13, section 283 of the Gaming Act 2005 the Council can grant a licensed premises gaming machine permits.
9. Pursuant to schedule 13, section 283 4(2) on considering an application for a permit the Licensing Authority shall:-
  - (a) grant an application
  - (b) refuse the application, or
  - (c) grant it in respect of:-
    - (i) a smaller number of machines than that specified in the application
    - (ii) a different category of machines from that specified in the application, or
    - (iii) both

10. Pursuant to schedule 13, section 283 5
  - (1) A Licensing Authority may not attach conditions to a permit
  - (2) As soon as is reasonably practicable after granting an application a Licensing Authority shall issue a permit to the applicant.
11. Pursuant to schedule 13, section 283 5(3) as soon as it reasonably practicable after refusing an application a Licensing Authority shall notify the applicant of:-
  - (a) the refusal, and
  - (b) the reasons for it
12. In pursuance of schedule 13, section 283 6 (2) a Licensing Authority may not refuse an application, or grant an application in respect of a different category or smaller number of gaming than that specified in the application, unless they have
  - (a) notified the applicant of their intention to refuse or grant the application in respect of
    - (i) a smaller number of machines than that specified in the application
    - (ii) a different category of machines than that specified in the application or
    - (iii) both, and
  - (b) given the applicant an opportunity to make representations
13. In pursuance of schedule 13 section 283 6 (3) a Licensing Authority can satisfy the opportunity to make representations by giving the applicant an opportunity to make:-
  - (a) oral representations
  - (b) written representations, or
  - (c) both
14. In pursuance of schedule 13 section 283 21 (1) the applicant for a holder of a permit may appeal to the Magistrates Court if the Licensing Authority:-
  - (a) reject an application for a permit
  - (b) grant an application for a permit in respect of a smaller number of machines than that specified in the application or a different category of machines from that specified in the application.

## **Equality Impact**

15. This report complies with the Council's policy on equal opportunities.
16. The licensing of premises and individuals will impact on children and young people through their attendance at licensed premises.
17. There has been no consultation or involvement of children and young people in developing these proposals.

## **Recommendation**

18. That the Sub-Committee give consideration to this application.



.....  
DIRECTOR OF CORPORATE RESOURCES

Contact Officer: Mrs L Rouse  
Telephone: 01384 815377  
Email: [liz.rouse@dudley.gov.uk](mailto:liz.rouse@dudley.gov.uk)

## **List of Background Papers**

None

**Licensing Sub-Committee 4 – 24<sup>th</sup> June 2014**

**Report of the Director of Corporate Resources**

**Application to Transfer a Premises Licence**

**Purpose of Report**

1. To consider the application for transfer of the premises licence in respect of the premises known as Select Food & Beverages, 95, High Street, Dudley, DY1 1QP.

**Background**

2. Select Food & Beverages formerly known as (Everyting Criss Supermarket) was first issued with a premises licence on the 19<sup>th</sup> October 2005, that licence was subsequently transferred on the 26<sup>th</sup> April 2010, 16<sup>th</sup> August 2011 and the 22<sup>nd</sup> March 2012, the current premises licence holder is Mr Christopher Allwood.
3. The current premises licence is issued as follows:  
  
Sale of Alcohol  

Monday to Saturday	08.00 – 23.00	Good Friday	08.00 – 22.30
Sundays	10.00 – 22.30	Christmas Day	12.00 – 15.00 19.00 – 22.30
4. On the 20<sup>th</sup> May 2014, an application was received from Ms Joy Braham for the transfer of the premises licence . Copies of that application have been circulated to Committee Members and Interested Parties in accordance with the Licensing Act 2003.
5. On the 30<sup>th</sup> May 2014, the West Midlands Police made representations to the application, a copy of that report has also been circulated to Committee Members, Interested Parties and the Applicant.
6. 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**

7. There are no financial implications.

## **Law**

8. The law relating to applications to transfer of premises licence is governed by the Licensing Act 2003, part 3, section 42.
9. Pursuant to section 42 (6) where a Chief Officer of Police is satisfied that the exceptional circumstances of the case are such that granting the application would undermine the crime prevention objective, he must give the relevant licensing authority a notice stating the reasons why he is so satisfied.
10. Pursuant to section 42 (7) the Chief Officer of Police must give that notice within the period of 14 days beginning with the day he is notified of the application.
11. Pursuant to section 44 (5) the Licensing Authority must:-
  - (a) hold a hearing to consider it, unless the authority, the applicant, and the Chief Officer of the Police who gave notice agree that a hearing is unnecessary, and
  - (b) having regard to the notice reject the application if it considers it appropriate for the promotion of the crime prevention objective to do so.
12. Pursuant to regulation 26 (1) of the Licensing Act 2003 (Hearing Regulations 2005), the Licensing Authority must make its determination at the conclusion of the hearing.
13. Pursuant to section 45 (1) where an application under section 42 is granted or rejected the Licensing Authority must give a notice to that effect to:-
  - (a) the applicant  
and
  - (b) the Chief Officer of Police in which the premises are situated.
14. Pursuant to section 45 (2) the notice must state the authorities reasons for granting or rejecting the application.
15. Pursuant to section 45 (3) where the application is granted, the notice must specify the time when the transfer takes effect.
16. Pursuant to section 45 (4) the licensing authority must also give a notice
  - (a) where the application is granted:-
    - (i) to the holder of the licence immediately before the application was granted, or



- (ii) if the application was one to which included a request that the transfer take immediate effect, to the holder of the licence immediately before the application was made (if any)
  - (b) where the application is rejected, to the holder of the premises licence (if any)
17. Pursuant to schedule 5, part 1 1(d) if the Licensing Committee refuse to grant the application for transfer of premises licence there is a right of appeal to the Magistrate's Court.
18. Pursuant to Schedule 5, Part 1 6 (1) and (2) if the Licensing Committee grants the application to vary a licence to specify individual as premises supervisor in a case where a Chief Officer of Police gave notice under section 42 (6) the Chief Officer of the Police may appeal against the decision to grant the application.

**Equality Impact**

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

**Recommendation**

22. That the Sub-Committee determine the application.



.....  
DIRECTOR OF CORPORATE RESOURCES

Contact Officer: Mrs. L Rouse  
Telephone: 01384 815377  
Email: [liz.rouse@dudley.gov.uk](mailto:liz.rouse@dudley.gov.uk)

**List of Background Papers**

None