

Meeting of the Licensing Sub-Committee 2

Tuesday 4th April, 2023 at 10.00am

**In Conference Room 9, Saltwells Education Development Centre,
Bowling Green Road, Netherton**

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 meetings held on 7th February, 2023 as a correct record – (Pages 7 – 25)

The following applications are to be considered under the provisions of the Gambling Act 2005:-

5. Application for a Licensed Premises Gaming Machine Permit – Queensway, Gauden Road Stourbridge, DY9 9HN – (Pages 26 – 32)
6. Application for a Licensed Premises Gaming Machine Permit – The Rose and Crown, Hagley Road, Halesowen, B63 4JP – (Pages 33 – 39)

The following application is to be considered under the provisions of the House to House Collections Act 1939:-

7. Application for House to House Collections Licence – Recycle Proline Limited on behalf of the Ukraine Appeal – (Pages 40 – 43)



8. To consider any questions from Members to the Chair where two clear days notice has been given to the Monitoring Officer (Council Procedure Rule 11.8).



Chief Executive

Dated: 23rd March, 2023

Distribution:

Members of the Licensing Sub-Committee 2

Councillor K Razzaq (Chair)

Councillors P Drake and E Taylor

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- Toilet facilities are available on site and are subject to safety measures that are in place. All the toilets have hand washing facilities.

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- There is no smoking on the premises in line with national legislation. It is an offence to smoke in or on the premises. You cannot use e-cigarettes and/or similar vaping devices.

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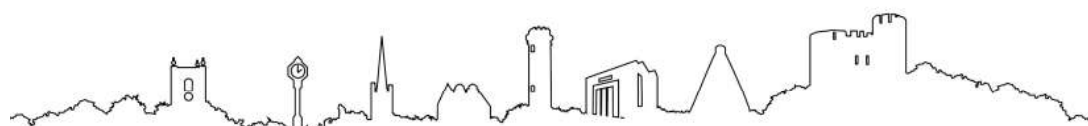
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Submitting Apologies for Absence

- Elected Members can submit apologies by contacting Democratic Services (see our contact details below). Members wishing to appoint a substitute should notify Democratic Services as soon as possible in advance of the meeting. Any substitute Members must be eligible to serve on the meeting in question (for example, he/she must have received the training required by the Council).

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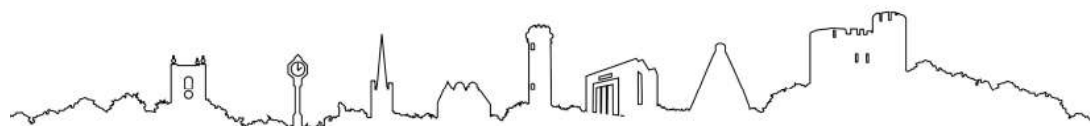
General

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Licensing Sub-Committee Procedure

- Chair to welcome parties and introduce Members and Officers
- Establish who the parties are and any representatives
- Chair to confirm that all parties have had disclosure of all documents that the Committee has before them and been allowed sufficient opportunity to read them prior to the meeting.
- Presenting Officer of the Local Authority or Solicitor to present the report to the Sub-Committee
- Relevant Authority to present their evidence and the Chair will then ask if any of the following have questions for the Officer:-
 - Objectors/or their representative
 - Applicant or representative
 - Sub-Committee Members and Legal Advisor
- Objectors or their representative/nominated person to present his/her case (including Ward Members)
 - Any witnesses to be called
 - Each witness to be questioned through the Chair in the following order:-
 - Representative of objectors (if present), if no representative, the objectors
- The Chair will then ask the following if they have any questions for the representative or the objectors:-
 - Presenting Officer Local Authority (or Solicitor)
 - Applicant or Representative
 - Sub-Committee Members and Legal Advisor
- Applicant or representative to introduce his or her case
 - Any witnesses for the applicant to be called
 - Each witness to be questioned through the Chair in the following order:-
 - Representative of Applicant (if present)
 - Presenting Officer Local Authority/Solicitor
 - Relevant Authority



- Objector or Representative
- Sub-Committee Members and Legal Advisor

- Presenting Officer of the Local Authority/Solicitor to sum up.
- Objectors/Representative to sum up
- Applicant or representative to sum up (must make final comments)
- Legal Advisor indicates to parties details of legal advice to be given to Sub-Committee
- Parties asked if they have had a fair hearing
- All parties, together with any members of the public to withdraw
- Sub-Committee to make their decision
- All parties invited to return and the Chair reads out the decision and the reasons for the decision.



**Minutes of the Licensing Sub-Committee 2
Tuesday, 7th February 2023 at 10.00 am
In Conference Room 9, Saltwells Education Development Centre,
Bowling Green Road, Netherton**

Present:

Councillor E Taylor (in the Chair)
Councillors P Drake and K Razzaq

Officers:

N Slym – Assistant Team Manager (Licensing and Waste Enforcement)
(Directorate of Public Realm); R Clark – Principal Solicitor and K Taylor – Senior
Democratic Services Officer (Directorate of Finance and Legal).

15 **Apologies for Absence**

There were no apologies for absence received for this meeting of the Sub-Committee.

16 **Appointment of Substitute Members**

There were no substitute Members appointed for this meeting of the Sub-Committee.

17. **Declarations of Interest**

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

18. **Minutes**

Resolved

That the minutes of the meeting held on 11th October 2022, be approved as a correct record, and signed.

19. **Application for Review of a Premises Licence – The Liquor Well (Formally Old Park News and Mini Market)**

A report of the Interim Director of Public Realm was submitted on an application for a review of a premises licence in respect of The Liquor Well, 159 Old Park Road, Dudley.

The following persons were in attendance, at the meeting:

Mr H Singh - (Premises Licence Holder and Designated Premises Supervisor)

Ms V Joshi - (Solicitor on behalf of Mr H Singh)

Mr K Singh - (Director and Manager of the Premises)

Mr R Jones – (Environmental Health and Trading Standards)

Mr K Maan - (Environmental Health and Trading Standards)

Mrs K Grandison - (Environmental Health and Trading Standards)

Ms D Jenkins – (West Midlands Police)

Ms K Turley – (West Midlands Police)

Ms K Mullings – (Licensing and Waste Enforcement)

Following Introductions, the Assistant Team Manager (Licensing and Waste Enforcement) presented the report on behalf of the Council.

Mr R Jones presented the facts of the case relating to the prevention of crime and disorder and the protection of children from harm under the Licensing Act 2003, and outlined the reasons that had resulted in the application being made for a review of the premises licence.

It was noted that on 23rd September, 2022, over 300 illegal nicotine containing vapes were seized from the premises all for having a tank capacity in excess of the prescribed limit, contrary to Regulation 48(d) of the Tobacco and Related Products Regulations 2016.

The Sub-Committee were further advised that on 27th October, 2022, a 15 year old test purchaser was sold a disposable nicotine containing e-cigarette (Elf Bar 600 puff 2% nicotine) contrary to The Nicotine Inhaling Products (Age of Sale and Proxy Purchasing) Regulations 2015. On the same date, 44 illegal nicotine containing vapes were seized from the premises all for having a tank capacity in excess of the prescribed limit, contrary to Regulation 48(d) of the Tobacco and Related Products Regulations 2016.

It was noted that following a complaint from the public, Trading Standards Enforcement Officers visited the premises on 23rd September, 2022, where 361 illegal nicotine containing vapes were seized from the premises all for having a tank capacity in excess of the prescribed limit, contrary to Regulation 48(d) of the Tobacco and Related Products Regulations 2016. The illegal vapes were found hidden in various locations throughout the premises and the shop assistant present at the time was a Mr A Singh.

It was also noted that an advisory notice titled 'ACS Advice – Electronic Cigarettes' was sent to the shop on 11th October, 2022, which clearly outlined to the retailer what constituted an illegal product and reminded the reader on how to prevent underage sales and Challenge 25.

In referring to the incident on 27th October, the individual who had sold the disposable nicotine containing e-cigarette to the 15 year old test purchaser having neither questioned the age nor requested identification was identified as Mr A Singh. Upon being cautioned, Mr A Singh made no reply. During an inspection of the premises, 44 illegal vapes were found concealed inside a Jack Daniels whisky box underneath the counter with all having a tank capacity in excess of the permitted 2ml size, with most being 3,500 puffs. A Traders Notice was subsequently issued, and a request made for the production of the premises Closed Circuit Television (CCTV).

Mr R Jones then provided a summary of the interview undertaken under caution attended by Mr H Singh, who confirmed that the business was owned by Saavan Limited, with the company Director being Mr K Singh, who was the brother of Mr H Singh. It was confirmed that Mr K Singh managed the premises and was responsible for dealing with stock and finances and had provided training to Mr A Singh, and that Mr H Singh had minimal involvement with the premises. It was reported that the majority of the 44 vapes seized on 27th October 2022 had been returned by customers, further to the premises offering a refund on unlawful products sold previously, and that the premises no longer sold vapes over 600ml.

The Sub-Committee were advised that Mr K Singh attended an interview under caution on 13th December, 2022, together with a solicitor, however, he refused to answer any questions and instead submitted a prepared statement which was subsequently accepted. Mr A Singh had also failed to attend an interview on the same date. A further invitation to attend an interview on 1st February, 2023 was sent to both Mr K Singh and Mr A Singh who failed to attend again.

At this juncture, Mr R Jones presented the Jack Daniels whisky box containing 44 illegal vapes which was seized during the visit on 27th October, 2022 to the Sub-Committee.

It was noted that Mr K Singh was also Director for another premises located in Wolverhampton Street, Dudley, from which illegal vapes were seized on a date in advance of the seizure from the Liquor Well.

Mr R Jones shared his concerns that it was apparent that the premises was selling illegal vapes within the community and to under aged customers; that there had been minimal co-operation from all parties in relation to The Liquor Well; that Mr A Singh had given an incorrect address and that the Authority had still not received CCTV footage and the employment details of Mr A Singh despite a number of requests. There were also concerns of Mr H Singh's ability as a Premises Licence Holder and Designated Premises Supervisor, as by his own admission, he had full time work commitments as a driver.

In concluding, it was suggested that if the Sub-Committee was minded not to suspend or revoke the premises licence that consideration be given to the imposition of additional conditions on the licence.

In responding to comments made, Ms V Joshi accepted the facts presented however wished to confirm that the invitation to attend interviews under caution were voluntary.

Ms K Turley then presented the representations of West Midlands Police and in doing so informed the Sub-Committee that the Neighbourhood Policing Unit considered that the sale of and subsequent supply of illegal nicotine products to a young person was in direct contravention of the licensing objectives relating to the prevention of crime and disorder and the protection of children from harm and therefore fully supported the recommendations made by Trading Standards.

Ms K Mullings then presented the representations of Dudley Licensing Authority and in doing so referred to the four compliance checks that had been carried out on 2nd December, 2022, 6th December, 2022, 5th January, 2023 and 6th January, 2023. During the compliance visit on 2nd December, 2022, an employee was present at the premises known as Mr SG, who was not aware of Mr H Singh or the location of the premises licence or conditions. Following a telephone conversation, Mr SG's wife attended the premises and gave permission for the inspection to continue. It was advised that the premises licence had been displayed but had since been removed due to a refurbishment taking place at the premises. During the inspection it was evident that a number of conditions were not being complied with, and a letter was subsequently issued to Mr H Singh informing him of the issues and advising him that a further visit would be undertaken within two weeks.

A request was made for a replacement of the premises licence as Mr H Singh was unable to locate his copy.

During the compliance visit on 6th December, 2022, Mr K Singh was present and advised that the receipts were with accountants and were not available for inspection. During the third compliance visit on 5th January, 2023, Mr H Singh and Mr K Singh were both present, where Mr H Singh advised that he had applied for change of address on the licence and was waiting for a new premises licence. Cash and Carry receipts for alcohol purchases dating back to January, 2021 was produced, however, there were no receipts for vapes. It was noted that the CCTV system had been upgraded on 17th December, 2022.

During the fourth compliance visit on 6th January, 2023, Mr SG, who was working at the premises, produced proof of residency for both himself and Mr K Singh. Following a telephone conversation with Mr K Singh in relation to the receipts for vapes, it was confirmed that these were still with the accountants.

In concluding, Ms K Mullings shared her concerns of the continued poor management and lack of understanding of the importance of the conditions attached to the premises licences displayed by Mr H Singh, Mr K Singh and Mr SG, and therefore fully supported the recommendations made by Trading Standards.

Ms V Joshi then presented the case on behalf of her clients, Mr H Singh and Mr K Singh, and in doing so confirmed that both understood the conditions of the premises licence and subsequent breaches. It was further suggested that a sealed box containing ten illegal vapes that had been seized on 27th October, 2022 was also present at the premises during a visit undertaken by Trading Standards Enforcement Officers on 23rd September, 2022. Ms V Joshi further stated that her clients had fully accepted accountability and had apologised for the incidents that had occurred.

In responding to comments made, Mr K Maan gave assurances to the Sub-Committee of the extremely thorough inspections undertaken daily at premises across the Borough, and that any products suspected to be illegal would not have been left at the premises.

In responding to Ms V Joshi's comments in relation to the production of a receipt, it was confirmed that the receipt did not relate to the purchasing of the 361 illegal nicotine containing vapes seized on 23rd September, 2022.

In referring to the incident on 27th October and the sale of the disposable nicotine containing e-cigarette to a 15 year old test purchaser, Ms V Joshi advised that it was accepted that no identification had been requested and that Mr A Singh had now been dismissed.

Following a discussion, Mr K Singh was requested to email his employment details to the Public Protection Manager as a matter of urgency.

Ms V Joshi informed the Sub-Committee of the measures implemented including the update to the CCTV system; appropriate training to Mr SG; submission of proof of residency and that Mr K Singh had implemented all conditions of the premises licence.

Following further discussion, concerns were raised in relation to the lack of invoices and receipts retained by the premises in a file for a minimum of two years which should be made available for inspection on demand by an officer of a responsible authority.

In summing up, Ms V Joshi reiterated her previous comments and requested that the Sub-Committee in determining the application today consider the measures implemented and also confirmed that Mr H Singh would be in agreement with the imposition of additional conditions to the premises licence as recommended by Trading Standards.

In responding to a question raised by the Principal Solicitor, Ms V Joshi confirmed that attempts had been made to contact the seller of the vapes with a tank capacity in excess of the prescribed limit for receipts, with no success to date. Mr K Singh confirmed that the sale was private together with a credit agreement to pay for the products once sold to the agreed amount.

In responding to a question raised by the Chair, all parties confirmed that they had had a fair hearing and sufficient opportunity to present their cases. All parties then withdrew from the meeting to enable the Sub-Committee to determine the application.

The Sub-Committee having made their decision invited the parties to return and the Principal Solicitor then outlined their decision.

Resolved

(1) That, following consideration of the information contained in the report submitted and presented at the meeting, the following conditions be applied to the premises licence in respect of The Liquor Well (Formally Old Park News and Mini Market), 159 Old Park Road, Dudley: -

- (1) **Age Verification** – the premises will operate an age verification policy set at a minimum of ‘Challenge 25’. All staff authorised to sell alcohol will be trained in this policy and without exception adhere to it. Acceptable forms of identification to verify age will only include a passport, photographic driving licence or a Proof of Age Standards Scheme (PASS) such as Citizen Card or equivalent. No other form of identification will be accepted.
- (2) **Advisory Notices** – suitable age restricted advisory and warning notices are to be displayed **(1)** on the main door to the premises **(2)** at the point of sale **(3)** in prominent positions at all points within the premises where alcohol is displayed for sale to the public.

- (3) **Refusals Register** – a register for age restricted products will be maintained at the premises. This can be either a written register or an electronic version. As a minimum, the register will record the date, time and reason for the refusal of sale. All staff working on the premises will know of the existence of the register and will produce it at the time of request by any authorised officer from the Responsible Authority. The PLH, DPS or store manager will review the register once a week ensuring it is completed and accurate and for audit purposes be in a position to corroborate this review in writing or electronically. Failure to continue recording refusals due to a written register being full will be considered a breach of this particular condition.
- (4) **CCTV System** – a CCTV system will be installed at the premises and will record at all times when the premises are open for licensable activities. The equipment will be of such a type as to conform to the specifications set by West Midlands Police. It will record, as a minimum **(1)** those areas within the store where alcohol is displayed to the public and **(2)** the point of sale. The camera views of these areas will remain unobstructed at all times. The CCTV system will show the correct time and date and the equipment itself will be maintained so as to be in good working order. Daily checks should be made of the CCTV system by a member of staff at the commencement of licensing hours to ensure it is in proper working order. All recorded images are to be stored for a **minimum of 31 days** and made available upon request to any authorised officer from the Responsible Authority. Whilst the premises are open for business during the licensing hours at least one member of staff will always be present who is suitably trained so as to know how to operate the CCTV system. Any CCTV hard drive that is replaced/repaired/renewed will be retained for a minimum of 31 days.

- (5) **Staff Training** – anyone employed to work on the premises who finds themselves on duty during licensable hours of business and being in a position where it is reasonable to expect them to potentially take payment from customers for goods which may include alcohol must have already have completed an initial training programme in relation to the requirements of the Licensing Act 2003. This initial training must include a written test to verify the competency of that person. This initial training must be completed prior to that member of staff being left alone in the store for any period of time whatsoever. Existing employees will undertake refresher training every 12 months, as a minimum. A record of all staff training will be maintained and stored on the premises and produced upon request to an authorised officer from the Responsible Authority.
- (6) **Casual Staff** – during the hours of licensable activity and where any alcohol is visibly on display in the premises for sale to the public, persons who are not formally employed and trained to work at the premises are **NOT** to be left in temporary control regardless of the period of time. In the case of an emergency situation the PLH, DPS or store manager should close the store until a suitable member of staff can be present.
- (7) **Personnel File** – a file shall be maintained and stored at the premise for each member of staff authorised to sell alcohol. As a minimum, this must include proof of identity, date of birth, current home address and National Insurance Number. The only acceptable form of identity and age verification will be a signed copy of passport and/or driving licence. Proof of an address will include a letter from a current utility provider that clearly shows the name of the specific member of staff and not a relative or friend. Personnel files will be produced upon request to any authorised officer from the Responsible Authority.
- (8) **Proxy Sales** – any person suspected of attempting to purchase alcohol for anyone underage shall be refused service and an appropriate entry made within the Refusals Register.

- (9) **Disposable Vapes** 0 all e-cigarettes kept on the premises MUST comply fully with Part 6 (sections 31 – 40) of the Tobacco and Related Products Regulations 2016 (TRPR), Restriction of Hazardous Substances Act (RoHS), Waste Electrical and Electronic Equipment recycling regulations (WEEE) and the Electromagnetic compatibility directive (EMC)
- (10) **Financial Records** - all financial transactions that relate to the purchase of alcohol and tobacco products for this property must be kept in a folder and retained for a minimum period of 2 years from the actual date of purchase. The invoice/receipts must relate specifically to the postal address for this property and not to any other business address. These original documents are to be made available to an officer of a Responsible Authority upon request.

2. That Mr H Singh be removed as the Designated Premises Supervisor.

20. **Application for Review of a Premises Licence – Steve’s News, 56-58 Stourbridge Road, Halesowen**

A report of the Interim Director of Public Realm was submitted on an application for a review of a premises licence in respect of Steve’s News, 56-58 Stourbridge Road, Halesowen.

The following persons were in attendance, at the meeting:

Mrs T Manivannan - (Premises Licence Holder and Designated Premises Supervisor)

Mr N Bowser - (Arka Licensing Consultants on behalf of Mrs T Manivannan)

Mr R Jones – (Environmental Health and Trading Standards)

Mr K Maan - (Environmental Health and Trading Standards)

Mrs K Grandison - (Environmental Health and Trading Standards)

Ms K Mullings – (Licensing and Waste Enforcement)

Following introductions, the Assistant Team Manager (Licensing and Waste Enforcement) presented the report on behalf of the Council.

Mr R Jones presented the facts of the case relating to the prevention of crime and disorder and the protection of children from harm under the Licensing Act 2003 and outlined the reasons that had resulted in the application being made for a review of the premises licence.

It was noted that on 14th November, 2022, a 15 year old test purchaser was sold a disposable nicotine containing e-cigarette (Elf Bar 600 puff 2% nicotine) and a 500ml bottle of Brothers Parma Violet cider (4% Alcohol By Volume) in the same transaction, contrary to The Nicotine Inhaling Products (Age of Sale and Proxy Purchasing) Regulations 2015 and Section 146(1) Licensing Act 2003. On the same date, over 2000 illegal nicotine containing disposable vapes were seized from the premises all for having a tank capacity in excess of the prescribed limit, contrary to Regulation 48(d) of the Tobacco and Related Products Regulations 2016.

In referring to the incident on 14th November, the individual who had sold the disposable nicotine containing e-cigarette and age restricted product to the 15 year old test purchaser having neither questioned the age nor requested identification was identified as Mr S Manivannan. Once the test purchaser had vacated the premises, Mr R Jones entered and approached the counter, requesting an Elux Legend vape with a 3,500 puff size capacity, which was retrieved from underneath the counter and subsequently sold by Mr S Manivannan. Upon being cautioned, Mr S Manivannan made no reply.

During an inspection of the premises, a significant amount of illegal disposable nicotine containing vapes were located in the cellar with all having a tank capacity in excess of the permitted 2ml size. Under caution, Mr S Manivannan admitted that the vapes were acquired by him the day before from a local sales rep and that the stock was valued at £5,000, with a verbal agreement with the retailer to pay him this amount once he had sold the stock by Christmas. It was estimated that if sold, the value would be in the region of £15,000 to £20,000.

Mr R Jones then provided a summary of the interview undertaken under caution and attended by Mr S Manivannan, who confirmed that 600 puff vapes were displayed above the counter and the larger vapes beneath the counter, which he had been advised to do so by the retailer and sell by request only. It was reported that stock was stored in the cellar due to the limited size of the premises and ongoing refurbishment. It was confirmed that both Mr and Mrs Manivannan worked at the premises and that Mr S Manivannan admitted to selling a vape and age restricted product to a 15 year old having first refused to sell him a knife, and that he had stated that he was not concentrating due to an argument with his wife.

The Sub-Committee were advised that Mr S Manivannan had confirmed that illegal disposable vapes were purchased at the premises by a local sales rep called, Singh, and a delivery note presented. The delivery note for £5,000 was handwritten with some common brands noted, however there was no information regarding the supplier.

In concluding, it was suggested that if the Sub-Committee was minded not to suspend or revoke the premises licence that consideration be given to the imposition of additional conditions on the licence.

Ms K Mullings then presented the representations of Dudley Licensing Authority and in doing so referred to the compliance check undertaken 18th November, 2022 to check that the premises were being operated in accordance with the premises licence operating schedule. During the compliance visit, Mrs T Manivannan was present and it was noted that the summary licence was not displayed in the premises, and Mrs T Manivannan was unable to present a copy on request. Mrs T Manivannan also advised that she requested identification in relation to the sale of age restricted products to customers that appeared under the age of 18, therefore Ms Mullings advised her to operate a Challenge 25 policy and supplied her with appropriate information.

It was noted that Mrs T Manivannan had little understanding of the requirement of a Refusals Register, but that the premises had retained a register upon inspection. It was further reported that Mr and Mrs Manivannan resided above the premises with their children but had failed to inform the licensing section of a change of address, as was legally required of a Premises Licence Holder.

Following a further visit to the premises on 13th December, 2022, it was evident that the summary licence was displayed and a full copy was produced upon request; Challenge 25 posters displayed around the premises and front door and a Refusals Register available and completed. It was further noted that Mrs Manivannan had completed a change of address which was reflected in the new licence.

In concluding, Ms K Mullings, although acknowledging the issues raised had since been rectified, shared her concerns of the lack of understanding by both Mr and Mrs Manivannan of their responsibilities as premises licence holders and designated premises supervisor, and therefore fully supported the recommendations made by Trading Standards.

Mr N Bowser then presented the case on behalf of his client, advising that Mr and Mrs Manivannan had been operating the premises for eight years as a family run business, with Mr Manivannan having extensive experience in retail sales. He reported that during the incident on 14th November, 2022, the premises was undergoing refurbishment in the storeroom and kitchen which had caused significant stress to the household which resulted in a large quantity of stock being relocated to the cellar for storage. The failed test purchase was attributed following an argument between Mr and Mrs Manivannan with Mr Manivannan initially refusing to sell a knife to the test purchaser in the first instance, however it was acknowledged that the sale should not had occurred in any case.

Mr N Bowser referred to the good record retained by Mr and Mrs Manivannan with no failed test purchase exercises or complaints or issues during the time of operating at the premises. In referring to the purchasing of the illegal disposable nicotine containing vapes, Mr Bowser confirmed that the product came from a cash and carry store in Hockley, Birmingham, which was used regularly, but that the particular deliverer of this stock advised Mr Manivannan to sell the vapes containing above the limited size upon request only. Following the seizure of the products, Mr Manivannan contacted the Cash and Carry and was assured of the legality of the products.

The Sub-Committee was informed of the additional measures implemented at the premises in accordance with the proposed recommendations submitted by Trading Standards, including further training, Challenge 25 posters and the Premises Licence were now displayed and a refusals register was now in operation. Mr Bowser also reiterated Mr and Mrs Manivannan had offered their assistance with any investigation required in relation to the sale of the illegal disposable nicotine containing vapes.

It was confirmed that Mr and Mrs Manivannan were both joint Premises Licence Holders.

In responding to a question raised by Councillor Razzaq, Mr Bowser confirmed that a delivery note had been presented to Mr Manivannan by the supplier of the illegal disposable vapes and not a formal receipt, and further reiterated that the supplier had stated that he was an employee of the Cash and Carry that was regularly used at the premises.

In responding to a question raised by Councillor Drake, Mr Bowser confirmed that the disposable vapes, and other stock, were stored away from the counter and in various locations throughout the premises due to the limited capacity available owing to the ongoing refurbishment.

Following further discussion, the Sub-Committee raised some concerns of Mrs Manivannan's inability to answer questions asked by the Sub-Committee in relation to the purchase of the illegal vapes and whether her English was sufficiently good to understand the detailed questions being asked. At this juncture, the Sub-Committee adjourned the meeting at 1.12pm and returned at 1.36pm, to allow Mr Manivannan to attend the hearing as joint premises licence holder and with overall responsibility for the purchasing of stock for the premises.

Mr S Manivannan was in attendance at the meeting, and the Chair and all those present introduced themselves.

In responding to a question raised by the Chair, Mr Manivannan reported that he witnessed a range of vapes on display at the Cash and Carry and was informed by the supplier that he was an employer of the Cash and Carry located in Birmingham, and that the vapes were lawful to sell.

Mr Manivannan referred to the significant financial constraints and losses to the business and assured the Sub-Committee that it was not his intention to sell any products that were not legal.

In responding to a question raised by Councillor Razzaq following submission of a receipt identifying disposable vapes with a capacity size over 3,500 puffs, Mr K Maan confirmed that those specified did not contain nicotine and was therefore legal to sell.

In summing up, Mr Bowser on behalf of his clients, referred to the difficulties encountered whilst considering the extensive categories of vapes available and reiterated that the failed test purchase was a single incident and measures had since been implemented. It was also confirmed that Mr and Mrs Manivannan were in agreement with the imposition of additional conditions to the premises licence as recommended by Trading Standards.

Following summing up, all parties then withdrew from the meeting to enable the Sub-Committee to determine the application.

The Sub-Committee having made their decision invited the parties to return and the Principal Solicitor then outlined their decision.

Resolved

(1) That, following consideration of the information contained in the report submitted and presented at the meeting, the following conditions be applied to the premises licence in respect of Steve's News, 56-58 Stourbridge Road, Halesowen: -

- (1) **Age Verification** – the premises will operate an age verification policy set at a minimum of 'Challenge 25'. All staff authorised to sell alcohol will be trained in this policy and without exception adhere to it. Acceptable forms of identification to verify age will only include a passport, photographic driving licence or a Proof of Age Standards Scheme (PASS) such as Citizen Card or equivalent. No other form of identification will be accepted.
- (2) **Advisory Notices** – suitable age restricted advisory and warning notices are to be displayed **(1)** on the main door to the premises **(2)** at the point of sale **(3)** in prominent positions at all points within the premises where alcohol is displayed for sale to the public.
- (3) **Refusals Register** – a register for age restricted products will be maintained at the premises. This can be either a written register or an electronic version. As a minimum, the register will record the date, time and reason for the refusal of sale. All staff working on the premises will know of the existence of the register and will produce it at the time of request by any authorised officer from the Responsible Authority. The PLH, DPS or store manager will review the register once a week ensuring it is completed and accurate and for audit purposes be in a position to corroborate this review in writing or electronically. Failure to continue recording refusals due to a written register being full will be considered a breach of this particular condition.

- (4) **CCTV System** – a CCTV system will be installed at the premises and will record at all times when the premises are open for licensable activities. The equipment will be of such a type as to conform to the specifications set by West Midlands Police. It will record, as a minimum **(1)** those areas within the store where alcohol is displayed to the public and **(2)** the point of sale. The camera views of these areas will remain unobstructed at all times. The CCTV system will show the correct time and date and the equipment itself will be maintained so as to be in good working order. Daily checks should be made of the CCTV system by a member of staff at the commencement of licensing hours to ensure it is in proper working order. All recorded images are to be stored for a **minimum of 31 days** and made available upon request to any authorised officer from the Responsible Authority. Whilst the premises are open for business during the licensing hours at least one member of staff will always be present who is suitably trained so as to know how to operate the CCTV system. Any CCTV hard drive that is replaced/repaired/renewed will be retained for a minimum of 31 days.
- (5) **Staff Training** – anyone employed to work on the premises who finds themselves on duty during licensable hours of business and being in a position where it is reasonable to expect them to potentially take payment from customers for goods which may include alcohol must have already completed an initial training programme in relation to the requirements of the Licensing Act 2003. This initial training must include a written test to verify the competency of that person. This initial training must be completed prior to that member of staff being left alone in the store for any period of time whatsoever. Existing employees will undertake refresher training every 12 months, as a minimum. A record of all staff training will be maintained and stored on the premises and produced upon request to an authorised officer from the Responsible Authority.
- (6) **Casual Staff** – during the hours of licensable activity and where any alcohol is visibly on display in the premises for sale to the public, persons who are not formally employed and trained to work at the premises are **NOT** to be left in temporary control regardless of the period of time. In the case of an emergency situation the PLH, DPS or store manager should close the store until a suitable member of staff can be present.

- (7) **Personnel File** – a file shall be maintained and stored at the premise for each member of staff authorised to sell alcohol. As a minimum, this must include proof of identity, date of birth, current home address and National Insurance Number. The only acceptable form of identity and age verification will be a signed copy of passport and/or driving licence. Proof of an address will include a letter from a current utility provider that clearly shows the name of the specific member of staff and not a relative or friend. Personnel files will be produced upon request to any authorised officer from the Responsible Authority.
- (8) **Proxy Sales** – any person suspected of attempting to purchase alcohol for anyone underage shall be refused service and an appropriate entry made within the Refusals Register.
- (9) **Disposable Vapes** 0 all e-cigarettes kept on the premises MUST comply fully with Part 6 (sections 31 – 40) of the Tobacco and Related Products Regulations 2016 (TRPR), Restriction of Hazardous Substances Act (RoHS), Waste Electrical and Electronic Equipment recycling regulations (WEEE) and the Electromagnetic compatibility directive (EMC)
- (10) **Financial Records** - all financial transactions that relate to the purchase of alcohol and tobacco products for this property must be kept in a folder and retained for a minimum period of 2 years from the actual date of purchase. The invoice/receipts must relate specifically to the postal address for this property and not to any other business address. These original documents are to be made available to an officer of a Responsible Authority upon request.

21 **Questions Under Council Procedure Rule 11.8**

There were no questions to the Chair pursuant to Council Procedure Rule 11.8.

The meeting ended at 2.09pm

CHAIR

**Minutes of the Licensing Sub-Committee 2
Tuesday, 7th February 2023 at 1.13 pm
In Conference Room 9, Saltwells Education Development Centre,
Bowling Green Road, Netherton**

Present:

Councillor E Taylor (in the Chair)
Councillors P Drake and K Razzaq

Officers:

N Slym – Assistant Team Manager (Licensing and Waste Enforcement)
(Directorate of Public Realm); R Clark – Principal Solicitor and K Taylor – Senior
Democratic Services Officer (Directorate of Finance and Legal).

22 Apologies for Absence

There were no apologies for absence received for this meeting of the Sub-Committee.

23 Appointment of Substitute Members

There were no substitute Members appointed for this meeting of the Sub-Committee.

24 Declarations of Interest

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

25. **Application for a Licensed Premises Gaming Machine Permit – The Princess, 115-117 Bridgnorth Road, Wollaston, Stourbridge**

A report of the Interim Director of Public Realm was submitted in respect of an application for the grant of a Licensed Premises Gaming Machine Permit for three Category C machines at the premises known as The Princess, 115-117 Bridgnorth Road, Wollaston, Stourbridge.

The following persons were in attendance at the meeting:-

Miss L Arnold (Manager – The Princess)

Mr M Finnemore (Regional Manager – Craft Union Limited)

Following introductions, the Assistant Team Manager (Licensing and Waste Enforcement) presented the report on behalf of the Council, and both Miss Arnold and Mr Finnemore responded to questions asked by the Sub-Committee and in doing so clarified the positioning of the machines and confirmed that all machines would be visible by members of staff from the different areas within the licensed premises.

Resolved

That, following consideration of the information contained in the report submitted, the grant of a Licensed Premises Gaming Machine Permit for three Category C machines at the premises known as The Princess, 115-117 Bridgnorth Road, Wollaston, Stourbridge, be approved.

26 **Questions Under Council Procedure Rule 11.8**

There were no questions to the Chair pursuant to Council Procedure Rule 11.8.

The meeting ended at 1.22pm

CHAIR

Meeting of the Licensing Sub-Committee 2 - 4th April 2023

Report of the Interim Director of Environment Directorate

Application for a Licensed Premises Gaming Machine Permit

Queensway, Gauden Road, Stourbridge, DY9 9HN.

Purpose

1. To consider the application for the grant of a Licensed Premises Gaming Machine permit for 3 category C machines, in respect of the premises known as The Queensway, Gauden Road, Stourbridge.

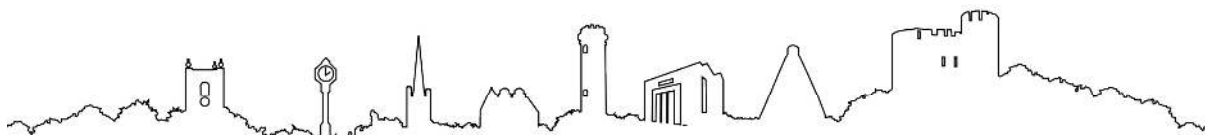
Recommendation

2. That the Committee determine the application for the grant of a permit for 3 category C machines in respect of the premises known as The Queensway.

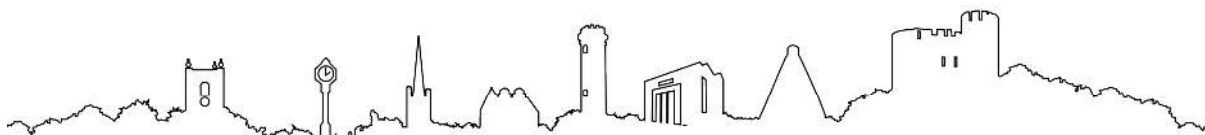
Background

3. The Queensway holds a current premises licence for the following:

B: Films	Monday to Sunday	10:00	00:00
B: Films	When hours for the sale of alcohol are extended these hours are also extended		
C: Indoor Sporting Events	Monday to Sunday	10:00	00:00



C: Indoor Sporting Events	When hours for the sale of alcohol are extended these hours are also extended		
E: Live Music	Monday to Sunday	10:00	23:30
E: Live Music	Bank Holiday Weekends, Christmas Eve & Boxing Day ONLY IF THEY FALL ON A FRIDAY OR SATURDAY	10:00	00:00
F: Recorded Music	Sunday to Thursday	10:00	23:30
F: Recorded Music	Friday & Saturday	10:00	00:00
H: Entertainment similar to E,F or G	Monday to Sunday	10:00	23:30
H: Entertainment similar to E,F or G	Bank Holiday Weekends, Christmas Eve & Boxing Day ONLY IF THEY FALL ON A FRIDAY OR SATURDAY	10:00	00:00
I: Late Night Refreshment	Monday to Sunday	23:00	00:45
I: Late Night Refreshment	When hours for the sale of alcohol are extended these hours are also extended.		
J: Supply of Alcohol	Monday to Sunday	10:00	00:00
J: Supply of Alcohol	Non-standard timings – 10:00hrs New Years Eve to 23:00hrs on New Years Day.		
	08:00hrs to 01:00 on Friday, Saturday, Sunday & Monday on Bank Holiday		

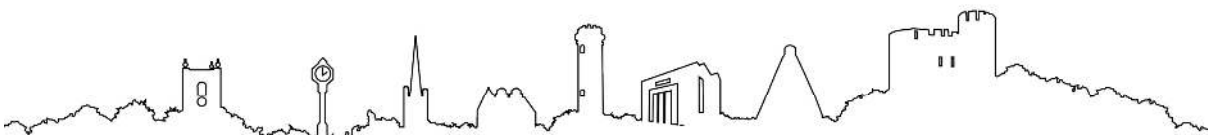


	Weekends, Christmas Eve & Boxing Day		
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4. The Local Authority licensing policy states as follows:-

- 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 category D 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.
- 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.

5. On 1st February 2023, Mr Jonathon Peter Buckley made application in respect of the premises known as The Queensway for the grant of a licensed premises Gaming Machine Permit for 3 category C machines. The application has been forwarded to Committee Members and Interested Parties. A copy of the site plan identifying the position of all 3 machines was received on the 7th March 2023, and has also been forwarded to Committee Members and Interested Parties for their information.



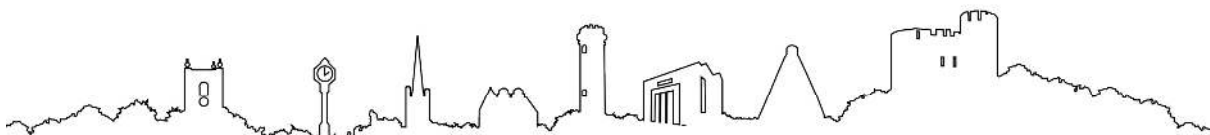
6. The current licence holder of the premises licence is Mr J P Buckley.
7. The premises currently hold a notification for 2 gaming machines.

Finance

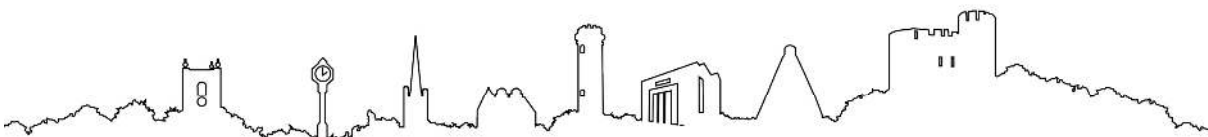
8. There are no financial implications.

Law

9. Pursuant to part 12, section 283 of the Gambling Act 2005 the Council can grant a licensed premises gaming machine permits.
10. Pursuant to schedule 13 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
11. Pursuant to schedule 13, 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.



12. Pursuant to schedule 13, 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
13. In pursuance of schedule 13 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
14. In pursuance of schedule 13 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



15. In pursuance of schedule 13 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.

Risk Management

16. There are no risk management implications.

Equality Impact

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

Human Resources/Organisational Development

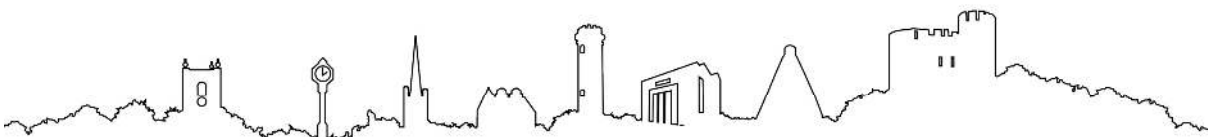
20. There are no human resources/organisational development implications.

Commercial/Procurement

21. There are no commercial/procurement implications.

Environment/Climate Change

22. There are no Environment/Climate Change implications.



Council Priorities and Projects

23. This application falls within the Council's responsibility for Licensing as a direct link to the Council's key corporate priority to support stronger and safer communities.



Andy Vaughan
Interim Director of Environment Directorate

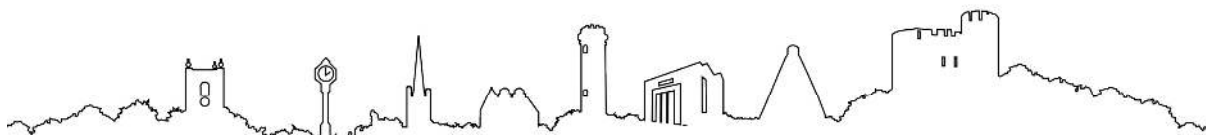
Report Author: Mr S Smith
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Email: simon.smith@dudley.gov.uk

Appendices

None

List of Background Papers

None



Meeting of the Licensing Sub-Committee 2 – 4th April 2023

Report of the Interim Director of Environment Directorate

Application for a Licensed Premises Gaming Machine Permit

The Rose and Crown, Hagley Road, Halesowen B63 4JP

Purpose

1. To consider the application for the grant of a Licensed Premises Gaming Machine permit for 3 category C machines, in respect of the premises known as The Rose and Crown, Hagley Road, Halesowen.

Recommendation

2. That the Committee determine the application for the grant of a permit for 3 category C machines in respect of the premises known as The Rose and Crown.

Background

3. The Rose and Crown holds a current premises licence for the following:

E:Performance of Live Music	Monday to Sunday	10:00	23:30
F:Playing of Recorded Music	Monday to Sunday	10:00	00:00
H:Ent. of a Similar Description to E,F,G	Monday to Sunday	10:00	00:00



I:Late Night Refreshment	Monday to Wednesday	23:00	01:00
I:Late Night Refreshment	Thursday to Sunday	23:00	02:00
I:Late Night Refreshment	Non – standard timings as for the supply of alcohol		
J:Supply of Alcohol	Monday to Wednesday	10:00	00:00
J:Supply of Alcohol	Thursday to Sunday	10:00	01:00
J:Supply of Alcohol	<p>Non – standard timings On St. David's Day, St. Patrick's Day, St George's Day, and St. Andrew's Day, the finish time will be extended by one hour. For statutory bank holiday weekend periods (Friday, Saturday, Sunday and Monday) and for the Thursday before Good Friday and for Christmas Eve, the finish time will be extended by one hour .</p> <p>In the event of the transmission of any recognised international event which falls outside the current permitted hours on the premises licence to open one hour before the start of the event and ending one hour after the end of the event , the details of the activity to be notified to the police 14 days beforehand.</p> <p>The event will not proceed if the police serve,7 days prior to the event, written notice on the DPS.</p>		

4. 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 category D 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.
 - 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.
5. On 2nd March 2023, Sprit Pub Company Ltd made application in respect of the premises known as The Rose and Crown for the grant of a licensed premises Gaming Machine Permit for 3 category C machines. The application has been forwarded to Committee Members and Interested Parties. A copy of the site plan identifying the position of all 3 machines has also been forwarded to Committee Members and Interested Parties for their information.
 6. The current licence holder of the premises licence is The Spirit Pub Company Ltd.
 7. The premises currently hold a notification for 2 gaming machines.

Finance

8. There are no financial implications.



Law

9. Pursuant to part 12, section 283 of the Gambling Act 2005 the Council can grant a licensed premises gaming machine permits.
10. Pursuant to schedule 13 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
11. Pursuant to schedule 13, 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.
12. Pursuant to schedule 13, 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
13. In pursuance of schedule 13 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

14. In pursuance of schedule 13 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

15. In pursuance of schedule 13 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.

Risk Management

16. There are no risk management implications.



Equality Impact

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

Human Resources/Organisational Development

20. There are no human resources/organisational development implications.

Commercial/Procurement

21. There are no commercial/procurement implications.

Environment/Climate Change

22. There are no Environment/Climate Change implications.

Council Priorities and Projects

23. This application falls within the Council's responsibility for Licensing as a direct link to the Council's key corporate priority to support stronger and safer communities.

Andy Vaughan
Interim Director of Environment Directorate



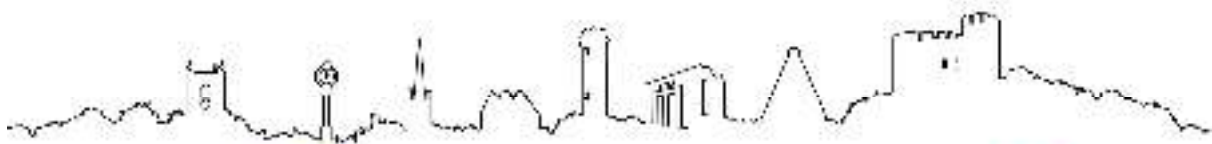
Report Author: Mr S Smith
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Appendices

None

List of Background Papers

None



Licensing Sub-Committee 2 – 4th April 2023

Report of the Interim Director of Environment Directorate

Application for House to House Collections Licence

Purpose of Report

1. To consider the application for the grant of a House to House Collections Licence received from Recycle Proline Limited on behalf of the Ukraine Appeal.

Recommendation

2. That the Committee consider the application for a House to House Collection Licence in respect of Recycle Proline Limited on behalf of the Ukraine Appeal.

Background

3. On the 8th March 2023, Miss Kamile Donelaite of Recycle Proline Limited made application for a House to House Collections Licence on behalf of the Ukraine Appeal. A copy of that application has been forwarded to Committee Members and interested parties.
4. In January 1999, the Licensing Section in accordance with the Neighbouring Authorities Working Group introduced a policy requiring all House to House Collection applicants to submit income and expenditure accounts for the previous financial year.
5. In recent years applications for House to House Collections have been received from independent commercial companies undertaking collections on behalf of specific charities. Therefore in November 2009 the Council introduced a further policy that all applicants for House to House Collection Licences be required to submit with the application income and expenditure accounts for the previous financial year of the charity for which the collection is being made and

also for the company or organisation making the collection. This is to ensure that a substantial amount of the monies collected are used for charitable purposes. Copies of the accounts in respect of Recycle Proline Limited are attached to this report as appendix 1. The Ukraine Appeal were unable to produce accounts as they stated that they were a new organisation and that the first year accounts were not due as yet.

6. Copies of the application were circulated to West Midlands Police and the Environment Directorate (Highways). These agencies raised no objections to the application.

Finance

7. There are no financial implications.

Law

8. House to house collection permits are governed by Section 2 of the House-to- House Collections Act 1939.
9. Council may refuse to grant a licence or where a licence has been granted may revoke it if it appears to the Authority:-
 - (a) that the total amount likely to be applied for charitable purposes as the result of the collection (including any amount already so applied) is inadequate in proportion to the value of the proceeds likely to be received (including any proceeds already received).
 - (b) that remuneration which is excessive in relation to the total amount aforesaid is likely to be, or has been, retained or received out of the proceeds of the collection by any person.
 - (c) that the grant of a licence would be likely to facilitate the commission of any offence under section three of the Vagrancy Act 1824, or that an offence under that section has been committed in connection with the collection.
 - (d) that the applicant or the holder of the licence is not a fit and proper person to hold a licence by reason of the fact that he has been convicted in the United Kingdom of any offences

specified in the Schedule to this Act, or has been convicted in any part of His Majesty's dominions of any offence conviction for which necessarily involved a finding that he acted fraudulently or dishonestly, or of any offence of a kind the commission of which would be likely to be facilitated by the grant of a licence.

- (e) that the applicant or the holder of the licence, in promoting a collection in respect of which a licence has been granted to him, has failed to exercise due diligence to secure that persons authorised by him to act as collectors for the purposes of the collection were fit and proper persons, to secure compliance on the part of persons so authorised with the provisions of regulations made under this Act, or to prevent prescribed badges or prescribed certificate of authority being obtained by persons other than persons so authorised.
 - (f) that the applicant or holder of the licence has refused or neglected to furnish to the authority such information as they may have reasonably required for the purpose of informing themselves as to any of the matters specified in the fore-going paragraphs.
10. If the Committee refuse to grant a licence or revoke a licence which has been granted. There is a right of appeal within 14 days to the Secretary of State against the refusal or revocation of licence.

Equality Impact

- 11. This report takes into account the Council's policy on equal opportunities.
- 12. There has been no consultation or involvement of children and young people in developing these proposals.

Human Resources/Organisational Development

- 13. There are no human resources/organisational development implications.

Commercial/Procurement

14. There are no commercial/procurement implications.

Environment/Climate Change

15. There are no Environment/Climate Change implications.

Health, Wellbeing and Safety

16. This report has a direct link to the Council's policy for safety as the principal reason for submission is safeguarding the public.



Andy Vaughan
Interim Director of Environment Directorate

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List of Background Documents

None

Appendices

None