

# LICENSING SUB-COMMITTEE 3

TUESDAY 20<sup>TH</sup> AUGUST, 2013

AT 10.00 AM  
COMMITTEE ROOM 2  
COUNCIL HOUSE  
PRIORY ROAD  
DUDLEY

If you (or anyone you know) is attending the meeting and requires assistance to access the venue and/or its facilities, could you please contact Democratic Services in advance and we will do our best to help you

KAREN TAYLOR  
DEMOCRATIC SERVICES OFFICER  
Internal Ext – 8116  
External – 01384 818116  
E-mail – [Karen.taylor@dudley.gov.uk](mailto:Karen.taylor@dudley.gov.uk)

You can view information about Dudley MBC on  
[www.dudley.gov.uk](http://www.dudley.gov.uk)

The logo for Dudley Metropolitan Borough Council features the word "Dudley" in a large, bold, sans-serif font. A thick, black, curved line arches over the top of the letters "d", "u", and "d". Below the word "Dudley", the words "Metropolitan Borough Council" are written in a smaller, black, sans-serif font.

Dudley  
Metropolitan Borough Council

## **IMPORTANT NOTICE**

### **MEETINGS IN DUDLEY COUNCIL HOUSE**

Welcome to Dudley Council House

In the event of the alarm 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 to be 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.

Thank you for your co-operation.

Your ref:

Our ref:  
KT

Please ask for:  
Karen Taylor

Telephone No.  
01384 818116

8<sup>th</sup> August 2013


Dear Member

**Meeting of Licensing Sub-Committee 3 – Tuesday 20<sup>th</sup> August, 2013**

You are requested to attend a meeting of Licensing Sub-Committee 3 to be held on Tuesday 20<sup>th</sup> August, 2013 at **1.00 pm** in **Committee Room 3** at the Council House, Priory Road, Dudley, West Midlands, DY1 1HF to consider the business set out in the Agenda below.

The agenda and reports for this meeting can be viewed on the Council's internet site [www.dudley.gov.uk](http://www.dudley.gov.uk) and follow the links to Meetings and Decisions.

Yours sincerely



Director of Corporate Resources

**A G E N D A**

1. APOLOGIES FOR ABSENCE

To receive apologies for absence from the meeting.

2. APPOINTMENT OF SUBSTITUTE MEMBERS

To report the appointment of any substitutes for this meeting of the Committee.

3. DECLARATIONS OF INTEREST

To receive declarations of interest in accordance with the Members' code of conduct.

4. MINUTES

To approve as a correct record and sign the minutes of the meeting held on 16<sup>th</sup> July, 2013 (copy attached).

5. APPLICATION FOR REVIEW OF PREMISES LICENCE – CRYSTAL NEWS AND OFF LICENCE (ALSO KNOWN AS WORDSLEY NEWS AND BOOZE), 1 KINVER STREET, WORDSLEY (PAGES 1 – 5)

To consider a report of the Director of Corporate Resources.

6. APPLICATION FOR REVIEW OF PREMISES LICENCE – SANDHARS SUPERMARKET, 69 WELLINGTON ROAD, DUDLEY (PAGES 6 - 10)

To consider a report of the Director of Corporate Resources.

7. APPLICATION FOR REVIEW OF PREMISES LICENCE – SELECT AND SAVE (FORMERLY KNOWN AS KINGSWAY STORES), 7 BILSTON STREET, SEDGLEY (PAGES 11 - 15)

To consider a report of the Director of Corporate Resources.

8. APPLICATION FOR A LICENSED PREMISES GAMING MACHINE PERMIT – THE LUTLEY OAK, 327 STOURBRIDGE ROAD, HALESOWEN (PAGES 16 - 20)

To consider a report of the Director of Corporate Resources.

9. APPLICATION FOR HOUSE TO HOUSE COLLECTIONS LICENCE – BREAST CANCER (INTERSECOND LTD) “DO NOT DELAY” (PAGES 21 - 23)

To consider a report of the Director of Corporate Resources.

10. TO ANSWER QUESTIONS UNDER COUNCIL PROCEDURE RULE 11.8 (IF ANY).

**Distribution**

Councillors:     K. Finch                                     Mrs Ameson                                     Sykes  
                                  (Chair)

## LICENSING SUB-COMMITTEE 3

Tuesday 16<sup>th</sup> July, 2013 at 10.05 am  
in The Council Chamber, The Council House, Dudley

### PRESENT:-

Councillor K Finch (Chair)  
Councillors Sykes and Perks

### Officers

Mr R Clark (Legal Advisor), Mr T Parkes (Licensing Clerk) and Miss L Taylor (Directorate of Corporate Resources).

---

1. APOLOGY FOR ABSENCE

An apology for absence from the meeting was submitted on behalf of Councillor Mrs Ameson.

---

2. APPOINTMENT OF SUBSTITUTE MEMBER

It was noted that Councillor Perks was serving as a substitute member for Councillor Mrs Ameson for this meeting of the Sub-Committee only.

---

3. DECLARATIONS OF INTEREST

No member declared an interest in accordance with the Members' Code of Conduct.

---

4. MINUTES

RESOLVED

That, the minutes of the meeting held on 15<sup>th</sup> January, 2013, be approved as a correct record and signed.

---

5. APPLICATION FOR REVIEW OF PREMISES LICENCE – HARVESTIME GENERAL STORES, 35/37 LANGLAND DRIVE, SEDGLEY

A report of the Director of Corporate Resources was submitted on an application for the review of the premises licence in respect of Harvestime General Stores, 35/37 Langland Drive, Sedgley.

Mr Harpreet Sangarah, Designated Premises Supervisor, and Mr Randeep Sangarah, Premises Licence Holder were both in attendance, along with Mr John Edwards, Solicitor.

Also in attendance were Mr C King, Principal Trading Standards Officer, and Mr G Wintrip, Age Restricted Products Officer, both from the Directorate of the Urban Environment, Ms Natalie Lees and Ms Amanda Baldwin both Licencing Officers of West Midlands Police Authority and Ms D McNulty, Dudley Public Health.

Mr T Parkes, Enforcement Officer, Directorate of Corporate Resources, presented the report on behalf of the Council.

Mr King presented the representations of Trading Standards and in doing so highlighted that the grounds for the review had been based on the undermining of the two licensing objectives, namely, the prevention of crime and disorder and the protection of children from harm.

Mr King informed the Sub-Committee that on 24<sup>th</sup> April, 2013, a sixteen year old child test purchaser had been sold alcohol from the premises by a Mr Randeep Sangarah, the Premises License Holder.

On the 21<sup>st</sup> March, 2013, officers from Dudley Trading Standards carried out a visit to the premises and spoke to Miss Gemma Jones, a shop assistant at the premises.

At the time neither Mr Harpreet or Randeep Sangarah were present at the premises.

The purpose of the visit was to provide advice about preventing underage sales of age restricted products. Miss Jones was given detailed advice including information about acceptable proof of age and the importance of keeping a refusals register. Miss Jones was given an advice pack relating to the sale of age restricted products and was asked to ensure that it was brought to the attention of Harpreet and Randeep Sangarah to ensure that all staff were aware of their obligations under the Licensing Act 2003. The pack contained an advice booklet, a proof age of age poster and a sample PASS (proof of age) card. Ms Jones signed ARP form 0825 to acknowledge receipt of the pack.

It was confirmed that it was Mr Randeep Sangarah who served the test purchaser. Mr R Sangarah was issued with a Fixed Penalty Notice.

On inspection of the premises it was established that there were age restricted products posters on display including "Challenge 25", however Mr R Sangarah was unable to produce the Refusals Register when asked to do so.

In concluding, Mr King 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 the proposed additional conditions had been circulated to all parties prior to the meeting.

Ms N Lees highlighted representations made by the West Midlands Police Authority, and in doing so explained that there had been no information or intelligence of drink related anti-social behaviour in the area.

In presenting the case on behalf of Mr Harpreet and Randeep Sangarah, Mr Edwards explained that the shop usually works to a high standard in relation to age restrictions, and have adjusted their opening times to 8.00pm to aid in lowering late night drinking and undesirable behaviour.

Mr Edwards, acknowledged and accepted the report presented by Trading Standards. It was also accepted that Mr R Sangarah made the sale.

It was also highlighted that the refusals register was in fact on the premises, however Mr R Sangarah's wife, the manager of the store, had temporarily moved it, having been unaware of the importance of keeping the Register by the till.

Mr Edwards made clear to the Sub-Committee that since the failed test-purchase, steps have been taken to ensure that this will remain an isolated incident.

Mr Harpreet and Randeep Sangarah both apologised for this incident and acknowledged their responsibility in this matter.

It was requested that a copy of the Refusals Register be circulated to the Sub-Committee. Mr Edwards provided this document.

After further discussion it was

## 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 the Harvestime General Stores, 35/37 Langland Drive, Sedgley.

### Conditions

- (1) A written Proof of Age Policy is to be put in force, which all staff authorised to sell alcohol shall be trained in and adhere to. Valid proof of identification will only include passport, photographic driving license or a Proof of Age Standards Scheme (PASS) proof of age card such as Citizen card. No other form of identification shall be accepted.

- (2) A Challenge 25 policy will be operated at the premises whereby any individual attempting to purchase alcohol who appears to be under 25 years of age will be asked to provide valid identification to prove they are 18 years or older. All staff must be made aware of and trained in this policy.
- (3) Publicity materials notifying customers of the operation of the "Challenge 25" scheme shall be displayed at the premises, including a "Challenge 25" sign of at least A4 size at each point of sale.
- (4) A4 notices to be displayed on the door to the premises and near the point of sale stating that it is an offence to buy alcohol for persons under the age of 18.
- (5) 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 PLH shall check the book once a week ensuring it is completed and up-to-date. The PLH will sign the book each time it is checked. This book shall be made available for inspection by an officer of any responsible authority on demand.
- (6) CCTV to be in place at the premises to the specifications of the West Midlands Police – Crime Reduction Officer so that the alcohol display area and 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 within 24 hours.
- (7) The premises' CCTV shall be reviewed 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.
- (8) All persons engaged to sell alcohol must complete a training programme, which includes a written test, to verify their competency, prior to them being authorised to sell alcohol.
- (9) 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 review shall be recorded in writing.
- (10) A file shall be maintained at the premises for each person authorised to sell alcohol. This file shall contain all training records for each person along with copies of monthly reviews as stated in point 9. This file shall be available for inspection by an officer of any responsible authority upon request.



Following careful consideration of the information contained within the report and as reported at the meeting, the Sub-Committee will modify the conditions of the premises licence in order to prevent the premises further undermining the licensing objectives.

The Sub-Committee is satisfied that implementing the 10 conditions will prevent the premises from undermining the licensing objectives, in particular the prevention of crime and disorder and the protection of children from harm.

The Sub-Committee re-enforces the fact that the Designated Premises Supervisor and the Premises Licence Holder has a very important role in the selling of alcohol and therefore needs to be aware of and fully understand the ramifications of selling to under age children.

---

6. APPLICATION FOR REVIEW OF PREMISES LICENCE – SELECT & SAVE (FORMALLY KNOWN AS KINGSWAY STORES), 7 BILSTON STREET, SEDGLEY

A report of the Director of Corporate Resources was submitted on an application for the review of the premises licence in respect of Select & Save, 7 Bilston Street, Sedgley.

Mr and Mrs Ralhan (Formerly known as Miss Devi) were in attendance, along with Mr Ragesh, Licensing Representative.

It was noted that Mr T Premakumar, Designated Premises Supervisor, was not in attendance.

Mr T Parkes, Enforcement Officer, Directorate of Corporate Resources, presented the report on behalf of the Council.

After a short discussion it was

RESOLVED

That, the application be deferred to a future meeting of a Sub-Committee pending clarification on the correct details of the Premises Licence Holder.

---

7. APPLICATION FOR A PREMISE LICENCE – 35 CHURCH STREET, PENSNETT, DUDLEY

A report of the Director of Corporate Resources was submitted to consider an application for the grant of a Premises Licence in respect of the premises known as 35 Church Street, Pensnett, Dudley.

Mr S Mahmmud, the Applicant, was in attendance.

Also in attendance were Mr C King, Principal Trading Standards Officer, and Mr G Wintrip, Age Restricted Products Officer, both from the Directorate of the Urban Environment, Ms Natalie Lees and Ms Amanda Baldwin both Licensing Officers of West Midlands Police Authority and Mrs Susan Kowolik – Objector, along with 3 members of the public.

Mr T Parkes, Enforcement Officer, Directorate of Corporate Resources, presented the report on behalf of the Council.

Mr C King presented the representations of Trading Standards, and in doing so outlined the causes for concern in relation to this application that had been circulated to Members prior to the meeting. He also referred to the objections and further information received from West Midlands Police Authority.

Additional information was brought to the Sub-Committee's attention by Mr King and was circulated to the applicant before it was considered as a further objection to the application.

Mr Mahmud then presented his representations and in doing so outlined his intention for the property. In response to the police evidence discussed by Mr King, Mr Mahmud replied that he felt that to his knowledge there was no evidence of illegal behaviour in his other stores, and stated that his intention was to run the shop as a local convenience store.

Mr Mahmud highlighted the five year tenancy agreement to the Sub-Committee, and in doing so explained that he would accept any conditions onto the licence and only intended to trade up until 21.00.

Mr Wintrip, Trading Standards, asked for clarification on who was the current landlord at the property. It was believed that the previous owner of the shop was now the landlord, and Mr Wintrip raised concerns relating to information circulated prior to the meeting.

At this juncture, Mr Mahmud produced a petition in support of the shop. This was circulated to Trading Standards and objectors for approval before it was distributed for consideration by the Sub-Committee.

Following further discussion it was

**RESOLVED**

That, the application for a premises licence in respect of the premises known as 35 Church Street, Pensnett, Dudley, be refused.

## Reason For Decision

This is an application for a new premises licence in respect of the premises known as 35 Church Street, Pensnett, Dudley. Mr Mahmud gave evidence that he entered into a tenancy of the premises for 5 years believing that it had a premises licence. He made the assumption, he said, based on the fact that it was selling alcohol when he visited the premises in December 2012. What is clear is that the premises licence had been revoked due to underage sales in summer 2012. There had also been 229 police logs relating to 35 Church Street relating to anti-social behaviour generally.

Mr Mahmud has not persuaded the Sub-Committee that he has considered the history of this store, and its previous premises licence, and the many issues of the under age sales and anti-social behaviour. It is clear that he did not make sufficient checks in relation to the existence of a premises licence and therefore, he did not have a clear business plan that would ensure that the licensing objectives were clearly and carefully considered. The proposed operating schedule lacks detail and refers to a Challenge 21 policy. Dudley MBC operates a Challenge 25 policy and it is therefore clear that he had not researched his business plan prior to making his application on 22<sup>nd</sup> May 2013. In oral evidence he stated that he would “even introduce a ‘Challenge 25’ policy”. This statement reveals that he believes this to be a very high target rather than a national standard. This did not convince the Sub-Committee that he was prioritising the Protection of Children from Harm. The operating schedule also contains statements that are more appropriate to a public house, i.e. ‘Persons leaving the premises quietly’ and ‘no sales of alcohol in open containers’, than a shop. Again, this does not convince this Sub-Committee that Mr Mahmud has created an operating schedule that will prevent anti-social behaviour and protect young persons from harm.

In the case of this premises and its history and location, the Sub-Committee would expect a very high standard of business planning and operating.

For these reasons the Sub-Committee refuses this application for a premises licence.

---

Meeting ended at 13.20

---

CHAIR

LSBC3/7

**Licensing Sub-Committee 3 – 20<sup>th</sup> August 2013**

**Report of the Director of Corporate Resources**

**Application for Review of a Premises Licence**

**Purpose of Report**

1. To consider the application for the review of a premises licence in respect of Crystal News & Off Licence also known as Wordsley News & Booze, 1 Kinver Street, Wordsley, DY8 5AA.

**Background**

2. Crystal News & Off Licence was first issued with a premises licence on the 22<sup>nd</sup> July 2005. That licence was subsequently transferred on the 28<sup>th</sup> June 2007 and the 4<sup>th</sup> April 2012.

3. The current premises licence is issued for the following:-

Sale of Alcohol	Monday to Saturday	08.00 – 23.00
	Sundays	10.00 – 22.30
	Good Friday	08.00 – 22.30
	Christmas Day	12.00 – 15.00
	Christmas Day	19.00 – 22.30

4. On the 26<sup>th</sup> June 2013, an application for the review of the premises licence was received from the Trading Regulation and Enforcement Manager. A copy of that application has been circulated to Committee members and interested parties in accordance with the Licensing Act 2003.
5. The Council has advertised the application for review of the premises licence in accordance with the Licensing Regulation S1, 2004, No 42, Section 38. A copy of that notice is attached to this report as Appendix 1.
6. Confirmation that the application has been served on the premises licence holder and relevant authorities has been received.
7. On the 15<sup>th</sup> July 2013, the West Midlands Police made representations. A copy of that report has been circulated to Committee members, interested parties and the premises licence holder.

8. The current premises licence holder is Mr C S Randhawa.
9. This application falls within the Council's responsibility for liquor licensing which has a direct link to the Council's key corporate priority that safety matters.

### **Finance**

10. There are no financial implications.

### **Law**

11. The law relating to the review of licences is governed by the Licensing Act 2003 Section 52(1).

Determination of application for review

52(1) This section applies where:-

- a) The relevant licensing authority receives an application made in accordance with section 51,
  - b) the applicant has complied with any requirement imposed on him under subsection (3)(a) or (d) of that section, and
  - c) the authority has complied with any requirement imposed on it under subsection (3)(b) or (d) of that section
12. Before determining the application, the authority must hold a hearing to consider it and any relevant representations.
  13. The authority must, having regard to the application and any relevant representations, take such of the steps mentioned in subsection (4) (if any) as it considers appropriate for the promotion of the licensing objectives.
  14. The steps are -
    - a) to modify the conditions of the licence;
    - b) to exclude a licensable activity from the scope of the licence;
    - c) to remove the designated premises supervisor;
    - d) to suspend the licence for a period not exceeding three months;
    - e) to revoke the licence;

and for this purpose the conditions of the licence are modified if any of them is altered or omitted or any new condition is added.

15. Subsection (3) is subject to sections 19,20 and 21 (requirement to include certain conditions in premises licences).
16. Where the authority takes a step mentioned in subsection (4) (a) or (b) it may provide that the modification or exclusion is to have effect for only such period (not exceeding three months) as it may specify,
17. In this section “relevant representations” means representations which -
  - (a) are relevant to one or more of the licensing objectives, and
  - (b) meet the requirements of subsection (8).
18. The requirements are -
  - (a) that the representations are made –
    - (i) by the holder of the premises licence, a responsible authority or an interested party, and
    - (ii) within the period prescribed under section 51(3)(c)
  - (b) that they have not been withdrawn, and
  - (c) if they are made by an interested party (who is not also a responsible authority), that they are not, in the opinion of the relevant licensing authority, frivolous or vexatious.
19. Where the relevant licensing authority determines that any representations are frivolous or vexatious, it must notify the person who made them of the reasons for that determination.
20. Where a licensing authority determines an application for review under this section it must notify the determination and its reasons for making it to -
  - a) the holder of the licence
  - b) the applicant
  - c) any person who made relevant representations, and
  - d) the chief officer of police for the police area (or each police area) in which the premises are situated.
21. A determination under this section does not have effect -
  - a) until the end of the period given for appealing against the decision, or
  - b) if the decision is appealed against, until the appeal is disposed of
22. Pursuant to schedule 5 part 1, section 8(2)

An appeal may be made against the decision of the committee by –

- a) the applicant for the review
- b) the holder of the premises licence or
- c) any other person who made relevant representations in relation to the application for review.

### **Equality Impact**

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

### **Recommendation**

- 26. That the Sub-Committee determine the review of the premises licence in respect of Crystal News & Off Licence also known as Wordsley News & Booze.



.....  
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**

## DUDLEY METROPOLITAN BOROUGH COUNCIL

[www.dudley.gov.uk](http://www.dudley.gov.uk)REVIEW OF PREMISES LICENCE  
UNDER THE LICENSING ACT 2003

Notice of Review of the Premises Licence issued to Crystal News & Off Licence also known as Wordsley News & Booze, 1, Kinver Street, Wordsley, West Midlands. DY8 5AA.

Interested parties and relevant authorities may make representations in writing to the Licensing Office, Law and Governance, 5 Ednam Road, Dudley, West Midlands, DY1 1HL between 27th June 2013 and 24th July 2013.

The Review of Licence has been requested by a relevant authority on the grounds of

- Prevention of crime and disorder

The details of the grounds for review may be inspected at the Licensing Offices (address as above) between the hours of 9.00 am and 4.30pm (Monday to Friday except Public Holidays).

It is an offence knowingly or recklessly to make a false statement in connection with an application and the maximum fine for which a person is liable on summary conviction for the offence is £5,000.

**Dudley**  
Metropolitan Borough Council

P J Tart  
Director of Corporate Resources

NOTICES PLACED ON  
PREMISES 27/6/2013

*[Handwritten signature]*



**Licensing Sub-Committee 3 – 20<sup>th</sup> August 2013**

**Report of the Director of Corporate Resources**

**Review of a Premises Licence**

**Purpose of Report**

1. To consider the application for the review of a premises licence in respect of Sandhars Supermarket, 69 Wellington Road, Dudley, DY1 1RE.

**Background**

2. Sandhars Supermarket was first issued with a premises licence on the 19<sup>th</sup> October 2005.

3. The current premises licence is issued for the following:-

Sale of Alcohol	Monday to Saturday	08.00 – 23.00
	Sundays	10.00 – 22.30
	Good Friday	08.00 – 22.30
	Christmas Day	12.00 – 15.00
	Christmas Day	19.00 – 22.30

4. On the 27<sup>th</sup> June 2013, an application for the review of the premises licence was received from the Trading Regulation and Enforcement Manager. A copy of that application has been circulated to Committee Members and interested parties in accordance with the Licensing Act 2003.
5. The Council has advertised the application for review of the premises licence in accordance with the Licensing Regulation S1, 2004, No 42, Section 38. A copy of that notice is attached to this report as Appendix 1.
6. Confirmation that the application has been served on the premises licence holder and relevant authorities has been received.
7. On the 9<sup>th</sup> July 2013, the West Midlands Police made representations. A copy of that report has been circulated to Committee members, interested parties and the premises licence holder.

8. The current premises licence holder is Sandhars Supermarket Ltd.
9. 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**

10. There are no financial implications.

### **Law**

11. The law relating to the review of licences is governed by the Licensing Act 2003 Section 52(1).

Determination of application for review

52(1) This section applies where:-

- a) The relevant licensing authority receives an application made in accordance with section 51,
  - b) the applicant has complied with any requirement imposed on him under subsection (3)(a) or (d) of that section, and
  - c) the authority has complied with any requirement imposed on it under subsection (3)(b) or (d) of that section
12. Before determining the application, the authority must hold a hearing to consider it and any relevant representations.
  13. The authority must, having regard to the application and any relevant representations, take such of the steps mentioned in subsection (4) (if any) as it considers appropriate for the promotion of the licensing objectives.
  14. The steps are -
    - a) to modify the conditions of the licence;
    - b) to exclude a licensable activity from the scope of the licence;
    - c) to remove the designated premises supervisor;
    - d) to suspend the licence for a period not exceeding three months;
    - e) to revoke the licence;

and for this purpose the conditions of the licence are modified if any of them is altered or omitted or any new condition is added.

15. Subsection (3) is subject to sections 19,20 and 21 (requirement to include certain conditions in premises licences).
16. Where the authority takes a step mentioned in subsection (4) (a) or (b) it may provide that the modification or exclusion is to have effect for only such period (not exceeding three months) as it may specify,
17. In this section “relevant representations” means representations which -
  - (a) are relevant to one or more of the licensing objectives, and
  - (b) meet the requirements of subsection (8).
18. The requirements are -
  - (a) that the representations are made –
    - (i) by the holder of the premises licence, a responsible authority or an interested party, and
    - (ii) within the period prescribed under section 51(3)(c)
  - (b) that they have not been withdrawn, and
  - (c) if they are made by an interested party (who is not also a responsible authority), that they are not, in the opinion of the relevant licensing authority, frivolous or vexatious.
19. Where the relevant licensing authority determines that any representations are frivolous or vexatious, it must notify the person who made them of the reasons for that determination.
20. Where a licensing authority determines an application for review under this section it must notify the determination and its reasons for making it to -
  - a) the holder of the licence
  - b) the applicant
  - c) any person who made relevant representations, and
  - d) the chief officer of police for the police area (or each police area) in which the premises are situated.
21. A determination under this section does not have effect -
  - a) until the end of the period given for appealing against the decision, or
  - b) if the decision is appealed against, until the appeal is disposed of
22. Pursuant to schedule 5 part 1, section 8(2)

An appeal may be made against the decision of the committee by –


- a) the applicant for the review
- b) the holder of the premises licence or
- c) any other person who made relevant representations in relation to the application for review.

**Equality Impact**

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

**Recommendation**

- 26. That the Sub-Committee determine the review of the premises licence in respect of Sandhars Supermarket, 69 Wellington Road, Dudley.



.....  
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**

## DUDLEY METROPOLITAN BOROUGH COUNCIL

[www.dudley.gov.uk](http://www.dudley.gov.uk)REVIEW OF PREMISES LICENCE  
UNDER THE LICENSING ACT 2003

Notice of Review of the Premises Licence issued to Sandhars Supermarket, 69 Wellington Road, Dudley, DY1 1RE.

Interested parties and relevant authorities may make representations in writing to the Licensing Office, Law and Governance, 5 Ednam Road, Dudley, West Midlands, DY1 1HL between 28th June 2013 and 25th July 2013.

The Review of Licence has been requested by a relevant authority on the grounds of

- Prevention of crime and disorder

The details of the grounds for review may be inspected at the Licensing Offices (address as above) between the hours of 9.00 am and 4.30pm (Monday to Friday except Public Holidays).

It is an offence knowingly or recklessly to make a false statement in connection with an application and the maximum fine for which a person is liable on summary conviction for the offence is £5,000.

**Dudley**  
Metropolitan Borough Council

P J Tart  
Director of Corporate Resources

3 NOTICES POSTED  
ON BUILDING  
*[Signature]*  
28/6/2013

**Licensing Sub-Committee 3 – 20<sup>th</sup> August, 2013**

**Report of the Director of Corporate Resources**

**Application for Review of a Premises Licence**

**Purpose of Report**

1. To consider the application for the review of the premises licence in respect of Select & Save (formerly known as Kingsway Stores), 7 Bilston Street, Sedgley, West Midlands, DY3 1JA.

**Background**

2. On the 12<sup>th</sup> June 2007, an application was received in respect of the premises formerly known as Kingsway Stores, 7 Bilston Street, Sedgley, West Midlands for the grant of a premises licence.
3. A letter of objection was received from a local resident.
4. This matter was considered by the Licensing Sub-Committee 2 on 31<sup>st</sup> July 2007. The Committee resolved that the application be granted.
5. That licence was subsequently transferred on 3<sup>rd</sup> April 2009, 5<sup>th</sup> January 2012 and 10<sup>th</sup> September 2012.
6. The current premises licence is issued for the following:-

Sale of Alcohol	Monday to Saturday	08.00 – 21.00
	Sundays	10.00 – 21.00
	Good Friday	08.00 – 21.00
	Christmas Day	12.00 – 15.00
	Christmas Day	19.00 – 21.00
7. On 24<sup>th</sup> May 2013, an application for the review of the premises licence was received from the Trading Regulation and Enforcement Manager. A copy of that application has been circulated to Committee Members and interested parties in accordance with the Licensing Act 2003.
8. The Council has advertised the application for review of the premises licence in accordance with Licensing Regulation S1, 2004, No 42, Section 38. A copy of that notice is attached to this report as Appendix 1.

9. Confirmation that the application has been served on the premises licence holder and relevant authorities has been received.
10. On the 3<sup>rd</sup> June 2013, the West Midlands Police made representations which have been forwarded to Committee members, interested parties and the premises licence holder.
11. On the 17<sup>th</sup> June 2013, the Director of Public Health made representations. A copy of that report has been circulated to Committee members, interested parties and the premises licence holder.
12. This matter was considered by Licensing Sub-Committee 3 on the 16<sup>th</sup> July, 2013, the Committee resolved that the matter be deferred pending clarification on the correct details of the Premises Licence Holder.
13. Confirmation has been received from the Licensing Office that the current premises licence was granted to Mrs. Ruma Ralhan but due to a typographical error the licence was issued incorrectly in the name of Mr. R. Ralhan.
14. This application falls within the Council's responsibility for liquor licensing which has a direct link to the Council's key corporate priority that safety matters.

### **Finance**

15. There are no financial implications.

### **Law**

16. The law relating to the review of licences is governed by the Licensing Act 2003 Section 52(1).
17. Determination of application for review  
52(1) This section applies where:-
  - a) The relevant licensing authority receives an application made in accordance with section 51,
  - b) the applicant has complied with any requirement imposed on him under subsection (3)(a) or (d) of that section, and
  - c) the authority has complied with any requirement imposed on it under subsection (3)(b) or (d) of that section

Before determining the application, the authority must hold a hearing to consider it and any relevant representations.

The authority must, having regard to the application and any relevant representations, take such of the steps mentioned in subsection (4) (if any) as it considers appropriate for the promotion of the licensing objectives.

The steps are -

- a) to modify the conditions of the licence;
- b) to exclude a licensable activity from the scope of the licence;
- c) to remove the designated premises supervisor;
- d) to suspend the licence for a period not exceeding three months;
- e) to revoke the licence;

and for this purpose the conditions of the licence are modified if any of them is altered or omitted or any new condition is added.

- 18. Subsection (3) is subject to sections 19,20 and 21 (requirement to include certain conditions in premises licences).
- 19. Where the authority takes a step mentioned in subsection (4) (a) or (b) it may provide that the modification or exclusion is to have effect for only such period (not exceeding three months) as it may specify,
- 20. In this section “relevant representations” means representations which -
  - (a) are relevant to one or more of the licensing objectives, and
  - (b) meet the requirements of subsection (8).

The requirements are -

- (a) that the representations are made –
    - (i) by the holder of the premises licence, a responsible authority or an interested party, and
    - (ii) within the period prescribed under section 51(3)(c)
  - (b) that they have not been withdrawn, and
  - (c) if they are made by an interested party (who is not also a responsible authority), that they are not, in the opinion of the relevant licensing authority, frivolous or vexatious.
- 21. Where the relevant licensing authority determines that any representations are frivolous or vexatious, it must notify the person who made them of the reasons for that determination.
  - 22. Where a licensing authority determines an application for review under this section it must notify the determination and its reasons for making it to -
    - a) the holder of the licence



- b) the applicant
- c) any person who made relevant representations, and
- d) the chief officer of police for the police area (or each police area) in which the premises are situated.

A determination under this section does not have effect -

- a) until the end of the period given for appealing against the decision, or
- b) if the decision is appealed against, until the appeal is disposed of

Pursuant to schedule 5 part 1, section 8(2)

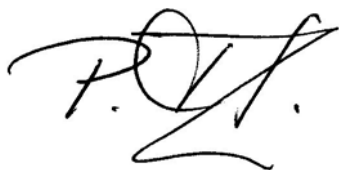
23. An appeal may be made against the decision of the committee by –
- a) the applicant for the review
  - b) the holder of the premises licence or
  - c) any other person who made relevant representations in relation to the application for review.

### **Equality Impact**

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

### **Recommendation**

That the Sub-Committee determine the review of the premises licence in respect of Select & Save, 7 Bilston Street, Sedgley, Dudley, West Midlands, DY3 1JA.



.....  
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**

DUDLEY METROPOLITAN BOROUGH COUNCIL

[www.dudley.gov.uk](http://www.dudley.gov.uk)

REVIEW OF PREMISES LICENCE  
UNDER THE LICENSING ACT 2003

Notice of Review of the Premises Licence issued to Select & Save,  
7 Bilston Street, Sedgley, DY3 IJA.

Interested parties and relevant authorities may make representations in writing to the Licensing Office, Law and Governance, 5 Ednam Road, Dudley, West Midlands, DY1 1HL between 25th May 2013 and 21st June 2013.

The Review of Licence has been requested by a relevant authority on the grounds of

- Prevention of crime and disorder
- Protection of children from harm

The details of the grounds for review may be inspected at the Licensing Offices (address as above) between the hours of 9.00 am and 4.30pm (Monday to Friday except Public Holidays).

It is an offence knowingly or recklessly to make a false statement in connection with an application and the maximum fine for which a person is liable on summary conviction for the offence is £5,000.



P J Tart  
Director of Corporate Resources

---

**Licensing Sub-Committee 3 – 20<sup>th</sup> August 2013**

**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 machines in respect of The Lutley Oak, 327 Stourbridge Road, Halesowen, West Midlands.

**Background**

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

**Sale of Alcohol & Regulated Entertainment (Live Music/Recorded Music)**

Mondays to Saturday	11.00 – 00.00
Sundays	11.00 – 23.30

A further additional hour into the morning following every Friday, Saturday, Sunday and Monday for each May Bank Holiday, Spring/Whitsun Bank Holiday and every August Bank Holiday weekend. A further additional hour into the morning following every Thursday, Friday, Saturday, Sunday and Monday for the Easter Bank Holiday weekend. A further additional hour every Christmas Eve and Boxing Day to reflect existing New Years Eve and Day hours.

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 the 4<sup>th</sup> April 2013, an application was received from Gamestec in respect of the Lutley Oak for the grant of a Licensed Premises Gaming Machine Permit for 3 category C machines.
  5. On the 2<sup>nd</sup> May 2013, a site plan of the premises was received highlighting the proposed position of the gaming machines. A copy of that plan is attached to this report as Appendix 1.
  6. The current licence holder of the premises licence is Spirit Pub Company (Services) Limited. The premises currently has a notification of intention to offer up to 2 gaming machines.
  7. This matter was considered by the Licensing Sub-Committee on the 18<sup>th</sup> June 2013. The Committee resolved due to the non-attendance of the DPS that the matter be deferred.
  8. 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**

9. There are no financial implications.

### **Law**

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

12. 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.
13. 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
14. 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
15. 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
16. 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.

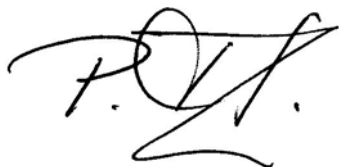
### **Equality Impact**

17. This report complies with 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.

**Recommendation**

20. 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

154-9950 LUTLEY OAK  
 PLANS STC 01/05/13.

**PLANS BY DESIGN**  
 All design work and construction documents are prepared under the supervision of a registered professional engineer or architect. The design is based on the information provided by the client and is not intended to be used for any other purpose. The client is responsible for the accuracy and completeness of the information provided. The design is not intended to be used for any other purpose. The client is responsible for the accuracy and completeness of the information provided. The design is not intended to be used for any other purpose. The client is responsible for the accuracy and completeness of the information provided.

**BY DESIGN**  
 PUNCH PUB COMPANY  
 THE LUTLEY OAK  
 126 STOURBRIDGE ROAD  
 HALESOWEN B63 4XH

PROPOSED GROUND FLOOR PLAN

Scale: 1:100  
 Date: FEB '11  
 Drawing: B



X EXISTING CAT C XZ

**Licensing Sub-Committee 3 – 20<sup>th</sup> August 2013**

**Report of the Director of Corporate Resources**

**Application for House to House Collections Licence**

**Breast Cancer (Intersecond Ltd) “Do Not Delay”**

**Purpose of Report**

1. To consider the application for the grant of a House to House Collections Licence in respect of Intersecond Ltd on behalf of the charity known as “Do Not Delay” Breast Cancer.

**Background**

2. On the 16<sup>th</sup> March 2012, Mr Edvardas Bruzdeilinas of Intersecond Ltd made application for a House to House Collections Licence in respect of the charity known as “Do Not Delay” Breast Cancer. A copy of that application was forwarded to Committee Members and interested parties.
3. 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.
4. 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.
5. Copies of the application were circulated to the West Midlands Police and the Directorate of the Urban Environment (Highways). These agencies raised no objections to the application.
6. This matter was considered by the Sub-Committee on the 6<sup>th</sup> June 2012. The Committee resolved that the matter be deferred until the 3<sup>rd</sup> July 2012 to allow both Ms Haughey and Mr Bruzdeilinas to be present at the hearing.
7. It was also noted that the accounts submitted for Intersecond Ltd did not show any details of donations to a specific charitable institution. Therefore the



Committee requested further, more detailed accounts be submitted prior to the hearing on the 3<sup>rd</sup> July 2012.

8. This matter was considered by the Licensing Sub-Committee on the 3<sup>rd</sup> July 2012. The Committee resolved that the application be refused on the grounds that the applicant had refused or neglected to furnish to the Authority such information as they may reasonably require.
9. On the 29<sup>th</sup> April 2013, Mr Raimondas Biguzas of Intersecond Ltd made a further application on behalf of the charity known as "Do Not Delay" Breast Cancer.
10. Copies of the applications were circulated as in paragraph 5 above. None of the agencies raised objections.
11. This application was delayed due to the Licensing Office awaiting receipt of the requisite accounts.
12. This report has a direct link to the Council's policy for safety as the principal reason for submission is safeguarding the public.

### **Finance**

13. There are no financial implications.

### **Law**

14. House to house collection permits are governed by Section 2 of the House-to-House Collections Act 1939.
15. 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 by 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.
16. 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**

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

### **Recommendation**

- 19. That the Committee consider the applications for House to House Collections Licence in respect of Intersecond Ltd on behalf of the charity known as "Do Not Delay" Breast Cancer.



.....  
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**