

## LICENSING SUB-COMMITTEE 1

Tuesday, 30<sup>th</sup> September, 2008 at 10.45am  
in The Council Chamber, The Council House, Dudley

### PRESENT:-

Councillor Ryder (Chairman)  
Councillors Tyler and Vickers

### Officers

Assistant Director Legal and Democratic Services (Legal Advisor), Mrs J Elliott (Licensing Officer) and Mr J Jablonski (Directorate of Law and Property)

---

9                    APOLOGY FOR ABSENCE

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

---

10                   APPOINTMENT OF SUBSTITUTE MEMBER

It was noted that Councillor Vickers had been appointed as a substitute member for Councillor Nottingham for this meeting of the Sub-Committee only.

---

11                   DECLARATIONS OF INTEREST

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

---

12                   MINUTES

### RESOLVED

That the Minutes of the Meeting of the Sub Committee held on 8<sup>th</sup> July, 2008, be approved as a correct record and signed.

---

13                   APPLICATION FOR A PREMISES LICENCE – NETTO FOODSTORE, SALTWELLS ROAD, NETHERTON

The Assistant Director Legal and Democratic Services informed the Sub Committee of the reasons giving rise to the withdrawal of this application which, in the circumstances, no longer required determination by the Sub Committee.

EXCLUSION OF THE PUBLIC

## RESOLVED

That the public be excluded from the meeting for the following item of business on the grounds that it involves the likely disclosure of exempt information as defined in Part 1 of Schedule 12A to the Local Government Act, 1972, as indicated below; and that in all the circumstances, the public interest in disclosing the information is outweighed by the public interest in maintaining the exemption from disclosure.

<u>Description of Item</u>	<u>Relevant Paragraph of Part 1 of Schedule 12A</u>
Application for a personal licence – Ms KSS	1

APPLICATION FOR A PERSONAL LICENCE – MS KSS

A report of the Director of Law and Property was submitted on an application for the grant of a personal licence received in respect of a Ms KSS.

Ms KSS was in attendance at the meeting together with her partner Mr SR. PC D Smith, West Midlands Police, was also in attendance in view of objections raised by West Midlands Police to the application, as indicated in Appendix 2 to the report submitted.

The Chairman outlined the procedure to be followed and the Licensing Officer then read out the content of the report submitted.

PC Smith then outlined the reasons for the objection submitted by West Midlands Police and in so doing informed the Sub Committee of a further incident in May, 2008, resulting in the applicant receiving a fixed penalty fine for being drunk and disorderly. PC Smith also circulated to the Sub Committee copies of the convictions relating to the applicant.

Arising from the representations made by PC Smith questions were asked and Mr SR and Ms KSS then stated their case as to why the application should be granted. In doing so evidence was given of their involvement in the running of a licensed premises for a period of approximately two years. Details were also given of the circumstances concerning the convictions, the position regarding the licensed premises that Ms KSS and Mr SR were running together and other personal circumstances.

Regarding the conduct of the licensed premises, PC Smith reported that the premises had only very rarely come to the attention of the Police and that a recent incident was in respect of parking issues only.

Following the evidence given and the questioning of Ms KSS and Mr SR they were given the final say and summed up the reasons why they wished the application to be granted.

The parties then withdrew from the meeting in order to enable the Sub Committee to determine the application.

Following detailed discussion, the Sub Committee, having made their decision the parties were invited to return and the Chairman then outlined the decision.

## RESOLVED

That, following careful consideration of the information contained in the report submitted, and as reported at the meeting, the application for a personal licence received in respect of Ms KSS be granted.

### Reasons for Decision

We would normally refuse an applicant with a conviction for assault that was drink related. However, we are prepared to take a chance in this case because the applicant has been running a licensed premises without problems for the last two years.

If the applicant comes to our attention for any problems then the personal licence is likely to be revoked.

We would ask the Police and our Enforcement to carry out regular checks on these premises to ensure that they continue to be run properly.

The meeting ended at 11.40 am

CHAIRMAN