

LICENSING SUB-COMMITTEE 5

Tuesday, 20th January, 2009 at 10.00am
in the Council Chamber, The Council House, Dudley

PRESENT:-

Councillor Taylor (Chairman)
Councillors Mrs Coulter and Vickers

Officers

Principal Solicitor (Legal Advisor), Mrs J Elliott (Licensing Officer) and
Mrs K Farrington (Directorate of Law and Property).

1 **APOLOGY FOR ABSENCE**

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

2 **APPOINTMENT OF SUBSTITUTE MEMBER**

It was noted that Councillor Mrs Coulter had been appointed as a
substitute member for Councillor Cotterill 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 of the Sub-Committee held
on 1st April, 2008 be approved as a correct record and
signed.

5 **APPLICATION FOR A PREMISES LICENCE, LYE SERVICE STATION, PEDMORE ROAD, LYE, STOURBRIDGE**

A report of the Interim Director of Law and Property was submitted on an application received from Winckworth Sherwood, Solicitors, on behalf of B P Oil UK Limited, for the grant of a premises licence, in respect of Lye Service Station, Pedmore, Lye, Stourbridge.

Mr Elliott, a Member of the Management Team of B P Oil UK Limited was in attendance at the meeting, together with Mr Botkin, Solicitor.

Following introductions by the Chairman, the Legal Advisor outlined the procedure to be followed.

Mrs J Elliott, Licensing Officer, Directorate of Law and Property, presented the report on behalf of the Council. It was noted that two written representations and a petition comprising twelve signatures had been sent to the Sub-Committee members prior to the meeting.

Mr Botkin then presented his case, and in doing so, emphasised that no objections had been received from the Police or any other relevant authorities to the application. He stated that although part of the application was for the sale of late night refreshments, Monday to Sunday from 23.00 to 05.00, it was unlikely that this facility would be used at present, however, if in the future the premises were re-developed, then there would be a facility available to serve hot drinks to customers.

Mr Botkin then informed the Sub-Committee that the main part of the application was for the sale of alcohol, Monday to Sunday from 08.00 to 23.00. He reported that the premises was not only a petrol station, but was also a convenience store and stated that the reason why they had submitted the application for a premises licence was to increase the services available to their customers. He stated that the range of alcohol would be very limited, only selling bottles of wine and beer in packs of four or six, which in his opinion, would not attract the younger clientele. He reported that these items would be located next to the cashier and the spirits would be located behind the cashier in order to monitor purchases and to ensure maximum security of the products. He also informed the Sub-Committee that all of the staff would be fully trained on the sale of alcohol and assured them that they would introduce a Challenge 21 Policy, which would be clearly displayed using signage promoting the Policy and would be enforced.

He then referred to the tannoy issue as reported in the letters of objection received. He stated that Environmental Health was investigating the level of noise emitted from the tannoy; however, it was used for health and safety reasons and could not be removed, as it was a requirement of their current licence. He confirmed that no further complaints had been received regarding the noise of the tannoy.

In response to a question from the Sub-Committee, Mr Botkin confirmed that B P Oil UK Limited had between two hundred and two hundred and fifty licensed premises around the country and reported that no complaints had been received in relation to anti-social behaviour or litter issues regarding any of the licensed premises.

Discussions were then entered into in relation to the differences in terminology used between the Licensing Act 1964 and the Licensing Act 2003. Following detailed consideration of this issue, Mr Botkin assured the Sub-Committee that Lye Service Station was operating as a convenience store as well as a petrol station.

In response to a question from the Sub-Committee, Mr Botkin confirmed that B P's protocol required the named designated premises supervisor to be a person from B P Oil UK Limited's head office, however, once a premises licence had been granted, the designated premises supervisor would be changed to a person located at the premises.

In response to a further question from the Sub-Committee, Mr Botkin reported that at present the premises closed at 10.00pm, however, in the future if B P Oil UK Limited did decide to extend their opening hours, a hatch would be used to allow customers to pay for fuel or refreshments without having to enter the premises as safety to their staff was paramount.

In responding to a question from the Licensing Officer in relation to deterring anti-social behaviour from gangs congregating on the premises, Mr Botkin stated that B P Oil UK Limited had a strong working relationship with the Police and assured the Sub-Committee that they would do all that was necessary within their power to avoid gangs congregating outside the premises and causing anti-social behaviour to residents.

In responding to a question from the Legal Advisor, Mr Botkin indicated on the map circulated prior to the meeting the exact location intended, if the premises licence was granted, for the beers, wines and spirits.

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

The meeting was then re-convened due to the attendance of two objectors.

For the benefit of the objectors, the Chairman introduced the Sub-Committee and the Legal Advisor outlined the nature of the report.

Mr Westwood, objector to the application, informed the Sub-Committee that the main concern of residents was the increased possibility of gangs congregating outside the premises causing noise nuisance and increased litter problems if the application was granted. He stated that there were numerous premises surrounding Lye Service Station already offering alcohol and refreshments late at night and questioned the need for another one. In responding, the Chairman gave an assurance that each application was considered on its individual merits and the issue of other premises in the area offering similar products would not be taken into consideration when determining the application.

Mr Botkin acknowledged the concerns raised by the residents and reported that Mr Elliott had given Mr Westwood his contact details and suggested that if objectors had any concerns relating to Lye Service Station, they contact Mr Elliott in the first instance, in order to resolve their concerns. For the benefit of the objectors, the Licensing Officer confirmed that Environmental Health was investigating the issue relating to the tannoy.

In summing up, Mr Botkin stated that if the fears of residents in the area were fulfilled, under the licensing laws, there was a remedy in that the applicants could be brought back to the Sub-Committee for review.

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

The Sub-Committee, having made their decision all the remaining parties were invited to return and the Chairman then outlined the decision.

RESOLVED

That the application received from Winckworth Sherwood, Solicitors, on behalf of B P Oil UK Limited, for the grant of a premises licence, in respect of Lye Service Station, Pedmore, Lye, Stourbridge, be approved, in the following terms.

Sale of Alcohol

Monday – Sunday 08.00 – 23.00

Late Night Refreshments

Monday – Sunday 23.00 – 05.00

Conditions

All conditions set out as in the operating schedule.

- 1) To use all reasonable endeavours to keep the premises free of litter.

Reason for Decision

The grant is consistent with the principles contained within the licensing legislation and our licensing policy. However, we recognise the legitimate concerns of local residents, but we believe that their concerns can be met through the licensing conditions and appropriate enforcement.

The meeting ended at 12.05pm

CHAIRMAN