
Licensing Sub-Committee 3 – 21st January 2014

Report of the Director of Corporate Resources

Application for review of Premises Licence

Purpose of Report

1. To consider the application for the review of the premises licence in respect of the Broadstone Convenience Store, Two Gates, Halesowen, West Midlands, B63 2JR.

Background

2. On the 30th June 2005, an application was received from Cobbetts, Solicitors, in respect of The Broadstone Public House, Two Gates, Halesowen, to convert an existing licence into a premises licence and to vary the premises licence simultaneously.
3. Representations were received from The Directorate of the Urban Environment, and local residents.
4. This matter was considered by the Licensing Sub-Committee on the 31st August 2005. The Committee resolved that the premises licence be granted as follows:-

Sale of Alcohol

Monday - Thursday	10.00 – 00.00
Friday & Saturday	10.00 – 01.00
Sunday	10.00 – 00.00

Regulated Entertainment:-

Monday – Sunday
10.00 – 23.00
(recorded music)

Friday – Saturday
20.00 – 23.30
(live music)

CONDITIONS

All conditions set out as in the operating schedule, subject to the hours of opening Monday – Thursday and Sunday – 01.00, Friday and Saturday – 02.00

Regulated entertainment is not permitted outdoors.

The fitting of a sound-limiting device to restrict the level of music within the premises to the satisfaction of the Environment Health Officer.

The external drinking area shall not be used after 23.20 and will be cleared of all glassware by 23.30.

All doors and windows shall be kept closed during regulated entertainments.

The provision of acoustic cowls to extract vents serving the lounge area and bar area in the event that regulated entertainment is provided in the latter.

All exit doors within the premises to have signs asking customers to leave the premises quietly and respect local residents and their premises.

Signs in the car park to state:- No ball games, no sounding of horns and to leave the car park quietly.

The electrical installation be inspected by the competent electrician (eg. an approved NICEIC Contractor) and any recommended improvements be carried out.

All power sockets likely to be used for the purpose of providing electrical power to entertainment equipment shall be protected by a residual current device (RCD) having rated residual operating current not exceeding 30 milliamps to operate within 40 milli-seconds in accordance with the relevant British Standard and the Institution of Electrical Engineers.

The Sub-Committee noted that the Licensee is to resolve the nuisance caused by his dog barking during the evening.

5. The premises licence was transferred on the 15th October 2008 into the name of Admiral Taverns.
6. The premises licence was again transferred with immediate effect on the 22nd December 2010 into the name of Mr Javid Iqbal and the premises from that date to be known as The Broadstone Convenience Store.
7. On the 23rd December 2010, Licensing Matters Limited on behalf of Mr Javid Iqbal made application for the variation of the premises licence as follows:

Sale of alcohol

Sunday – Thursday	06.00 – 00.00
Friday & Saturday	06.00 – 01.00

To remove all activities apart from the sale of alcohol.

To remove all existing conditions including the embedded conditions and replace them with conditions consistent with the operation of a convenience store.

To change the layout of the premises.

8. On the 5th January 2011, Licensing Matters Limited confirmed on behalf of their client, Mr Iqbal that following mediation with Trading Standards their client, Mr Iqbal wished to attach the following 2 conditions to his application.
- A refusal register shall be in place, maintained and made available to the authorities on request.
 - Staff must be trained in relation to the sale of alcohol before being authorised to make sales of alcohol. The training will be documented and made available to the authorities on request.

9. Also, on the 17th January 2011, Licensing Matters Limited confirmed on behalf of their client Mr Iqbal that following mediation with the Environmental Health Department the addition of a further condition of licence as follows:-

Prevention of Public Nuisance

The outside area of the premises will be monitored by staff on a regular basis, any groups that congregate at the front of the store will be asked to move on if appropriate to do so.

10. Representations were received from 14 local residents.
11. Following receipt of copies of representations from residents, Licensing Matters Limited sent out a letter of mediation, to all local residents that had made representations.
12. On 21st January 2010, two letters were received from residents withdrawing representations they had made. The withdrawal of representations was on the prerequisite that the following conditions be attached to the licence.
- 1) CCTV is to be installed, all recorded images to be retained for a period of 28 days and made available to the authorities on request. The outside of the premises will have CCTV coverage that will be monitored by staff on duty.
 - 2) Whenever the DPS is not on the premises another person shall be nominated by them to be a responsible person to manage the premises.
 - 3) Posters will be on display asking the customers to respect the neighbours and leave quietly.
 - 4) Anybody who appears to look under the age of 21, will be asked for identification to prove they are over the age of 18.
 - 5) The only identification accepted will be passports, photo-card driving licences and government approved pass cards.
 - 6) A refusals register shall be in place, maintained and made available to the authorities on request.

- 7) Staff must be trained in relation to the sale of alcohol before being authorised to make sales of alcohol. The training will be documented and made available to the authorities on request.
 - 8) The outside area of the premises will be monitored by staff on a regular basis. Any groups that congregate at the front of the store will be asked to move on if appropriate to do so.
 - 9) The hours for sale of alcohol for the shop will be reduced to Mon – Sun, 6am – 11pm.
13. This matter was considered by the Licensing Sub-Committee on the 8th February, 2011, the Committee resolved that all licensable activities apart from the sale of alcohol be removed, the removal of existing conditions and that those conditions be replaced with conditions more consistent with the operation of a convenience store, and that the hours for the sale of alcohol be amended as follows:

Monday – Sunday inc 08.00 until 23.00.

1. CCTV inside and out
2. The Sub-Committee felt it proper due to the long house of trade for the DPS (who conceded that he would not be on the premises at all times) to notify, in writing, to the Licensing Department a pool of people who will be responsible for the management of the premises
3. Posters shall be on display inside and outside the premises requesting that respect be given to neighbours and to leave quietly. In addition, posters shall be displayed on the car park stating 'no ball games and that CCTV is in operation'
4. Anybody who appears to look under the age of 21 will be asked for identification to prove they are over the age of 18.
5. The only identification accepted will be passports, photo-card driving licences and Government approved pass cards.
6. A refusals register shall be in place, maintained and made available to the authorities on request.
7. Staff must be trained in relation to the sale of alcohol before being authorised to make sales of alcohol. The training will be documented and made available to the authorities on request.
8. To include CCTV, including the car park.
9. Hours are 08.00 – 23.00 x 7days

14. On the 22nd November 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.
15. 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.
16. Confirmation that the application has been served on the premises licence holder and relevant authorities has been received.
17. On the 10th December 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 in accordance with the Licensing Act 2003.
18. 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

19. There are no financial implications.

Law

20. 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
- (2) Before determining the application, the authority must hold a hearing to consider it and any relevant representations.
 - (3) 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.

- (4) 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.
- (5) Subsection (3) is subject to sections 19,20 and 21 (requirement to include certain conditions in premises licences).
- (6) 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,
- (7) 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).
- (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.
- (9) 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.
- (10) 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.
- (11) 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
- (12) Pursuant to schedule 5 part 1, section 8(2)
- (13) 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

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

Recommendation

- 24. That the Committee determine the application.



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DIRECTOR OF CORPORATE RESOURCES

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List of Background Papers