

LICENSING SUB-COMMITTEE 3

Friday, 14th May, 2010 at 10.25 am
in the Council Chamber, The Council House, Dudley

PRESENT:-

Councillor Mrs Dunn (Chairman)
Councillors Mrs Ameson and Ryder

Officers

Mr T Holder (Legal Advisor), Mrs J Elliott (Licensing Officer) and Miss H Shepherd (Directorate of Law, Property and Human Resources).

5 APOLOGY FOR ABSENCE

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

6 APPOINTMENT OF SUBSTITUTE MEMBER

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

7 DECLARATIONS OF INTEREST

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

8 MINUTES

RESOLVED

That the minutes of the meeting of the Sub-Committee held on 14th July, 2009 be approved as a correct record and signed.

9 APPLICATION FOR A REVIEW OF PREMISES LICENCE – 24 PRIORY ROAD, DUDLEY

A report of the Director of Corporate Resources was submitted on an application, made by the Council's Trading Standards section, for the review of the premises licence in respect of 24 Priory Road, Dudley.

In attendance were Mrs T. M. Fox (Premises Licence Holder) and Mr Manns (Legal Representative).

Also in attendance were Ms Y. Enefer and Ms R. Mander both from Trading Standards.

Following introductions, the Chairman explained the procedure to be followed.

Mrs J Elliott, Licensing Officer, Directorate of Law, Property and Human Resources, presented the report on behalf of the Council.

Ms Enefer presented the representations of Trading Standards in respect of the grounds of the review of the Premises Licence as submitted in Appendix 1 to the report submitted to the meeting.

Reference was made to the conditions recommended by Trading Standards to be applied to the premises licence.

In responding to a question from the Legal Advisor, Ms Enefer stated that since August 2007 when Mrs Fox became the Designated Premises Supervisor and the Premises Licence Holder, four complaints had been received and a fixed penalty issued, however this had not been directly to Mrs Fox.

Following a question raised, it was confirmed that the time of day the sale of alcohol had taken place was at 11.50 am.

The meeting stood adjourned at 10.40 am while copies of the West Midlands Police CCTV System Requirements document were obtained and reconvened at 10.50 am.

Mr Manns then presented the case on behalf of Mrs Fox, and in doing so stated that Mrs Fox undertook full responsibility for the incident and did take her position and responsibilities seriously. It was stated that since Mrs Fox had been at the premises, she had tried to discourage children from loitering outside her shop.

Mr Manns stated that Mrs Fox understood the purpose of the review and accepted the proposed conditions. Conditions 1 to 5 was referred to and had already being implemented; condition 6 was in place, but would need to be assessed to see if it complied with the Police requirements and this would be addressed in due course. He also stated that condition 7 would be more difficult but that if the Committee considered it necessary and relevant, Mrs Fox would comply. He then indicated that Mrs Fox embraced most of the changes and welcomed support and expressed willingness to work with the appropriate authorities.

In responding to a question, Mrs Fox confirmed that the hours of business were 5.00am – 6.00pm Monday to Saturday and 5.00am – 1.00pm Sundays. The shop was open until 7.30pm three times a week on lottery days.

The Legal Advisor sought clarification as to the number of staff who worked at the shop. Mrs Fox confirmed that there were two full time staff including herself and her husband who worked a few hours, usually during the morning.

A member of the Sub-Committee expressed a view that it would have been appropriate for the persons involved in the incident to have attended the meeting and referred to the comments made by Mr Fox in relation to the refusals book as being inappropriate and unreasonable.

In responding to a question asked by the Legal Advisor, Mrs Fox and Mr Manns both confirmed they were happy to comply with all 11 conditions as stated in Appendix 1 of the report submitted to the meeting, if the Sub-Committee felt it appropriate.

The Chairman reiterated it was in Mrs Fox best interest to keep the refusals book up to date and completed.

Following a question raised, Mrs Fox stated that the shop sold newspapers, alcohol and was a general store, and was not sure if the business would survive if the license was revoked.

Having summed up their respective cases, all parties withdrew from the meeting to enable a decision to be made.

The Sub-Committee, having made their decision, the respective parties returned to the meeting and the Chairman then outlined the decision and the reasons for the decision.

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 24 Priory Road, Dudley:-

- 1.) Premises to operate a Challenge 25 proof of age scheme when selling alcohol whereby if a person appears to be under the age of 25 they MUST be asked to provide a valid proof of identification that they are 18 years old or above.

- 2.) Valid proof of identification only to include Passport, Driving Licence (picture card) and Proof of Age Standards Scheme (PASS) proof of age card such as Citizencard.
- 3.) A4 notice must be displayed on the door to the premises, where the alcohol is being offered for sale and near the point of sale stating 'if you look under 25 please do not be offended if we ask for proof of age when you buy alcohol'.
- 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.) Premises to use a refusals book which is to be completed when a refusal takes place by the refuser, this to be checked and signed regularly by the DPS and to be made available to any responsible authority upon request.
- 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 the 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 DPS shall review the premises CCTV on a daily 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 a responsible authority.
- 8.) The DPS shall ensure that all persons authorised to sell alcohol have completed a training programme which includes a written test to verify the competency of that person.
- 9.) The DPS shall conduct monthly reviews with any persons authorised to sell alcohol in order to reinforce training, promote best practice and policy.

- 10.) The DPS shall maintain a file at the shop 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 any responsible authority upon request.
- 11.) All alcohol sold must be clearly labelled with the name of the premises.

REASONS FOR DECISION:-

Although the Sub-Committee realise the seriousness of this incident, on this occasion they are prepared to give the benefit of the doubt so long as all 11 conditions, to be placed on the premises licence are fully implemented.

These conditions take effect forthwith and the Sub-Committee requests that evidence be provided of the completion of training within 30 days to the Licensing Officer.

The meeting ended at 11.20 am

CHAIRMAN