

LICENSING SUB-COMMITTEE 2

Tuesday 21st March 2006 at 10.00am
in the Council Chamber, The Council House, Dudley

PRESENT:-

Councillor J Woodall (Chairman)
Councillors Mrs Coulter and Mrs Dunn

Officers

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

62 APOLOGIES FOR ABSENCE

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

63 APPOINTMENT OF SUBSTITUTE MEMBER

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

64 DECLARATIONS OF INTEREST

No member made a declaration of interest in accordance with the
Members' Code of Conduct.

65 MINUTES

RESOLVED

That the Minutes of the Meeting of the Sub-Committee held on 21st
November 2005 be approved as a correct record and signed.

66 APPLICATION FOR A PREMISES LICENCE - SAFEBURYS, 61 - 63
COLLEY LANE, CRADLEY HEATH

A report of the Director of Law and Property was submitted on an
application received from J K Kalsi on behalf of Saima Parveen for the
grant of a premises licence in respect of Safeburys, 61 - 63 Colley Lane,
Cradley Heath.

Mrs Parveen was in attendance at the meeting together with her legal representative Mr Adrian Curtis.

Prior to the commencement of the hearing it was reported that the representative of the objector, whose objection was attached at Appendix 2 to the report submitted, would not now be pursuing the grounds of objection outlined in that Appendix.

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

Mrs J Elliott, Licensing Officer, then presented the report on behalf of the Council.

Mr Curtis then outlined the case in support of the application made which he considered met the licensing objectives set out in the Licensing Act 2003 and stated that he would comment on the four grounds of objection as outlined in Appendix 2 to the report submitted. Before doing so he reported that Mrs Parveen had submitted an application for a personal licence to Birmingham City Council.

Mr Curtis then commented on the four grounds of objection outlined in Appendix 2 to the report submitted and refuted the comments made. In so doing, he referred to the issue of planning permission that had been mentioned and stated that if the Sub Committee was so minded his client would not object to a condition that there should be no alcohol sales until the planning situation had been resolved.

Regarding the required Notice a copy of the Notice was displayed at the meeting and it was considered that this complied with the necessary regulations and had been on display for more than twenty eight days. The positioning of the Notice had also been clarified in that it had been positioned in the shop window by the door as customers walked into the premises. The allegation made that persons had been actively discouraged from reading the Notice was also refuted.

Regarding the issue of the premises being close to a school, this allegation was also refuted and it was reiterated that the police and child protection had raised no objections to the application and neither had there been an objection from the planners. The offer was however made that his clients would be willing to introduce an identification scheme whereby anyone who looked under 21 years of age would be asked for identification.

On the security issue raised Mr Curtis referred to discussions he had had with PC Turley who had raised no points of concern. It was though the intention that close circuit television would be installed in the premises.

In conclusion, Mr Curtis reiterated that he considered that the application met the four licensing objectives and that he had dealt with all points raised in the letter of objection received and would ask that the application be granted.

Following questions from members of the sub committee and the Legal Advisor, in particular relating to the sale of alcohol to under age persons, which could put in jeopardy not only the premises licence but also the personal licence of Mrs Parveen, when granted, and the need to tie in this application with the planning application which would need to be checked in respect of the sale of alcohol, the respective parties then withdrew so that the sub committee could come to a decision on the application.

The Sub Committee having made their decision, the respective parties were invited to return and the Chairman then outlined the decision and the reasons for the decision together with the advice previously given that Mrs Parveen could not operate the licence until she received a personal licence and needed to conclude the planning issues raised.

Accordingly, it was

RESOLVED

That the application received from J K Kalsi on behalf of Saima Parveen, for the grant of a premises licence in respect of Safeway, 61-63 Colley Lane, Cradley Heath be approved subject to the following conditions and based on the reasons indicated.

Sale of Alcohol

Monday – Saturday	0600 - 2300
Sunday	0700 - 2200

Conditions

All conditions set out as in the operating schedule, together with CCTV cameras to be fitted and tapes to be kept for 28 days.

We accept the applicant's undertaking to resolve all planning issues with our Planning Division in advance of the licence being used.

We also accept the applicant's proposal to operate an identification policy for no sales of alcohol to minors. The policy will require production of identification by any customer who appears to be under the age of 21 years.

Reasons for Decision

The Sub Committee is of the opinion that the licensing objectives are met within the application and we have no legitimate licensing grounds to refuse the application.

The meeting ended at 10.40 am

CHAIRMAN