

LICENSING SUB-COMMITTEE 3

Tuesday, 2nd August, 2011 at 10.00 am
in the Council Chamber, The Council House, Dudley

PRESENT:-

Councillor Mrs Dunn (Chairman)
Councillors Barlow and Mottram

Officers

Mr T Holder (Legal Advisor), Mrs J Elliott (Licensing Officer) and Ms K Farrington (Directorate of Corporate Resources).

1 DECLARATIONS OF INTEREST

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

2 MINUTES

RESOLVED

That the minutes of the meeting held on 16th November, 2010 be approved as a correct record and signed.

3 APPLICATION FOR A LICENSED PREMISES GAMING MACHINE PERMIT – THE CORN EXCHANGE, AMBLECOTE ROAD, BRIERLEY HILL

A report of the Director of Corporate Resources was submitted on an application received from Gamestec Leisure Limited, for the grant of a Licensed Premises Gaming Machine Permit for three machines, in respect of The Corn Exchange, Amblecote Road, Brierley Hill.

Ms C Clarke and Ms L Baylis, both of Gamestec Leisure Limited and Ms S Lucas, Manager and Designated Premises Supervisor of the Corn Exchange, were in attendance at the meeting.

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

Mrs J Elliott, Licensing Officer, Directorate of Corporate Resources, presented the report on behalf of the Council.

Ms Baylis then explained the reason why a third Category C machine had been applied for and stated that the two machines currently in operation at the premises were very popular with patrons. She indicated that it was their intention to remove one Skills With Prizes machine and replace with an Amusement with Prizes machine.

Clarification was sought with regards to the siting of the machines, as not all could be located on the plan supplied.

In responding to a question from a Member, Ms Baylis informed the Sub-Committee that the proposed site for the new machine would be visible from the bar area and no fire exits would be blocked by the positioning of the machine.

Following a question raised by the Legal Advisor with regards to safe guarding children, Ms Baylis indicated that extensive training was given to all staff by the Company with regards to their Gambling Policy, together with regular staff meetings. A Deputy Manager was in attendance on site at all times during the operating hours of the premises and also confirmed that Company Policy was that no under 18s were permitted to use the machines and notices displaying this information were clearly displayed and assured the Sub-Committee that it was enforced.

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 Gamestec Leisure Limited, for the grant of a Licensed Premises Gaming Machine Permit for three machines, in respect of The Corn Exchange, Amblecote Road, Brierley Hill, be approved on the grounds that the Sub-Committee were very impressed with the Company's approach to staff training and were satisfied that action would be taken should a child attempt to use the gaming machines.

4

APPLICATION FOR THE GRANT OF STREET COLLECTION PERMIT – UNITED IN CANCER CHARITABLE TRUST – MR M OLLIVER

A report of the Director of Corporate Resources was submitted on an application received from a Mr M Olliver on behalf of United in Cancer Charitable Trust, for the grant of a street collection permit.

Mr M Olliver was not in attendance at the meeting.

Following consideration it was

RESOLVED

That, in view of the applicant's non-attendance at the meeting, the application received from a Mr M Olliver on behalf of United in Cancer Charitable Trust, for the grant of a street collection permit, be refused and that any further applications submitted by Mr M Olliver be determined by the Sub-Committee.

5

APPLICATION FOR A PREMISES LICENCE – ONE STOP, HUNGARY HILL, STOURBRIDGE

A report of the Director of Corporate Resources was submitted on an application received from One Stop Stores Limited in respect of the premises known as One Stop, Hungary Hill, Stourbridge, for the grant of a premises licence.

Ms S Marklow, One Stop's Trading Law Manager was in attendance at the meeting, together with Ms S Brooks and Mr M Jordan, both of One Stop Stores Limited.

Also in attendance and objecting to the application was Councillor P Lowe, on behalf of local residents. It was noted that letters of objection and a petition consisting of one hundred and eighty-two signatures had also been received from residents, which had been circulated to the Sub Committee prior to the meeting.

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

Mrs J Elliott, Licensing Officer, Directorate of Corporate Resources, presented the report on behalf of the Council. It was noted that the current Designated Premises Supervisor of the establishment was currently the Area Manager for the area, however, Ms Marklow indicated that the Company would designate a Designated Premises Supervisor prior to the store opening.

Councillor Lowe on behalf of his constituents presented his objections and in doing so, indicated that the residents had no objection to One Stop occupying the premises, however residents felt that the proposed hours applied for, 6.00am until 11.00pm Monday – Sunday, for the sale of alcohol, were inappropriate for an area in which the majority of residents were considered to be elderly and would encourage excessive drinking and anti-social behaviour in the area. He indicated that there were also two other establishments in the vicinity already selling alcohol and suggested that the hours permitted to sell alcohol should be curtailed and brought in line with the existing premises in the area.

Councillor Lowe also indicated that Ward Members, residents and the management staff at the two other premises in the area, had worked closely with the Police to ensure alcohol associated anti-social behaviour did not occur and emphasised that if One Stop were permitted to sell alcohol from 6.00am until 11.00pm Monday to Sunday, he feared that the historic problems associated with excessive drinking of alcohol would re-occur.

Ms Marklow then presented the case on behalf of One Stop Stores Limited and indicated that the Company was a very responsible and experienced retailer occupying approximately 530 shops across England and Wales and were committed to making the business a success. She indicated that One Stop offered a range of products, in particular, household goods, groceries, magazines, lottery and alcohol and were all available during the permitted licensing hours.

She stated that One Stop Stores Limited have implemented a number of policies and procedures, which applied to all age restricted products to ensure that these products were not sold to minors. The Company operated a Challenge 25 Policy and stated that unless the till operator was completely confident that the customer looked at least 25, proof of age would be requested and if identification could not be provided by the customer, the sale would be refused. Key messages pertaining to age restricted sales would be well promoted in the premises, posters on the entry door of the premises, till area signage and shelf edge highlighters. She further stated that the Company does not tolerate proxy sales and informed the Sub-Committee that it was their policy to refuse any sales suspected of being a proxy sale.

In referring to the training given by One Stop Stores Limited, Ms Marklow indicated that staff training commenced on the first day of work and continued throughout employment. Training included a CD-ROM, covering the selling of alcohol legally, tobacco law, restricted products and dealing with refusals, this was carried out on the first day of employment and completed with a quiz, which all staff must pass prior to any other duties being commenced. Practical Worksheets must also be completed by all staff, which included information and questions specific to each store to validate staff understanding of the way in which the business should be conducted. Further training included, a training package known as Bronze, Silver and Gold, a booklet that must be completed by Sales Assistants over a period of eight months. For Store Management, this involved three stages of training, which resulted in the award of The One Stop Diploma in Retail Management, once completed successfully.

Ms Marklow indicated that any member of staff could request refresher training at any time, however, this would usually be completed every six months. Reviews known as "How am I Doing" were also completed on a six monthly basis, which provided a one-to-one opportunity for line management to assess the training needs of their staff. She stated that a folder containing the Licensing Guide was accessible to all staff should they need to refresh themselves on any aspect of the Company's Policies and Procedures and also that Law Posters were issued every three months which all staff were required to read and sign and were used to confirm employee understanding of the Company's Policies and Procedures.

In continuing, Ms Marklow indicated that One Stop Stores Limited also operated a till prompt system to prevent the sale of age restricted products to someone underage by way of entering data into the till. She stated that if an age-restricted product was scanned through the till, a message would appear on screen requesting any reason to challenge the sale. If the till operator answered "no" to the question, the till operator would proceed with the sale. However, if the till operator had any reason to query the customer's age, further questions would be sought and the customer would be requested to provide proof of age identification. If identification could not be provided, the till operator would automatically refuse the sale, however, if proof of age could be provided, the till operator would record what form of identification the customer was providing and also enter their date of birth for the system to automatically calculate the age of the customer. The till prompt system also recorded all information entered into the till resulting in a computerised refusals log being maintained and monitored.

Ms Marklow further indicated that a test purchasing programme was conducted regularly by a third party company which was designed to raise the profile of age restricted sales and to ensure that all stores were adhering to the Company's Policy on the sale of age restricted products to underage people. She stated that failed test purchases were investigated by Area Managers and could lead to disciplinary action and a second instance at the same store could lead to dismissal.

She further stated that all stores had CCTV in operation at all times covering the inside of the premises, particularly the till area and the area in which alcohol was sited and the outside area. Any problems with people congregating outside the premises and creating anti-social behaviour or taking part in any proxy sales could be identified from monitors located by the till and in the staff room of the premises and appropriate action would be taken. The Company operated a 28 day Digital Video Recording system whereby images were recorded, retained and could be made available upon request to Enforcement Officers.

In response to a question from the Legal Advisor, Ms Marklow confirmed that spirits were located behind the till and all other alcoholic products were located along the wall to the right hand side of the till area and visible at all times to staff operating the till.

Ms Marklow also indicated that all staff were provided with a wristband, which must be worn at all times during their contracted working hours for added protection from any potential personal attacks. She stated that a button facility was attached to each wristband and if pressed, an alarm was sounded to a third party company and the person sounding the alarm would be able to communicate and voice their concerns to that company and appropriate assistance would be provided.

She informed the Sub-committee that litter bins would also be provided for customers to discard any rubbish and regular litter picks would be conducted by staff covering the car parking area of the premises.

Ms Marklow assured the Sub-Committee that prior to the opening of the premises, an existing One Stop Manager, with extensive experience, would be transferred to the premises at Hungary Hill to ensure that the Company's processes were being fully implemented. She then described the organisational structure of the premises and stated that three shift managers and seven full time sales assistants would be employed at the premises and would be looking to recruit staff from the local community.

She informed the Sub-Committee that prior to the application being made for a premises licence, One Stop Stores Limited consulted with local Police and residents to ascertain crime levels in the area and to discuss the steps the Company intended to take to promote the four licensing objectives, as set out in the operating schedule circulated to all parties prior to the meeting.

In concluding, Ms Marklow stated that officers of One Stop Stores Limited would be keen to meet with local residents should they have any concerns in relation to the premises in order to try and resolve them, as they were committed to working with local residents and Councillors to make the premises a success.

Councillor Lowe queried whether the applicant would take on board the views of the local residents and reconsider the licensing hours applied for in relation to the sale of alcohol. In responding, Ms Marklow stated that no objections had been received from the Police or any other responsible authority in relation to the application and confirmed that they would prefer the application to be considered on the hours applied for. She reiterated her comments previously made in relation to their wish to work with and consider the views of the whole local community.

Councillor Lowe then queried the Company's consultation processes, as the majority of households he had visited, objected to the licensing hours applied for. In responding, Ms Marklow acknowledged the concerns of the residents, however she indicated that if the fears of the resident were fulfilled, under the licensing laws, there was a remedy in that the application could be brought back to the Sub-Committee for review.

In responding to questions from the Licensing Officer, Ms Marklow confirmed that around 60% of One Stop Stores operated between 6.00am and 11.00pm Monday to Sunday and anti-social behaviour was not generally a problem due to the management systems that the Company adopted.

In responding to questions from the Legal Advisor, Ms Marklow confirmed that all One Stop Stores were split into geographical regions and divided into approximately twelve areas, each under the remit of an Area Manager. She confirmed that during the early morning shift, a minimum of two or three staff would be on duty at the premises and stated that lone working was not encouraged.

In responding to further questions from the Legal Advisor, Ms Marklow reiterated her comments previously made in that their intention was to sell the whole range of their products during the licensing hours applied for, however, if the Sub-Committee was minded to restrict the hours for the sale of alcohol, she assured them that all staff would adhere to the conditions of the licence.

In summing up, Councillor Lowe indicated that the hours permitted to sell alcohol should be curtailed and brought in line with the existing premises in the area.

In summing up, Ms Marklow thanked the Sub-Committee and requested them to consider all the information and the comments made at the meeting in order for them to reach a decision agreeable to all parties concerned.

Following comments from both sides, the Legal Advisor stated that the Sub-Committee would determine the application made from One Stop Stores Limited on the information and comments made at the meeting by all parties.

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, invited the parties to return and the Chairman then outlined the decision.

RESOLVED

That the application received from One Stop Stores Limited in respect of the premises known as One Stop, Hungary Hill, Stourbridge, for the grant of a premises licence, be approved on the following dates and times:-

Monday – Sunday	06.00 – 23.00
Bank Holidays	08.00 – 22.30
Christmas Day	12.00 noon – 15.00 and 19.00 – 22.30

REASON FOR DECISION

The Sub-Committee have heard the presentations from both sides. There has been no evidence that the weight of objections should prevent the granting of the licence as requested, except for Bank Holidays and Christmas Day.

The meeting ended at 12.15pm.

CHAIRMAN