

## LICENSING SUB-COMMITTEE 1

Tuesday 13<sup>th</sup> May, 2008 at 10.00am  
in Committee Room 2, The Council House, Dudley

### PRESENT:-

Councillor Ryder (Chairman)  
Councillors Mrs Cowell and Nottingham

### Officers

Assistant Director Legal and Democratic Services (Legal Advisor), Mrs J Elliott (Licensing Officer) and Mrs K Farrington (Directorate of Law and Property).

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20      DECLARATIONS OF INTEREST

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

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21      MINUTES

### RESOLVED

That the Minutes of the Meeting of the Sub Committee held on 8<sup>th</sup> April, 2008, be approved as a correct record and signed.

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22      APPLICATION FOR A PREMISES LICENCE – SANDRINGHAM NEWS,  
5 SANDRINGHAM PLACE, WORDSLEY, STOURBRIDGE

A report of the Director of Law and Property was submitted on an application received from Mrs Sreedevi Ravichandran, in respect of the premises known as Sandringham News, 5 Sandringham Place, Wordsley, Stourbridge, for the grant of a premises licence.

The applicant, Mrs S Ravichandran was in attendance at the meeting, together with her husband.

Also in attendance and objecting to the application, were Mr and Mrs Uppal, whose written representations and a petition comprising of 89 signatures had been sent to the Sub-Committee members prior to the meeting and Mr Patrick Burke of Caven and Co.

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

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

Mr Uppal informed the Sub-Committee that he was the owner of number one Sandringham Place, Lifestyle Express and with the approval of the applicant, circulated further representations for perusal.

Mr Uppal stated that Sandringham News was positioned in a row of six shops, of which three were empty, one being a hairdressers and the other Lifestyle Express.

Mr Uppal expressed concern in relation to the impact an additional newsagent selling alcohol would have on the key licensing objectives of the Licensing Act 2003. He stated that the area in which the shops were sited was a quiet residential area with little anti-social behaviour issues, however, he considered that there would be an increased possibility of underage drinking of alcohol and gangs of youths congregating outside the premises causing noise nuisance and increased litter problems in the community.

Mr Uppal informed the Sub-Committee that two off-licences being virtually together would cause strong price wars leading to cheaper alcohol because of competition, which will encourage people to purchase more alcohol resulting in potential increased noise nuisance and anti-social behaviour.

Mr Uppal concluded by stating that he had invested a lot of time, effort and money into making the premises a success, including operating a refusals register that was kept up-to-date outlining who and why refusals were given and emphasised that a further premises selling alcohol in the vicinity would not be beneficial to the community.

In responding to a question from Mr Burke, Mr Uppal confirmed that police presence was not an issue and re-iterated that the shops were sited in a quiet residential area with little anti-social behaviour issues.

In responding to further questioning from the Sub-Committee, Mr Uppal confirmed that the majority of flats located above the row of shops were occupied but some remained empty.

Mr Burke, on behalf of the applicant, informed the Sub-Committee that Mr and Mrs Ravichandran had taken over the lease of the premises in January of this year and stated that the reason why they had submitted an application for a premises licence was to increase the services available to their customers.

He highlighted a number of measures that would be put in place to promote the licensing objectives, including, installing CCTV cameras inside and outside the premises with 31 day recording, which would be available to police on request, operating a Challenge 21 Policy in order to be certain that alcohol was not served to minors and also maintaining a refusals register which would log all refused sales and the reasons for the refusal.

Mr Burke then presented a petition consisting of 180 signatures in support of the application and, with the approval of Mr and Mrs Uppal, circulated it to the Sub-Committee for perusal.

In concluding, Mr Burke informed the Sub-Committee that there had been no police objections to the application and it would be unfair to refuse on the basis of assumptions.

In responding to questions from Mr Uppal regarding how a further off-licence would benefit the community, Mr Burke stated that by installing CCTV inside and outside the premises, it would deter youths congregating outside the premises causing potential anti-social behaviour. Litterbins would also be positioned outside the premises and emptied frequently to encourage customers to dispose of litter in the bins provided, instead of it being strewn outside the shop, which would benefit the community and local residents.

In responding to a question from the Sub-Committee, Mr Burke confirmed that the shop would remain as a newsagent, but that the sale of alcohol would be incorporated to meet the demand of customers.

The Legal Advisor requested clarification on the measures that the applicants intended to put in place to ensure that alcohol would not be sold to minors and the proposed position of the alcohol, as this was not clear in the operating schedule attached to the application. At this juncture Mr Burke handed the Sub-Committee an amended operating schedule that integrated the intention of operating a Challenge 21 Policy that would ensure alcohol was not served to youths. He stated that alcohol would be positioned on the side shelving of the premises with some placed inside a refrigerated area and the spirits would be located behind the till area. Mrs Ravichandran then added that signage for the normal hours for selling alcohol would also be displayed inside the shop.

In responding to questions from the Legal Advisor in relation to staffing arrangements and what training staff were provided with, Mrs Ravichandran reported that in addition to herself and her husband, one further person had been employed to work in the shop part-time. She assured the Sub-Committee that either herself or her husband would be present at the shop at the same time as the employee and emphasised that the part-time employee had never been left to operate the shop on his own. Mrs Ravichandran then stated that training would be provided on the Licensing Act 2003, how to implement and uphold the Challenge 21 Policy and how to maintain the refusals register in relation to the sale of alcohol in order to carry out duties efficiently and effectively.

In response to a final question from the Legal Advisor, Mrs Ravichandran confirmed that if the application was successful, both herself and her husband still intended to reside above the premises.

In summing up, Mr Burke reported that there had been no evidence to suggest that approval to the application would impact on the licensing objectives and increase anti-social behaviour in the community.

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

Following a lengthy discussion, 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 Mrs Sreedevi Ravichandran, in respect of the premises known as Sandringham News, 5 Sandringham Place, Wordsley, Stourbridge, for the grant of a premises licence, be approved, in the following terms.

### Sale of Alcohol

Monday – Sunday                      09.00 – 22.00

### Conditions

All conditions set out as in the operating schedule.

- 1) CCTV to be installed to cover both inside and outside the premises and records to be kept for thirty-one days.
- 2) Premises to operate Challenge 21 Policy.
- 3) Signage “no under 18s” on shelves and refrigerated area containing alcohol.
- 4) Alcohol area to be covered outside of licensing hours.

### Reasons for Decision

We have no legal grounds under the Licensing Act 2003 to refuse this application and specifically the need for an additional off-licence is not something that we can take into account.

The objectors were informed of their right to appeal the decision of the Sub-Committee.

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23      GRANT OF STREET COLLECTION PERMIT, MR ANDREW STEVENS OF SHELTER

A report of the Director of Law and Property was submitted on an application made by Mr Andrew Stevens, for the grant of a street collection permit, on behalf of Shelter.

Mr Andrew Stevens was not in attendance at the meeting.

Mrs J Elliott, Licensing Officer, Directorate of Law and Property, informed the Sub-Committee that the application had been due to be heard on 8<sup>th</sup> April 2008 but that at the request of the applicant it had been deferred. She further informed the Sub-Committee that she had received an e-mail from Mr Stevens, again requesting that, in view of himself and his representative not being able to attend the hearing, the hearing be deferred to a future date.

In the light of his non-attendance, the Legal Advisor indicated that the Sub-Committee could either agree to hear the case in the applicant's absence or agree to defer the application to a future date. The Sub-Committee agreed to hear the application in Mr Stevens's absence and it was

#### RESOLVED

That the application made by Mr Andrew Stevens, for the grant of a street collection permit, on behalf of Shelter be refused, in view of his failure to attend a hearing on two separate occasions.

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24      APPLICATION FOR RENEWAL/EXTENSION OF LICENSING HOURS (PRIOR TO CHRISTMAS) FOR A SEX SHOP – UNIT 4, 22 – 23 KING STREET/FLOOD STREET, DUDLEY

A report of the Director of Law and Property was submitted on an application made by Darker Enterprises in respect of the Sex Establishment Licence for Unit 4, 22 – 23 King Street/Flood Street, Dudley, for the renewal/permanent extension of permitted hours (prior to Christmas).

Mr Clive Sullivan, Management Consultant, was in attendance at the meeting together with Mr Mason of Darker Enterprises and Ms Barbara Francis, Administrator.

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

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

Mr Sullivan informed the Sub-Committee that the reason why the application had been submitted was to meet the demands of customers and indicated that there was a seasonal trade. He stated that the applicant had a number of other sex establishments around the Country, all of which were successfully managed.

He concluded by stating that Darker Enterprises had complied with the licensing conditions in the past and as a result, no complaints or problems had been received.

#### RESOLVED

That the application made by Darker Enterprises in respect of the Sex Establishment Licence for Unit 4, 22 – 23 King Street/Flood Street, Dudley, for the renewal/permanent extension of permitted hours (prior to Christmas), be approved.

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The meeting ended at 11.45am.

CHAIRMAN