

**Minutes of the  
Licensing Sub Committee 3**

**9<sup>th</sup> January 2020 at 1.00 pm  
at the Sandwell Council House, Oldbury**

**Present:** Councillor S Davies (Chair);  
Councillors Crumpton and Downing.

**Observer:** Councillor G Gill.

**Matters Delegated to the Sub Committee to exercise  
Those functions of the Licensing Committee under the  
Licensing Act 2003 and any regulations made under that Act,  
together with any related functions**

1/20 **Minutes**

**Resolved** that the minutes of the meeting held on 11<sup>th</sup> November 2019 be confirmed as a correct record.

2/20 **Application for the review of a Premises Licence under  
Section 51 of the Licensing Act 2003 in respect of Kulkula  
Village Shop, 14 Market Place, Tipton DY4 7AR**

**Present:** Sarah Brookes - Licensing Officer;  
David Elliott - Local Authority Solicitor;  
Mark Beesley - SMBC Trading Standards;  
Aron Goode - SMBC Trading Standards;  
Neil Aston Baugh – West Midlands Fire Service.

Officers from SMBC Trading Standards requested that the review be heard in private session as they did not wish to jeopardise any potential court proceedings.

After taking legal advice from the Local Authority Solicitors members considered the Public Interest Test and agreed that the Committee would resume in private session.

**Licensing Sub Committee 3**  
**9 January 2020**

**Resolved** that the public and press be excluded from the meeting for this matter only to avoid the possible disclosure of exempt information under Schedule 12A of the Local Government Act 1972, as amended by the Local Government (Access to information) (Variation) Order, 2006, relating to any individual and information relating to any action taken or to be taken in connection with the prevention, investigation or prosecution of crime.

Members were advised that an application had been made by SMBC Trading Standards on 14<sup>th</sup> November 2019, for a review of the Premises Licence in respect of Kulkula Village Shop, 14 Market Place, Tipton DY4 7AR.

The Premises Licence Holder had been served notice of this Committee, invitations had been delivered to the licenced premises and their residential address, however the Premises Licence Holder had failed to attend the meeting.

Members were satisfied that the Premises Licence Holder had been informed of the Committee meeting and were satisfied that it was reasonable to continue with the hearing.

The application had been made on the grounds of the prevention of crime and disorder licensing objective as the premises had been involved in the sale and supply of illicit tobacco.

A representation had also been received to the application by West Midlands Fire Service on the grounds of public safety and the protection of children from harm.

The Premises Licence was granted on 24<sup>th</sup> October 2018 and Mr Mansour Muhammed Omar had been the Premises Licence Holder and Designated Premises Supervisor since 12<sup>th</sup> April 2019. The Premises Licence had been suspended on 21<sup>st</sup> November 2019 for non-payment of the annual fee, licensable activities would remain unauthorised until the annual fee was paid, and the suspension could then be lifted. The premises appeared to be closed since the Trading Standards enforcement action.

The premises was actually sited at number 15 Market Place, however the application for a premises licence was made in

**Licensing Sub Committee 3**  
**9 January 2020**

respect of number 14 Market Place, therefore the premises licence included the incorrect premises address.

Details of the application had been advertised via a public notice near to the premises and on the Council's, Website inviting representations.

Officers from SMBC Trading Standards presented evidence to the Licensing Sub Committee and the Officer from West Midlands fire Services supported the evidence with a statement regarding the safety and increased fire risk in respect to illicit tobacco products.

The Sub Committee took advice from its Legal Advisor before adjourning to make a decision on the application.

Having considered all the information before them, the Sub Committee was minded to revoke the Premises Licence in respect of Kulkula Village Shop. The operation of the premises had undermined the licensing objectives in respect to the prevention of crime and disorder and public safety.

The Premises Licence had been suspended for non-payment of fees and members had been informed that the premises was not currently open for business.

**Resolved** that the Premises Licence in respect of Kulkula Village Shop, 14 Market Place, Tipton DY4 7AR be revoked.

In making its decision the Sub Committee took into account the Licensing Act itself, the Section 182 Guidance and noted that it must carry out all its functions under the Act with a view to promoting the licensing objectives. It also took into account the Human Rights Act 1998.

The Premises Licence Holder would be advised of his right of appeal under section 53c of the Licensing Act 2003 to the Magistrates Court within 21 days of receipt of the decision letter.

**Licensing Sub Committee 3**  
**9 January 2020**

(Meeting ended at 10.26 am)

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