

---

**Minutes of the Licensing Sub-Committee 1  
Thursday, 5<sup>th</sup> October 2023 at 10.00 am  
In Committee Room 2, The Council House, Priory Road,  
Dudley**

**Present:**

Councillors T Creed, M Howard and K Razzaq

**Officers: -**

S Smith (Team Manager - Licensing and Waste Enforcement), T Holder (Solicitor) and K Taylor (Senior Democratic Services Officer).

**27. Election of Chair**

It was noted that Councillor K Razzaq was elected Chair for this meeting of the Sub-Committee only.

(Councillor K Razzaq in the Chair)

---

**28. Apology for Absence**

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

---

**29. Appointment of Substitute Member**

It was noted that Councillor K Razzaq was appointed as substitute Member for Councillor A Lees for this meeting of the Sub-Committee only.

---

30. **Declarations of Interest**

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

---

31. **Minutes**

**Resolved**

That the minutes of the meeting held on 1<sup>st</sup> June, 2023, be approved as a correct record, and signed.

---

32. **Change in Order of Business**

Pursuant to Council Procedure Rule 1(c), it was:-

**Resolved**

That Agenda Item No. 6 – Application for Grant of a New Premises Licence – Quickstop Convenience Store (UK) Ltd, 25 Park Road, Brierley Hill be considered as the next item of business.

---

33. **Application for Grant of a New Premises Licence – Quickstop Convenience Store (UK) Ltd, 25 Park Road, Brierley Hill**

A report of the Interim Service Director of Environment was submitted on an application for the grant of a new premises licence in respect of the premises known as Quickstop Convenience Store (UK) Ltd, 25 Park Road, Quarry Bank, Brierley Hill.

The following persons were in attendance, at the meeting:

Mr A Khattak (Solicitor on behalf of the Applicant)  
Mr I Afzal (Applicant) together with a supporter  
Mr K Maan (Environmental Health and Trading Standards)  
Ms K Turley and Ms D Jenkins (West Midlands Police)  
Mr N Slym (Licensing and Waste Enforcement)

Following introductions, the Team Manager – Licensing and Waste Enforcement presented the report on behalf of the Council.

Mr K Maan although acknowledged that this was a new application being considered, stated that he wished to bring Mr Afzal's previous conduct to the attention of the Sub-Committee. He then presented the representations of Environmental Health and Trading Standards relating to the prevention of crime and disorder and the protection of children from harm under the Licensing Act 2003.

It was noted that on 8<sup>th</sup> October, 2020, a male alleged to be Mr I Afzal began shouting at Food Enforcement Officers which resulted in a warning marker being placed on the premises to ensure that two Officers were in attendance during any visits.

The Sub-Committee were advised that on 15<sup>th</sup> December, 2021, 53 illegal e-cigarettes, where the tank size exceeded 2ml were seized from the premises, and a subsequent warning letter issued on 6<sup>th</sup> July, 2022, however no response was received from the Premises Licence Holder.

Having received a number of complaints alleging that the premises continued to sell illegal e-cigarettes, a 16 year old male test purchaser entered the premises on 10<sup>th</sup> July, 2023, to attempt to purchase a disposable e-cigarette containing nicotine. An employee identified as Ms S Paul, believed to be the partner of Mr Afzal, advised the volunteer to purchase a 3,500 puff disposable e-cigarette as it would last longer. Following the test purchase and having entered the premises, Ms Paul was cautioned, informed of the sale, and was questioned where the illegal e-cigarettes were stored. Ms Paul denied selling illegal e-cigarettes and having any in stock, however following an inspection of the premises, a further 2 illegal e-cigarettes were seized. At this point, Ms Paul became obstructive, refusing to show identification and assist in questions asked by Trading Standards Officers.

Following the seizure of the illegal e-cigarettes, laboratory tests identified that they contained traces of lead and nickel metals.

It was noted that on 9<sup>th</sup> August, 2023, Trading Standards visited the premises to enquire whether Ms Paul and Mr Afzal would require a training course provided by Trading Standards on underage sales and illegal e-cigarettes. Having identified themselves, Trading Standards Officers received hostility and were accused of being aggressive on 10<sup>th</sup> July, 2023. During the visit, Mr Afzal refused to disclose Ms Paul's location and claimed that she no longer worked at the premises and denied that he committed any offences for allowing the illegal e-cigarette to be sold to a child.

In concluding, Mr Maan confirmed that following the visit on 9<sup>th</sup> August, 2023, both Mr Afzal and Ms Paul were interviewed under Caution and admitted offences for allowing an illegal e-cigarette to be sold on 10<sup>th</sup> July, 2023.

Ms K Turley then presented the representations of West Midlands Police relating to the prevention of crime and disorder and the protection of children from harm under the Licensing Act 2003, and in doing so strongly recommended that the application for a premises licence be refused.

Mr N Slym then presented the representations on behalf of the Licensing Authority and in doing so advised that the premises had previously been licensed under Quickstop Enterprise Ltd, however that licence was suspended on 7<sup>th</sup> May, 2021 due to non-payment of annual fees. It was noted that the Company was dissolved on 12<sup>th</sup> October, 2021, and as there was no application to transfer the licence or an interim authority notice submitted, the premises licence subsequently lapsed, as per Section 27 of the Licensing Act 2003.

It was noted that during a visit to the premises on 17<sup>th</sup> July, 2023, alcohol was displayed therefore Mr Afzal was advised that as there was no existing Premises Licence granted, all alcohol must be removed from display.

Mr Slym raised concerns that it was apparent that the premises had been operating without a licence for some time and that the application submitted did not mitigate risks or give confidence that the Licensing Objectives would be upheld.

In referring to representations submitted on behalf of the applicant, Mr Slym contested claims that there had been no complaints or difficulties associated to the existing premiss. He also confirmed that the applicant had not requested to discuss operating conditions with responsible authorities.

In responding to a question by the Solicitor, Mr Slym confirmed that training records had not been requested of Mr Afzal as the premises did not have a valid premises licence therefore compliance visits would not have been undertaken by Licensing Officers.

In responding to a question by Mr Khattak, Mr Maan described the behaviour demonstrated by Mr Afzal during the visit to the premises on 9<sup>th</sup> August, 2023.

It was also confirmed by Mr Khattak that the representations submitted on behalf of the applicant was produced on a standard template and included some references that did not relate to Mr Afzal's application.

Mr A Khattak then presented the case on behalf of his client, Mr I Afzal, and in doing so requested that the Sub-Committee consider the application afresh without the initial representations of the responsible authorities. It was noted that Mr Afzal had been granted a Personal Licence and although there had been alleged offences committed, Mr Afzal had not been convicted or cautioned.

Mr I Afzal then read out a statement advising that he had operated at the premises since November, 2021 and that the application was due to be heard on 26<sup>th</sup> September, 2023, however the meeting was adjourned until today. He reported that there had been a premises licence in operation between 2006 and 2021, and that it was his understanding that the previous owner agreed to manage the hand-over and arrange payments as needed during the exchange. Mr Afzal acknowledged that this had not occurred and that he had been misguided.

Mr Afzal considered the application to be a modest one and that the business was not a pub or drinking establishment and stated that there had not been any complaints or difficulties relating to the premises and requested the Sub-Committee to consider the factual information presented only.

Mr Afzal stated that he was a man of good character and conviction and although he acknowledged full responsibility of his behaviour pre-application, he refuted claims that he was aggressive. He referred to the local support for the application to be granted and that the representations made by the Police and Children Services should be weighed against residents that had not raised any objections.

The Sub-Committee were advised that Mr Afzal would agree to additional operating conditions being attached to the licence should it be deemed necessary to promote the Licensing Objectives further. It was confirmed that all staff would receive documented training on their responsibilities under the Licensing Act 2003 with refresher training delivered every six months. A daily incident log would also be maintained at the premises to record all crimes reported to the venue, any complaints received and refusals of the sale of alcohol. It was also noted that no children under the age of 16 would be allowed on the premises after 11pm unless accompanied by an adult.

In concluding, Mr A Khattak emphasised the submissions made by Mr Afzal and requested that the Sub-Committee consider the application afresh and allow the business to thrive and generate income. He also stated that it was not Mr Afzal's intention to sell illegal e-cigarettes.

In responding to a question raised by the Solicitor, the Team Manager - Licensing and Waste Enforcement confirmed that Mr Afzal was granted a Personal Licence by Dudley Council on 1<sup>st</sup> August, 2023.

Following comments made, Mr Maan raised concerns of the standard template submitted on behalf of Mr Afzal and confirmed that Mr Afzal, alongside Ms Paul, were interviewed under caution as part of a further investigation. He also reported that there was admission by Mr Afzal of the sale of an illegal e-cigarette which resulted in a warning letter being issued.

In responding to a question raised by Mr Slym in relation to the illegal e-cigarettes being stored under the counter, Mr Afzal stated that he had received difficult news regarding his health which affected his supervision duties during that time.

In responding to a question raised by Councillor T Creed, Mr Afzal confirmed that he had written his statement with assistance from his Solicitor.

It was noted that Mr Afzal had purchased the illegal e-cigarettes from a trader that had visited the premises.

All parties were provided with the opportunity to sum up their cases, and all confirmed that they had received a fair hearing, following which all parties withdrew from the meeting to enable the Sub-Committee to determine the application.

Having made their decision, the meeting was reconvened, and the Solicitor outlined the decision.

## **Resolved**

That following careful consideration of the information contained in the report submitted and presented by all parties at the meeting, the application for the grant of a new premises licence in respect of the premises known as Quickstop Convenience Store (Ltd) 25 Park Road, Brierley Hill, be refused.

Mr I Afzal was informed of his right to appeal the decision of the Sub-Committee.

---

34. **Notice of Temporary Event – Cocktails and Dreams, 19 Bilston Street, Sedgley, DY3 1JA**

A report of the Interim Service Director of Environment was submitted on a Notice of Temporary Event (TEN's), served on the Council by Mr C Bates, in respect of the premises known as Cocktails and Dreams, 19 Bilston Street, Sedgley, DY3 1JA.

The following persons were in attendance, at the meeting:

Mr C Bates (Applicant) together with two supporters  
Ms C Vaughan (Environmental Health and Trading Standards)  
Ms K Turley and Ms D Jenkins (West Midlands Police)  
Mr N Slym (Witness of West Midlands Police)

Following introductions, the Team Manager – Licensing and Waste Enforcement presented the report on behalf of the Council. It was noted that the Notice of Temporary Event received was as follows:

**Supply of Alcohol / Regulated Entertainment / Late Night Refreshment**

Halloween Weekend Event  
27<sup>th</sup> October, 2023 until the 29<sup>th</sup> October, 2023  
11.00 hrs until 17.30hrs Supply of Alcohol  
23.00 hrs until 00.30hrs Supply of Alcohol  
23.30 hrs until 00.30hrs Late Night Refreshment  
11.00hrs until 00.30 Music

It was noted that the premises licence in respect of Cocktails and Dreams was revoked by the Licensing Sub-Committee on 1<sup>st</sup> June, 2023, however the premises were currently operating under appeal allowing them to trade for the following days and times:

Supply of Alcohol	Monday to Sunday 17.30 until 23.00
Late Night Refreshment	Monday to Sunday 23.00 until 23.30

It was further reported that objection notices to the TEN's were received from Environmental Safety and Health on the grounds of prevention of public nuisance and the West Midlands Police on the grounds of prevention of crime and disorder and the protection of children from harm.

Ms C Vaughan presented submissions in relation to the objection raised referring to previous TEN's granted to Mr Bates that had resulted in a number of complaints submitted to Environmental Health from residents in the area reporting noise disturbances. It was noted that whilst Mr Bates was operating the premises under appeal, a further noise complaint had been received and was currently under investigation.

Reference was also made to a video on the Facebook page of Cocktails and Dreams showing a DJ in the DJ booth at the rear of the premises with club style music playing and disco lighting, which contravened the condition attached to the premises licence prohibiting DJs at the premises. This further demonstrated Mr Bates inability to adhere to the conditions of the premises licence and therefore there was no confidence that the Licensing Objectives would be upheld should the temporary event notice be granted.

Ms D Jenkins then presented the representations of West Midlands Police relating to the prevention of crime and disorder and the protection of children from harm under the Licensing Act 2003, and in doing so referred to the revocation of the premises licence by the Licensing Sub-Committee on 1<sup>st</sup> June, 2023, on the grounds of breaches of conditions of the premises licence which constituted criminal offences and the Premises Licence Holder failure to uphold the Protection of children from harm Licensing Objective.

It was noted that a compliance visit was undertaken on 7<sup>th</sup> September, 2023 where it was identified that the condition of licence relating to Closed-Circuit Television (CCTV) recording for 28 days was still not being complied with. Mr Bates advised the Licensing Enforcement Officers that one of the CCTV cameras had failed to record for the required timescale due to a power cut on Bilston Street, Sedgley on 21<sup>st</sup> August, 2023. Ms Jenkins advised, however, that following further investigation, National Grid had confirmed that no power cut had been recorded during that time.

In concluding, Ms Jenkins further raised concerns in relation to the video of a DJ present at the premises which contravened the condition of licence, and confirmed that the position of West Midlands Police had not changed since the Committee hearing on 1<sup>st</sup> June, 2023 and that they had no confidence in Mr Bates upholding the Licensing Objectives.



Mr N Slym, as witness for the West Midlands Police, referred to the unusual circumstances of a temporary event notice application being considered following the revocation of a premises licence and suggested that sufficient evidence had not been submitted to support the application. It was noted that a separate investigation was being undertaken in relation to security at the premises.

In responding to a question raised by Mr Bates, Ms Vaughan confirmed that one complaint had been received by Environmental Health during August, 2023 in relation to noise from the premises which had not yet been substantiated. In responding, Mr Bates suggested that he had been targeted with false allegations and that he had CCTV footage evidencing that the premises were closed at the time stipulated by the complainant.

In responding to comments made with regard to the breach of the premises licence conditions prohibiting DJs at the premises, Mr Bates referred to the revised guidance issued under section 182 of the Licensing Act 2003. Paragraph 16.36 indicated that any existing licence conditions (or conditions added on a determination of an application for a premises licence) which relate to live music or recorded music remain in place, but are suspended between the hours of 08.00 and 23.00 on the same day when three conditions were met. Mr Bates stated that following discussions with Licensing Enforcement Officers, it was considered that the DJ was allowed to proceed at the premises in accordance with the conditions stipulated in the Licensing Act 2003.

Following further discussion, the Solicitor referred to the complaint received by Environmental Health in August, 2023 which had not been substantiated and confirmed that the Sub-Committee accepted that the complaint would be considered as an allegation only.

In presenting his case, Mr Bates referred to the objections received relating to the protection of children from harm and prevention of crime and disorder, and although he acknowledged that children were present at the premises, refuted claims that they were not supervised by an adult. He assured the Sub-Committee that he was compliant as Premises Licence Holder.

In responding to comments made, Mr Slym confirmed that during a compliance visit on 7<sup>th</sup> September, 2023, two CCTV cameras had footage recorded covering 7 days and 16 days respectively. Although Mr Bates had claimed that a power cut had occurred, there was no record or confirmation by National Grid of a power cut within the premises, street or neighbouring properties.

All parties were provided with the opportunity to sum up their cases, and all confirmed that they had received a fair hearing, following which all parties withdrew from the meeting to enable the Sub-Committee to determine the application.

Having made their decision, the meeting was reconvened, and the Solicitor outlined the decision.

## **Resolved**

That following careful consideration of the information contained in the report submitted and presented by all parties at the meeting, the notice of temporary event in respect of the premises known as Cocktails and Dreams, 19 Bilston Street, Sedgley, DY3 1JA, be refused and a counter notice issued in light of the information presented in relation to the previous temporary event notices that had taken place and the ongoing investigations, in which the Sub-Committee considered that approval of the notice of temporary event served by Mr Bates could lead to crime and disorder and placing children at risk of harm.

Mr C Bates was informed of his right to appeal the decision of the Sub-Committee.

---

### **35. Questions Under Council Procedure Rule 11.8**

There were no questions to the Chair pursuant to Council Procedure Rule 11.8.

The meeting ended at 12:01 pm

CHAIR