

**Minutes of the Licensing Sub-Committee 1**  
**Tuesday, 21st March 2023 at 10.17 am**  
**In Conference Room 9, Saltwells Education Development**  
**Centre, Bowling Green Road, Netherton, Dudley**

**Present:**

Councillor J Clinton (Chair)  
Councillors J Cowell and T Creed

**Officers: -**

N Slym – Assistant Team Manager - Licensing and Waste Enforcement (Directorate of Public Realm), S Wright – Solicitor and K Buckle – Democratic Services Officer (Directorate of Finance and Legal).

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**13. Apology for Absence**

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

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**14. Appointment of Substitute Member**

It was reported that Councillor T Creed had been appointed as a substitute member for Councillor P Miller for this meeting of the sub-committee only

15. **Declaration of Interests**

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

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16. **Application for Grant of a New Premises Licence – The Coast, Afro Cuisine, 31 – 32 King Street, Dudley**

A report of the Interim Director of the Environment Directorate was submitted in respect of an application for the grant of a new premises licence in respect of premises known as The Coast Afro Cuisine, 31 – 32 King Street, Dudley.

The following persons were in attendance at the meeting: -

Mrs A Nsinga – Designated Premises Supervisor (DPS)

Mr J Ewane – Son of the (DPS)

Mr P Burke – PMB Licensing – Representative for the DPS

K Turley and D Jenkins – West Midlands Police (Observers)

N Aston-Baugh – West Midlands Fire Service

Following introductions, the Assistant Team Manager (Licensing and Waste Enforcement) presented the report on behalf of the Council, referring to the application that had been received on 27<sup>th</sup> January 2023 from PMB Licensing on behalf of Mrs A Nsigna.

It was noted that the objections raised to the application by West Midlands Police and the Licensing Authority had been withdrawn and the remaining objection from a local resident was referred to, however the resident had indicated that he would not be attending the meeting today.

West Midlands Fire Service made representations, and in doing so referred to the voluntary undertaking that had now been agreed by the Designated Premises Supervisor and which was attached to the application. It was stated that once all work had been completed including conducting a fire risk assessment of the licensed premises, capacity would be increased from 60 to 100 patrons.

In referring to the objections of the local resident, Mr P Burke referred to those as vexatious.

It was noted that he was a local business premises owner.

The raised objections were refuted, and it was stated that King Street, Dudley was covered by CCTV surveillance.

Councillor J Cowell sought clarification on whether West Midlands Police had been alerted of any issues within the King Street vicinity.

Ms D Jenkins confirmed that there were issues with the lack of parking facilities for vehicles utilising the businesses within the area in question, stating that this was a high crime impact area and both cars and noise were problematic.

Mr N Slym advised that there had been issues in relation to violent crimes and disturbances with noise complaints and issues with parking being raised with Environmental Health Colleagues, in relation to King Street, Dudley.

At this juncture the meeting was adjourned for the sub-committee to determine whether the objections raised were vexatious.

The sub-committee having made their decision reconvened the meeting.

All parties were advised that the Sub-Committee had determined that the objector raised several issues which amounted to relevant representations and as such were not vexatious.

Mr P Burke referred to the conditions that had been agreed with all of the responsible Licensing Authorities.

In response to a question from Councillor T Creed, Mr P Burke advised that the premises operated an entrance and exit only policy, thereby should patrons leave via the exit to visit the smoking area, they would have to re-enter and would be searched by the Security Industry Authority (SIA) staff, before being allowed to re-enter the premises.

Mr P Burke also confirmed that the smoking area would not impede any escape from the premises and any litter would be cleared from outside the business premises.

Following the summing up from all parties, the Sub-Committee came to their conclusion and the Chair of the Committee outlined the decision.

**Resolved**

That following careful consideration of the information contained in the report submitted and presented at the meeting, the application for a new premises licence in respect of the premises known as The Coast, Afro Cuisine, 31 – 32 King Street, Dudley, be granted subject to the following conditions: -

- (1) Incident Book - The premises will have an incident book and record all incidents that occur inside or immediately outside the premise, regardless of whether any of the emergency services have been called. The record of incident will include details of the member of staff involved in the incident and the actions taken. Regular liaison with police will be encouraged to ensure cross-reference of venue related incidents. This incident book can be inspected at any reasonable time by all responsible authorities.
- (2) Staff Training – All staff will be trained on the signs of drug abuse both on persons and how to recognise signs of use on the premises. Training would also be provided on signs of persons drinking to excess. Training would be provided to staff to include Challenge 25 policy and differing ID methods. All training must be recorded on the premises in a training book and be made available to the responsible authority immediately upon request.
- (3) The DPS will undergo updated training annually.
- (4) A refusal book to be kept on the premises detailing the time and date of refusal and the reasons for the refusal. The book will be kept on the premises and handed to any responsible authority on request.
- (5) There will be a Challenge 25 policy in place and only photographic ID including a driving licence, passport student card or 'Pass' scheme card will be accepted as proof of age. 'Challenge 25' signage will be prominently displayed for customers in the premises.
- (6) Staff will be trained on signs of underage drinking and this will be recorded in the training book and kept on the premises and can be inspected on the request of any responsible authority.
- (7) Drugs misuse signs will be predominantly displayed in all areas of the premises.

- (8) Any Temporary Event Notice (TEN) received in relation to the premises will include full details of any DJ that will be attending and will be forwarded on to the Dudley Licensing Officer at the time of the application. The premises license holder will uphold the conditions of the license regarding Security Industry Authority (SIA) staff for the duration of the TEN.
- (9) The premises CCTV will be checked on a weekly basis in order to identify any concerns. A record of these checks shall be maintained and be available for inspection upon request by an officer of any responsible authority.
- (10) CCTV will be installed at the premises and will record all incidents and immediately outside the premises for a minimum of 28 days. CCTV will cover all areas of licensable activity and will include all exits and entrances where searching takes place. The smoking area will also be covered by CCTV.
- (11) A member of staff employed at the premises when it is open for licensable activity will be trained in the operation of the CCTV system. They will be able to download any footage at the request of the Police and any other Responsible Authority within 24 hours of the request, and the venue will provide their own USB and/or disc for this purpose.
- (12) A member of staff on duty at the venue will carry out daily checks when the premises are open for licensable activity, that the CCTV system is in working order. This check will be recorded in a separate book and signed and dated by the checker.
- (13) Any CCTV hard drive that is damaged or broken will be retained at the premises for a minimum of 28 days and available upon request by the Police or any other Responsible Authority.

- (14) On Fridays and Saturdays, and any Sunday before any Bank Holiday and any Bank Holiday and Christmas Eve, Boxing Day and New Years Eve when entertainment is provided, from 22:00 hours a minimum of 6 SIA registered Door Supervisors will be employed at the venue, including one female. They will remain in place until the venue is closed. One member of door staff will be positioned in the smoking area. On all other occasions door supervisors will be employed in accordance with a separate written risk assessment.
- (15) Door Supervisors on duty will display on their outer sleeve at all times an up to date/relevant SIA Badge. All Door Supervisors will be required to wear high visibility jackets when outside the premises and appropriate dress when inside. All Door Supervisors will be required to sign in/out every shift; this must include their full badge number and full name, and these details must be retained by the premises for a 6 month period and disclosed to any Responsible Authority upon request.
- (16) A minimum of 6 door staff will at all times wear a Body Worn Camera when door staff are employed at the premises. The bodycams will be checked prior to any tour of duty that they are in working order & replaced as soon as practicable if faulty.
- (17) When door supervisors are employed at the premises, every patron entering the venue will be subject to a full bag and body search. Any persons leaving and returning to the venue will be re searched fully.
- (18) The premises will install a metal screening device (ie; knife arch) which all patrons will be required to walk through upon entry to the premises. This will be in addition to a full bag and body search by SIA Door Supervisors as per Condition number 17 above.
- (19) The premises shall implement and put into practice a drugs policy for the venue. Anyone found to be in possession of drugs, including nitrous oxide cannisters, will be removed from the premises.

- (20) No drinking vessels at any time are to be taken beyond the outside perimeter of the premises and the premises licence holder must ensure notices are displayed in any designated outside smoking or drinking area to inform patrons of the restriction.
- (21) No persons will be allowed entry inside the venue when wearing a cap, hoodie or any other item that will obscure full facial recognition on CCTV cameras.
- (22) The Police will be called if an incident arises that the door staff are unable to diffuse.
- (23) All drinks will be served in plastic cups or poly carbs after 22:00 hours on Friday, Saturday and Sunday evenings, Bank Holidays, Christmas Eve, Boxing Day and New Years Eve or any other date when a special event is taking place.
- (24) An incident log shall be kept at the premises; and made available on request to an authorised officer. It must be completed within 24 hours of the incident and will record the following: -
  - (a) All crimes reported to the venue
  - (b) All ejections of patrons
  - (c) Any complaints received concerning crime and disorder
  - (d) Any incidents of disorder
  - (e) All seizures of drugs or offensive weapons (to be kept in a safe and reported to the Police)
  - (f) Any faults in the CCTV system.
  - (g) Any refusal of the sale of alcohol
  - (h) Any visit by a relevant authority or emergency service.
- (25) No under 18's shall be allowed inside the premises after 21:00 hours any night of the week.
- (26) No unaccompanied under 18s shall be allowed inside the premises at any time.

- (27) The venue must retain on the premises door staff profiles, which includes photo ID other than their SIA badge and a utility bill which must not be dated later than 6 months previously. The Licence Holder shall ensure that such profiles are made available for inspection by the Police or Local Authority at any time and kept in a secure location. If any door supervisors leave the premises, the profile shall be retained on the premises for at least three months, following their departure.
- (28) The premises shall implement and put into practice a search policy for the venue.
- (29) The DPS shall ensure that noise levels arising from the premises including the smoking areas are at a level so as not to disturb local residents.
- (30) Internal doors will be installed to cut down on noise from the premises.
- (31) A wind down period of 30 minutes before the last drinks are served. This will encourage customers to begin to leave the location as this will indicate the night is ending. It will also reduce noise leaving the location through the opening and closing of the main door when customers leave.
- (32) Signage displaying to customers to “respect local residents, please leave quietly” to be on display around the location and especially at the exits and smoking areas.
- (33) The smoking area as identified in the plan will be barriered with a 2 metre by 3 metre of barriers and will be monitored and controlled by SIA staff to restrict non-patron use and restricted to 10 persons at any one time.
- (34) Door staff will search customers on re-entry from the smoking area to the premises.

### **Reasons for the Decision**

In accordance with the Council’s Licensing Policy each licence application will be considered on its own merits in the context of the four licensing objectives. We have taken account of the Licensing Act 2003 and the Section 182 Statutory Guidance. We note we must carry out our function



under the Act with a view to promoting the licencing objectives. We have had regard to the representations. We have taken such steps as we consider appropriate for the promotion of all four licencing objectives. In considering the evidence representations have been made by the Police and the Licensing Authority, they have raised a number of concerns and are now satisfied that the new Operating Schedule addresses the concerns. There has been a promotion of the licensing objectives. The Fire Service has also raised concerns and the Applicant has entered into a Voluntary Undertaking.

There is another person who has made representations. That person raises relevant representations that relate to: -

- Drinking in the streets
- Noise
- General disorder

There are other issues mentioned by the other person, but we can only consider that which is a relevant representation if it relates to the likely effect of the grant of the licence on the promotion of at least one of the licensing objectives.

We are of the view that the new schedule addresses the concerns raised by the other person.

There is a right of appeal by all parties to the magistrates' court. The appeal must be commenced within 21 days.

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The meeting ended at 11.47am

CHAIR