

Meeting of the Licensing Sub-Committee 3
Tuesday 24th October, 2023 at 10.00am
In the Council Chamber
at the Council House, Priory Road, Dudley

Agenda - Public Session
(Meeting open to the public and press)

1. Apologies for absence.
2. To report the appointment of any substitute Members for this meeting of the Sub-Committee.
3. To receive any declarations of interest under the Members' Code of Conduct.
4. To confirm and sign the minutes of the meeting held on 5th September, 2023 as a correct record – (Pages 6 – 13)

The following application is to be considered under the provisions of the Licensing Act 2003:-

5. Application for Review of a Premises Licence – Broadway Service Station, 154 South Road, Stourbridge, DY8 3RW (Pages 14 – 47)
6. To consider any questions from Members to the Chair where two clear days notice has been given to the Monitoring Officer (Council Procedure Rule 11.8).



Chief Executive
Dated: 16th October, 2023

Distribution:**Members of the Licensing Sub-Committee 3**

Councillor M Evans (Chair)

Councillors K Denning and A Goddard

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- There is no smoking on the premises in line with national legislation. It is an offence to smoke in or on the premises. You cannot use e-cigarettes and/or similar vaping devices.

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- Elected Members can submit apologies by contacting Democratic Services (see our contact details below). Members wishing to appoint a substitute should notify Democratic Services as soon as possible in advance of the meeting. Any substitute Members must be eligible to serve on the meeting in question (for example, he/she must have received the training required by the Council).

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Licensing Sub-Committee Procedure

- Chair to welcome parties and introduce Members and Officers
- Establish who the parties are and any representatives
- Chair to confirm that all parties have had disclosure of all documents that the Committee has before them and been allowed sufficient opportunity to read them prior to the meeting.
- Presenting Officer of the Local Authority or Solicitor to present the report to the Sub-Committee
- Relevant Authority to present their evidence and the Chair will then ask if any of the following have questions for the Officer:-
 - Objectors/or their representative
 - Applicant or representative
 - Sub-Committee Members and Legal Advisor
- Objectors or their representative/nominated person to present his/her case (including Ward Members)
 - Any witnesses to be called
 - Each witness to be questioned through the Chair in the following order:-
 - Representative of objectors (if present), if no representative, the objectors
- The Chair will then ask the following if they have any questions for the representative or the objectors:-
 - Presenting Officer Local Authority (or Solicitor)
 - Applicant or Representative
 - Sub-Committee Members and Legal Advisor
- Applicant or representative to introduce his or her case
 - Any witnesses for the applicant to be called
 - Each witness to be questioned through the Chair in the following order:-
 - Representative of Applicant (if present)
 - Presenting Officer Local Authority/Solicitor
 - Relevant Authority
 - Objector or Representative
 - Sub-Committee Members and Legal Advisor

- Presenting Officer of the Local Authority/Solicitor to sum up.
- Objectors/Representative to sum up
- Applicant or representative to sum up (must make final comments)
- Legal Advisor indicates to parties details of legal advice to be given to Sub-Committee
- Parties asked if they have had a fair hearing
- All parties, together with any members of the public to withdraw
- Sub-Committee to make their decision
- All parties invited to return and the Chair reads out the decision and the reasons for the decision.

**Minutes of the Licensing Sub-Committee 3
Tuesday, 5th September 2023 at 10.00 am
In Meeting Room 6, Saltwells Education Development Centre,
Bowling Green Road, Netherton**

Present:

Councillor M Evans (Chair)
Councillors A Goddard and S Mughal

Officers:

S Smith – Team Manager (Waste, Fleet and Licensing) (Directorate of Environment), T Holder – Solicitor and K Buckle – Democratic Services Officer (Directorate of Finance and Legal).

9. Apologies for Absence

There were no apologies for absence for this meeting of the Sub-Committee.

10. Appointment of Substitute Member

There were no substitute Members appointed for this meeting of the Sub-Committee.

11. Declarations of Interest

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

12. **Minutes**

Resolved

That the minutes of the meeting held on 4th July 2023, be approved as a correct record, and signed.

13. **Application to Vary a Premises Licence – Kingsbridge Bar, 83A – 85A Bridgnorth Road, Wollaston, Stourbridge.**

A report of the Interim Service Director of Environment was submitted on an application to vary a premises licence in respect of Kingsbridge Bar, 83A to 85A Bridgnorth Road, Wollaston, Stourbridge.

The following persons were in attendance at the meeting: -

Mr L Brown – Premises Licence Holder

Mr J Thomas – Premises Licence Holder

Mr N Cook (Local resident and customer of the Kingsbridge Bar)

Following introductions, the Team Manager (Waste, Fleet and Licensing) presented the report on behalf of the Council, referring to the application to the request for the variation and the previous applications that were considered by the Sub-Committee and subsequently granted subject to conditions.

Members were referred to the objections that had been made to the application and that the objectors had been notified of the date for consideration of the application, however no notification had been received that they would be attending.

The applicants were invited to make representations and in doing so Mr N Cook, local resident, customer, and a small business owner referred to the Kingsbridge Bar being a small, friendly, safe and warm all-inclusive bar which provided coffee during mornings and quiet drinks during evenings. The drinks had been priced to avoid binge drinkers and anti-social behaviour and it was unfortunate that the outside area of the premises could not be open during summer evenings for customers.

The current application for the variation of the premises licence was to extend the opening time for the garden area until 9pm which would be on a seasonal basis as there was not external covering for the garden.

This area would remain smoke and music free.

It was understood that there had been three objections to the application from one family and a resident who had moved into a property within the area following the opening of the bar.

In conclusion, the business was struggling, and it was believed that it should be supported.

In response to a question from Councillor A Goddard, the premises licence owners advised that there was a separate outside smoking area at the premises in line with the conditions on the licence.

In response to a question from the Solicitor, it was stated that the capacity including the garden area was 200, however realistically there were usually no more than 20 customers occupying the garden area and the total capacity of the bar had never been reached.

The Chair invited those present to respond to the objections raised and the Mr J Thomas stated that local residents could contact both himself and Mr L Brown to raise any issues that would be directly dealt with and believed that 9pm would be a more realistic closing time for the garden area.

There was a robust management plan in place for the garden area, however he had stopped answering his phone to one resident due to abusive and threatening language and text messages.

Mr L Brown confirmed that he continued to converse with the local resident by mobile phone when issues arose.

In response to a question from the Chair, it was confirmed that both the planning and licensing objectives were and had been complied with and both of the premises licence owners remained in contact with the Council's Environmental Health Officers.

It was stated that only two complaints had been received in relation to the garden area which had resulted in miscommunication in relation to the current application to extend the opening time of the garden area which had been rectified with the bar manager.

Mr J Thomas referred to the signage outside requesting customers to respect neighbouring properties and keep noise levels low.

In response to a question from Councillor S Mughal in relation to the complaint pertaining to serving hot food, it was confirmed that food was heated through in a microwave only.

In response to a further question from Councillor S Mughal, Mr L Brown advised that the open mic nights were inside the business premises, the outside door remained closed and as such consisted of one gentleman playing music at the premises.

In response to a question from the Solicitor in relation to objections relating to the outside door remaining open, Mr L Brown advised that the door remained open between 4pm and 5pm but remained closed during the evening.

The premises licence owners confirmed that the complaint in relation to the garden area remaining open had occurred following a private family funeral and that complaint had been immediately addressed.

All parties were provided with the opportunity to sum up their cases, 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 variation of the premises licence in respect of the Kingsbridge Bar, 83A to 85A Bridgnorth Road, Wollaston, be approved.

14. Application for Renewal of Consent to Engage in Street Trading – Build A Burga Ltd

A report of the Interim Service Director of Environment was submitted in respect of an application made by Mr M Ikhlas (Build A Burga Ltd) for the renewal of a consent to engage in street trading in Dudley Town Centre.

Mr M Ikhlas, applicant, was in attendance at the meeting.

Following introductions, the Assistant Team Manager (Waste, Fleet and Licensing) presented the report on behalf of the Council, advising that an application had been received from Mr M Ikhlas on 20th March, 2023 to renew the consent from the 2nd August, 2023 in Stone Street Square, Dudley to sell Burgers, Fries and Canned Drinks, Monday to Sunday between the hours of 12 noon to 11pm. This matter had been considered previously by the Sub-Committee on 4th July 2023, when the application had been deferred pending further investigation on the consent awarded to Stone Street Square, Dudley, following the evidence submitted and comments made by Mr M Bieganski, the Strategy and Governance Section Manager on behalf of Corporate Landlord Services. It was understood that Stone Street Square was not a designated public highway and was owned and maintained by Dudley Council as a public space.

It was noted that although Mr M Bieganski was not in attendance at the meeting, he had submitted a briefing note to the Chair providing advice for the Sub-Committee to consider.

Mr Ikhlas indicated that he had not received the above briefing note and the meeting was adjourned in order for Mr Ikhlas to read the briefing note.

The meeting was re-convened and the Team Manager (Waste, Fleet and Licensing) read out the briefing note provided by Mr M Bieganski which stated as follows: -

Stone Street Square

Advice to the Chair of the Licencing Sub-Committee

Further to the licencing hearing in July 2023 I was asked to undertake a review of the history to Stone Street Square.

This historical information is best presented to the Sub-Committee through a series of documentary evidence.

Public Highway

The current extent of public highway maintained at public expense is shown in diagram A.

This clearly shows Stone Street is not presently deemed a public highway.

Historical Information

Council Acquisition

The council purchased this site under two separate transactions in 1886 and 1891.

The extent of purchase is shown in diagram B. As can be seen from this there is no part of the square which wasn't purchased which might have been deemed a highway. By way of comparison diagram C shows the acquisition record of a site nearby where there was former highway, and it can be seen clearly both the route of the roadways and therefore property which was not acquired.

Diagram D shows the situation on site in the 1880's per ordnance survey emphasising that this was not even the square as we see it today but rather there were buildings up to the front edge of Priory Street and Stone Street. Please note overlaid over the top of the mapping in blue is the current Ordnance survey outlines.

Ordnance survey and photographic evidence

Diagram E is taken from the Ordnance survey for the 1920's and we can see the square is developed as a market square and clearly marked as such.

Diagram F is taken from the 1960's and now the space is laid out as a car park, and we believe the shelter shown is for a bus shelter. Please see also diagram G which is a photograph of the area taken which we believe a decade later in the 1970s (going by the cars in the background) which shows the use of Stone Street Square as a car park and a bus stop.

By this time aerial photographic evidence has become available and diagrams H, I, J, K and L are aerial photographs showing the use of the square developing from car parking in the 1960's to the open space we see today.

The final element is diagram M the commemorative plaque for the funding used to create Stone Street Square as event space. Officers have advised there is a power source to this square for such events and careful examination of the brick paved area evidences the tie down arrangements for any marquee which may be erected in the square during such an event.

Conclusion

Stone Street Square was not purchased for public highway purposes and nor was it purchased with any highway crossing it. Its development has been for controlled public use whether car parking or the market square or as now its use as event space. The public highway extent is to the back of the pavement of both Priory Street and Stone Street and there is no evidence found which would suggest it has ever been used as a highway.

I can only conclude from here that it has been included in the list of trading streets under the control of the Licensing Sub-Committee in error. The objection to renewing the licence by myself, on behalf of the Council, still stands. There is a process to go through to remove Stone Street Square from this list which will be undertaken in due course.”

In response to a question from the Chair, Mr Ikhlas indicated that there had only been one event on Stone Street Square that had prevented him from trading during the previous year and he was prepared to work around any further events.

In response to a question from Councillor S Mughal, Mr Ikhlas stated that to utilise private land for his business in the future should his application not be successful.

The Solicitor confirmed that the Council could request that Stone Street Square be re-classified as none trading by way of None Trading Order, however the Sub-Committee had to consider the application before them on its own merits.

Mr Ikhlas confirmed that he did operate at other events and on the site of a public house once each week and a local gym, therefore there were other locations for Build A Burga Ltd Street Trading, however those locations were not permanent bases.

The Chair indicated that he fully supported venues and businesses within the Borough and asked whether Mr Ikhlas was prepared to work with the authority to find another possible area, to operate from.

The Team Manager (Licensing and Waste Enforcement) indicated that the authority held a list of consented streets and should Mr Ikhlas find another area to operate his business from, a further application would have to be submitted to the Sub-Committee. If a not consented area was required, work would have to be conducted with the Highways department.

Mr Ikhlas confirmed that he would consider both options set out above.

Mr Ikhlas was provided with the opportunity to sum up his case, 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 at the meeting, the application made by Mr M Ikhlas (Build A Burga Ltd) for the renewal of a consent to engage in street trading in Dudley Town Centre be approved.

15 **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 11.35pm

CHAIR

Meeting of the Licensing Sub-Committee 3 – 24th October 2023

Report of the Interim Director of Environment Directorate

Application for Review of a Premises Licence
Broadway Service Station, 154 South Road, Stourbridge, DY8 3RW.

Purpose

1. To consider the application for the review of the premises licence in respect of Broadway Service Station, 154 South Road, Stourbridge.

Recommendation

2. That the Sub-Committee determine the application for the review of the premises licence received from the Head of Environmental Health and Trading Standards in respect of the premises known as Broadway Service Station.

Background

3. The Broadway Service Station, was first issued with a premises licence on the 1st July 2010, the current premises licence is in the name of Mr Piara Singh Virdee. The premises licence is issued for the following days and times:

Supply of Alcohol

Monday to Sunday 08.00 until 22.00

Hours Open to the Public

Monday to Sunday 06.00 until 22.00

4. On the 30th August 2023, an application for the review of the premises licence was received from the Head of Environmental Health and Trading Standards, the grounds for the review relate to the prevention of crime and disorder and the protection of children from harm. A copy of that application has been forwarded to the Premises Licence Holder, Relevant Authorities, and Interested Parties in accordance with the Licensing Act 2003 and is attached to this report as Appendix 1.
5. The Council advertised the application for review of the premises licence in accordance with Licensing Regulation SI, 2005, No. 42, Section 38.
6. Representations in support of the application for review have been received from the West Midlands Police and Safeguarding.
7. Copies of all representations have been forwarded to the Premises Licence Holder and Interested Parties and are attached to this report as Appendix 2.
8. These premises have appeared before the committee previously details of which are set out below:

On the 18th April 2023, Mr Saman Haroon Mehmud made application for the transfer of the premises licence and vary of the DPS.

On the 27th April 2023, representations were received from the West Midlands Police.

This matter was due to be considered by the Licensing Sub Committee on 1st June 2023 however at the request of the applicants solicitor the matter was deferred to a future meeting in order for the applicants solicitor to prepare representations on behalf of their client.

The matter was considered by the Committee on the 4th July 2023 the Committee resolved that the application be refused. A copy of the minutes from that meeting are attached to this report as Appendix 3.

Finance

9. There are no financial implications.

Law

10. The law relating to the review of licences is governed by the Licensing Act, 2003 Section 52(1).

52(1) This section applies where:-

- a) The relevant licensing authority receives an application made in accordance with Section 51.
- b) the applicant has complied with any requirement imposed on him under subsection (3)(a) or (d) of that section, and
- c) the authority has complied with any requirement imposed on it under subsection (3)(b) or (d) of that section

Before determining the application, the authority must hold a hearing to consider it and any relevant representations.

11. The authority must, having regard to the application and any relevant representations, take such of the steps mentioned in subsection (4) (if any) as it considers necessary for the promotion of the licensing objectives.
12. The steps are -
- a) to modify the conditions of the licence;
 - b) to exclude a licensable activity from the scope of the licence;
 - c) to remove the designated premises supervisor;
 - d) to suspend the licence for a period not exceeding three months;
 - e) to revoke the licence;

and for this purpose the conditions of the licence are modified if any of them is altered or omitted or any new condition is added.

13. Subsection (3) is subject to sections 19,20 and 21 (requirement to include certain conditions in premises licences).
14. Where the authority takes a step mentioned in subsection (4) (a) or (b) it may provide that the modification or exclusion is to have effect for only such period (not exceeding three months) as it may specify.
15. In this section “relevant representations” means representations which -
 - a) are relevant to one or more of the licensing objectives, and
 - b) meet the requirements of subsection (8).
16. The requirements are -
 - a) that the representations are made –
 - i) by the holder of the premises licence, a responsible authority or an interested party, and
 - ii) within the period prescribed under section 51(3)(c)
 - b) that they have not been withdrawn, and
 - c) if they are made by an interested party (who is not also a responsible authority), that they are not, in the opinion of the relevant licensing authority, frivolous or vexatious.
17. Where the relevant licensing authority determines that any representations are frivolous or vexatious, it must notify the person who made them of the reasons for that determination.
18. Where a licensing authority determines an application for review under this section it must notify the determination and its reasons for making it to -

- a) the holder of the licence
 - b) the applicant
 - c) any person who made relevant representations, and
 - d) the chief officer of police for the police area (or each police area) in which the premises are situated.
19. A determination under this section does not have effect -
- a) until the end of the period given for appealing against the decision, or
 - b) if the decision is appealed against, until the appeal is disposed of
20. Pursuant to schedule 5 part 1, section 8(2)
- An appeal may be made against the decision of the committee by –
- a) the applicant for the review
 - b) the holder of the premises licence or
 - c) any other person who made relevant representations in relation to the application for review.

Risk Management

21. There are no material risk implications.

Equality Impact

22. This report takes into account the Council's policy on equal opportunities.
23. The licensing of premises and individuals will impact on children and young people through their attendance at licensed premises.

24. There has been no consultation or involvement of children and young people in developing these proposals.

Human Resources/Organisational Development

25. There are no organisational development/transformation implications.

Commercial/Procurement

26. There are no commercial/procurement implications.

Environment/Climate Change

27. There are no Environment/Climate Change implications.

Council Priorities and Projects

28. This application falls within the Council's responsibility for Licensing as a direct link to the Council's key corporate priority to support stronger and safer communities.



Nick McGurk
Interim Director of Environment Directorate

Report Author: Mr S Smith
Telephone: 01384 815377
Email: simon.smith@dudley.gov.uk

Appendices

Appendix 1 – Application for review

Appendix 2 - Representations

Appendix 3 – Minutes of the meeting 4th July 2023

List of Background Documents

None

[Insert name and address of relevant licensing authority and its reference number (optional)]

**Application for the review of a premises licence or club premises certificate under the
Licensing Act 2003**

PLEASE READ THE FOLLOWING INSTRUCTIONS FIRST

Before completing this form please read the guidance notes at the end of the form.

If you are completing this form by hand please write legibly in block capitals. In all cases ensure that your answers are inside the boxes and written in black ink. Use additional sheets if necessary. You may wish to keep a copy of the completed form for your records.

I Christopher King - Head of Environmental Health & Trading Standards

(Insert name of applicant)

apply for the review of a premises licence under section 51 / apply for the review of a club premises certificate under section 87 of the Licensing Act 2003 for the premises described in Part 1 below (delete as applicable)

Part 1 – Premises or club premises details

Postal address of premises or, if none, ordnance survey map reference or description Broadway Service Station, 154 South Road, Norton, Stourbridge.	
Post town Dudley	Post code (if known) DY8 3HW

Name of premises licence holder or club holding club premises certificate (if known) Mr Piara Singh Virdee

Number of premises licence or club premises certificate (if known) DY/51/1261

Part 2 - Applicant details

I am

Please tick ✓ yes

1) an individual, body or business which is not a responsible authority (please read guidance note 1, and complete (A) or (B) below)

☐

2) a responsible authority (please complete (C) below)

☒

3) a member of the club to which this application relates (please complete (A) below)

☐

(A) DETAILS OF INDIVIDUAL APPLICANT (fill in as applicable)

Please tick ✓ yes

Mr ☐ Mrs ☐ Miss ☐ Ms ☐ Other title
(for example, Rev)

Surname

First names

I am 18 years old or over

Please tick ✓ yes

☐

**Current postal
address if
different from
premises
address**

Post town

Post Code

Daytime contact telephone number

**E-mail address
(optional)**

(B) DETAILS OF OTHER APPLICANT

Name and address

Telephone number (if any)

E-mail address (optional)

(C) DETAILS OF RESPONSIBLE AUTHORITY APPLICANT

Name and address Christopher King Head of Environmental Health & Trading Standards Health & Wellbeing Dudley Council Council House, 1 Priory Road, Dudley, DY1 1HF
Telephone number (if any) 01384 814669
E-mail address (optional) Christopher.king@dudley.gov.uk

This application to review relates to the following licensing objective(s)

- 1) the prevention of crime and disorder
- 2) public safety
- 3) the prevention of public nuisance
- 4) the protection of children from harm

Please tick one or more boxes ✓

<input checked="" type="checkbox"/>
<input type="checkbox"/>
<input type="checkbox"/>
<input checked="" type="checkbox"/>

Please state the ground(s) for review (please read guidance note 2)

The grounds for this review relate to breaches of the '***Prevention of Crime & Disorder***' and the '***Protection of Children from Harm***' licensing objectives as detailed in the Licensing Act 2003. The Premises Licence holder has failed to uphold both objectives due to numerous incidents amounting to criminal behaviour at the premises following the sale of the business in November 2022 to Mr Saman Mehmud and Mr Rebar Salar.

Please provide as much information as possible to support the application (please read guidance note 3)

Trading Standards are designated as a "Responsible Authority" for the purposes of the Licensing Act 2003.

- The current Premises Licence Holder (PLH) is Mr Piara Singh Virdee
- At this present time there is no Designated Premises Supervisor (DPS) operating

On 4th July 2023, West Midlands Police objected to a transfer application from Mr Saman Mehmud to take over as PLH and for Mr Rebar Salar to become DPS. The Committee found in favour of the police objections and rejected both applications. No appeal was forthcoming in relation to this decision and during the same period the previous DPS, Jaspreet Singh, submitted an application under section 41 Licensing Act 2003 to cease operating.

On 11th July 2023, Walsall Magistrates Court considered an application from Dudley Trading Standards under Section 80 Anti-social Behaviour, Crime & Policing Act 2014 to close the premises for 3 months due to the fact that it had caused nuisance, crime, and disorder to the local community. The application was granted and the premises remains closed to the public until 11th October 2023. A provisional court date has been scheduled at Dudley Magistrates Court for this date to consider extending the Closure Order for a further 3-month period. There now follows a summary of the nuisance, crime, and disorder at Broadway Service Station that was submitted to the Magistrates Court to support the closure order application.

EVENT 1 -Tuesday 11th April 2023 – at 1840 hours, Trading Standards visited the premises to conduct a test purchase following several complaints received from members of the public that staff were supplying children with disposable vapes and also that the store stocked and sold illegal over-sized vapes. Two 16-year-old child volunteers were sold an Elf Bar, cherry flavour disposable vape for £5. The product contained 2% nicotine. The seller failed to ask either child for either identification or age. Following the sale, Trading Standards officers Kuldeep Maan and Mark Beesley entered the premises and identified themselves to the seller. They pointed out the earlier offence and explained that they were going to commence an inspection using powers under the Consumer Rights Act, 2015. It was at this point

that Mr Rebar Salah entered the shop, and he became immediately aggressive and obstructive, filming the officers on his mobile phone. At the same time, he phoned Mr Saman Mehmud who made the following threat to the officers **"I'M GOING TO KICK YOUR F****N HEADS IN"**. Mr Salah then assaulted officer Mark Beesley by grabbing his arm and attempting to pull him away from where he was searching behind the counter. As a result, West Midlands Police were called, and officers quickly arrived at the scene where details of the offending parties were recorded. In total, approximately 2000 illegal over-sized vapes were seized by Trading Standards during their inspection that evening. Prior to leaving, officers advised the owner/s on the legislation relating to disposable vapes and specifically the fact that any vape over 600 puffs was illegal to supply to the public.

Note... all the vapes seized were found to be illegal as their tank size exceeded the 2ml legal limit and by so doing breached Regulations 36, 48(d) and 51 of the Tobacco and Related Products Regulations 2016. The identity of the seller of the vape to the child volunteer/s remains unknown as he left the scene prior to police arrival and Trading Standards were unable to establish his details due to the high level of aggression being directed towards them.

EVENT 2 - Tuesday 18th April 2023 – at 1210 hours, Trading Standards officer, Kelly Grandison conducted a test purchase at the premises whereby an unknown Kurdish male sold her an illegal 'R AND M Tornado' disposable vape, 2% nicotine, 7000 puffs for £12 and a packet of Polish Malboro Gold cigarettes for £7. Officers were then prevented from re-entering the shop in order to carry out an inspection as the staff lowered the security shutters locking themselves inside. However, bags of illegal tobacco were recovered from the empty flat directly above the shop that is rented by Mehmud & Salar.

Note...a subsequent examination of the bags found that they contained mixed brands of both cigarettes and hand rolling tobacco, all of which were either counterfeit or illicit in nature and therefore breached Trade Marks Act 1994 and/or Tobacco & Related Products Regulations 2016

EVENT 3 - Tuesday 25th April 2023 - at approximately 1712 hours, a surveillance operative, entered the premises and requested a 'big vape' from a member of staff. He was sold an Elux Legend, 3500 puff, 2% nicotine disposable vape for £10.

Note...the tank size of the device sold exceeded the legal 2ml limit and therefore breached Regulations 36, 48(d) and 51 of the Tobacco and Related Products Regulations 2016

EVENT 4 - Monday 1st May 2023 - at approximately 1348 hours, a surveillance operative entered the premises and was sold a packet of Lambert & Butler cigarettes for £7.

Note...this packet of cigarettes was subsequently sent to Imperial Tobacco for examination – It was found to be counterfeit and therefore breaching Trade Marks Act 1994.

EVENT 5 - Tuesday 16th May 2023 – following the experience of being locked out of the shop premises on 18th April 2023, Dudley Trading Standards applied to the courts for a search warrant, which was duly granted. A small amount of illegal tobacco and vapes were found under the counter. A staff member was found to be in possession of a set of keys to a Toyota motor vehicle, YF60 GHA, and when questioned informed police that it was parked outside an address in London. The vehicle was in fact found on the driveway of [REDACTED], the home address of [REDACTED] the brother of the PLH. Inside the boot were 400 illegal vapes. Mr Virdee then consented to officers searching his home address and reluctantly showed officers eight boxes that were full of illegal tobacco and vapes. Several boxes contained Chinese made air purifying units which when opened contained hidden sleeves of counterfeit Benson & Hedges and Lambert & Butler cigarettes all wrapped up in decorative herbal leaf tea wrapping paper. Documentation on the boxes suggested that they had arrived from China a few weeks previously via air freight. The occupier stated that Mr Rebar Salar had brought the boxes to his house a few days before and asked him to store them.

Event 6 - Monday 19th June 2023 – at 1700 hours, Trading Standards deployed a 15-year-old child volunteer into the premises in order to attempt to purchase alcohol. Saman Mehmud was the staff member on duty at the time and he failed to challenge the child when he presented a can of 4% ABV Strongbow cider. He neither asked for identification or age and sold the product for £1.50.

Recommendation to Committee

Effectively, the premises is currently in the grips of an organised crime gang that are using the shop simply as a front to sell illegal tobacco and vapes to the general public. The PLH appears powerless and unable to take any positive action to prevent the current business owners, Mr Mehmud and Mr Salar, from operating in this manner. In fact, the PLH's own brother appears complicit in the unlawful activity by even storing counterfeit and smuggled goods in his house a few feet away from the shop premises. Criminal offences that are being committed on a daily basis include Trade Marks Act 1994 (maximum 10 years imprisonment on indictment), Tobacco & Related Products Regulations 2016 (maximum 2 years imprisonment on indictment), Standardised Packaging of Tobacco Regulations 2015 (maximum 2 years imprisonment on indictment), Fraud Act 2006 (maximum 10 years imprisonment on indictment) and Proceeds of Crime Act 2002 (maximum 14 years imprisonment on indictment).

It is strongly recommended that the committee consider a revocation of the Premises Licence.

Have you made an application for review relating to the premises before

Please tick ✓ yes
Yes

If yes please state the date of that application

Day	Month	Year
04	07	2023

If you have made representations before relating to the premises please state what they were and when you made them

Dudley Trading Standards supported the West Midlands Police with their objections to the transfer application at Licensing Committee on 4th July 2023.

Please tick ✓

yes

- I have sent copies of this form and enclosures to the responsible authorities and the premises licence holder or club holding the club premises certificate, as appropriate **Yes**
- I understand that if I do not comply with the above requirements my application will be rejected **Yes**

IT IS AN OFFENCE, UNDER SECTION 158 OF THE LICENSING ACT 2003, TO MAKE A FALSE STATEMENT IN OR IN CONNECTION WITH THIS APPLICATION. THOSE WHO MAKE A FALSE STATEMENT MAY BE LIABLE ON SUMMARY CONVICTION TO A FINE OF ANY AMOUNT.

Part 3 – Signatures (please read guidance note 4)

Signature of applicant or applicant's solicitor or other duly authorised agent (please read guidance note 5). If signing on behalf of the applicant please state in what capacity.

Signature



Capacity of Responsible Authority Applicant - Head of Environmental Health & Trading Standards

Contact name (where not previously given) and postal address for correspondence associated with this application (please read guidance note 6)

Post town	Post Code
Telephone number (if any)	
If you would prefer us to correspond with you using an e-mail address your e-mail address (optional)	

Notes for Guidance

1. A responsible authority includes the local police, fire and rescue authority and other statutory bodies which exercise specific functions in the local area.
2. The ground(s) for review must be based on one of the licensing objectives.
3. Please list any additional information or details for example dates of problems which are included in the grounds for review if available.
4. The application form must be signed.
5. An applicant's agent (for example solicitor) may sign the form on their behalf provided that they have actual authority to do so.
6. This is the address which we shall use to correspond with you about this application.



1

Brierley Hill Police Station
Bank Street
Brierley Hill
DY5 3DH

Direct Telephone:
Switchboard: 101
Internal:
Email:
Our Reference:

Date: 19 September 2023

Liquor Licensing
Licensing & Waste Enforcement
Public Realm
Dudley Council
Unit 1, Hurst Business Park, Narrowboat Way, Brierley Hill
DY5 1UF

Broadway Service Station, 154 South Road, Norton, Stourbridge, DY8 3HW
Licence No DY/51/1261

West Midlands Police wish to support Trading Standards with their review application to revoke the premises licence at Broadway Service Station, 154 South Road, Norton, Stourbridge, DY8 3HW, following their failure to uphold the Prevention of Crime & Disorder and the Protection of Children From Harm licensing objectives. This premises are also subject to a Closure Order for a 3-month period until 11 October 2023.

Over the past 6 months, the premises have failed test purchase operations on five occasions. These have included the sale of alcohol to a 15-year-old child volunteer; the sale of illegal oversized vapes to two 16-year-old child volunteers; and the sale of counterfeit or illicit cigarettes.

In addition, approximately 2000 illegal over-sized vapes were seized by Trading Standards during an inspection on 11 April 2023.

An application to transfer the premises licence holder to Saman Mehmud and variation of DPS to Rebar Salah was received on 18 April 2023. On 4 July 2023, West Midlands Police attended a Licensing Sub Committee Hearing to object to both the transfer of premises licence holder and variation of DPS. The grounds for the objections related to Mr Mehmud's and Mr Salar's involvement in an incident at the premises on 11 April 2023, which, following a failed test purchase operation, threats were made to Trading Standards Officers by Mr Mehmud and a Trading Standards Officer was assaulted by Mr Salar. West Midlands Police Officers attended and approximately 2000 illegal over-sized vapes were seized. There were also subsequent failed test purchases at the premises. The Licensing Sub Committee refused the transfer of premises licence holder and variation of DPS, and there was no appeal made against the Sub Committee's decision.

The current premises licence holder is Mr Piara Singh Virdee. Mr Virdee has been involved with the business throughout the time in which Saman Mehmud and Rebar Salar have owned the business. Mr Virdee does not appear to be able to operate these premises lawfully nor uphold the licensing objectives.

Therefore, West Midlands Police strongly recommend that the Licensing Committee consider a revocation of the premises licence.

Kind regards

Sgt 1533 Andrews
Partnerships Sgt
Dudley Police LPA





Responsible Authorities

Licensing Application/Review response form

Authority: Children's Services Safeguarding	Head of Safeguarding and Quality Assurance/Principal Social Worker Nicola Hale
New Premises Licence Application	Broadway Service Station, 154 South Road, Norton, Stourbridge Ref DY/51/1261

In the details provided for the review application received for the premises, the Head of Safeguarding (Children's) is aware of the premises having found to have sold vapes to two 16 year old volunteers. Further the license holder was found to have sold alcohol to a 15 year old volunteer, without checking the age of the child.

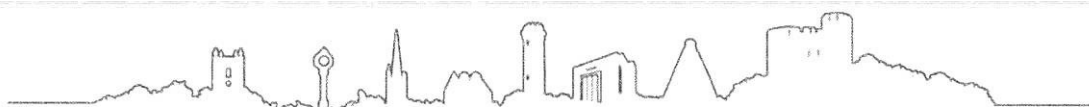
These actions would have placed the young people at direct risk of harm and is contrary to the licensing requirement to not sell vapes or alcohol to children.

The premises, having knowingly sold nicotine and alcohol products to a child, are placing children in the community at risk of harm.

Therefore, I am submitting a representation to support the revocation of the license for this premises.

Nicola Hale

06.09.23



Minutes of the Licensing Sub-Committee 3
Tuesday, 4th July 2023 at 10.00 am
In Meeting Room 6, Saltwells Education Development Centre,
Bowling Green Road, Netherton

Present:

Councillor M Evans (Chair)
Councillors S Mughal and K Razzaq

Officers:

N Slym – Assistant Team Manager (Waste, Fleet and Licensing) (Directorate of Public Realm), T Holder – Solicitor and K Taylor – Senior Democratic Services Officer (Directorate of Finance and Legal).

1. Apology for Absence

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

2. Appointment of Substitute Member

It was reported that Councillor K Razzaq had been appointed as substitute member for Councillor A Goddard for this meeting of the Sub-Committee only.

3. Declarations of Interest

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

4. **Minutes**

Resolved

That the minutes of the meeting held on 21st February 2023, be approved as a correct record, and signed.

5. **Application for Grant of a New Premises Licence – AFC Birmingham, Illey Lane, Halesowen**

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 AFC Birmingham, Illey Lane, Halesowen.

The following persons were in attendance at the meeting:-

Mr J Baker – Applicant and Chairman and Secretary of AFC Birmingham
Mr A Rohomon BEM – Licensing Consultant for the applicant
Mr A Wheatley - Objector
Mr P Stockton – Objector
Mr S Howell – Objector

Following introductions, T Holder declared, for transparency purposes, that he was a colleague of Mr P Stockton, Objector, however he assured those present that he had not previously discussed the case with Mr Stockton and that they worked within different teams. All parties had no objection to T Holder, in his capacity as Legal Advisor to the Sub-Committee, being present in relation to this matter.

The Assistant Team Manager (Waste, Fleet and Licensing) then presented the report on behalf of the Council and confirmed that since the writing of the report, one of the four objections submitted had now been withdrawn.

Mr S Howell, local resident, then outlined the reasons for the objections, and in doing so referred to the primary concerns of residents in relation to public safety, given that the premises was situated off a narrow lane and accessed via a farm track. Due to the limited access available on site, further concerns were also raised to access by emergency service vehicles and the potential increase to traffic congestion should a premises licence be granted.

Reference was made to the potential anti-social behaviour issues within a rural area should the premises be allowed to sell alcohol for the requested licensable hours of Monday to Sunday between 12 midday and 23.00hrs. Although it was acknowledged that the site was of some distance from nearby buildings, the football pitch was within close proximity of residents who had reported that they could hear shouting and swearing by attendees. It was anticipated that this could be further exacerbated should alcohol be available before, during and after football matches / events as intended.

Given the nature of the premises being a Football Club it was evident that a number of children were in attendance on a regular basis, and therefore by allowing the premises to sell alcohol could result in a number of safeguarding issues for children on-site who were not being supervised appropriately, in particular potential access to the two neighbouring working farms equipped with agricultural machinery and livestock.

Mr Howell further commented on the potential increase of public nuisance should the application be granted and raised concerns that the application submitted had suggested the use of live and recorded music, including showcasing films, given that there were no sound restrictions to the existing porta cabins. He suggested that the application submitted was not specific in the type and number of events likely to happen during the year and therefore caused some uncertainty and concern to residents.

Reference was made to existing floodlights at the premises which was suggested had been used in contravention to the planning permission granted. It was further stated that the premises was situated on green belt and a local heritage site with an abundance of wildlife, in particular nocturnal animals such as bats and owls, which would be disrupted and disturbed. It was anticipated that the additional noise and lighting pollution resulting from the application being granted would be detrimental to the area.

Mr A Wheatley considered that the site was unsuitable for a licensed premises which was located in the middle of a working farm within a rural area and suggested that a nearby local public house, namely, the Black Horse, could be used by supporters and players as an alternative option.

In responding to questions raised by the Chair, Mr Howell confirmed that cattle were present on the field on one of the farms adjacent to the premises on a regular basis and should parents be consuming alcohol and not supervising their children appropriately, this raised some safeguarding concerns to the children's safety. He also confirmed that he had heard shouting and swearing during a football match from his daughter's bedroom.

In responding to further questions raised by the Chair in relation to access to agricultural machinery, Mr Wheatley reiterated the concerns raised to potential access to agricultural machinery located on one of the working farms and referred to difficulties encountered where a fire engine was unable to access one of the farms to attend to a fire.

At this juncture, the Assistant Team Manager (Waste, Fleet and Licensing) confirmed that no representations had been received from the Fire Authority.

In responding to comments made by the objectors, Mr A Rohomon confirmed that the site had been established as a football pitch since 1973 and a Rugby pitch beforehand. In referring to comments made in relation to a response to a fire at one of the adjacent farms, Mr J Baker confirmed that the difficulties encountered was trying to locate nearby fire hydrants and not in relation to access to the area. He also confirmed that ambulance vehicles had attended the site previously with no concerns raised.

Mr A Rohomon then presented the case on behalf of Mr J Baker and in doing so referred to the supporting documents submitted which had been circulated to all parties prior to the hearing and included aerial photographs highlighting the site and surrounding properties and boundary fencing.

Reference was made to the limited information contained within the public notice of the application which outlined the hours requested for the premises licence only. It was confirmed that the purpose of the application was to allow the sale of alcohol on the premises within a small bar area and occasional events during the off season which would be subject to conditions. It was noted that the applicant had included a condition to the operating schedule in where the outside space was used for an event this would be subject to event paperwork being completed and submitted to responsible authorities.

Mr Rohomon confirmed that the application sought a premises licence for 7 days a week between the hours of 12:00 and 23:00, and that as a football club, there were matches both at the weekend and during the week. It was noted that midweek games were varied and were not confirmed until the fixtures were released, and therefore the application provided a level of flexibility needed to accommodate all matches.

It was noted that Mr J Baker was the Chairman and Secretary for AFC Birmingham and is a member of a full Committee Team, that met once a month to discuss the club, taking it forward and developing youth sport. The Committee included voluntary members who were either retired or worked full time, including Mr Baker, who was also employed as a builder. Mr Baker founded the club following concerns about both the lack of facilities and how local children were being coached.

Mr Rohomon emphasised that it was not the applicant's intention to develop a destination pub and that the area where alcohol would be sold would be in a small portacabin on the site and reiterated that the Committee would not want to stay on the premises until 23:00 each night. The intention was for the patrons to buy alcohol and either sit with just a drink or with a meal and to the viewing areas for the pitch only. Whilst it was accepted that some revenue would be made each week, the profits would be put back into the club to help support local communities and continue offering sporting opportunities to young children.

It was noted that Mr Baker founded AFC Birmingham in 2012, and due to his passion and commitment, having started off with a youth team, quickly became recognised as a well-run club, which resulted in him agreeing to take over the football ground at Illey Lane, Halesowen in March, 2020. With the support of the committee, players and supporters, the facilities at the club have been greatly improved and a safe space created for young children and adults.

The club now run 6 teams, including S.Collins coaching and football development who train on a Wednesday evening at the ground, attracting up to 40 young women aged between 11-14. Local schools were also allowed to use the pitch to play their school football.

Reference was made to the adjoining properties and Mr Baker's commitment to being a good neighbour, including updating the lighting and allowing children of people working on the farm to play on the pitch.

It was noted that an average 40 people attended each week which included mainly friends and family of players.

A significant amount of work had been undertaken to the premises including upgrading the changing rooms and toilets; upgrading floodlights to directional and improved LED lighting and links with a Physic Therapist to offer free therapy to the players.

With regard to comments made by the objectors, Mr Rohomon assured the Sub-Committee that it was not the intention for people to be intoxicated at the premises and also suggested that the security of the agricultural machinery and access to the neighbouring farms were the responsibility of the owners and not Mr Baker.

It was further reiterated that no representations had been submitted by any of the responsible authorities. A local Ward Councillor had expressed their support for the application submitted which were included within the supporting documentation. It was noted that Mr Rohomon had contacted the four objectors to provide further details with regard to the application in order to try to address and alleviate the concerns raised, which resulted in one objection being withdrawn.

In responding to the objections raised, Mr Rohomon disagreed that traffic congestion would increase should the application be granted given that the football club had been playing matches since 2012. He suggested that claims of swearing and shouting could also have been heard at the local public house and gave assurances that stewards were on site to monitor behaviour and any patrons that displayed any anti-social behaviour would be removed and banned accordingly. He further reiterated that the site was enclosed from neighbouring farms, and that the concerns raised regarding lighting was not for consideration by the Sub-Committee.

It was also confirmed that Mr Baker had undertaken a personal licence course and understood his responsibilities as a premises licence holder.

In concluding, Mr Baker reiterated that the purpose of the application was not to open a pub but to provide a welcoming environment for players and supporters, and the additional income would enable the premises to become more self-sufficient instead of asking for financial support from parents, supporters, and other businesses. The Committee members were happy to support training and matches and it was confirmed that they would not open the bar if there was nothing scheduled at the premises.

Mr Howell acknowledged Mr Baker's motivation and determination, however stated that his concerns remained as to why the application for a premises licence requested licensable hours until 23:00, seven days a week. In responding, Mr Rohomon confirmed that the hours requested was to provide the premises the flexibility for opening in the event of football game changes and fixtures. Whilst it was accepted that the majority of games were held during the day on weekends, midweek games would finish later allowing for showers and hospitality. Mr Rohomon again confirmed that the premises would not be advertised as a public house.

In responding to a question raised by Councillor K Razzaq in relation to planned events should the application be granted, Mr Rohomon confirmed that a condition had been included to the operating schedule in where any proposed events would be subject to event paperwork being completed and submitted to responsible authorities, and risk assessments undertaken accordingly.

In responding to a question raised by the Chair, Mr Rohomon confirmed the days currently allocated for matches and training and reiterated that the premises would not open on days where these were not taking place.

In responding to a question raised by the Solicitor, Mr Rohomon confirmed that the proposed measures in promoting the four licensing objectives were contained within the operating schedule submitted including staff undertaking training which would be recorded and refreshed every six months or sooner if needed. A Challenge 25 policy would also be implemented, with children not being allowed to stand by the bar, and any unsealed alcohol drinks would not be permitted to be taken off site.

In responding to a question by the Assistant Team Manager (Waste, Fleet and Licensing), it was noted that the premises currently provided hospitality to players and supporters without alcohol and that there had been no complaints or issues raised.

Further to comments made and observations in relation to the licensable hours sought, Mr Rohomon, on behalf of the applicant, suggested an additional condition should the Sub-Committee be minded to grant the application as follows:

Where the Premises is not open for either a football match, training and/or an event, the Premises Licence will not have effect.

All parties were provided with the opportunity to sum up their cases, 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 a new premises licence in respect of the premises known as AFC Birmingham, Illey Lane, Halesowen be approved, in principle, subject to satisfactory discussions in relation to the implementation of Closed Circuit Television (CCTV) to address concerns raised in relation to the protection of children from harm, together with the conditions contained in the operating schedule to the application and an additional condition as set out below:-

Where the Premises is not open for either a football match, training and/or an event, the Premises Licence will not have effect.

6. **Transfer of Premises Licence and Variation of the DPS (Designated Premises Supervisor) The Broadway Service Station, 154 South Road, Stourbridge**

A report of the Interim Service Director of Environment was submitted on an application for a transfer of premises licence and to vary the Designated Premises Supervisor in respect of the Broadway Service Station, 154 South Road, Stourbridge.

The following persons were in attendance, at the meeting: -

Ms K Turley (West Midlands Police)
Mr R Jones (Environmental Health and Trading Standards)
Mr K Mann (Environmental Health and Trading Standards)

It was noted that neither the Designated Premises Supervisor nor the Premises Licence Holder were in attendance at the meeting.

Following introductions, the Assistant Team Manager (Waste, Fleet and Licensing) presented the report on behalf of the Council, referring to the application that had originally been received on the 18th April 2023 to transfer the premises licence and vary the Designated Premises Supervisor. It was noted that the matter was due to be considered by the Licensing Sub-Committee on 1st June, 2023 however at the request of the applicants solicitor the matter was deferred to a future meeting.

The Assistant Team Manager (Waste, Fleet and Licensing) further advised that notification had been received that Hayleys Solicitors were no longer representing the Designated Premises Supervisor. A further request had been received on 3rd July, 2023, from Forrest Solicitors who had recently been instructed by the Designated Premises Supervisor, and requested that the application be deferred for them to prepare representations on behalf of their client.

In considering the request for deferment, having already deferred consideration of the application previously and concerns raised that the Premises Licence Holder and Designated Premises Supervisor had failed to attend two hearings despite sufficient notice being given, the Sub-Committee agreed to hear the matter in the absence of the Premises Licence Holder and Designated Premises Supervisor.

Ms K Turley 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 outlined the reasons that had resulted in the objections to the transfer of the premises licence and variation of the designated premises licence.

It was noted that on 11th April, 2023, two sixteen year old females were sold a disposable e-cigarette, and intelligence had also been received that the premises were selling illegal oversized e-cigarettes. Following the test purchase and having entered the premises, an unknown male was present stacking the shelves and was informed of the underage sale. Having identified illegal e-cigarettes in a display cabinet on the shop counter, Trading Standards Enforcement Officers carried out an inspection of the premises under the Consumer Rights Act 2015. The inspection found additional illegal e-cigarettes under the counter and three further boxes on the floor, which were then seized. Having been informed of the inspection, the proposed designated premises supervisor, Mr Salar, attended the premises and was aggressive and obstructive and refused to provide his details.

During the seizure of the illegal products, it was reported that Mr Salar assaulted one of the officers present, and the Sub-Committee were informed that Mr Salar was currently under investigation by West Midlands Police for Common Assault.

The Sub-Committee were further advised that on 18th April, 2023, Trading Standards Enforcement Officers visited the premises and seized an illegal e-cigarette and a packet of counterfeit cigarettes. Following the seizure, officers intended to conduct a full inspection of the premises under the Consumer Rights Act 2015, however they were unable to gain access as the roller shutter on the premises had been pulled down and locked to prevent entry.

It was noted that on 16th May, 2023, Trading Standards Enforcement Officers, assisted by Officers from West Midlands Police, executed search warrants granted by Dudley Magistrates Court at the premises following suspected storage and sale of illegal tobacco and disposable e-cigarettes. During the search, a large amount of counterfeit cigarettes and illegal oversized e-cigarettes were recovered from a motor vehicle and residential property, both of which were associated with the shop premises and business operators, leading to a criminal investigation being pursued.

It was also noted that on 19th June, 2023, a 15 year old test purchaser was sold a can of 4% alcohol by volume, namely Strongbow Cider, by a male identified to be Mr S Mehmud, the proposed premises licence holder.

In concluding, Ms Turley stated that the West Midlands Police strongly objected to both the transfer of premises licence and variation of the designated premises supervisor for their failure to uphold the licensing objectives in relation to prevention of crime and disorders and protection of children from harm and a number of ongoing investigations by Trading Standards.

Mr R Jones shared his concerns and supported the representations submitted by West Midlands Police and in doing so informed the Sub-Committee that details provided by Mr Salah during the seizure of illegal e-cigarettes on 11th April, 2023 were false. It was also noted that a notice had been served to the premises in accordance with the Policing Act 2014 to close the premises for a three-month period following complaints received in relation to nuisance, sale of alcohol to children and the sale illegal products.

It was suggested that Mr Salar continued selling the illegal products despite being informed that they were counterfeit.

All parties were provided with the opportunity to sum up their cases, 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 transfer of premises licence and vary of Designated Premises Supervisor in respect of the premises known as the Broadway Service Station, 154 South Road, Stourbridge, be refused.

7. Application for Renewal of Consent to Engage in Street Trading – Build A Burga Ltd

A report of the Interim Service Director of Environment was submitted in respect of an application made by Mr M Ikhlas (Build A Burga Ltd) for the renewal of a consent to engage in street trading in Dudley Town Centre.

The following persons were in attendance at the meeting:-

Mr M Ikhlas – Applicant
Mr M Bieganski – Strategy and Governance Section Manager
Councillor C Bayton – Local Ward Councillor and Objector

Following introductions, the Assistant Team Manager (Waste, Fleet and Licensing) presented the report on behalf of the Council, advising that an application had been received from Mr M Ikhlas on 20th March, 2023 to renew the consent from the 2nd August, 2023 in Stone Street Square, Dudley to sell Burgers, Fries and Canned Drinks, Monday to Sunday between the hours of 12pm to 11pm. The application together with details of the proposed site and photographs of the trading vehicle had been circulated to the Committee and interested parties.

Mr M Bieganski, Strategy and Governance Section Manager, made comments on behalf of Corporate Landlord Services in particular that it was understood that the Stone Street Square area was not a designated public highway and was owned and maintained by Dudley Council as a public space. It was reported that the department would have objected to the original application, which was considered by a Licensing Sub-Committee on 2nd August, 2022, however they had not been consulted at the time.

It was noted that Dudley Council had recently agreed terms to relet the former Glasshouse restaurant, located on Stone Street Square, for use as a good quality restaurant which was due to open shortly and it was considered that the presence of the applicants vehicle was not appropriate for the area. Reference was also made to the detailed discussions undertaken by the Council in relation to the redevelopment of the businesses around the square amounting to a proposed £4m investment.

In responding to comments made, Mr Ikhlās suggested that his business would not affect the re-opening of the restaurant and that the location on which he had traded from since August, 2022 was agreed by the Council, however he would be agreeable to situate the van wherever the Sub-Committee deemed appropriate within the square.

Councillor C Bayton then presented her representations and in doing so stated that the location was a pedestrianised area and was accessed by two bollards, however these had since been removed. Concerns were raised on the number of delivery drivers driving into the square to collect online orders and with the anticipated increased footfall following the re-opening of the restaurant, this could result in crime and disorder and anti-social behaviour within the area. Councillor Bayton further confirmed that she had no concerns or objections to Mr Ikhlās application for a street trading consent but objected to the area requested.

In responding to comments made, Mr Ikhlās confirmed that he had contacted Dudley Council requesting replacement of the bollards but that he had not yet received a response, as he was also concerned of the safety of pedestrians.

In responding to a question raised by Councillor K Razzaq, Councillor Bayton confirmed that there had been no complaints received from constituents in relation to Mr Ikhlās with regard to his business, however it was noted that during the last twelve months, the restaurant had been vacant. In responding, Mr Ikhlās referred to the increase in the number of vehicles associated with the restaurant on the pedestrianised area during the refurbishment works.

Mr M Ikhlās then presented his case and in doing so stated that his vehicle was not a standard burger van and that the business had been successful and popular with local businesses, council employees and college students, with some customers attending from areas including Birmingham and Wolverhampton. Mr Ikhlās welcomed the re-opening of the restaurant and reiterated that he would be agreeable to situate the van wherever the Sub-Committee deemed appropriate, however requested that he remained on Stone Street Square where he had built his reputation.

Mr Ikhlas further stated that he had been flexible and accommodating since his consent had been granted by not attending on days to allow for scheduled events and filming. He further stated that the majority of his trade related to walk-in customers rather than online orders due to associated excessive fees.

In responding to questions raised by the Chair, Mr Ikhlas confirmed that he would prefer to remain in the Stone Street Square location due to accessibility and given that his business had been established in the area for almost a year.

All parties were provided with the opportunity to sum up their cases, 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 at the meeting, the application made by Mr M Ikhlas (Build A Burga Ltd) for the renewal of a consent to engage in street trading in Dudley Town Centre be deferred to the next meeting of Licensing Sub-Committee 3 pending further investigation on the consent awarded to Stone Street Square, Dudley.

8. **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 1.30pm

CHAIR