



## **Licensing Sub-Committee 3**

**Tuesday 24<sup>th</sup> March, 2015 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 17<sup>th</sup> February, 2015 as a correct record.
5. Application for a Licensed Premises Gaming Machine Permit – The Halesowen Sports Club, Birmingham Street, Halesowen (Pages 1 – 4)
6. Application for Consent to Engage in Street Trading – Mr A J Carney – South Road, Stourbridge – Outside Crematorium (Pages 5 – 6)
7. Application for Consent to Engage in Street Trading – Mr A Wahid – Ryemarket, Stourbridge (Pages 7 – 8)
8. To consider any questions from Members to the Chair where two clear days notice has been given to the Strategic Director (Resources and Transformation) (Council Procedure Rule 11.8).

A handwritten signature in black ink, appearing to be "P. Z.", is written over a horizontal line.

**Strategic Director (Resources and Transformation)**

**Dated: 11<sup>th</sup> March, 2015**

**Distribution:**

Councillors J Cowell (Chair), A Taylor and E Taylor

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- The Democratic Services contact officer for this meeting is Karen Taylor, Telephone 01384 818116 or E-mail [karen.taylor@dudley.gov.uk](mailto:karen.taylor@dudley.gov.uk)

### **Minutes of Licensing Sub-Committee 3**

**Tuesday 17<sup>th</sup> February, 2015 at 10.05 am**  
**in the Council Chamber, The Council House, Dudley**

#### **Present:-**

Councillors C Perks, A Taylor and E Taylor

#### **Officers:-**

N Bangar (Legal Advisor), L Rouse (Licensing Clerk) and K Taylor (Democratic Services Officer) – All Directorate of Resources and Transformation.

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#### 30      **Election of Chair**

In the absence of the Chair (Councillor J Cowell) it was

Resolved

That Councillor E Taylor be elected Chair for this meeting of the Sub-Committee only.

(Councillor E Taylor in the Chair)

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#### 31      **Apology for Absence**

An apology for absence from the meeting was received on behalf of Councillor J Cowell.

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#### 32      **Appointment of Substitute Member**

It was reported that Councillor C Perks had been appointed as a substitute Member for Councillor J Cowell for this meeting of the Sub-Committee only.

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#### 33      **Declarations of Interest**

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

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#### 34      **Minutes**

Resolved

That the minutes of the meeting of the Sub-Committee held on 13<sup>th</sup> January, 2015, be approved as a correct record and signed.

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35      **Application for a Premises Licence – Quarry Bank Liberal Club, 153 High Street, Quarry Bank, Brierley Hill**

A report of the Strategic Director (Resources and Transformation) was submitted on an application for a premises licence in respect of Quarry Bank Liberal Club, 153 High Street, Quarry Bank, Brierley Hill.

The Applicant Mr S Owen was in attendance at the meeting.

Also in attendance and objecting to the application was Councillor B Cotterill, Ward Member, on behalf of his constituents.

Following introductions by the Chair, the Licensing Clerk presented the report on behalf of the Council.

Councillor Cotterill then presented representations on behalf of residents and in doing so stated that the objections had been submitted in relation to the hours requested for regulated entertainment seven days a week and the close proximity of residential accommodation, in particular, of a property adjoining the premises and elderly accommodation in Queens Street which was situated to the rear of the premises.

Councillor Cotterill referred to a similar establishment directly next to the establishment, namely, Quarry bank Labour Club, and anticipated that potential problems could arise should the application be granted, in particular in relation to noise nuisance from customers leaving the premises after midnight. It was also noted that there were insufficient car parking spaces available.

Mr Owen then presented his case and in doing so stated that the premises had been judged prior to its opening, and referred in particular to a representation submitted by a local resident in relation to a website highlighting Mr Owens's details as a Director. In responding to the representation, Mr Owen circulated information from the website to Members of the Sub-Committee and stated that he had worked in the trade for a number of years.

Mr Owen confirmed that the theme of the premises would be to sell cask ales, and drinks promotions and cans of alcohol would not be sold at the premises. He further reported on a number of premises that he had managed and refurbished successfully in the Dudley borough, making particular reference to an establishment that had been awarded "Pub of the Year 2013" by CAMRA.

It was noted that signs and posters would be displayed at the premises requesting customers to leave the premises quietly and with due consideration for local neighbours, and that the regulated entertainment would predominately be background music only.

Mr Owen further reported that a room located to the rear of the premises could be hired for various events including birthday parties, and that all rubbish would be cleaned in the immediate vicinity of the premises. It was further reported that there was provision to expand the car park located to the rear of the premises to allow parking for an additional twenty spaces.

In responding to a question by a Member, Mr Owen confirmed that light refreshments, including sandwiches, would be prepared in the small kitchen in the premises and that although the licensable hours requested was 24:00 hrs, it was unlikely that the premises would remain open to that time every day, unless there were private functions. It was further reported that the capacity in the function room was eighty people.

Reference was made to the operating schedule which was included in the application submitted, and Mr Owen confirmed that cigarettes or cigarette machines would not be available or installed at the premises.

In responding to a question by a Member, Mr Owen confirmed that he would be willing to install a noise limiter and that although the windows were double glazed it was his intention to replace them. It was also noted that the premises would be refurbished in to a pub, and would not continue to be a liberal club.

In summing up, Councillor Cotterill reiterated his comments made previously and stated that he was in attendance as a representative for the residents in the area.

In summing up, Mr Owen stated that the premises was not the establishment that had been perceived, and that he would refurbish the premises in to a real ale pub.

Following a question by the Legal Advisor, all parties confirmed that they had represented their case.

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

The Sub-Committee having made their decision invited the parties to return and the Chair then outlined the decision.

Resolved

That, subject to the following conditions being applied, the grant of a premises licence in respect of Quarry Bank Liberal Club, 153 High Street, Quarry Bank, Brierley Hill, be approved, in the following terms:-

Sale of Alcohol/Regulated Entertainment (Live Music/Recorded Music/Dance)

Monday – Sunday (inclusive)      10.00 – 24.00

Late Night Refreshment

Monday – Sunday (inclusive)      23.00 – 24.00

Conditions

- (1) To install double glazing to all external doors and windows.
- (2) To install a noise limiter.

The Sub-Committee feel that these conditions will help limit any noise from the premises disturbing local residents.

Reasons for decision

Following careful consideration of the report and representations made at the meeting the Sub-Committee grants the application for a premises licence today.

The operating schedule and the evidence heard today has satisfied the Sub-Committee that the premises will be run in such a way to alleviate the concerns raised by residents, namely; we understand the following:

- In relation to paragraph M(e) all reference to cigarettes has been removed for the Sub-Committee's consideration.
- The rear will be cleared to maintain car park spaces for future use.
- Consideration will be given to the fact that the premises are attached to a residential property.

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The meeting ended at 11.15 am.

CHAIR

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**Licensing Sub-Committee 3 – 24<sup>th</sup> March 2015**

**Report of the Strategic Director Resources and Transformation**

**Application for a Licensed Premises Gaming Machine Permit**

**Purpose of Report**

1. To consider the application for the grant of a Licensed Premise Gaming Machine Permit for 3, Category C machines, in respect of the premises known as The Halesowen Sports Club, Birmingham Street, Halesowen, West Midlands. B633HN.

**Background**

2. The Halesowen Sports Club holds a current premises licence for the following:-

**Sale of Alcohol & Indoor Sporting Events**

Sunday – Thursday	11.00 until 01.00
Friday & Saturday	11.00 until 04.00

**Live Music**

Sunday – Thursday	18.00 until 01.00
Friday & Saturday	18.00 until 04.00

**Recorded Music/Performance of Dance**

Sunday – Thursday	09.00 until 01.00
Friday & Saturday	09.00 until 04.00

3. The Local Authority licensing policy states as follows:-

- If authorisation is sought for more than two category C or D machines the applicant will be required to attend a hearing to support the application. All plans submitted with applications for premises licences must set out the siting of each Category C or D machine.
- Parliament has placed no restrictions on the age at which such machines may be played (other than those in amusements arcades). It is, therefore, a matter for the discretion of the premises licence holder and any adults accompanying the children concerned whether they are

entitled to play such machines. In the case of premises used exclusively or primarily for the consumption of alcohol, all children under the age of 16 will only be permitted entry to the premises if accompanied by adults. All such machines must be sited in accordance with the Gaming Act, further advice will be given on receipt of application.

- There is unlikely to be the need for a hearing where the application is for renewal of the existing permit for more than two machines or where the application is for the grant of a Licensed Premises Gaming Machine Permit at premises which already have an existing permit for more than two machines, and where that number is not increased.
4. On 13<sup>th</sup> February, 2015, FMS Limited, made application for the grant of a licensed premises Gaming Machine Permit for 3, Category C machines. A site plan was also received highlighting the proposed position of all 3 machines. The application together with the site plan has been circulated to Committee members and interested parties.
  5. The current licence holder of the premises licence is Mr Marco-M Asadizadeh. The premises currently holds a notification for up to 2 machines.
  6. This application falls within the Council's recent responsibility for liquor licensing which has a direct link to the Council's key corporate priority that safety matters.

## **Finance**

7. There are no financial implications.

## **Law**

8. Pursuant to schedule 13, section 283 of the Gaming Act 2005 the Council can grant a licensed premises gaming machine permits.
9. Pursuant to schedule 13, section 283 4(2) on considering an application for a permit the Licensing Authority shall:-
  - (a) grant an application
  - (b) refuse the application, or
  - (c) grant it in respect of:-
    - (i) a smaller number of machines than that specified in the application
    - (ii) a different category of machines from that specified in the application, or
    - (iii) both
10. Pursuant to schedule 13, section 283 5
  - (1) A Licensing Authority may not attach conditions to a permit



- (2) As soon as is reasonably practicable after granting an application a Licensing Authority shall issue a permit to the applicant.
11. Pursuant to schedule 13, section 283 5(3) as soon as it reasonably practicable after refusing an application a Licensing Authority shall notify the applicant of:-
- (a) the refusal, and
  - (b) the reasons for it
12. In pursuance of schedule 13, section 283 6 (2) a Licensing Authority may not refuse an application, or grant an application in respect of a different category or smaller number of gaming than that specified in the application, unless they have
- (a) notified the applicant of their intention to refuse or grant the application in respect of
    - (i) a smaller number of machines than that specified in the application
    - (ii) a different category of machines than that specified in the application or
    - (iii) both, and
  - (b) given the applicant an opportunity to make representations
13. In pursuance of schedule 13 section 283 6 (3) a Licensing Authority can satisfy the opportunity to make representations by giving the applicant an opportunity to make:-
- (a) oral representations
  - (b) written representations, or
  - (c) both
14. In pursuance of schedule 13 section 283 21 (1) the applicant for a holder of a permit may appeal to the Magistrates Court if the Licensing Authority:-
- (a) reject an application for a permit
  - (b) grant an application for a permit in respect of a smaller number of machines than that specified in the application or a different category of machines from that specified in the application.

### **Equality Impact**

15. This report complies with the Council's policy on equal opportunities.
16. The licensing of premises and individuals will impact on children and young people through their attendance at licensed premises.

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

### **Recommendation**

18. That the Sub-Committee give consideration to this application.



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### **Strategic Director Resources and Transformation**

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### **List of Background Papers**

None

**Licensing Sub-Committee – 3 – 24<sup>th</sup> March 2015**

**Report of the Strategic Director Resources and Transformation**

**Application for Consent to Engage in Street Trading**

**Mr Anthony John Carney (South Road, Stourbridge – Outside Crematorium)**

**Purpose of Report**

1. To consider the application made by Mr Anthony John Carney for the grant of a consent to engage in street trading at a site in South Road, Stourbridge outside Stourbridge Crematorium.

**Background**

2. On the 3<sup>rd</sup> February 2015, Mr Carney, made application for the grant of a Street Trader's Consent to sell Flowers and Potted Plants, between the hours of 8.00 a.m and 12.00 p.m on Sundays and Bank Holidays. A copy of that application has been circulated to the Committee Members and interested parties.
3. On the 12<sup>th</sup> February 2015, the Traffic Manager (Traffic & Road Safety) made comments, a copy of that email has also been circulated to Committee Members and the Applicant. None of the other agencies or interested parties raised objections to the application.
4. This application falls within the Council's responsibility for licensing which has a direct link to the Council's key corporate priority that safety matters.

**Finance**

5. There are no financial implications.

**Law**

6. The grant of consents to engage in street trading is governed by Part III of Schedule IV to the Local Government (Miscellaneous Provisions) Act 1982. South Road, Stourbridge is a consent street designated as such by a resolution of the Council. To trade without such a consent is an offence.

7. Paragraph 7(2) of Schedule IV of the 1982 Act, states that the Council may grant a consent if it thinks fit and, when granting or renewing a consent, the Council may attach such conditions as it considers necessary.
8. Paragraph 10 of Schedule IV of the 1982 Act, states that a street trading consent may be granted for one period not exceeding 12 months but may be revoked at any time.
9. Where the consent allows the holder to trade from a cart, barrow, or other vehicle, then the consent must specify the location from which the trade/may trade and the times between which or periods for which he may trade.
10. There is no right of appeal against the Council's decision to vary a condition upon which a consent is issued, or refusal to grant or renew a street trader's consent.

### **Equality Impact**

11. This report takes into account the Council's policy on equal opportunities.
12. There has been no consultation or involvement of children and young people in developing these proposals.

### **Recommendation**

13. That the Committee consider Mr Carney's application for the grant of a street trading consent to trade in South Road, Stourbridge.



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### **Strategic Director Resources and Transformation**

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### **List of Background Papers**

**Licensing Sub-Committee – 3 – 24<sup>th</sup> March 2015**

**Report of the Strategic Director Resources and Transformation**

**Application for Consent to Engage in Street Trading**

**Mr Abdul Wahid (Ryemarket – Stourbridge)**

**Purpose of Report**

1. To consider the application made by Mr Abdul Wahid for the grant of a consent to engage in street trading at a site in Ryemarket, Stourbridge, West Midlands.

**Background**

2. On the 22<sup>nd</sup> December 2014, Mr Abdul Wahid, made application for the grant of a Street Trader's Consent to sell Donuts, Indian Food, Snacks and Hot & Cold Drinks, between the hours of 8.00 a.m and 5.00 p.m on Monday to Saturdays inc. A copy of that application together with a site plan and photographs of the Trailer has been circulated to the Committee Members and interested parties.
3. On the 5<sup>th</sup> January 2015, the Traffic Manager (Directorate of the Urban Environment) made various comments.
4. Also on the 5<sup>th</sup> January 2015, an objection was received from the Town Centre Events Manager.
5. On the 19<sup>th</sup> January 2015, a further letter of objection was received from the Centre Manager of the Ryemarket Shopping Centre, all objections and comments have been forwarded to the Committee Members, the Applicants and interested parties.
6. This application falls within the Council's responsibility for licensing which has a direct link to the Council's key corporate priority that safety matters.

**Finance**

7. There are no financial implications.

## **Law**

8. The grant of consents to engage in street trading is governed by Part III of Schedule IV to the Local Government (Miscellaneous Provisions) Act 1982. Ryemarket, Stourbridge is a consent street designated as such by a resolution of the Council. To trade without such a consent is an offence.
9. Paragraph 7(2) of Schedule IV of the 1982 Act, states that the Council may grant a consent if it thinks fit and, when granting or renewing a consent, the Council may attach such conditions as it considers necessary.
10. Paragraph 10 of Schedule IV of the 1982 Act, states that a street trading consent may be granted for one period not exceeding 12 months but may be revoked at any time.
11. Where the consent allows the holder to trade from a cart, barrow, or other vehicle, then the consent must specify the location from which the trade/may trade and the times between which or periods for which he may trade.
12. There is no right of appeal against the Council's decision to vary a condition upon which a consent is issued, or refusal to grant or renew a street trader's consent.

## **Equality Impact**

13. This report takes into account the Council's policy on equal opportunities.
14. There has been no consultation or involvement of children and young people in developing these proposals.

## **Recommendation**

15. That the Committee consider Mr Wahid's application for the grant of a street trading consent in Ryemarket, Stourbridge.



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## **Strategic Director Resources and Transformation**

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## **List of Background Papers**