

Meeting of the Licensing Sub-Committee 3

Tuesday 4th July, 2023 at 10.00am

**At Saltwells Education Development Centre,
Bowling Green Road, Netherton**

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 21st February, 2023 as a correct record – (Pages 6 - 11)

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

5. Application for Grant of a New Premises Licence – AFC Birmingham, Illey Lane, Halesowen (Pages 12 - 51)
6. Transfer of Premises Licence and Vary of Designated Premises Supervisor (DPS) – The Broadway Service Station, 154 South Road, Stourbridge (Pages 52 - 72)
7. Application for Renewal of Consent to Engage in Street Trading – Build A Burga Ltd (Pages 73 -86)
8. 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: 26th June, 2023

Distribution:

Members of the Licensing Sub-Committee 3

Councillor M Evans (Chair)

Councillors A Goddard and S Mughal

CC – Councillor A Taylor (Substitute for Councillor A Goddard)

Please note the following information when attending meetings:-

Health and Safety

- In view of ongoing health and safety requirements in the workplace, you are asked to comply with any safety instructions applicable to the venue. Various mitigating actions are in place to minimise any risks and to ensure we adhere to the latest guidance.

Public Gallery

- Seating in the public gallery is subject to limits on capacity and will be allocated on a 'first come' basis.

Toilets

- Toilet facilities are available on site and are subject to safety measures that are in place. All the toilets have hand washing facilities.

No smoking

- 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.

In Case of Emergency

- In the event of the alarms sounding, please leave the building by the nearest exit. There are Officers who will assist you in the event of this happening, please follow their instructions.

Submitting Apologies for Absence

- 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).

Private and Confidential Information

- Any agendas containing reports with 'exempt' information should be treated as private and confidential. It is your responsibility to ensure that information containing private and personal data is kept safe and secure at all times. Confidential papers should be handed to Democratic Services for secure disposal. If you choose to retain the documents you should ensure that the information is securely stored and destroyed within six months.

General

- Public Wi-Fi is available.
- The use of mobile devices or electronic facilities is permitted for the purposes of recording/reporting during the public session of the meeting. The use of any such devices must not disrupt the meeting – Please turn off any ringtones or set your devices to silent.
- Information about the Council and our meetings can be viewed on the website [**www.dudley.gov.uk**](http://www.dudley.gov.uk)

If you need advice or assistance

- If you (or anyone you know) requires assistance to access the venue, or if you have any other queries, please contact Democratic Services - Telephone 01384 815238 or E-mail [**Democratic.Services@dudley.gov.uk**](mailto:Democratic.Services@dudley.gov.uk)

If you are reading these documents on an electronic device, you have saved the Council £7.00 (on average) per printed agenda and helped reduce the Council's carbon footprint

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, 21st February 2023 at 10.45 am
In Conference Room 9, Saltwells Education Development
Centre, Bowling Green Road, Netherton, Dudley**

Present:

Councillor A Taylor (Chair)
Councillors K Finch and T Creed

Officers: -

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

12. Apologies for absence

No apologies were submitted for this meeting of the Sub-Committee.

13. Appointment of Substitute Members

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

14. Declarations of Interest

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



15. **Minutes**

Resolved

That the minutes of the meetings held on 20th December 2022, be approved as a correct record and signed.

16. **Exclusion of the Public**

Resolved

That the public and press be excluded from the meeting for the following item of business on the grounds that it involves the likely disclosure of exempt information relating to any individual(s) as defined in Part I of Schedule 12A to the Local Government Act, 1972, as amended.

17. **Application for Review of a Premises Licence – News Express (The Wine Cellar), 15-17 Abbey Road, Gornal, Dudley.**

A report of the Interim Director of Public Realm was submitted for the review of the premises licence in respect of News Express (The Wine Cellar), 15-17 Abbey Road, Gornal Wood.

The following persons were in attendance at the meeting: -

A Singh – Premises Licence Holder and Designated Premises Supervisor
D Dadds LLP – Barrister A Singh's representative.
K Turley – West Midlands Police
R Jones – Enforcement Officer (Trading Standards)
M Beesley – Senior Trading Standards Officer (Environmental Health and Trading Standards)
K Maan – Principal Trading Standards Officer (Environmental Health and Trading Standards)

Following introductions, the Assistant Team Manager - Licensing and Waste Enforcement presented the report on behalf of the Council who advised that an application for review of the premises licence was received from Environmental Health and Trading Standards on 3rd January 2023, on the grounds of breaches to the licensing objectives in relation to the prevention of crime and disorder and the protection of children from harm.

It was noted that there were six letters from local residents in support of the premises.

It was reported that the premises had been the subject of a review by the Sub-Committee previously on 28th June 2022. As result of that review the following conditions had been applied to the premises licence:

- (1) Closed Circuit television (CCTV) is to be installed at the premises. This shall be capable of retaining images for 30 days. CCTV images must be made available for playback in store to the Police or Council Licensing Officers at any time the store is open. CCTV images must be provided to the Police or Council Licensing Officers within 48 hours of a GDPR compliant request.
- (2) A member of staff capable of operating the CCTV and downloading and/or playing images shall be present at the premises at all times when it is open.
- (3) A challenge 25 policy shall be operated at the premises.
- (4) All staff selling age restricted products shall be given training in the promotion of the licencing objectives and the challenge 25 policy. Refresher training shall be provided at least every six months. A record of training shall be maintained and retained for a period of at least three years. Copies of training records shall be provided to Council Licensing Officers within 48 hours of a request being made for them.
- (5) A log shall be kept detailing all refused sales of alcohol. The log must include the date and the time of the refused sale and the name of the member of staff who refused the sale. The log shall be retained for a period of three years. Copy of the refusal log shall be provided to Council Licensing Officers within 48 hours of a request being made for it.

R Jones presented the facts of the case referring to the breach in relation to the prevention of crime and disorder and the protection of children from harm, under the Licensing Act 2003, that had resulted in the application being made for the review of the premises licence.

Details of the underage purchase were noted, and R Jones referred to the recommendations of Environmental Health and Trading Standards.

K Turley then presented representations on behalf of West Midlands Police advising that the recommendations of Environmental Health and Trading Standards were supported.

Following questions and responses, Mr Dadds presented the case on behalf of Mr A Singh and in doing so advised that the application for the review of the premises licence should be considered on its own merits. It was stated that the premises in question consisted of a small shop with Mr A Singh being present for the majority of the time on the shop premises with one other in his employment.

It was noted that the employee who had sold the product to an underage purchaser had been dismissed as a result and there were no objections to a further condition being applied to the premises licence that the former employee be excluded from the premises.

It was accepted that Mr A Singh was under an obligation to provide training to his employees, and it was noted that there was a robust system of training in place as referred to in the additional information provided by Mr Dadds which outlined the monthly training regime that continued to take place.

The evidence of Mr G Hicks, Licensing Consultant at Raven Consultants was referred to and it was noted that although that evidence related to the underage sale it was incoherent and Members agreed that the audio evidence was inaudible.

Members noted that Challenge 25 training had been provided to Mr P Singh, there were posters throughout the business premises in relation to the Challenge 25 policy, and sophisticated software had been installed to the cashiers till prompting shop assistants to request identification as part of Challenge 25 policy.

Mr Dadds asserted that no offence whatsoever had been committed by Mr A Singh.

As appropriate further responses were provided to questions from Officers and Members.

All parties were given the opportunity to sum-up their cases. The parties then withdrew from the meeting in order to enable the Sub-Committee to determine the application for review.

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

Resolved

That following careful consideration of the information contained in the report submitted and the information presented at the meeting, the following additional condition numbered (6) be applied to the premises licence operating schedule in respect of the premises known as News Express (The Wine Cellar), 15-17 Abbey Road, Gornal Wood:-

Mr. Parvittar Singh is excluded from the premises known as News Express (The Wine Cellar), 15-17 Abbey Road, Gornal Wood, Dudley.

Reasons for the Decision

On balance of probabilities, the sub-committee believed that the test purchaser was unlikely to have not stated his age correctly, and the audio recording was so poor, that this could not be confirmed either way.

Nevertheless, the seller did not follow best practice and did not ask for proof of age, for a purchaser who appeared to be under 25 on the video recording viewed by the sub-committee. The seller has been dismissed.

The sub-committee had seen good evidence that the premises license holder and Designated Premises Supervisor (DPS) had implemented training and updates for his staff, had installed an efficient till prompt system, had maintained training records, has operated a 'refusals register' and had displayed challenge 25 posters. The sub-committee was satisfied that the specific seller did not follow this training and these procedures, despite his training.

The sub-committee was therefore satisfied that the premises licence holder had fulfilled his responsibilities, and therefore takes no steps to revoke the licence or remove the DPS. It has however found that the imposition of the proposed condition did address the issues raised by this review and places that condition into the operating schedule. of the premises licence. This condition was offered by the premises license holder, as a means of avoiding any future confusion about Mr Parvitter Singh returning to the premises in any capacity.

The meeting ended at 12.25pm

CHAIR

Meeting of the Licensing Sub-Committee 3 - 4th July, 2023

Report of the Interim Service Director of the Environment Directorate

Application for Grant of a New Premises Licence

AFC Birmingham, Illey Lane, Halesowen, B62 OHF

Purpose

1. To consider the application for the grant of a new premises licence in respect of the premises known as AFC Birmingham, Illy Lane, Halesowen.

Recommendation

2. That the Sub-Committee determine the application for the grant of a premises licence in light of representations raised.

Background

3. On the 15th May 2023, an application for the grant of a new premises licence was received from Abs Rohomon BEM (authorised agent) on behalf of John Paul Baker in respect of the premises known as AFC Birmingham, Illey Lane, Halesowen. A copy of that application has been forwarded to the Committee Members and interested parties in accordance with the Licensing Act 2003 and is attached to this report as Appendix 1.
4. The application had the following documents enclosed:-
 - Plan of the premises
 - Correct fee
 - Consent of the DPS

5. The application for a premises licence is as follows:

Regulated Entertainment (Plays/Films)

Monday to Sunday 12.00 until 23.00

Supply of Alcohol and Regulated Entertainments (Live Music/Recorded Music/Performance of Dance)

Monday to Sunday 12.00 until 23.00

New Years Eve hours from start on 31st December until finish on 1st January.

Premises Open to the Public

Monday to Sunday 11.00 until 23.30

New Years Eve hours from start on 31st December until finish on 1st January.

6. Confirmation that copies of the application form and supporting documentation have been served on the relevant authorities has been received.
7. Representations have been received from 4 local residents. Copies of the representations have been forwarded to the Applicant, Committee Members and Interested parties in accordance with the Licensing Act 2003 and are attached to this report as Appendix 2.

Finance

8. There are no financial implications.

Law

9. The law relating to the determination of applications for the grant of a premises licence is governed by the Licensing Act 2003, part 3, section 18.
10. Pursuant to Section 18(3) of the Licensing Act 2003, where a relevant authority has made representations, the Licensing Authority must:-

- (a) hold a hearing to consider them, unless the authority, the applicant each person who has made such representations agree that a hearing is unnecessary, and
 - (b) having regard to the representations, take such of the steps mentioned in subsection (4) (if any) as it considers necessary for the promotion of the Licensing objectives.
11. Pursuant to Section 18 (4) the steps are:-
- (a) to grant the licence subject to:-
 - (i) such conditions as are consistent with the operating schedule accompanying the application modified to such extent as the authority considers necessary for the promotion of the licensing objectives, and
 - (ii) any condition which must under section 19, 20 or 21 be included in the licence;
 - (b) to exclude from the scope of the licence any of the licensable activities to which the application relates;
 - (c) to refuse to specify a person in the licence as the premises supervisor;
 - (d) to reject the application
12. Pursuant to Section 23(1) of the Licensing Act 2003 where an application (or any part of an application) is granted under section 18 of the Licensing Act 2003, the Licensing Authority must immediately give notice to that effect to:-
- 1 (a) (i) the applicant
 - 1 (a) (ii) any person who made relevant representations in respect of the application and
 - 1 (a) (iii) the Chief Officer of Police for the police area in which the premises are situated and
 - 1 (b) issue the application with the licence and a summary of it

13. Pursuant to section 23(2) where relevant representations were made in respect of the application, the notice under subsection (1)(a) must state the authority's reasons for its decisions as to the steps (if any) to take under section 18(3)(b).
14. Pursuant to section 23(3) where an application is rejected under section 18, the licensing authority must forthwith give a notice to that effect stating its reasons for the decision, to
 - (a) the applicant
 - (b) any person who made relevant representations in respect of the application, and
 - (c) the Chief of Police for the police area or each police area in which the premises are situated
15. Where a Local Authority grant a licence under section 18 pursuant to schedule 5 of the Licensing Act, section 2 the holder of the licence may appeal against any decision:-
 - (a) to impose conditions on the licence under subsection (2)(a) or 3(b) of that section, or
 - (b) to take any step mentioned in subsection (4)(b) or (c) of that section (exclusion of licensable activity or refusal to specify person as premises supervisor)
16. Where a person who made relevant representations in relation to the application desires to contend:-
 - (a) that the licence ought not to have been granted, or
 - (b) that, on granting the licence, the licensing authority ought to have imposed different or additional conditions, or to have taken a step mentioned in subsection (4)(b) or (c) of that section, he may appeal against the decision.
17. In pursuance of regulation 26(2) of the Licensing Act 2003 (Hearing Regulations 2005) the Licensing Authority must make its determination within 5 working days of the conclusion of the hearing.

18. If the Licensing Authority refuse to grant the application, there is a right of appeal. The appeal under this part must be made to a Magistrates' Court pursuant to schedule 5 section 9 of the Licensing Act 2003.

Risk Management

19. There are no risk management implications.

Equality Impact

20. This report takes into account the Council's policy on equal opportunities.
21. The licensing of premises and individuals will impact on children and young people through their attendance at licensed premises.
22. There has been no consultation or involvement of children and young people in developing these proposals.

Human Resources/Organisational Development

23. There are no human resources/organisational development implications.

Commercial/Procurement

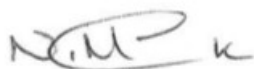
24. There are no commercial/procurement implications.

Environment/Climate Change

25. There are no Environment/Climate Change implications

Council Priorities and Projects

26. 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.



Interim Service Director of the Environment Directorate

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

Appendices

Application Form - Appendix 1
Representations - Appendix 2

Application for a premises licence to be granted 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/We John Paul Baker

(Insert name(s) of applicant)

apply for a premises licence under section 17 of the Licensing Act 2003 for the premises described in Part 1 below (the premises) and I/we are making this application to you as the relevant licensing authority in accordance with section 12 of the Licensing Act 2003

Part 1 – Premises details

Postal address of premises or, if none, ordnance survey map reference or description AFC Birmingham Illey Lane Halesowen			
Post town	Halesowen	Postcode	B62 0HF

Telephone number at premises (if any)	
Non-domestic rateable value of premises	£ 7,000

Part 2 - Applicant details

Please state whether you are applying for a premises licence as **appropriate** **Please tick as**

a)	an individual or individuals *	x	please complete section (A)
b)	a person other than an individual *		
	i as a limited company/limited liability partnership		please complete section (B)
	ii as a partnership (other than limited liability)		please complete section (B)
	iii as an unincorporated association or		please complete section (B)

	iv	other (for example a statutory corporation)		please complete section (B)
c)		a recognised club		please complete section (B)
d)		a charity		please complete section (B)
e)		the proprietor of an educational establishment		please complete section (B)
f)		a health service body		please complete section (B)
g)		a person who is registered under Part 2 of the Care Standards Act 2000 (c14) in respect of an independent hospital in Wales		please complete section (B)
ga)		a person who is registered under Chapter 2 of Part 1 of the Health and Social Care Act 2008 (within the meaning of that Part) in an independent hospital in England		please complete section (B)
h)		the chief officer of police of a police force in England and Wales		please complete section (B)

* If you are applying as a person described in (a) or (b) please confirm (by ticking yes to one box below):

- Yes - I am carrying on or proposing to carry on a business which involves the use of the premises for licensable activities; or
- I am making the application pursuant to a
- statutory function or
- a function discharged by virtue of Her Majesty's prerogative

(A) individual applicants (fill in as applicable)

Mr	Mrs	Miss	Ms	Other Title (for example, Rev)	
Surname Baker			First names John Paul		
Date of birth			I am 18 years old or over Please tick yes X		
Nationality			British		
Current residential address if different from premises address					
Post town				Postcode	
Daytime contact telephone number					
E-mail address (optional)					

Where applicable (if demonstrating a right to work via the Home Office online right to work checking service), the 'share code' provided to the applicant by that service (please see note 15 for information)

Second individual applicant (if applicable)

Mr	Mrs	Miss	Ms	Other Title (for example, Rev)	
Surname			First names		
Date of birth or over		I am 18 years old		Please tick yes	
Nationality					
Current residential address if different from premises address					
Post town				Postcode	
Daytime contact telephone number					
E-mail address (optional)					
Where applicable (if demonstrating a right to work via the Home Office online right to work checking service), the 'share code' provided to the applicant by that service: (please see note 15 for information)					

(B) Other applicants

Please provide name and registered address of applicant in full. Where appropriate please give any registered number. In the case of a partnership or other joint venture (other than a body corporate), please give the name and address of each party concerned.

Name

Address
Registered number (where applicable)
Description of applicant (for example, partnership, company, unincorporated association etc.)
Telephone number (if any)
E-mail address (optional)

Part 3 Operating Schedule

When do you want the premises licence to start?

DD	MM	YYYY
1	6	0 6 2 0 2 3

If you wish the licence to be valid only for a limited period, when do you want it to end?

DD	MM	YYYY

Please give a general description of the premises (please read guidance note 1)

small football club, with small huts used for various activities. One hut will be used for the dispensing of alcohol, which can be consumed in the adjacent seating area, or around the site.

Whole site may be used for occasional events which will be subject to conditions, temporary bars may be sited for such events but would be detailed in paperwork.

If 5,000 or more people are expected to attend the premises at any one time, please state the number expected to attend.

4999

What licensable activities do you intend to carry on from the premises?

(please see sections 1 and 14 and Schedules 1 and 2 to the Licensing Act 2003)

Provision of regulated entertainment (please read guidance note 2)	Please tick all that apply
--	----------------------------

a)	plays (if ticking yes, fill in box A)	Yes
b)	films (if ticking yes, fill in box B)	Yes
c)	indoor sporting events (if ticking yes, fill in box C)	NO
d)	boxing or wrestling entertainment (if ticking yes, fill in box D)	NO
e)	live music (if ticking yes, fill in box E)	Yes
f)	recorded music (if ticking yes, fill in box F)	Yes
g)	performances of dance (if ticking yes, fill in box G)	Yes
h)	anything of a similar description to that falling within (e), (f) or (g) (if ticking yes, fill in box H)	Yes

<u>Provision of late night refreshment</u> (if ticking yes, fill in box I)	NO
<u>Supply of alcohol</u> (if ticking yes, fill in box J)	Yes

In all cases complete boxes K, L and M

A

Plays Standard days and timings (please read guidance note 7)			Will the performance of a play take place indoors or outdoors or both – please tick (please read guidance note 3)	
			Indoors	
			Outdoors	
Day	Start	Finish	Both	x
Mon	1200	2300	Please give further details here (please read guidance note 4) Where the outside space is used for an event, this will be subject to event paperwork being completed and submitted to Responsible Authorities, a SAG can be called if needed. See operating schedule	
Tue	1200	2300		
Wed	1200	2300	State any seasonal variations for performing plays (please read guidance note 5)	
Thur	1200	2300		
Fri	1200	2300	Non standard timings. Where you intend to use the premises for the performance of plays at different times to those listed in the column on the left, please list (please read guidance note 6)	
Sat	1200	2300		
Sun	1200	2300		

B

Films Standard days and timings (please read guidance note 7)			<u>Will the exhibition of films take place indoors or outdoors or both – please tick</u> (please read guidance note 3)		Indoors	
					Outdoors	
					Both	x
Day	Start	Finish	<u>Please give further details here</u> (please read guidance note 4) Where the outside space is used for an event this will be subject to event paperwork being completed and submitted to Responsible Authorities, a SAG can be called if needed. See operating schedule.			
Mon	1200	2300				
Tue	1200	2300				
Wed	1200	2300	<u>State any seasonal variations for the exhibition of films</u> (please read guidance note 5)			
Thur	1200	2300				
Fri	1200	2300				
Sat	1200	2300	<u>Non standard timings. Where you intend to use the premises for the exhibition of films at different times to those listed in the column on the left, please list</u> (please read guidance note 6)			
Sun	1200	2300				

C

Indoor sporting events Standard days and timings (please read guidance note 7)			<u>Please give further details</u> (please read guidance note 4)
Day	Start	Finish	
Mon	n/a		
Tue	n/a		<u>State any seasonal variations for indoor sporting events</u> (please read guidance note 5)
Wed	n/a		
Thur	n/a		<u>Non standard timings. Where you intend to use the premises for indoor sporting events at different times to those listed in the column on the left, please list</u> (please read guidance note 6)
Fri	n/a		
Sat	n/a		
Sun	n/a		

D

Boxing or wrestling entertainments Standard days and timings (please read guidance note 7)			<u>Will the boxing or wrestling entertainment take place indoors or outdoors or both – please tick</u> (please read guidance note 3)	Indoors	
				Outdoors	
				Both	
Day	Start	Finish			
Mon	n/a		<u>Please give further details here</u> (please read guidance note 4)		
Tue	n/a				
Wed	n/a		<u>State any seasonal variations for boxing or wrestling entertainment</u> (please read guidance note 5)		
Thur	n/a				
Fri	n/a		<u>Non standard timings. Where you intend to use the premises for boxing or wrestling entertainment at different times to those listed in the column on the left, please list</u> (please read guidance note 6)		
Sat	n/a				
Sun	n/a				

E

Live music Standard days and timings (please read guidance note 7)			Will the performance of live music take place indoors or outdoors or both – please tick (please read guidance note 3)	
			Indoors	
			Outdoors	
Day	Start	Finish	Both	x
Mon	1200	2300	Please give further details here (please read guidance note 4) <p style="text-align: center;">. p .</p>	
Tue	1200	2300		
Wed	1200	2300	State any seasonal variations for the performance of live music (please read guidance note 5)	
Thur	1200	2300		
Fri	1200	2300	Non standard timings. Where you intend to use the premises for the performance of live music at different times to those listed in the column on the left, please list (please read guidance note 6) On New Years Eve, the operating hours to be from start on 31 st Dec through to finish on 1 st Jan	
Sat	1200	2300		
Sun	1200	2300		

F

Recorded music Standard days and timings (please read guidance note 7)			<u>Will the playing of recorded music take place indoors or outdoors or both – please tick</u> (please read guidance note 3)	
			Indoors	
			Outdoors	
Day	Start	Finish	Both	x
Mon	1200	2300	<u>Please give further details here</u> (please read guidance note 4) <p style="text-align: center;">. p .</p>	
Tue	1200	2300		
Wed	1200	2300	<u>State any seasonal variations for the playing of recorded music</u> (please read guidance note 5)	
Thur	1200	2300		
Fri	1200	2300	<u>Non standard timings. Where you intend to use the premises for the playing of recorded music at different times to those listed in the column on the left, please list</u> (please read guidance note 6) On New Years Eve, the operating hours to be from start on 31 st Dec through to finish on 1 st Jan	
Sat	1200	2300		
Sun	1200	2300		

G

Performances of dance Standard days and timings (please read guidance note 7)			Will the performance of dance take place indoors or outdoors or both – please tick (please read guidance note 3)	
			Indoors	
			Outdoors	
Day	Start	Finish	Both	x
Mon	1200	2300	Please give further details here (please read guidance note 4) . p .	
Tue	1200	2300		
			State any seasonal variations for the performance of dance (please read guidance note 5)	
Wed	1200	2300		
Thur	1200	2300	Non standard timings. Where you intend to use the premises for the performance of dance at different times to those listed in the column on the left, please list (please read guidance note 6) On New Years Eve, the operating hours to be from start on 31 st Dec through to finish on 1 st Jan	
Fri	1200	2300		
Sat	1200	2300		
Sun	1200	2300		

H

Anything of a similar description to that falling within (e), (f) or (g) Standard days and timings (please read guidance note 7)			Please give a description of the type of entertainment you will be providing		
Day	Start	Finish	<u>Will this entertainment take place indoors or outdoors or both – please tick</u> (please read guidance note 3)	Indoors	
Mon	1200	2300		Outdoors	
				Both	x
Tue	1200	2300	<u>Please give further details here</u> (please read guidance note 4) . p .		
Wed	1200	2300			
Thur	1200	2300	<u>State any seasonal variations for entertainment of a similar description to that falling within (e), (f) or (g)</u> (please read guidance note 5)		
Fri	1200	2300			
Sat	1200	2300	<u>Non standard timings. Where you intend to use the premises for the entertainment of a similar description to that falling within (e), (f) or (g) at different times to those listed in the column on the left, please list</u> (please read guidance note 6) On New Years Eve, the operating hours to be from start on 31 st Dec through to finish on 1 st Jan		
Sun	1200	2300			

Late night refreshment Standard days and timings (please read guidance note 7)			Will the provision of late night refreshment take place indoors or outdoors or both – please tick (please read guidance note 3)	Indoors	
				Outdoors	
				Both	
Day	Start	Finish			
Mon	n/a		<u>Please give further details here</u> (please read guidance note 4)		
Tue	n/a				
Wed	n/a		<u>State any seasonal variations for the provision of late night refreshment</u> (please read guidance note 5)		
Thur	n/a				
Fri	n/a		<u>Non standard timings. Where you intend to use the premises for the provision of late night refreshment at different times, to those listed in the column on the left, please list</u> (please read guidance note 6)		
Sat	n/a				
Sun	n/a				

J

Supply of alcohol Standard days and timings (please read guidance note 7)			Will the supply of alcohol be for consumption – please tick (please read guidance note 8)	On the premises	
				Off the premises	
Day	Start	Finish		Both	x
Mon	1200	2300	State any seasonal variations for the supply of alcohol (please read guidance note 5) . p .		
Tue	1200	2300			
Wed	1200	2300			
Thur	1200	2300	Non standard timings. Where you intend to use the premises for the supply of alcohol at different times to those listed in the column on the left, please list (please read guidance note 6) On New Years Eve, the operating hours to be from start on 31 st Dec through to finish on 1 st Jan		
Fri	1200	2300			
Sat	1200	2300			
Sun	1200	2300			

State the name and details of the individual whom you wish to specify on the licence as designated premises supervisor (Please see declaration about the entitlement to work in the checklist at the end of the form):

Name John Paul Baker	
Date of birth 5	
Address	
Postcode	
Personal licence number (if known)	
Issuing licensing authority (if known)	

K

Please highlight any adult entertainment or services, activities, other entertainment or matters ancillary to the use of the premises that may give rise to concern in respect of children (please read guidance note 9).

none

L

Hours premises are open to the public Standard days and timings (please read guidance note 7)			State any seasonal variations (please read guidance note 5) Where the outside space is used for an event this will be subject to event paperwork being completed and submitted to Responsible Authorities, a SAG can be called if needed. See operating schedule
Day	Start	Finish	Non standard timings. Where you intend the premises to be open to the public at different times from those listed in the column on the left, please list (please read guidance note 6) On New Years Eve, the operating hours to be from start on 31 st Dec through to finish on 1 st Jan
Mon	1100	2330	
Tue	1100	2330	
Wed	1100	2330	
Thur	1100	2330	
Fri	1100	2330	
Sat	1100	2330	
Sun	1100	2330	

--	--	--	--

M

Describe the steps you intend to take to promote the four licensing objectives:

a) General – all four licensing objectives (b, c, d and e) (please read guidance note 10)

--

b) The prevention of crime and disorder

- Staff will receive training in the requirements of the Licensing Act 2003.
- Training will be recorded against staff files.
- training will be refreshed every 6 months or sooner if needed.
- premises will operate a challenge 25 scheme
- where the whole site is used for an event, West midlands police (licensing dept), Dudley Licensing Authority, will be notified at least 3 months (or at a time less than this is agreed) before the event.
- where (either the premises or any Responsible Authority) deem it necessary a SAG can be called to discuss the event.
- relevant Sag paperwork will be made available upon request to any responsible authority.
- incident book will be used to record all incidents irrelevant if any emergency service is called. Incident book will be made available on request to any responsible authority.

c) Public safety

- all electrical items will be tested and certified
- Firefighting equipment available on site

d) The prevention of public nuisance

- unsealed alcohol drinks will not be permitted to be taken off site.

e) The protection of children from harm

- challenge 25 policy in place
- children not allowed to stand by the bar
- consumption area will be monitored by staff/stewards
- staff to be trained in responsibilities under the licensing act 2003, training to be recorded against staff files and refreshed every 6 months

Checklist:

Please tick to indicate agreement

• I have made or enclosed payment of the fee.	x
• I have enclosed the plan of the premises.	x
• I have sent copies of this application and the plan to responsible authorities and others where applicable.	x
• I have enclosed the consent form completed by the individual I wish to be designated premises supervisor, if applicable.	x
• I understand that I must now advertise my application.	x
<ul style="list-style-type: none"> • I understand that if I do not comply with the above requirements my application will be rejected. • [Applicable to all individual applicants, including those in a partnership which is not a limited liability partnership, but not companies or limited liability partnerships] I have included documents demonstrating my entitlement to work in the United Kingdom or my share code issued by the Home Office online right to work checking service (please read note 15). 	x

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.

It is an offence under Section 24b of the Immigration Act 1971 for a person to work when they know, or have reasonable cause to believe, that they are disqualified from doing so by reason of their immigration status. Those who employ an adult without leave or who is subject to conditions as to employment will be liable to a civil penalty under section 15 of the Immigration, Asylum and Nationality Act 2006 and pursuant to Section 21 of the same act, will be committing an offence where they do so in the knowledge, or with reasonable cause to believe, that the employee is disqualified.

Part 4 – Signatures (please read guidance note 11)

Signature of applicant or applicant's solicitor or other duly authorised agent (see guidance note 12). **If signing on behalf of the applicant, please state in what capacity.**

Declaration	<ul style="list-style-type: none"> • [Applicable to individual applicants only, including those in a partnership which is not a limited liability partnership] I understand I am not entitled to be issued with a licence if I do not have the entitlement to live and work in the UK (or if I am subject to a condition preventing me from doing work relating to the carrying on of a licensable activity) and that my licence
--------------------	---

	<p>will become invalid if I cease to be entitled to live and work in the UK (please read guidance note 15).</p> <ul style="list-style-type: none"> The DPS named in this application form is entitled to work in the UK (and is not subject to conditions preventing him or her from doing work relating to a licensable activity) and I have seen a copy of his or her proof of entitlement to work, or have conducted an online right to work check using the Home Office online right to work checking service which confirmed their right to work (please see note 15)
Signature	
Date	
Capacity	

For joint applications, signature of 2nd applicant or 2nd applicant's solicitor or other authorised agent (please read guidance note 13). **If signing on behalf of the applicant, please state in what capacity.**

Signature	<i>A.Rohomon BEM</i>
Date	15 th May 23
Capacity	Authorised Agent

Contact name (where not previously given) and postal address for correspondence associated with this application (please read guidance note 14) Abs Rohomon BEM 4 Clews Road			
Post town	Redditch	Postcode	B98 7ST
Telephone number (if any)	07743 034616		
If you would prefer us to correspond with you by e-mail, your e-mail address (optional) abs@r-rm.co.uk			

Notes for Guidance

1. Describe the premises, for example the type of premises, its general situation and layout and any other information which could be relevant to the licensing objectives. Where your application includes off-supplies of alcohol and you intend to provide a place for consumption of these off-supplies, you must include a description of where the place will be and its proximity to the premises.
2. In terms of specific regulated entertainments please note that:
 - Plays: no licence is required for performances between 08:00 and 23.00 on any day, provided that the audience does not exceed 500.
 - Films: no licence is required for 'not-for-profit' film exhibition held in community premises between 08.00 and 23.00 on any day provided that the audience does not exceed 500 and the organiser (a) gets consent to the screening from a person who is responsible for the premises; and (b) ensures that each such screening abides by age classification ratings.
 - Indoor sporting events: no licence is required for performances between 08.00 and 23.00 on any day, provided that the audience does not exceed 1000.
 - Boxing or Wrestling Entertainment: no licence is required for a contest, exhibition or display of Greco-Roman wrestling, or freestyle wrestling between 08.00 and 23.00 on any day, provided that the audience does not exceed 1000. Combined fighting sports – defined as a contest, exhibition or display which combines boxing or wrestling with one or more martial arts – are licensable as a boxing or wrestling entertainment rather than an indoor sporting event.
 - Live music: no licence permission is required for:
 - a performance of unamplified live music between 08.00 and 23.00 on any day, on any premises.
 - a performance of amplified live music between 08.00 and 23.00 on any day on premises authorised to sell alcohol for consumption on those premises, provided that the audience does not exceed 500.
 - a performance of amplified live music between 08.00 and 23.00 on any day, in a workplace that is not licensed to sell alcohol on those premises, provided that the audience does not exceed 500.
 - a performance of amplified live music between 08.00 and 23.00 on any day, in a church hall, village hall, community hall, or other similar community premises, that is not licensed by a premises licence to sell alcohol, provided that (a) the audience does not exceed 500, and (b) the organiser gets consent for the performance from a person who is responsible for the premises.
 - a performance of amplified live music between 08.00 and 23.00 on any day, at the non-residential premises of (i) a local authority, or (ii) a school, or (iii) a hospital, provided that (a) the audience does not exceed 500, and (b) the organiser gets consent for the performance on the relevant premises from: (i) the local authority concerned, or (ii) the school or (iii) the health care provider for the hospital.
 - Recorded Music: no licence permission is required for:
 - any playing of recorded music between 08.00 and 23.00 on any day on premises authorised to sell alcohol for consumption

- on those premises, provided that the audience does not exceed 500.
 - any playing of recorded music between 08.00 and 23.00 on any day, in a church hall, village hall, community hall, or other similar community premises, that is not licensed by a premises licence to sell alcohol, provided that (a) the audience does not exceed 500, and (b) the organiser gets consent for the performance from a person who is responsible for the premises.
 - any playing of recorded music between 08.00 and 23.00 on any day, at the non-residential premises of (i) a local authority, or (ii) a school, or (iii) a hospital, provided that (a) the audience does not exceed 500, and (b) the organiser gets consent for the performance on the relevant premises from: (i) the local authority concerned, or (ii) the school proprietor or (iii) the health care provider for the hospital.
 - Dance: no licence is required for performances between 08.00 and 23.00 on any day, provided that the audience does not exceed 500. However, a performance which amounts to adult entertainment remains licensable.
 - Cross activity exemptions: no licence is required between 08.00 and 23.00 on any day, with no limit on audience size for:
 - any entertainment taking place on the premises of the local authority where the entertainment is provided by or on behalf of the local authority;
 - any entertainment taking place on the hospital premises of the health care provider where the entertainment is provided by or on behalf of the health care provider;
 - any entertainment taking place on the premises of the school where the entertainment is provided by or on behalf of the school proprietor; and
 - any entertainment (excluding films and a boxing or wrestling entertainment) taking place at a travelling circus, provided that (a) it takes place within a moveable structure that accommodates the audience, and (b) that the travelling circus has not been located on the same site for more than 28 consecutive days.
3. Where taking place in a building or other structure please tick as appropriate (indoors may include a tent).
 4. For example the type of activity to be authorised, if not already stated, and give relevant further details, for example (but not exclusively) whether or not music will be amplified or unamplified.
 5. For example (but not exclusively), where the activity will occur on additional days during the summer months.
 6. For example (but not exclusively), where you wish the activity to go on longer on a particular day e.g. Christmas Eve.
 7. Please give timings in 24 hour clock (e.g. 16.00) and only give details for the days of the week when you intend the premises to be used for the activity.
 8. If you wish people to be able to consume alcohol on the premises, please tick 'on the premises'. If you wish people to be able to purchase alcohol to consume away from the premises, please tick 'off the premises'. If you wish people to be able to do both, please tick 'both'.
 9. Please give information about anything intended to occur at the premises or ancillary to the use of the premises which may give rise to concern in respect

of children, regardless of whether you intend children to have access to the premises, for example (but not exclusively) nudity or semi-nudity, films for restricted age groups or the presence of gaming machines.

10. Please list here steps you will take to promote all four licensing objectives together.
11. The application form must be signed.
12. An applicant's agent (for example solicitor) may sign the form on their behalf provided that they have actual authority to do so.
13. Where there is more than one applicant, each of the applicants or their respective agent must sign the application form.
14. This is the address which we shall use to correspond with you about this application.
15. Entitlement to work/immigration status for individual applicants and applications from partnerships which are not limited liability partnerships:

A licence may not be issued to an individual or an individual in a partnership which is not a limited liability partnership who is resident in the UK who:

- does not have the right to live and work in the UK; or
- is subject to a condition preventing him or her from doing work relating to the carrying on of a licensable activity.

Any licence issued in respect of an application made on or after 6 April 2017 will become invalid if the holder ceases to be entitled to work in the UK.

Applicants must demonstrate that they have the right to work in the UK and are not subject to a condition preventing them from doing work relating to the carrying on of a licensable activity.

They do this in one of two ways:

- 1) by providing with this application, copies or scanned copies of the documents which an applicant has provided, to demonstrate their entitlement to work in the UK (which do not need to be certified) as per information published on gov.uk and in guidance.
- 2) by providing their 'share code' to enable the licensing authority to carry out a check using the Home Office online right to work checking service (see below).

Home Office online right to work checking service.

As an alternative to providing a copy of original documents, applicants may demonstrate their right to work by allowing the licensing authority to carry out a check with the Home Office online right to work checking service.

To demonstrate their right to work via the Home Office online right to work checking service, applicants should include in this application their share code (provided to them upon accessing the service at <https://www.gov.uk/prove-right-to-work>) which, along with the applicant's date of birth, will allow the licensing authority to carry out the check.

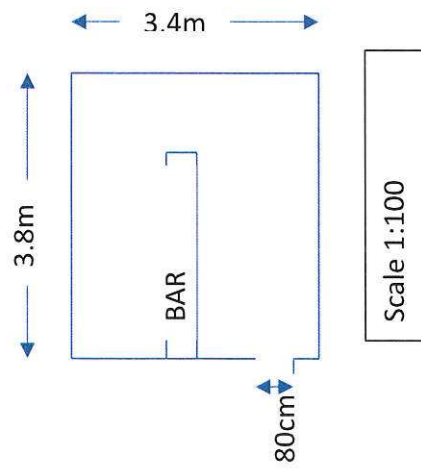
In order to establish the applicant's right to work, the check will need to indicate that the applicant is allowed to work in the United Kingdom and is not subject to a condition preventing them from doing work relating to the carrying on of a licensable activity.

An online check will not be possible in all circumstances because not all applicants will have an immigration status that can be shared digitally. The Home Office online right to work checking service sets out what information and/or documentation applicants will need in order to access the service. Applicants who are unable to obtain a share code from the service should submit copies of documents as set out above.

Your right to work will be checked as part of your licensing application and this could involve us checking your immigration status with the Home Office. We may otherwise share information with the Home Office. Your licence application will not be determined until you have complied with this guidance.

AFC Birmingham

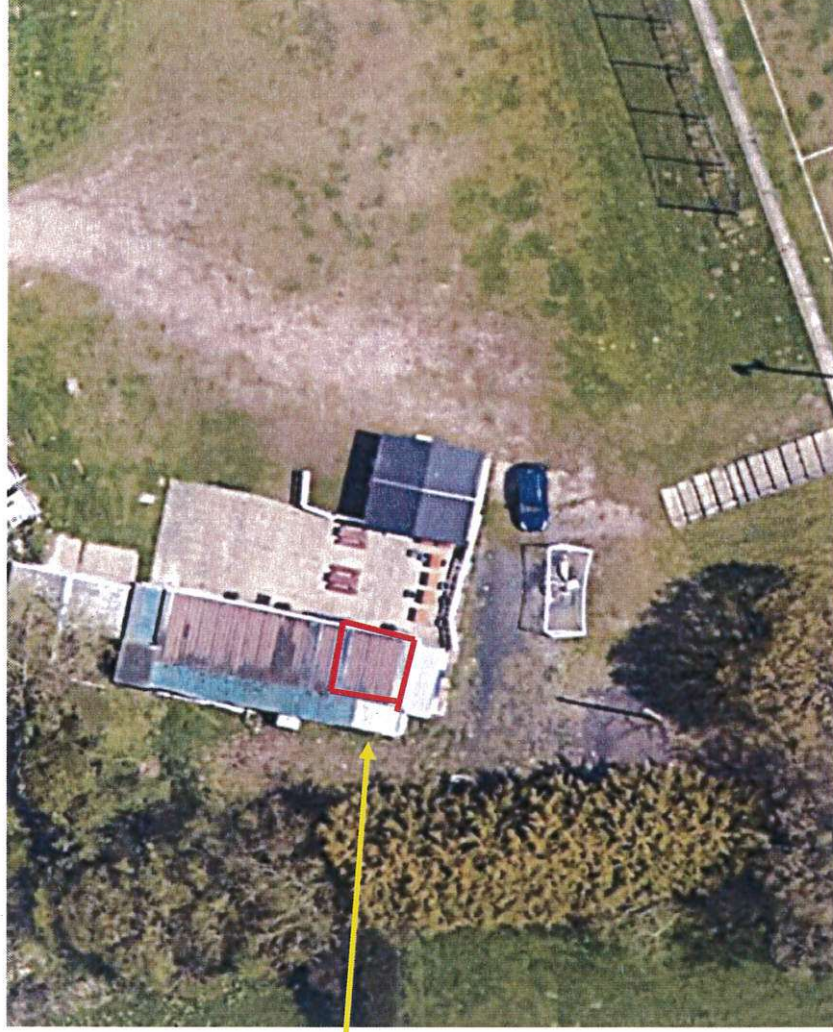
Hut layout – premise licence application (May 23)

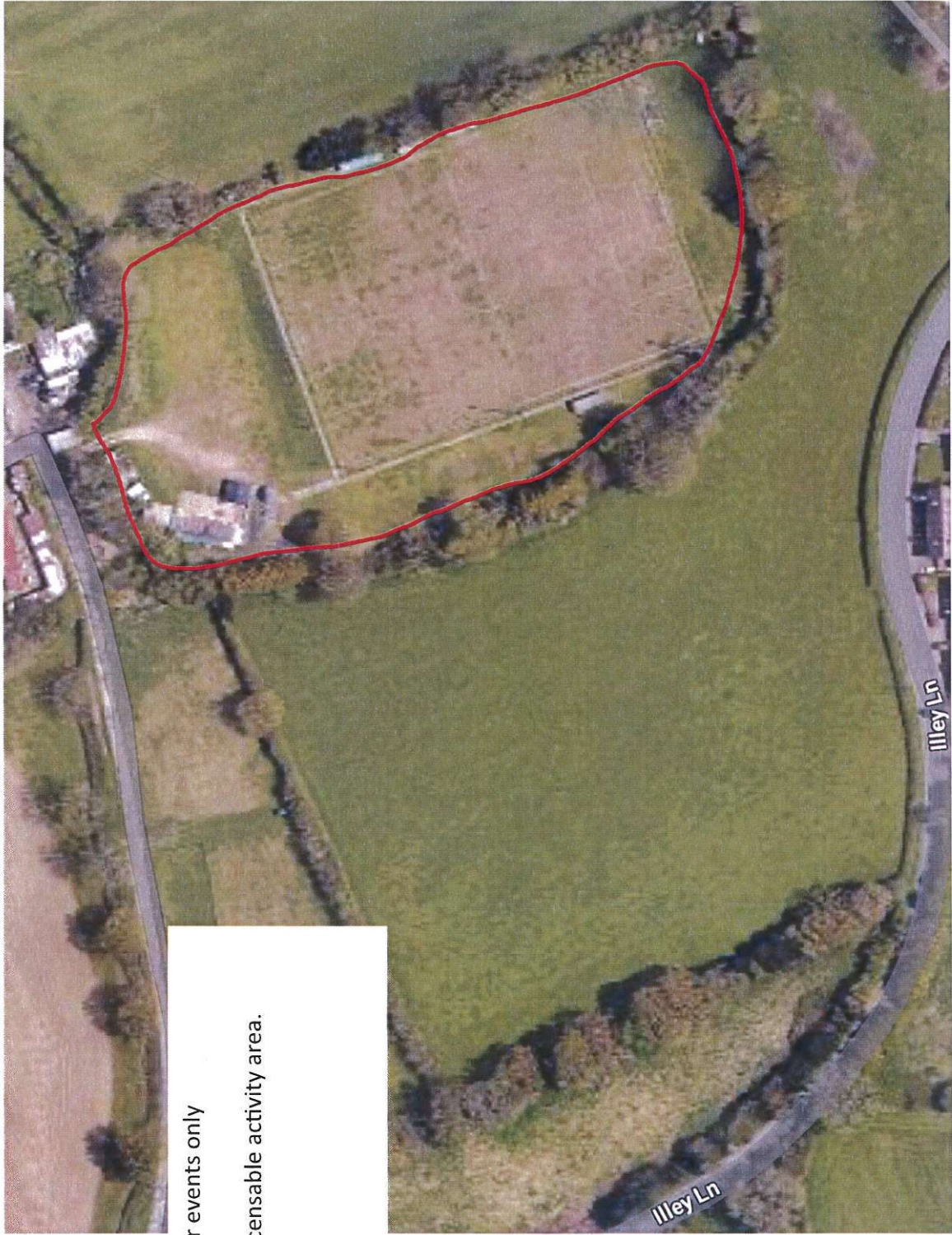


A small hut used for the dispensing of alcohol and other drinks,

People consume alcohol in the hut opposite the bar hut and around the site.

Bar hut will hold about 4 people for service and queuing. Not to be used for drinking in.





Licensed area – for events only

Red line defines licensable activity area.

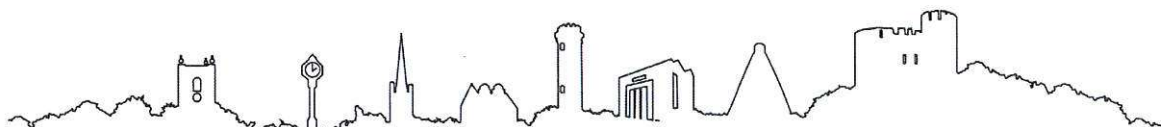
Representation Form

Please refer to the attached guidance notes prior to completing this form

Your name:	Alan Wheatley
Your postal address:	
Your email address:	
Your contact telephone number/s:	

Name of premises relevant to your representation/s:	AFC Birmingham Illey Lane Halesowen B62 0HF
Address of premises relevant to your representation/s:	AFC Birmingham Illey Lane Halesowen B62 0HF

Licensing Objective/s that relate to your representation/s:	Please list the reasons for your representation/s and include the supporting evidence here. Use separate sheets, if necessary:
Prevention of crime & disorder:	The site is situated next to a working rural farm, Objection to the potential issues caused by granting a Alcohol License at the site requested. Potential issues could be disruption in a rural area, along with crime and disorder.
Public Safety:	The area is a rural working farm, with equipment and machinery which could be accessed by individuals which are intoxicated and not in control of their senses leading to accidents and fatalities. There is no lighting, and the area at night is in pitch black darkness

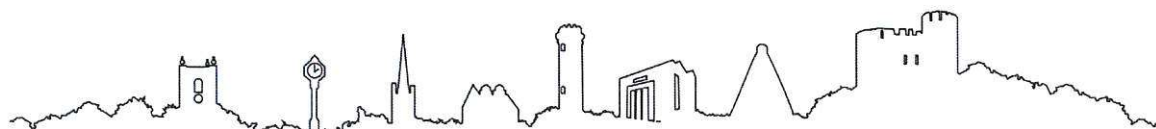


Prevention of public nuisance:	The area is rural with an abundance of wildlife which will be disrupted and disturbed. With local residents wishing to protect the local wildlife this would not be conducive to preservation
Protection of children from harm:	Children should not be allowed in a venue selling alcohol without supervision. It will be impossible to supervise this in the location of the site of proposed license request. With a no through road accessing the site should any emergency services be required it would be a struggle for them to get their quickly. This is a safeguarding issue for minors

If there are any conditions that you would like the committee to consider adding to the licence then please list them here:

Preference is that the license is not granted. The site is unsuitable for a licenced premises, In the middle of a working farm on a no through dive/track. Local residents feel threatened by potential misuse of the premises and requested license. There is no visibility of the site by passing traffic and public unlike the local public house the Black Horse. This opens up a number of potential crimes, disorder and unsocial behaviour not fitting to the area.

I fully understand that this document will be made available to the applicant and included in the Sub Committee's Hearing papers which



are publicly accessible documents, and any subsequent appeal court proceedings.

Signed:

Date:

07/06/2023

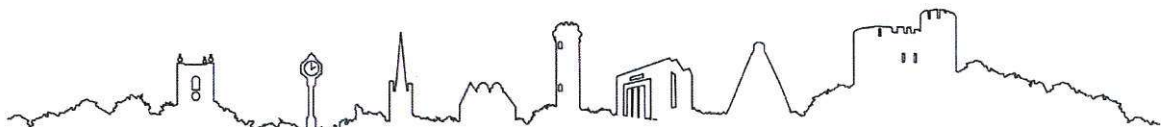
Please email your completed form to: liquor.licensing@dudley.gov.uk or post it to:

Licensing Offices
Dudley MBC
Unit 1, Hurst Business Park
Narrowboat Way
Brierley Hill
DY5 1UF

This form must be returned to the Licensing Offices, within the statutory period, which is generally 28 days from the date the notice was displayed on the premises or the date specified in the newspaper advert.

Guidance Notes

- 1) Please complete the form in black ink or type only.
- 2) If you do make a representation, which is considered relevant, you will be invited to attend a meeting of the Licensing Authority's Committee and any subsequent appeal proceedings in the Courts. If you do not attend the meeting for any reason the Committee can still consider the representations that you have made.
- 3) All representations, whether made on this form or not, must be



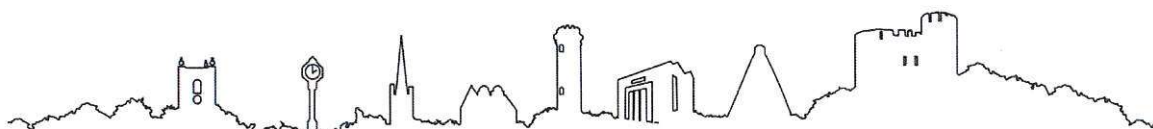
returned to the licensing office within the statutory period, starting the day after the application was given to this Authority. Late representations cannot be accepted. The statutory period is usually 28 days.

4) The representation must relate to one of more of the four Licensing Objectives, nothing else can be taken into account, such as the need for a licensed premises in the area, or the need to have a premises open late at night. The Licensing Objectives are:

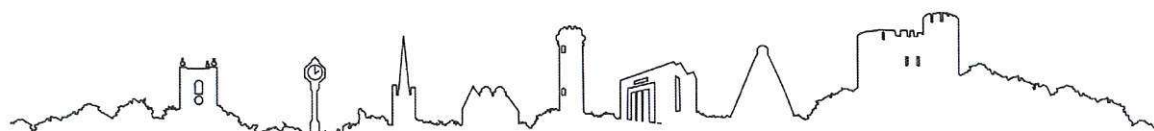
- **The prevention of crime and disorder:** This relates to any crime, disorder or anti-social behaviour at the premises or related to the management of the premises. The licence holder/applicant can't generally be held responsible for the conduct of individuals once they leave the premises;
- **Public safety.** This relates to the safety of the public on the premises, such as fire safety, electrical safety, lighting, building safety and capacity, first aid provisions etc.
- **Prevention of public nuisance.** This can relate to issues such as, hours of operation, noise emanating from the premises, vibrations, lighting, litter etc.
- **Protection of children from harm.** This relates to protecting children from the activities carried out on the premises whilst they are there. The law already provides special protections for children under 18 to buy alcohol.

5) Your representation will be passed to the applicant to allow them the opportunity to address your concerns. It will also be published in the report made available to the Licensing Sub-Committee, which will be publicly available. If any subsequent appeal is made by any party, your representation will be used in the appeal court proceedings. Names and addresses will only be withheld from the Committee report at your request and with our agreement.

6) You must provide evidence to support the representation/s that you have made. The committee are unable to take into account statements of opinion on a matter.



7) If you require any further assistance, then please contact the licensing office via the email shown or via 01384 815377.



RECEIVED

- 8 JUN 2023

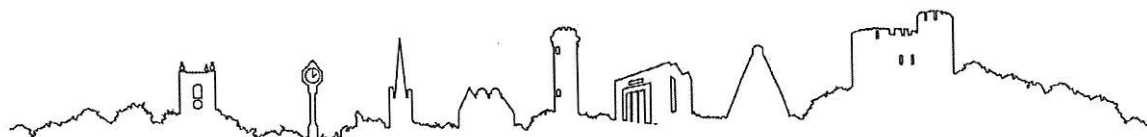
Representation Form

Please refer to the attached guidance notes prior to completing this form

Your name:	Paul Stockton
Your postal address:	
Your email address:	
Your contact telephone number/s:	

Name of premises relevant to your representation/s:	AFC Birmingham Illey Lane (football ground)
Address of premises relevant to your representation/s:	AFC Birmingham Illey Lane, Halesowen West Midlands B62 0HF

Licensing Objective/s that relate to your representation/s:	Please list the reasons for your representation/s and include the supporting evidence here. Use separate sheets, if necessary:
Prevention of crime & disorder:	There is potential for this as the applicant is already in breach of the planning conditions set by the Planning Committee for the use of floodlights at the site
Public Safety:	There is a public footpath on this site which is promoted by Dudley Council. Public safety of those using this could be at risk There are established problems with speeding on this road which have been discussed with the ward members and MP. Any increased use of this site would add to this causing risks to public safety.



Prevention of public nuisance:	<p>The site is a field in the middle of two farms with farm animals surrounding it. Any noise or increased use would be a public nuisance to the owners of these farms.</p> <p>It would be a public nuisance to users of the public footpath.</p> <p>The site is within the green belt and sites of Special Scientific Interest. Has a survey on the impact of bats in the area been carried out and the impact any increased noise and use would have on them as this is a requirement of any development in this area?</p> <p>Any noise or increased use of this site would be a public nuisance to the residents of this road</p>
Protection of children from harm:	

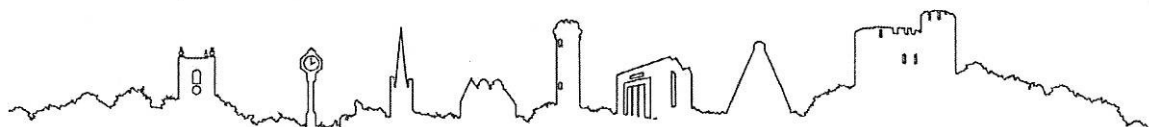
If there are any conditions that you would like the committee to consider adding to the licence then please list them here:

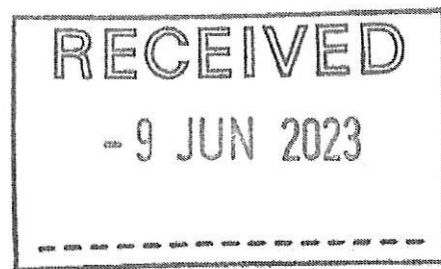
The granting of any additional use is totally inappropriate given the position of this site which is a field between two farms as referred to.

I fully understand that this document will be made available to the applicant and included in the Sub Committee's Hearing papers which are publicly accessible documents, and any subsequent appeal court proceedings.

Signed:

Date:





6th June 2023.

Dear Sir,

I wish to protest most strongly to the proposed plans for A.F.C. Birmingham to apply for a licence to serve drinks and have live music from 11-am — 11.30 p.m. I would like to point out that this would be a public nuisance due to the following points.

1. The Club is next to two working farms. The noise would be dreadful to the animals.

2. This is a Green Belt area of outstanding natural beauty.

3. There is a Public footpath across

the football ground.

4. The noise of people leaving at 11.30pm would be dreadful.

5. There are sites of special scientific interest around the area, with bats and lots of wild life.

6. We already have problems with speeding motorists on this road, and this could add to it.

7. The Club is already in breach of planning permission as to when it can have floodlights on.

8. Dudley Council have promoted walks in this area, including across the footpath on the football ground.

I do hope you will consider all relevant points.

Yours faithfully

Licensing Sub-Committee 3 – 4th July 2023

Report of the Interim Service Director of the Environment Directorate

Transfer of Premises Licence and Vary of Designated Premises Supervisor (DPS)

The Broadway Service Station, 154 South Road, Stourbridge, DY8 3RW

Purpose

1. To consider the application for the transfer of premises licence and vary of Designated Premises Supervisor (DPS) in respect of the Broadway Service Station, 154 South Road, Stourbridge, West Midlands.

Recommendation

2. That the Licensing Sub-Committee determine the application for the transfer of premises licence and vary of DPS in respect of the premises known as the Broadway Service Station, 154 South Road, Stourbridge, following the receipt of representations from West Midlands Police.

Background

3. The Broadway Service Station, was first issued with a premises licence on 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 18th April 2023, Mr Saman Haroon Mehmud made application for the transfer of the premises licence and vary of the DPS. A copy of both application forms have been forwarded to Committee Members and interested parties in accordance with the Licensing Act 2003 and are attached to this report as Appendix 1.
5. On the 27th April 2023, representations were received from West Midlands Police. Copies of the representations have also been forwarded to the applicant, Committee Members and interested parties in accordance with the Licensing Act 2003 and are attached to this report as Appendix 2.
6. 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.

Finance

7. There are no financial implications.

Law

8. The law relating to applications to transfer of premises licence is governed by the Licensing Act 2003, part 3, section 42.
9. Pursuant to section 42 (6) where a Chief Officer of Police is satisfied that the exceptional circumstances of the case are such that granting the application would undermine the crime prevention objective, he/she must give the relevant licensing authority a notice stating the reasons why he is so satisfied.
10. Pursuant to section 42 (7) the Chief Officer of Police must give that notice within the period of 14 days beginning with the day he/she is notified of the application.

11. Pursuant to section 44 (5) the Licensing Authority must:-
 - (a) hold a hearing to consider it, unless the authority, the applicant, and the Chief Officer of the Police who gave notice agree that a hearing is unnecessary, and
 - (b) having regard to the notice reject the application if it considers it necessary for the promotion of the crime prevention objective to do so.
12. Pursuant to regulation 26 (1) of the Licensing Act 2003 (Hearing Regulations 2005), the Licensing Authority must make its determination at the conclusion of the hearing.
13. Pursuant to section 45 (1) where an application under section 42 is granted or rejected the Licensing Authority must give a notice to that effect to:-
 - (a) the applicant; and
 - (b) the Chief Officer of Police in which the premises are situated.
14. Pursuant to section 45 (2) the notice must state the authorities reasons for granting or rejecting the application.
15. Pursuant to section 45 (3) where the application is granted, the notice must specify the time when the transfer takes effect.
16. Pursuant to section 45 (4) the licensing authority must also give a notice
 - (a) where the application is granted:-
 - (i) to the holder of the licence immediately before the application was granted, or
 - (ii) if the application was one to which included a request that the transfer take immediate effect, to the holder of the licence immediately before the application was made (if any)
 - (b) where the application is rejected, to the holder of the premises licence (if any)

17. Pursuant to schedule 5, part 1 1(d) if the Licensing Committee refuse to grant the application for transfer of premises licence there is a right of appeal to the Magistrate's Court.
18. The law relating to the granting of applications to vary a licence to specify individual as premises supervisor is governed by the Licensing Act 2003, part 3, section 37.
19. Pursuant to part 3, section 37(5) where a Chief Officer of Police is satisfied that the exceptional circumstances of the case are such that granting the application would undermine the crime prevention objective, he/she must give the relevant licensing authority a notice stating the reasons why he/she is so satisfied.
20. Pursuant to part 3, section 37(6) the Chief Officer of Police must give that notice within the period of 14 days beginning with the day he/she is notified of the application.
21. Pursuant to section 39(3), the Licensing Authority must:-
 - (a) hold a hearing to consider it, unless the authority, the applicant, and the Chief Officer of the Police who gave notice agree that a hearing is unnecessary, and
 - (b) having regard to the notice reject the application if it considers it appropriate for the promotion of the crime prevention objective to do so.
22. Pursuant to regulation 26(1) of the Licensing Act 2003 (Hearing Regulations 2005), the Licensing Authority must make its determination at the conclusion of the hearing.
23. Where an application under section 37 is granted or rejected pursuant to section 39(4), the Licensing Authority must give a notice to that effect to:-
 - (a) the applicant
 - (b) the proposed individual, and
 - (c) the Chief Officer of Police for police area in which the premises are situated.

24. Pursuant to section 39(5) the notice must state the authority's reasons for granting or rejecting the application.
25. Pursuant to section 39(6) where the application is granted, the notice must specify the time when the variation takes effect.
26. Pursuant to schedule 5, part 1 1(c) if the Licensing Committee refuse to grant the application to vary a licence to specify individual as premises supervisor there is a right of appeal to the Magistrate's Court.
27. Pursuant to schedule 5, part 1 5(1) and (2) if the licensing Committee grants the application to vary a licence to specify individual as premises supervisor in a case where the Chief Officer of the Police gave notice under section 37(5) the Chief Officer of the Police may appeal against the decision to grant the application.

Risk Management

28. There are no material risk implications.

Equality Impact

29. This report takes into account the Council's policy on equal opportunities.
30. The licensing of premises and individuals will impact on children and young people through their attendance at licensed premises.
31. There has been no consultation or involvement of children and young people in developing these proposals.

Human Resources/Organisational Development

32. There are no organisational development/transformation implications.

Commercial/Procurement

33. There are no commercial/procurement implications.

Environment/Climate Change

34. There are no Environment/Climate Change implications

Council Priorities and Projects

35. 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 Service Director of the Environment Directorate

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

Appendices

Application Forms - Appendix 1
Representations - Appendix 2

Application to transfer premises licence to be granted 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/We Saman Haroon MEHMUD*(Insert name of applicant)*

apply to transfer the premises licence described below under section 42 of the Licensing Act 2003 for the premises described in Part 1 below

Premises licence number

DY/51/1261

Part 1 – Premises details

Postal address of premises or, if none, ordnance survey map reference or description Broadway Service Station, 154 South Road	
Post town Stourbridge,	Post code DY8 3RW
Telephone number at premises (if any) .	
Please give a brief description of the premises (see note 1) Small grocery store/garage situated in a semi retail / residential area	
Name of current premises licence holder Piara Singh Virdee	

Part 2 - Applicant details

In what capacity are you applying for the premises licence to be transferred to you?

Please tick ☒ yes

a) an individual or individuals*

☒ please complete section (A)

b) a person other than an individual *

i. as a limited company/limited liability partnership

☐ please complete section (B)

ii. as a partnership (other than limited liability)

☐ please complete section (B)

iii. as an unincorporated association or

☐ please complete section (B)

iv. other (for example a statutory corporation)

☐ please complete section (B)

c) a recognised club

☐ please complete section (B)

d) a charity

☐ please complete section (B)

e) the proprietor of an educational establishment

☐ please complete section (B)

f) a health service body ☐ please complete section (B)

g) an individual who is registered under Part 2 of the Care Standards Act 2000 (c14) in respect of an independent hospital in Wales ☐ please complete section (B)

ga) a person who is registered under Chapter 2 of Part 1 of the Health and Social Care Act 2008 (within the meaning of that Part) in respect of an independent hospital in England ☐ please complete section (B)

h) the chief officer of police of a police force in England and Wales ☐ please complete section (B)

*If you are applying as a person described in (a) or (b) please confirm:

Please tick ☒ yes

- I am carrying on or proposing to carry on a business which involves the use of the premises for licensable activities; or X
- I am making the application pursuant to a
 - statutory function or ☐
 - a function discharged by virtue of Her Majesty's prerogative ☐

(A) INDIVIDUAL APPLICANTS (fill in as applicable)

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

Surname

MEHMUD

First names

Saman Haroon

Please tick ☒ yes

Date of birth

I am 18 years old or over ☒

Nationality:

Born: |

Where applicable (if demonstrating a right to work via the Home Office online right to work checking service), the 9-digit 'share code' provided to the applicant by that service (please see note 2 for information)

Current residential address if different from premises address*

Post town

Post code

Daytime contact telephone number

E-mail address
(optional)

SECOND INDIVIDUAL APPLICANT (fill in as applicable)

Mr ☐

Mrs ☐

Miss ☐

Ms ☐

Other title
(for example, Rev)

Surname

First names

Date of birth
Nationality

I am 18 years old or over

Please tick ☒ yes
☐

Where applicable (if demonstrating a right to work via the Home Office online right to work checking service), the 9-digit 'share code' provided to the applicant by that service (please see note 2 for information)

Current
residential
address if
different from
premises address

Post town

Post code

Daytime contact telephone number

E-mail address
(optional)

(B) OTHER APPLICANTS

Please provide name and registered address of applicant in full. Where appropriate please give any registered number. In the case of a partnership or other joint venture (other than a body corporate), please give the name and address of each party concerned.

Name
Address
Registered number (where applicable)

Description of applicant (for example partnership, company, unincorporated association etc.)
Telephone number (if any)
E-mail address (optional)

Part 3

Please tick ☒ yes

Are you the holder of the premises licence under an interim authority notice? ☐

Do you wish the transfer to have immediate effect? ☒

If not when would you like the transfer to take effect?

Day	Month	Year
<input type="text"/>	<input type="text"/>	<input type="text"/>

Please tick ☒ yes

I have enclosed the consent form signed by the existing premises licence holder ☒

If you have not enclosed the consent form referred to above please give the reasons why not. What steps have you taken to try and obtain the consent?

Please tick ☒ yes

If this application is granted I would be in a position to use the premises during the application period for the licensable activity or activities authorised by the licence (see section 43 of the Licensing Act 2003) ☒

Please tick ☒ yes

I have enclosed the premises licence ☐

If you have not enclosed premises licence referred to above please give the reasons why not.

Only the Summary was available at the shop when the applicant took over

- I have made or enclosed payment of the fee ☒
- I have enclosed the consent form signed by the existing premises licence holder or my statement as to why it is not enclosed ☒
- I have enclosed the premises licence or relevant part of it or explanation ☒
- I have sent a copy of this application to the chief officer of police today ☒
- ☐ (electronic applic)
- I have sent a copy of this form to Home Office Immigration Enforcement today ☒
- ☐ (electronic applic)
- Applicable to all individual applicants, including those in a partnership which is not a limited liability partnership, but not companies or limited liability partnerships] I have included documents, or my Home Office online right to work checking service share code, to demonstrate my entitlement to work in the United Kingdom (please read note 2) ☒

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.

IT IS AN OFFENCE UNDER SECTION 24B OF THE IMMIGRATION ACT 1971 FOR A PERSON TO WORK WHEN THEY KNOW, OR HAVE REASONABLE CAUSE TO BELIEVE, THAT THEY ARE DISQUALIFIED FROM DOING SO BY REASON OF THEIR IMMIGRATION STATUS. THOSE WHO EMPLOY AN ADULT WITHOUT LEAVE OR WHO IS SUBJECT TO CONDITIONS AS TO EMPLOYMENT WILL BE LIABLE TO A CIVIL PENALTY UNDER SECTION 15 OF THE IMMIGRATION, ASYLUM AND NATIONALITY ACT 2006 AND, PURSUANT TO SECTION 21 OF THE SAME ACT, WILL BE COMMITTING AN OFFENCE WHERE THEY DO SO IN THE KNOWLEDGE, OR WITH REASONABLE CAUSE TO BELIEVE, THAT THE EMPLOYEE IS DISQUALIFIED.

I understand I am not entitled to be issued with a licence if I do not have the entitlement to live and work in the UK (or if I am subject to a condition preventing me from doing work relating to the carrying on of a licensable activity) and that my licence will become invalid if I cease to be entitled to live and work in the UK (please read guidance note 2)

Part 4 – Signatures (please read guidance note 3)

Signature of applicant or applicant's solicitor or other duly authorised agent (See guidance note 4). If signing on behalf of the applicant please state in what capacity.

Signature *7 Clarke*

Date 17th April 2023

Capacity Agent on behalf of the applicant

For joint applicants signature of second applicant, second applicant's solicitor or other authorised agent (please read guidance note 5). If signing on behalf of the applicant please state in what capacity.

Signature

Date

Capacity

Contact name (where not previously given) and postal address for correspondence associated with this application (please read guidance note 6) Tony Clarke, Licensing Consultant, 540 Antrim Road,	
Post town Belfast	Post Code BT15 5GJ
Telephone number (if any) 07388 441 720	
If you would prefer us to correspond with you by e-mail your e-mail address (optional) securelicences@gmail.com	

Consent of premises licence holder to transfer

I/we Piara Singh Virdee

(full name of premises licence holder(s))

the premises licence holder of premises licence number DY/51/1261

(insert premises licence number)

relating to

Broadway Service Station, 154 South Road, Stourbridge, DY8 3RW

(name and address of premises to which the application relates)

hereby give my consent for the transfer of premises licence number

DY/51/1261

(insert premises licence number)

to

Saman Haroon MEHMUD

(full name of transferee)

signed

name

(please print)

Piara Singh Virdee

Piara Singh Virdee

dated

17th April 2023

**Application to vary a premises licence to specify an individual
as designated premises supervisor under the Licensing Act
2003**

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 / we **Saman Haroon MEHMUD**

(full name(s) of premises licence holder)

being the premises licence holder, apply to vary a premises licence to specify
the individual named in this application as the premises supervisor under
section 37 of the Licensing Act 2003

Premises licence number **DY/51/1261**

Part 1 – Premises details

**Postal address of premises or, if none, Ordnance Survey map reference or
description**

Broadway Service Station,
154 South Road

Post town

Stourbridge,

Post code (if known)

DY8 3RW

Telephone number (if any)

Description of premises (please read guidance note 1)

Small grocery store/garage situated in a semi retail/ residential
area on a main road.

Part 2- Proposed supervisor details

Full name of proposed designated premises supervisor- Mr Rebar Salar

Nationality-

Place of Birth- ,

Date Of Birth

Mob:

Personal licence number of proposed designated premises supervisor and issuing authority of that licence (if any)
21/000058/LAPER - Sandwell M B C

Full name of existing designated premises supervisor (if any)
Piara Singh Virdee

Please tick yes

I would like this application to have immediate effect under section 38 of the Licensing Act 2003 (please read guidance note 2) ☒

I have enclosed the premises licence or relevant part of it ☐

(If you have not enclosed the premises licence, or relevant part of it, please give reasons why not)

Reasons why I have failed to enclose the premises licence or relevant part of it
The licence was not at the shop when the new owner took over. Only the Summary was available

Please tick yes

- I have made or enclosed payment of the fee ☒
- I will give a copy of this application to the chief officer of police (please read guidance note 3) ☐
(electronic app)
- I have enclosed the consent form completed by the proposed premises supervisor ☒
- I have enclosed the premises licence, or relevant part of it or explanation ☒
- I will notify the existing premises supervisor (if any) of this application (please read guidance note 4) ☒
- I understand that if I do not comply with the above requirements my application will be rejected ☒

It is an offence, under Section 158 of the Licensing Act 2003, to knowingly or recklessly 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. It is an offence under section 24B of the Immigration Act 1971 for a person to work when they know, or have reasonable cause to believe, that they are disqualified from doing so by reason of their immigration status. Those who employ an adult without a valid leave to enter or remain in the UK or an adult who is subject to conditions which would prevent that person from taking up employment will be liable to a civil penalty under Section 15 of the Immigration, Asylum and Nationality Act 2006 and, pursuant to section 21 of the same act, will be committing an offence where they do so in the knowledge, or with reasonable cause to believe, that the employee is disqualified by virtue of their immigration status.

Part 3 – Signatures (please read guidance note 5)

Signature of applicant or applicant's solicitor or other duly authorised agent (See guidance note 6). **If signing on behalf of the applicant please state in what capacity.**

Signature *T. Clarke*

.....

Date 17th April 2023

.....

Capacity Agent on behalf of the applicant

.....

For joint applicants signature of 2nd applicant, 2nd applicant's solicitor or other authorised agent (please read guidance note 7). **If signing on behalf of the applicant please state in what capacity.**

Signature

.....

Date

.....

Capacity

.....

Contact name (where not previously given) and postal address for correspondence associated with this application (please read guidance note 8)	
Tony Clarke, Licensing Consultant 540 Antrim Road,	
Post town Belfast	Post Code BT15 5GJ
Telephone number (if any) T: 07388 441720	
If you would prefer us to correspond with you by e-mail your e-mail address (optional) securelicenses@gmail.com	

Consent of individual to being specified as premises supervisor

I: *[name of prospective premises supervisor]* Mr Rebar Salar

[home address of prospective supervisor]

of:

hereby confirm that I give my consent to be specified as the designated premises supervisor in relation to the application for

Variation of Premises Licence under s37 of the Licensing Act 2003

[type of application]

by

[name of applicant]

Saman Haroon MEHMUD

relating to a premises licence

DY/51/1261

[number of existing licence, if any]

for

[name and address of premises to which the application relates]

Broadway Service Station, 154 South Road, Stourbridge, DY8 3RW

and any premises licence to be granted or varied in respect of this application made by

Saman Haroon MEHMUD

[name of applicant]

concerning the supply of alcohol at

Broadway Service Station, 154 South Road, Stourbridge, DY8 3RW

[name and address of premises to which application relates]

I also confirm that I am entitled to work in the United Kingdom and am applying for, intend to apply for or currently hold a personal licence, details of which I set out below.

Personal licence number

21/000009 / LAPER

[insert personal licence number, if any]

Personal licence issuing authority

Sandwell MBC

[insert name and address and telephone number of personal licence issuing authority, if any]

Signed



Name *(please print)*

Mr Rebar Salar

Date

17th April 2023

Sarah Palmer (Waste, Fleet and Licensing)

From:
Sent: 27 April 2023 14:17
To:
Cc:
Subject: [EXTERNAL EMAIL] Objections - Broadway Supermarket 154 South Road, Stourbridge DY8 3RW also known as Stourbridge Mini Market

CAUTION: This email originated from outside of the council. Do not click links or open attachments unless you are sure the content is safe.

West Midlands Police wish to object to the transfer of premises licence to Saman Haroon Mehmud and the variation of DPS to Rebar Salar at Broadway Service Station (also known as Stourbridge Mini Market), 154 South Road, Stourbridge, DY8 3RW (DY/51/1261), under the Prevention of Crime & Disorder and Protection of Children From Harm licensing objectives.

On 11 April 2023, Trading Standards Officers conducted a Test Purchase operation at this premises, which resulted in the sale of a disposable vape to two 16 year females. They had also received intelligence that the premises were selling oversized vapes. Following the test purchase, Trading Standards Officers entered the premises where there was an unknown male present, stacking shelves. Trading Standards Officers explained the underage sale. Illegal vapes were seen in a display cabinet on the shop counter, therefore Trading Standards explained that they would be carrying out an inspection of the premises using their powers under the Consumer Rights Act 2015. At this point the male stated that he was phoning the owner. Trading Standards began carrying out a search behind the counter for illegal vapes. As well as those vapes in the display cabinet, there were more under the counter and three boxes of vapes on the floor, which they proceeded to seize.

Rebar Salar, the proposed DPS, then entered the premises. He was obstructive and aggressive and refused to provide his details. Mr Salah told Trading Standards that they could not take the illegal vapes without providing the shop with a notice first and that this was what had happened at his shop in Smethwick. Trading Standards advised that they had the powers to seize the vapes and therefore that is what they intended to do.

Mr Salah telephoned Saman Mehmud, the proposed Premises Licence Holder, who when put onto speaker phone made threats to Trading Standards Officers. Mr Salah began filming Trading Standards Officers and stated that he would upload the video to social media. Trading Standards continued to seize the vapes at which point Mr Salah assaulted one of the Trading Standards Officers. This investigation is currently ongoing. Police Officers attended and the vapes were seized. The attached statement from Mark Beesley, Trading Standards Officer, provides a full account of the operation and subsequent incident.

On 18 April 2023, Trading Standards seized an illegal vape and a packet of counterfeit cigarettes from the premises. Following the seizure, Trading Standards 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 shop had been pulled down and locked to prevent entry via the door that the Officer used earlier.

On the basis of the above, West Midlands Police strongly object to both the transfer of premises licence and variation of DPS, as not only have Saman Meluh and Rebar Salar failed to uphold the Prevention of Crime & Disorder and Protection of Children From Harm licensing objectives, but are also currently under investigation by Trading Standards for the following offences of Trademarks Act 1994, Fraud Act 2006, Tobacco & Related Products Regulations 2016 and Standardised Packaging of Tobacco Regulations 2015. Mr Salar is also under investigation by West Midlands Police for Common Assault on 11 April 2023.

Sgt 1533 Andrews
Partnerships Sgt
Partnerships Team
Dudley NPU

*Brierley Hill Police Station
Bank Street
Brierley Hill
DY5 3DH*

PLEASE NOTE THAT I ONLY WORK WED, THUR & FRI

To report crime and anti-social behaviour which does not require an emergency response, please call 101. In an emergency, call 999.

Serving our communities, protecting them from harm'

Website: www.west-midlands.police.uk

Facebook: www.facebook.com/westmidlandspolice

This email is intended for the addressee only and may contain privileged or confidential information. If received in error, please notify the originator immediately. Any unauthorised use, disclosure, copying or alteration of this email is strictly forbidden. Views or opinions expressed in this email do not necessarily represent those of West Midlands Police. All West Midlands Police email activity is monitored for virus, racist, obscene, or otherwise inappropriate activity. No responsibility is accepted by West Midlands Police for any loss or damage arising in any way from the receipt or use of this email.

Sent: 25 May 2023 10:21

Subject: [EXTERNAL EMAIL] Additional Representations - Broadway Service Station, 154 South Rd, Stourbridge - Hearing 1st June 2023

CAUTION: This email originated from outside of the council. Do not click links or open attachments unless you are sure the content is safe.

Morning Kay,

West Midlands Police wish to add additional representations with regards to The Broadway Service Station, 154 South Road, ,Stourbridge.

Additional Information Re- Stourbridge Mini Market, 154 South Road, Norton DY8 3RW

On Tuesday 16th May 2023, Dudley MBC Trading Standards, assisted by Officers from West Midlands Police executed search warrants at the premises known as Stourbridge Mini Market, 154 South Road, Norton DY8 3RW. The warrants, granted by Dudley Magistrates Court related to the suspected storage and sale of illegal tobacco and disposable vapes from the retail premises. During the course of the search a large amount of counterfeit cigarettes and illegal oversized vapes were recovered from a motor vehicle and residential property, both of which were associated with the shop premises and the business operators. A criminal investigation has commenced against all parties connected with the business itself and the owners of the properties concerned

Kind Regards

Sgt Jon Andrews
Partnerships Sgt
Dudley Police
Bank Street
Brierley Hill
DY5 3DH

*To report crime and anti-social behaviour which does not require an emergency response, please call **101**. In an emergency, call **999**.*

Serving our communities, protecting them from harm'

Website: www.west-midlands.police.uk

Facebook: www.facebook.com/westmidlandspolice

This email is intended for the addressee only and may contain privileged or confidential information. If received in error, please notify the originator immediately. Any unauthorised use, disclosure, copying or alteration of this email is strictly forbidden. Views or opinions expressed in this email do not necessarily represent those of West Midlands Police. All West Midlands Police email activity is monitored for virus, racist, obscene, or otherwise inappropriate activity. No responsibility is accepted by West Midlands Police for any loss or damage arising in any way from the receipt or use of this email.

Gale Siviter (Waste, Fleet and Licensing)

From:
Sent: 22 June 2023 12:47
To:
Subject: [EXTERNAL EMAIL] Further Representations

CAUTION: This email originated from outside of the council. Do not click links or open attachments unless you are sure the content is safe.

At 1700 hours, Monday 19th June 2023 following a Trading Standards Visit to Broadway Service Station, 154 South Road, Stourbridge a male giving his details as Saman MEHMUD sold a can of 4% ABV Strongbow cider to a 15 year old child volunteer for £1.50

Kind Regards

Sgt Jon Andrews
Partnerships Sgt
Bank Street
Brierley Hill
Dudley

*To report crime and anti-social behaviour which does not require an emergency response, please call **101**. In an emergency, call **999**.*

Serving our communities, protecting them from harm'

Website: www.west-midlands.police.uk
Facebook: www.facebook.com/westmidlandspolice

This email is intended for the addressee only and may contain privileged or confidential information. If received in error, please notify the originator immediately. Any unauthorised use, disclosure, copying or alteration of this email is strictly forbidden. Views or opinions expressed in this email do not necessarily represent those of West Midlands Police. All West Midlands Police email activity is monitored for virus, racist, obscene, or otherwise inappropriate activity. No responsibility is accepted by West Midlands Police for any loss or damage arising in any way from the receipt or use of this email.

Meeting of the Licensing Sub-Committee 3 - 4th July, 2023

Report of the Interim Service Director of the Environment Directorate

Application for Renewal of Consent to Engage in Street Trading

Mr Muhammad Ikhlas – Build A Burga Ltd.

Purpose

1. To consider the application made by Muhammad Ikhlas (Build A Burga Ltd) for the renewal of a consent to engage in street trading in Dudley Town Centre.

Recommendation

2. That the Committee consider this application for the renewal of a consent to engage in street trading for the sale of Burgers in Stone Street Square, Dudley, following the receipt of representations.

Background

3. On the 23rd May 2022, an application was received by the Licensing Office from Mr Ikhlas for the grant of a consent to engage in street trading in Stone Street Square, Dudley, to sell Burgers, Fries and Canned Drinks. Monday to Sunday 12.00pm until 11.00pm.
4. This matter was considered by the Committee on the 2nd August 2022, When comments in respect of the application were received from Environmental Health and Trading Standards, Traffic Transportation and Engineering Services and Placemaking (Regeneration and Enterprise), the Committee resolved that a consent to engage in street trading in Dudley Town Centre be approved subject to the relevant Department to confirm in writing the precise location on which the applicant could trade at Stone Street Square, Dudley.

5. On the 20th March 2023 an application to renew the consent from the 2nd August 2023 was received by the Licensing office.
6. That application together with details of the proposed site and photograph of the trading vehicle were circulated to Committee Members and interested parties, and are attached as Appendix 1 to this report. Details of the application were also posted on the Council's Webpage.
7. Comments in respect of the application were received from 3 Ward Councillors, Corporate Landlord Services, Street Green Care and Amenity Services and Environmental Health and Trading Standards and are attached to this report as Appendix 2.

Finance

8. There are no financial implications.

Law

9. 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. To trade without such consent is an offence.
10. 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.
11. 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.
12. Where the consent allows the holder to trade from a cart, barrow, or other vehicle, then the consent must specify the location from which they may trade and the times between which or periods for which they may trade.
13. There is no right of appeal against the Council's decision to vary a condition upon which consent is issued, or refusal to grant or renew a street trader's consent.

Risk Management

14. There are no risk management implications.

Equality Impact

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

Human Resources/Organisational Development

17. There are no human resources/organisational development implications.

Commercial/Procurement

18. There are no commercial/procurement implications.

Council Priorities and projects

19. 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.



Interim Service Director of Environment Directorate

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

List of Background Documents

Current Street Trading Consent

Appendices

Appendix 1 - Application Form
Appendix 2 - Representations



DUDLEY METROPOLITAN BOROUGH COUNCIL

**LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1982****APPLICATION FOR CONSENT TO ENGAGE IN STREET TRADING**

The information that you provide will be processed in accordance with Data Protection legal requirements. To find out more about how we process your personal information please read the Licensing Privacy Notice. For further information on how the Council processes personal information, please see the [Council's full Privacy Notice](#).

The information will be held confidentially and will be retained for the purposes of processing your request. Further Data Protection information can be obtained from the Information Commissioners website at www.informationcommissioner.co.uk.

This Authority is required by law to protect the public funds it administers. It may share information provided to it with other bodies responsible for auditing or administering public funds in order to prevent and detect fraud.

**PLEASE COMPLETE THIS FORM ACCURATELY AND IN FULL.
TICKS/CROSSES/LINES THROUGH THE RELEVANT BOX WILL NOT BE ACCEPTED.
PLEASE NOTE THAT ANY OMISSION OR FALSE INFORMATION MAY MAKE YOU LIABLE TO PROSECUTION.**

I hereby make application to the Borough Council of Dudley for consent to engage in street trading in the manner hereunder stated. I enclose the appropriate fee of:-

£ 651 for the first or only site for which I have applied, and (if applicable)

£ 0 for each additional site for which I have applied

1.	Full name(s) & Title of applicants(s)	Muhammad Ikhlas
2.	Date of birth	
3.	Full-time occupation(s)	Director
4.	Full address(es) (in the case of a company address, the Registered office is required)	

5.	Telephone Number	
6.	Normal business address (if different)	
7.	Type of articles sold or intended to be sold	BURGERS CANS OF DRINK FRIES
8.	Address(es) of place(s) where articles are or will be stored prior to being sold. (In the case of ice cream, state where it will be made).	
9.	Address(es) of places where any vehicle(s) (including any motor vehicle) or any receptacle(s) (eg. news vendor's stand or shelter used or intended to be used for the sale of any article is/are or is/are to be kept when not so used).	
10.	Registration number, make and full description (including livery, height, width and length) of each motor vehicle used or intended to be used for the sale of any article.	WM 65 ZPZ MERCEDES BENZ SPRINTER VAN LONG WHEEL BASE 7m x 2m x 2m Fitted with full commercial kitchen. Fridge, Sink, Grill etc.
11.	Full description (including livery, width and length) of each vehicle (other than a motor vehicle) and/or each receptacle used or intended to be used for the sale of any article.	N/A
12.	Full name and address of the owner (if not the applicant) of each vehicle (other than a motor vehicle) or receptacle used or intended to be used for the sale of any article.	Applicant

13.	Full name(s) and address(es) of the legal owner(s) and (if different) registered owner(s) of each vehicle used or intended to be used for the sale of any article.	
14.	Is it the intention to use any vehicle to which this application applies for the purpose of the sale of any article in all streets in which the consent of the Council to engage in street trading is required at the date hereunder stated? Please answer yes or no	NO
15.	If the answer to question 14 is yes, Is it your normal trading practice or the normal trading practice of the company or firm on whose behalf you have made this application to move from place to place in or with a vehicle and sell articles from the vehicle at such places as it is halted? Please answer yes or no	N/A
16.	Exact situation and dimension of EACH site desired including name(s) of street(s) and position(s) or place(s) in street(s) where it is desired to trade. (A sketch map must be supplied for EACH site)	STONE STREET SQUARE DUDLEY DY1 1NJ Along the wall of the old glass house at the bottom by the bus stop.
17.	Days and times it is desired to trade.	MON - SUN 12pm - 11pm

18.	Are you, or is the company or firm on whose behalf you have made this application, trading on the site(s) applied for or, if the answer to question 14 is yes, in the manner described in that question? If the answer is no, please state where or how you or the company or firm concerned are at present trading.	We are currently trading at the site we are applying for. (Stone Street Square)
19.	Total number of persons to be employed in street trading under any consent granted by the Council in pursuance of this application and the full names and addresses of such persons.	
20.	What means are, or will be, adopted for dealing with litter arising during the course of trading and for the collection and disposal of such litter.	A Bin will remain outside the Van for customers litter. Workers will also regularly check the nearby area for litter and dispose.
21.	State any facts, which you wish to be brought to the attention of the Council in support of this application.	We have traded from this location since starting the business. Our custom is built up around this area and people travel to come to us. We've had positive feed back and we're growing rapidly.

DATED this 20th day of March (month) 2023 (year)

Signed 

For and on behalf of

BUILD A BURGA LTD



Gale Siviter (Waste, Fleet and Licensing)

From: Mark Bieganski (Corporate Landlord Services)
Sent: 20 April 2023 08:01
To: Gale Siviter (Waste, Fleet and Licensing)
Cc:
Subject: RE: Application to renew Consent to Engage in Street Trading - Build A Burga [OFFICIAL-SENSITIVE PERSONAL]
Sensitivity: Confidential

Hi Gale,

As the landowner We understand this area is not designated public highway and is owned and maintained by the council as public space.

As Landowner we would object to this continuing presence of the burger van and the proposed renewal of a licence to trade in this location- kindly note we would have objected to it being granted in the first instance had we been aware of the proposal at that stage – the reasons being set out below:-

I recently became aware of at least 3 grease spillages into the squares drains the only source of which has got to be the burger van as the evidence on the ground is in close proximity to where the van is placed. Such spillages into the public drains network will end up with the council as landowner having to clear this up at its expense. I have no idea the reason or cause for such spillage or the specific dates they may have occurred or what attempt may have been made to clean up after by the licence holder.

Furthermore the council as landowner of the glasshouse has recently agreed terms to relet the former glasshouse restaurant for use as a good quality restaurant which is opening shortly and having the presence of such a burger van going forward is not in the council's best overall interest as landowner of both the square and the buildings fronting the square. We appreciate this may be seen to be a different offer to the restaurant but its presence is to the detriment of the restaurant position and will impact its trading offer

In addition the council is in detailed discussions in respect of the redevelopment of the businesses around the square anticipated to commence in the very near future, amounting to a proposed £1m investment. The presence of the burger van in this location is not welcomed as it will not be in keeping with the degree of investment and the future uses of the square and similarly to the glasshouse will impact on the proposed uses for the remaining council buildings fronting this square.

Regards,

Mark Bieganski
 Strategy and Governance Section Manager

Gale Siviter (Waste, Fleet and Licensing)

From: Cllr. Wayne Sullivan
Sent: 20 April 2023 10:40
To: Gale Siviter (Waste, Fleet and Licensing)
Cc: Cllr. Sara Bothul
Subject: Re: Application to Renew Consent to Engage in Street Trading - Build A Burga

Hi Gale

I have had a look at this application for street trading on Stone Street Square. With the new Glass House Restaurant opening anytime now, along with the new projects for that area i would like for us to help find an alternative location for the burger van business. Which would help the new Restaurant get on it feet and established, as the restaurant will create much needed jobs and I think more beneficial to that area.
So unfortunately I can not support the application.

Kind Regards

Cllr Wayne Sullivan
St James Ward

Gale Siviter (Waste, Fleet and Licensing)

From: Cllr. Sara Bothul
Sent: 20 April 2023 11:15
To: Gale Siviter (Waste, Fleet and Licensing)
Subject: Re: Application to Renew Consent to Engage in Street Trading - Build A Burga

Good morning Gale,

Hope you're well, we have the glasshouse reopening soon. And there is some other projects coming in that area. If we could try to find an alternative location for burger van. So unfortunately I will not support this application.

Kind regards

Cllr Sara Bothul

Sent from my iPhone

Gale Siviter (Waste, Fleet and Licensing)

From: Cllr. Cathryn Bayton
Sent: 16 May 2023 10:00
To: Gale Siviter (Waste, Fleet and Licensing)
Subject: Re: Application to Renew Consent to Engage in Street Trading - Build A Burga

Hi Gale

I'd obviously missed this so apologies.

I would object to the license for Stone Street Square (other areas could be considered).

The square is being encouraged to become an entertainment quarter and currently with Brookes Bar and Bistro and the Reopening of The Glasshouse I would suggest a takeaway burger bar is not currently required or in keeping with the area. I understand there have been issues with delivery drivers driving into the square to pick up online orders and with the increased footfall we hope to have this is not safe, not is the square intended for regular vehicular use.

Bw
Cathy
Sent from [Outlook for Android](#)

Gale Siviter (Waste, Fleet and Licensing)

From: Alan Radford (Street, Green Care and Amenity Services)
Sent: 25 April 2023 09:10
To: Gale Siviter (Waste, Fleet and Licensing)
Cc:
Subject: RE: Application to renew Consent to Engage in Street Trading - Build A Burga
[OFFICIAL-SENSITIVE PERSONAL]

Sensitivity: Confidential

Morning Gale,

Looking at the plan provided, the unit appears to be clear of the public highway.

As such, from a Street Maintenance perspective we would have no issues with the application other than to comment on site access. Access from Priory Street sits between a pedestrian crossing and a bus shelter, and I would have concerns with regards vehicle/trailer movement at this particular point.

Access via Stone Street would be preferable.

Cheers

Alan

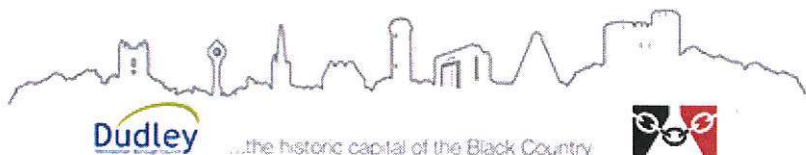
Regards,

Alan Radford
Maintenance Manager



For further information visit
www.electoralcommission.org.uk/voterid

Street, Green Care & Amenity Services - Street Maintenance
Public Realm
Dudley Council
Lister Road Depot, Dudley, DY2 8JW
01384 814458
www.dudley.gov.uk



Gale Siviter (Waste, Fleet and Licensing)

From: Charley Vaughan (Environmental Health and Trading Standards) on behalf of EnvSafetyHealth DUE
Sent: 19 April 2023 20:30
To:

Cc:
Subject: RE: Application to renew Consent to Engage in Street Trading - Build A Burga [OFFICIAL-SENSITIVE PERSONAL]
Sensitivity: Confidential

Good afternoon,

This application seeks to renew an existing street trader agreement. It is understood that the trader has been operating in this location, on a regular basis, for several months. Computer records held by ESH do not show no history of any complaints regarding emissions, such as noise and/or odour, from the trader the trader.

In addition to the above, Environmental Safety and Health are aware that a licence application has been received for the pub situated behind the site and it is understood that there are new owners/occupiers who intend to reopen the premises fairly imminently. The attached site plan is a little unclear but the street trading location does appear to be located directly at the front of the public house and, whilst outside of the remit of ESH, it would seem logical to ensure that adequate space is provided for both business to operate without any adverse impact upon each other.

On the basis of the above the Environmental Safety and Health have no adverse comments to make with regards to the application but have referred it to our Food Safety Team who may wish to make further comment.

Many thanks,

Regards,

Charley Vaughan
Principal Environmental Health Officer



For further information visit
www.electoralcommission.org.uk/voterid