

**Meeting of the Licensing Sub-Committee 1**

**Tuesday 2<sup>nd</sup> August, 2022 at 10.00am**

**In the Council Chamber at the Council House, Priory Road, Dudley**

**Agenda - Public Session**

**(Meeting open to the public and press)**

1. Apologies for absence.
2. To report the appointment of any substitute Members for this meeting of the Sub-Committee.
3. To receive any declarations of interest under the Members' Code of Conduct.

***The following applications are to be considered under the provisions of the Gambling Act 2005:-***

4. Application for a Licensed Premises Gaming Machine Permit – The Cross Inn, High Street, Kingswinford. (Pages 1 - 6)
5. Application for a Licensed Premises Gaming Machine Permit – The Red Lion, Bull Ring, Dudley (Pages 7 - 12)

***The following application are to be considered under the provisions of the Local Government (Miscellaneous Provisions) Act 1982:-***

6. Application for Grant of Consent to Engage in Street Trading – Fresh Donuts, Dudley Town Centre (Pages 13 - 15)
7. Application for Grant of Consent to Engage in Street Trading – Build a Burga Ltd (Pages 16 - 18)



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: 25<sup>th</sup> July, 2022**

**Distribution:**

**Members of the Licensing Sub-Committee 1**

Councillor J Clinton (Chair)

Councillors J Cowell and P Miller

**Please note the following concerning meetings at Dudley Council House:**

In view of ongoing Health and Safety requirements in the work place, you are asked to note the following information when attending meetings:-

- Windows/doors will be opened to provide adequate ventilation.
- Sanitise your hands when arriving and leaving the building and wash your hands regularly.
- Hand sanitiser and antibacterial wipes are available at various locations.
- All persons entering or working in the Council House are encouraged to wear face masks in communal areas and when moving around the building. Surgical masks are available at reception.
- Do not attend if you feel unwell; if you have tested positive for Covid-19; if you are self-isolating or if you suspect that you are symptomatic.
- All people are encouraged to be vaccinated to limit any potential ill-health effects.



- Be respectful of everyone's personal space and preferences when you attend meetings.
- If you cannot maintain distancing or in a crowded environment, please wear a mask.

### **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 Council House 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 in the Council House.
- 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)

## **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.

**Meeting of the Licensing Sub-Committee 1 – 2<sup>nd</sup> August 2022**

**Report of the Interim Director of Public Realm**

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

**The Cross Inn, High Street, Kingswinford, DY6 8AA.**

**Purpose**

1. To consider the application for the grant of a Licensed Premises Gaming Machine permit for 4 category C machines, in respect of the premises known as The Cross Inn, High Street, Kingswinford.

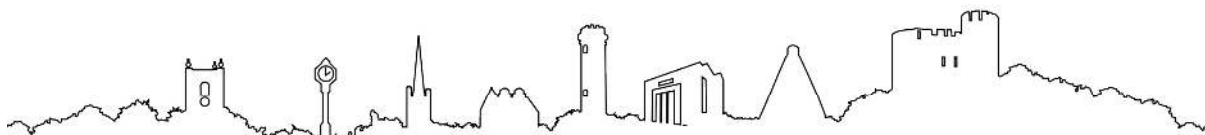
**Recommendation**

2. That the Committee determine the application for the grant of a permit for 4 category C machines in respect of the premises known as The Cross Inn.

**Background**

3. The Cross Inn, holds a current premises licence for the following: -

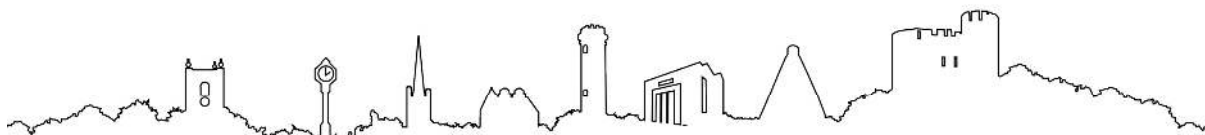
<b>I: Late Night Refreshment</b>	<b>Friday &amp; Saturday</b>	<b>23:00</b>	<b>01:00</b>
	<b>Sunday to Thursday</b>	<b>23:00</b>	<b>00:00</b>
	<b>An additional hour on Christmas Eve/Boxing Day/Maundy</b>		



<b>J: Supply of Alcohol</b>	<b>Thursday/Sundays preceding Bank Holiday Mondays/New Year's Eve</b>		
	<b>Friday &amp; Saturday</b>	<b>09:00</b>	<b>01:00</b>
	<b>Sunday to Thursday</b>	<b>09:00</b>	<b>00:00</b>
	<b>An additional hour on Christmas Eve/Boxing Day/Maundy Thursday/Sundays preceding Bank Holiday Mondays/New Year's Eve</b>		

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

- If authorisation is sought for more than two category C or D machines the applicant will be required to attend a hearing to support the application. All plans submitted with applications for premises licences must set out the siting of each category C or D machine.
- Parliament has placed no restrictions on the age at which category D machines may be played (other than those in amusements arcades). It is, therefore, a matter for the discretion of the premises licence holder and any adults accompanying the children concerned whether they are entitled to play such machines. In the case of premises used exclusively or primarily for the consumption of alcohol, all children under the age of 16 will only be permitted entry to the premises if accompanied by adults. All such machines must be sited in accordance with the Gaming Act.
- There is unlikely to be the need for a hearing where the application is for renewal of the existing permit for more than two machines or where the application is for the grant of a Licensed Premises Gaming Machine Permit at premises which already have an existing permit for more than two machines, and where that number is not increased.





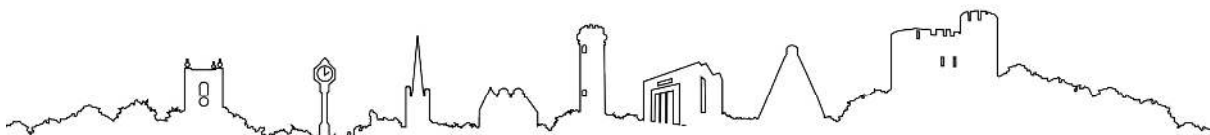
5. On 10<sup>th</sup> June 2022, JD Wetherspoon PLC made application for the grant of a licensed premises Gaming Machine Permit for 4 category C machines. The application together with the site plan identifying the position of all 4 machines has been forwarded to Committee Members and Interested Parties.
6. The current licence holder of the premises licence is JD Wetherspoon PLC, the premises currently hold a permit for 3 category C machines.

### **Finance**

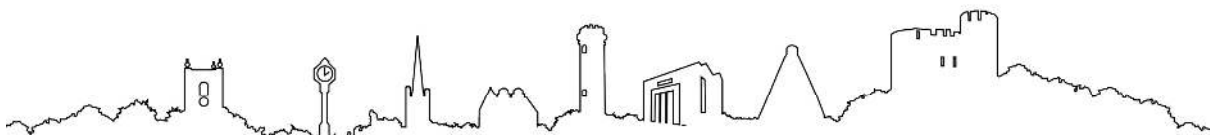
7. There are no financial implications.

### **Law**

8. Pursuant to part 12, section 283 of the Gambling Act 2005 the Council can grant a licensed premises gaming machine permits.
9. Pursuant to schedule 13 4(2) on considering an application for a permit the Licensing Authority shall:-
  - (a) grant an application
  - (b) refuse the application, or
  - (c) grant it in respect of:-
    - (i) a smaller number of machines than that specified in the application
    - (ii) a different category of machines from that specified in the application, or
    - (iii) both
10. Pursuant to schedule 13, 5
  - (1) A Licensing Authority may not attach conditions to a permit



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



14. In pursuance of schedule 13 21 (1) the applicant for a holder of a permit may appeal to the Magistrates Court if the Licensing Authority:-
- (a) reject an application for a permit
  - (b) grant an application for a permit in respect of a smaller number of machines than that specified in the application or a different category of machines from that specified in the application.

### **Risk Management**

15. There are no risk management implications.

### **Equality Impact**

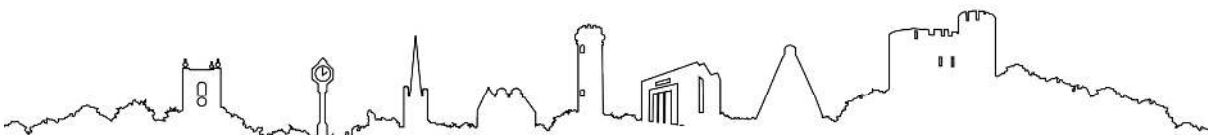
16. This report takes into account the Council's policy on equal opportunities.
17. The licensing of premises and individuals will impact on children and young people through their attendance at licensed premises.
18. There has been no consultation or involvement of children and young people in developing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

### **Human Resources/Organisational Development**

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

### **Commercial/Procurement**

20. There are no commercial/procurement implications.



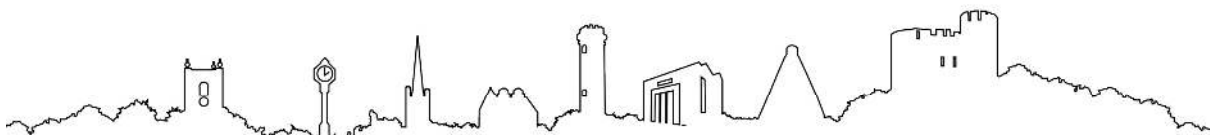
## **Council Priorities and Projects**

21. 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.



**Andy Vaughan**  
**Interim Director of Public Realm**

Report Author: Mr S Smith  
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**Meeting of the Licensing Sub-Committee 1 – 2<sup>nd</sup> August 2022**

**Report of the Interim Director of Public Realm**

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

**The Red Lion, Bull Ring, Dudley, DY3 1RU**

**Purpose**

1. To consider the application for the grant of a Licensed Premises Gaming Machine permit for 3 category C machines in respect of the premises known as The Red Lion, Bull Ring, Dudley.

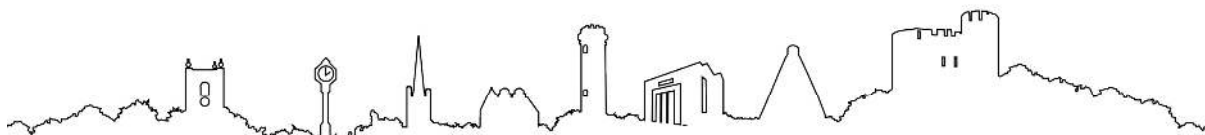
**Recommendation**

2. That the Committee determine the application for the grant of a permit for 3 category C machines.

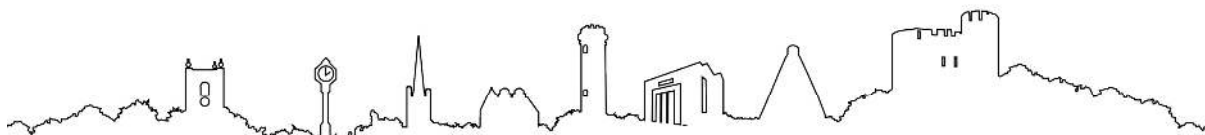
**Background**

3. The Red Lion holds a current premises licence for the following: -

<b>E: Live Music</b>	<b>Monday to Thursday</b>	<b>10:00</b>	<b>23:00</b>
<b>E: Live Music</b>	<b>Friday &amp; Saturday</b>	<b>10:00</b>	<b>00:00</b>
<b>E: Live Music</b>	<b>Sunday</b>	<b>12:00</b>	<b>15:00</b>
<b>E: Live Music</b>	<b>Sunday</b>	<b>19:00</b>	<b>22:30</b>



<b>F: Recorded Music</b>	<b>Monday to Thursday</b>	<b>10:00</b>	<b>23:00</b>
<b>F: Recorded Music</b>	<b>Friday &amp; Saturday</b>	<b>10:00</b>	<b>00:00</b>
<b>F: Recorded Music</b>	<b>Sunday</b>	<b>12:00</b>	<b>15:00</b>
<b>F: Recorded Music</b>	<b>Sunday</b>	<b>19:00</b>	<b>22:30</b>
<b>G: Performance of Dance</b>	<b>Monday to Thursday</b>	<b>10:00</b>	<b>23:00</b>
<b>G: Performance of Dance</b>	<b>Friday &amp; Saturday</b>	<b>10:00</b>	<b>00:00</b>
<b>G: Performance of Dance</b>	<b>Sunday</b>	<b>12:00</b>	<b>15:00</b>
<b>G: Performance of Dance</b>	<b>Sunday</b>	<b>19:00</b>	<b>23:00</b>
<b>I: Late Night Refreshment</b>	<b>Monday to Sunday</b>	<b>23:00</b>	<b>03:00</b>
<b>J: Supply of Alcohol</b>	<b>Monday to Saturday</b>	<b>10:00</b>	<b>03:00</b>
<b>J: Supply of Alcohol</b>	<b>Sunday</b>	<b>12:00</b>	<b>03:00</b>
<b>J: Supply of Alcohol</b>	<b>New Years Eve 36 hours.</b> <b>An additional hour to the standard and non-standard times on the day</b>		



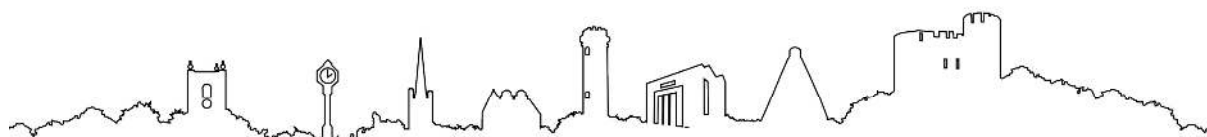
	<b>when British Summertime commences.</b>		
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4. The Local Authority licensing policy states as follows:-

- If authorisation is sought for more than two category C or D machines the applicant will be required to attend a hearing to support the application. All plans submitted with applications for premises licences must set out the siting of each category C or D machine.
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- There is unlikely to be the need for a hearing where the application is for renewal of the existing permit for more than two machines or where the application is for the grant of a Licensed Premises Gaming Machine Permit at premises which already have an existing permit for more than two machines, and where that number is not increased.

5. On 20<sup>th</sup> June 2022, The Craft Union Pub Company Ltd made application for the grant of a licensed premises Gaming Machine Permit for 3 category C machines. The application together with the site plan identifying the position of all 3 machines has been forwarded to Committee Members and Interested Parties.

6. The current licence holder of the premises licence is The Craft Union Pub Company Ltd, the premises currently hold a notification for up to 2 category C machines.

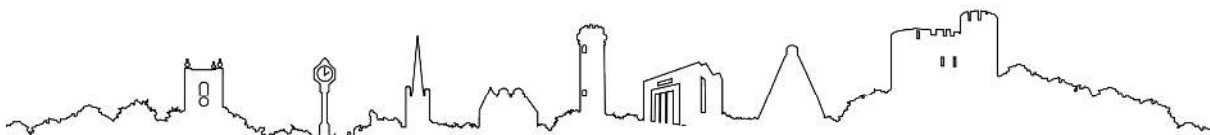


## **Finance**

7. There are no financial implications.

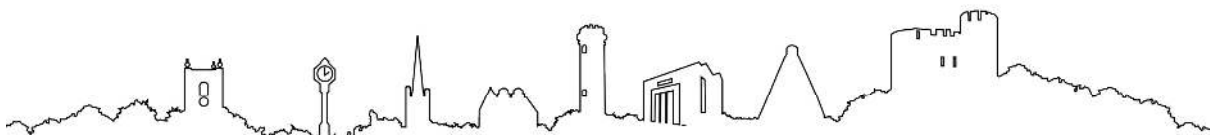
## **Law**

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  - (b) refuse the application, or
  - (c) grant it in respect of:-
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    - (ii) a different category of machines from that specified in the application, or
    - (iii) both
10. Pursuant to schedule 13, 5
- (1) A Licensing Authority may not attach conditions to a permit
  - (2) As soon as is reasonably practicable after granting an application a Licensing Authority shall issue a permit to the applicant.
11. Pursuant to schedule 13, 5(3) as soon as it reasonably practicable after refusing an application a Licensing Authority shall notify the applicant of:-
- (a) the refusal, and
  - (b) the reasons for it





12. In pursuance of schedule 13 6 (2) a Licensing Authority may not refuse an application, or grant an application in respect of a different category or smaller number of gaming than that specified in the application, unless they have
- (a) notified the applicant of their intention to refuse or grant the application in respect of
    - (i) a smaller number of machines than that specified in the application
    - (ii) a different category of machines than that specified in the application or
    - (iii) both, and
  - (b) given the applicant an opportunity to make representations
13. In pursuance of schedule 13 6 (3) a Licensing Authority can satisfy the opportunity to make representations by giving the applicant an opportunity to make:-
- (a) oral representations
  - (b) written representations, or
  - (c) both
14. In pursuance of schedule 13 21 (1) the applicant for a holder of a permit may appeal to the Magistrates Court if the Licensing Authority:-
- (a) reject an application for a permit
  - (b) grant an application for a permit in respect of a smaller number of machines than that specified in the application or a different category of machines from
  - (c) that specified in the application.



## **Risk Management**

15. There are no risk management implications.

## **Equality Impact**

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

## **Human Resources/Organisational Development**

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

## **Commercial/Procurement**

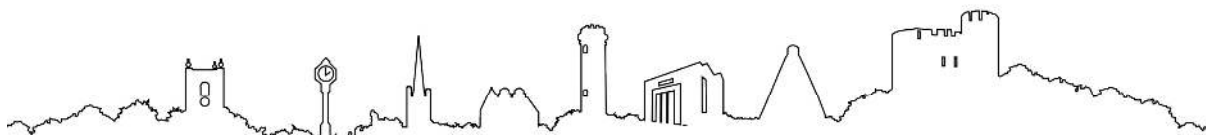
20. There are no commercial/procurement implications.

## **Council Priorities and Projects**

21. 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.

**Andy Vaughan**  
**Interim Director of Public Realm**

Report Author: Mr S Smith  
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**Meeting of the Licensing Sub-Committee - 2<sup>nd</sup> August 2022**

**Report of the Interim Director of Public Realm**

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

**Nicola and Peter Westwood – (Fresh Donuts) DudleyTown Centre.**

**Purpose**

1. To consider the application made by Nicola and Peter Westwood for the grant of a consent to engage in street trading in Dudley Town Centre.

**Recommendation**

2. That the Committee consider this application for the grant of a consent to engage in street trading for the sale of Fresh Donuts in Castle Street, Dudley.

**Background**

3. On the 23<sup>rd</sup> May 2022, an application was received by the Licensing Office from Nicola and Peter Westwood for the grant of a consent to engage in street trading in Castle Street, Dudley to sell Fresh Donuts, Sauce Pots, Hot and Cold Drinks, Monday to Saturday 7.00 am until 5.00 pm.
4. That application together with details of the proposed site and photograph of the trading vehicle have been circulated to Committee Members and interested parties, details of the application have also been posted on the Council Web Site.
5. No objections in respect of the application have been received.

## **Finance**

6. There are no financial implications.

## **Law**

7. 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.
8. 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.
9. 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.
10. 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.
11. 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**

12. There are no risk management implications.

## **Equality Impact**

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



## **Human Resources/Organisational Development**

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

## **Commercial/Procurement**

16. There are no commercial/procurement implications.

## **Council Priorities and projects**

17. 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.



**Andy Vaughan**  
**Interim Director of Public Realm**

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**Meeting of the Licensing Sub-Committee 1 - 2<sup>nd</sup> August 2022**

**Report of the Interim Director of Public Realm**

**Application for Grant 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 grant of a consent to engage in street trading in Dudley Town Centre.

**Recommendation**

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

**Background**

3. On the 23<sup>rd</sup> 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. That application together with details of the proposed site and photograph of the trading vehicle have been circulated to Committee Members and interested parties, details of the application have also been posted on the Council Web Site.
5. Comments in respect of the application have been received from Environmental Health and Trading Standards, Traffic Transportation and Engineering Services and Placemaking (Regeneration and Enterprise).

## **Finance**

6. There are no financial implications.

## **Law**

7. 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.
8. 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.
9. 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.
10. 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.
11. 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**

12. There are no risk management implications.

## **Equality Impact**

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

## **Human Resources/Organisational Development**

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

## **Commercial/Procurement**

16. There are no commercial/procurement implications.

## **Council Priorities and projects**

17. 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.



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