

**Kay Dewinski (Waste, Fleet and Licensing)**

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**From:** Charley Vaughan (Environmental Health and Trading Standards)  
**Sent:** 25 September 2023 19:22  
**To:** Liquor Licensing  
**Cc:** dy licensing  
**Subject:** TEN Application for Cocktails & Dreams, 19 Bilston Street, Sedgley DY3 1JA

Good afternoon,

I write with reference to the application for a TEN, submitted by Carl Bates, to extend the hours permitted for the sale of alcohol, late night refreshment and music until 0030 hours, at the premises Cocktails and Dreams, 19 Bilston Street, DY3 1JA, from 27-29 October 2023.

Carl Bates first held an event at 19 Bilston Street on a TEN granted in April 2022. The TEN permitted licencable activities until 0200 hours on 11 April 2022, but following the event several complaints were received by Environmental Health from residents in the area reporting disturbance from music and person generated noise throughout the early hours of the morning. Video footage from residents and CCTV in the local area evidenced noise from music and people leaving the premises until around 0430/0500 hours. A second TEN, which had been granted prior to the first event taking place, gave rise to further complaint from nearby residents about noise disturbance from people exiting the premises via the rear gate, despite Carl Bates agreeing with Environmental Health that he would not permit access or egress via the rear gate. Again this was supported by video footage showing people leaving via the rear gate at around 2200 hours on 21 April 2022. The TEN in place permitted licencable activities until 2100 hours.

Following these TENs there was a significant amount of engagement with Carl Bates by Environmental Health and West Midlands Police but, despite the advice given the Mr Bates to put in an application for a new premises licence he opted, in May 2022, to pay several years of backdated fees to resurrect an old restaurant licence that had previously been in place at the address. Several promises by Mr Bates to seek a variation of this licence, which was not suitable for a late night drinking establishment, did not come to fruition and as a result of repeated complaints about disturbance from music and person generated noise, which were supported by photographs, audio recordings, videos and diary log sheets, Environmental Health called for a review. The premises licence review was heard by the Licensing Committee on 11 October 2022. The Committee were minded to reduce the hours for licencable activities until 2300 hours, as proposed by Environmental Health, and applied to the licence a number of conditions recommended by both Environmental Health and West Midlands Police. The Committee also opted to remove the DPS, who was not Carl Bates at the time but another who was admittedly not involved in the day to day running of the premises, and suspended the premises licence for a period of 3 months to allow Mr Bates to appoint a new DPS and take steps to comply with the licence conditions imposed.

Following this review of licence Environmental Health are aware that West Midlands Police successfully took a case against Carl Bates for posting an advert on an online escort site with the telephone number and address of a nearby resident who he believed to have been the person who made complaints about the premises. Whilst it may fall a little outside the remit of Environmental Health to comment upon, it is clearly concerning to see this behaviour from someone who is responsible a premises undertaking licencable activities. Following this, not surprisingly, Environmental Health stopped receiving complaints about noise for quite some time. There are sadly a number barriers to people making complaints to Environmental Health, the Police etc. and fear or retribution is a common one. Following an incident like this it is not at all surprising to see residents cease raising any concerns/complaints with the authorities.



However, it is understood that further complaints were later received by West Midlands Police in relation to the admission of children and underage drinking at the premises. As a result WMP called for a further review of licence in May 2023, at which the Committee voted to revoke the premises licence held by Carl Bates. Environmental Health understand that Carl Bates has appealed the decision made by Committee and can continue to operate until such time that the appeal is heard in the magistrates court.

In May 2023 Environmental Health received a complaint about loud music from a transit van seen to be parked opposite Cocktails and Dreams and suspected to be related to the premises as they reported seeing both staff and customers crossing Bilston Street to go to the van. The person also reported seeing a lot of people and tables and chairs at the front of the premises. In video footage provided a table can be seen with at least one chair and what looks to be a person sat in another chair, placed at the front of Cocktails and Dreams. Carl Bates has been advised on a number of occasions that a street pavement licence is required to put furniture, including tables and chairs, at the front of the premises and this matter was specifically discussed during the review of licence held on 11 October 2022. Despite this, the premises has never applied for a street pavement licence and instead Carl Bates has opted to wholly disregard for the law and the advice given to him by the authorities.

Further to this, in August 2023, Environmental Health received a complaint about noise from loud music at the premises and has recently received information reporting further instances of noise disturbance. The matter is currently under investigation and the complaint has not yet been substantiated. However, despite a significant amount of advice and numerous interventions from both Environmental Health and the Police in the past, Carl Bates has repeatedly failed to uphold the licensing objectives, repeatedly failed to comply with licensing conditions and shown at times a blatant disregard for the law. The Licensing Committee have previously determined that the premises licence should be revoked and there is no confidence in Mr Bates' ability to uphold the licensing objectives.

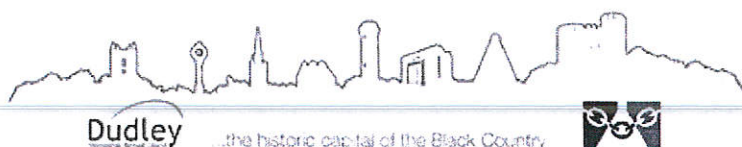
On the basis of the above Environmental Safety and Health have significant concerns that the objective to prevent public nuisance will not be upheld and therefore must object to the granting of the TEN.

Regards,

**Charley Vaughan**

Principal Environmental Health Officer

Environmental Health & Trading Standards - Food Team  
Health & Wellbeing  
Dudley Council  
3-5 St James's Road, Dudley, DY1 1HZ  
01384 817060  
[www.dudley.gov.uk](http://www.dudley.gov.uk)





Brierley Hill Police Station  
Bank Street  
Brierley Hill  
DY5 3DH

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

Date: 26 September 2023

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

### **OBJECTION NOTICE**

**Cocktails & Dreams, 19 Bilston St, Sedgley, DY3 1JA (Licence No DY/51/1410)**

West Midlands Police are objecting to the Temporary Event Notice application for a Halloween Weekend Event at Cocktails & Dreams, 19 Bilston St, Sedgley from 27 to 29 October 2023 for the Supply of Alcohol; Late Night Refreshment and Recorded Music, under the Prevention of Crime & Disorder and Protection of Children From Harm licensing objectives.

This premises licence is currently operating under appeal, having been revoked by the Licensing Sub-Committee on 1 June 2023. The grounds for revocation related to breaches of conditions of premises licence which constitute criminal offences; and the Premises Licence Holders failure to uphold the Protection of Children From Harm as required by the Licensing Act 2003.

Cocktails & Dreams were also before the Licensing Committee on 11 October 2022, following a review of premises licence which was called for by Environmental Health and supported by West Midlands Police; whereby 25 conditions were added to the premises licence. At the review hearing on 1 June 2023, the Sub-Committee did not feel that Mr Bates, the Premises Licence Holder, had complied with the majority of those conditions.

At the review hearing on 1 June 2023, the Sub-Committee were concerned that the Premises Licence Holder had no regard for his opening hours, that under 18's were not properly accompanied by adults and that under 18's were on the premises after 2100hrs. On the balance of probabilities, the evidence presented to the Committee also appeared to show under 18's served with alcohol which they went on to consume.

Furthermore, a recent compliance visit was carried out at Cocktails & Dreams on 7<sup>th</sup> September 2023. The condition of licence relating to CCTV recording for 28 days was still not being complied with. Mr Bates advised the Licensing Enforcement Officers carrying out the visit that one of his CCTV cameras had failed to record for the required timescale due to a power cut on Bilston Street on 21 August 2023. (Mr Bates had made an entry to this effect in his CCTV book) Enquiries have been made with National Grid and they have confirmed that a power cut did not occur on 21 August 2023 and that the last power cut on Bilston Street occurred on 16 June 2023, and this was registered at 19a Bilston Street. **(copy of web chat with National Grid attached)**



West Midlands Police have also been sighted on a Facebook post whereby Cocktails & Dreams are advertising 'Reggae Remixes & Dancehall' Friday 22<sup>nd</sup> Sept which is then backed up by a video of what appears to be a DJ inside a DJ Booth that weekend. There is a condition (R) on this Licence that states that **'The Premises will not host at any time any performance by a DJ, including a DJ mixing tracks and the use of a DJ to play recorded music'**. (still picture of DJ inside DJ booth attached)

West Midlands Police' position has not changed since the Committee hearing on 1 June 2023. We have no confidence that the Mr Bates, the Premises Licence Holder, can or will uphold the licensing objectives, if this TEN were granted.

However, should the Committee be minded to grant this temporary event notice, then we request that all of the Licensing Conditions currently on the Cocktails & Dreams Premise Licence, be transferred onto it.

Kind regards

Sgt 1533 Andrews  
Partnerships Sgt  
Dudley Police LPA

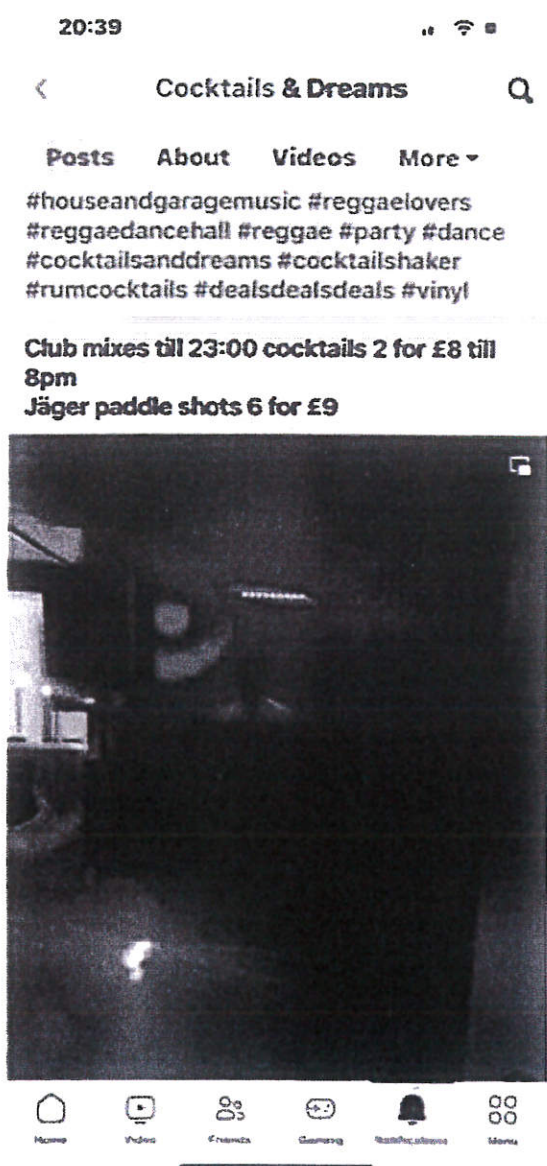


Katie Turley

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**From:** Katie Turley  
**Sent:** 26 September 2023 14:03  
**To:** dy licensing  
**Subject:** FW: [External]:

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