



## **Licensing Sub-Committee 3**

**Tuesday 17<sup>th</sup> February, 2015 at 10.00am  
in the Council Chamber at the Council House, Priory Road, Dudley**

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

1. Apologies for absence.
2. To report the appointment of any substitute Members for this meeting of the Sub-Committee.
3. To receive any declarations of interest under the Members' Code of Conduct.
4. To confirm and sign the minutes of the meeting held on 13<sup>th</sup> January, 2015 as a correct record.
5. Application for a Premises Licence – Quarry Bank Liberal Club, 153 High Street, Quarry Bank, Brierley Hill
6. To consider any questions from Members to the Chair where two clear days notice has been given to the Director of Corporate Resources (Council Procedure Rule 11.8).

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

**Strategic Director (Resources and Transformation)**

**Dated: 5<sup>th</sup> February, 2015**

#### **Distribution:**

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

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- Elected Members can submit apologies by contacting the officer named below. The appointment of any Substitute Member(s) should be notified to Democratic Services at least one hour before the meeting starts.
- The Democratic Services contact officer for this meeting is Karen Taylor, Telephone 01384 818116 or E-mail [karen.taylor@dudley.gov.uk](mailto:karen.taylor@dudley.gov.uk)

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

**Tuesday 13<sup>th</sup> January, 2015 at 10.00 am**  
**in the Council Chamber, The Council House, Dudley**

#### **Present:-**

Councillor J Cowell (Chair)  
Councillors K Finch and A Taylor

#### **Officers:-**

R Clark (Legal Advisor), L Rouse (Licensing Clerk) and K Griffiths (Democratic Services Officer) – All Directorate of Corporate Resources.

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24      **Apology for Absence**

An apology for absence from the meeting was received on behalf of Councillor E Taylor.

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25      **Appointment of Substitute Member**

It was reported that Councillor K Finch had been appointed as a substitute Member for Councillor E Taylor for this meeting of the Sub-Committee only.

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26      **Declarations of Interest**

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

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27      **Minutes**

Resolved

That the minutes of the meeting of the Sub-Committee held on 16<sup>th</sup> October, 2014, be approved as a correct record and signed.

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**Application for a Premises Licence – Valhalla Club, Unit 2, 100 Dock Lane, Dudley**

A report of the Director of Corporate Resources was submitted on an application for a premises licence in respect of Valhalla Club, Unit 2, 100 Dock Lane, Dudley.

Mr C Thomason, proposed Designated Premises Supervisor was in attendance at the meeting.

Also in attendance were Councillor M Roberts, observing and a representative from the local press.

Following introductions, Members raised concern that the applicant was not in attendance at the meeting. In responding to questions from Members, Mr Thomason confirmed that he was the partner of the applicant and that she had been unable to attend the meeting due to work commitments. He stated that he had contacted the Licensing Office on 12<sup>th</sup> January, 2015 at 10.00am to inform them of the position. Mrs Rouse indicated that she had been out of the office on that day and had not received Mr Thomason's message. Mr Thomason confirmed that his partner was aware that he was in attendance at the meeting and had authorised him to represent her.

The Sub-Committee, still not confident in proceeding in the absence of the applicant, requested that Mrs Rouse contact the applicant, at work, to confirm the position regarding Mr Thomason's attendance. Mr Thomason indicated that he and his partner had been managing the business together for 7 years, however, due to him recovering from a recent heart attack, his partner had taken on further responsibilities.

The parties then withdrew from the meeting in order for Mrs Rouse to make a telephone call to the applicant. It was noted that Mrs Rouse had been unable to contact the applicant as the telephone number given had been going through to voice mail.

The Sub-Committee invited the parties to return. The Sub-Committee, having considered the information given decided to proceed in the absence of the applicant.

The Licensing Clerk presented the report on behalf of the Council. It was noted that a petition containing 71 signatories had been received objecting to the application. It was also noted that a representation in support of the application had been received.

Mr Thomason then presented his case and in doing so, indicated that he had been involved in managing various club and pub establishments in Birmingham for fifteen years. He confirmed that he had been running the Valhalla Club as a private members club successfully for seven years without any complaints being received. He indicated that the premises were situated in an industrial area, which was screened from sight from the main road, an area away from residential housing and very discreet, which in Mr Thomason's opinion, was an ideal location for the type of premises they operated. He stated that the privacy of the club was very important and indicated that there were no ground floor windows at the premises and therefore no possibility of residents or young children catching a glimpse of the interior of the premises. He also indicated that the premises had a private car park with 27 spaces available. Mr Thomason stated that the vast majority of members were over 35 years of age and the membership included councillors, council officers, police, nurses and doctors.

Mr Thomason reported that the Police had inspected the premises on Friday 9<sup>th</sup> January, 2015 and had no issues or concerns regarding the premises. He further stated that there had been no history of complaints from the Police as many people did not know the premises existed.

In concluding, Mr Thomason indicated that the premises allowed people to be themselves in a safe environment without the fear of judgement.

In responding to questions, Mr Thomason indicated that their previous premises had been Flair Studios in Wolverhampton Street, which had not been licensed for the sale of alcohol as he stated that only light refreshments such as tea and coffee were available to purchase. He indicated that the main reason for applying for a premises licence was that members would have the option to purchase alcohol and the extra proceeds would help to finance the new premises.

In responding to a question, Mr Thomason indicated that he did not intend to fully utilise the licensing hours for the sale of alcohol and regulated entertainment applied for, however, he had been advised to apply for all aspects of entertainment as he wished to retain flexibility for occasions and instances where it would be commercially viable to remain open. Mr Thomason indicated that a number of different interest groups used the venue with activities such as burlesque, fetish and operatic performances. He further stated the "Rocker" and "Goth" groups also used the venue and anticipated that one evening per month of entertainment would take place at the premises for each different interest group.

In responding to a further question, Mr Thomason confirmed that discussions had previously taken place with the Police and the main reason for operating a private members club was so that any undesirable groups could be refused entry to the premises. Mr Thomason reported that the premises were professionally operated with very strict limits on what activities were allowed. He stated that they had a professional club committee comprising a diverse membership to discuss and agree on the running and management of the establishment.

Mr Thomason confirmed that CCTV was in operation at all times inside and outside of the premises and stated that advice had been sought from Environmental Health on sufficient wording for various signs that were currently on display. In responding to a question, Mr Thomason confirmed the wording of all the different signs that had been erected inside the premises. Mr Thomason emphasised that external signage advertising the club was not permitted.

In responding to a question, Mr Thomason indicated that due to the diverse interest from groups, the average number of members was in the region of 14 at any one event.

In responding to further questions, Mr Thomason confirmed that he had resided in the Dudley Borough for ten years and was not aware of any school in the close vicinity of the premises. He indicated that he had been decorating the premises since December 2014 and during that time he had not witnessed any young people walking past the premises.

In responding to further questions from the Sub-Committee, Mr Thomason explained the exact location of the premises. He acknowledged the location of nearby commercial premises, however assured the Sub-Committee that the Valhalla Club was not next to or adjacent to any of the buildings and re-iterated that the premises was screened from sight from the main road.

Mr Thomason then circulated photographs of the premises and explained the layout of the interior of the venue. In responding to a question from the Sub-Committee, he indicated that sound checks had been carried out and confirmed that music could not be heard from the main road.

In summing up, Mr Thomason stated that he had managed successful businesses for a number of years and assured the Sub-Committee that he wanted to work with Dudley Metropolitan Borough, residents and the police as he was committed to making the premises a success.

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

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

Resolved

That the grant of a premises licence in respect Valhalla Club, Unit 2, 100 Dock Lane, Dudley, be approved, in the following terms:-

Sale of Alcohol

Monday – Thursday (inclusive)	12.00 – 23.30
Friday and Saturday	12.00 – 02.30
Sunday	12.00 – 22.30

Regulated Entertainment (Films/Live Music/Recorded Music/Dance)

Monday – Thursday (inclusive)	12.00 – 24.00
Friday and Saturday	12.00 – 03.00
Sunday	12.00 – 23.00

Halloween (31<sup>st</sup> October) until 04.00  
Valentines (14<sup>th</sup> February) until 04.00  
Christmas Eve and New Years Eve until 04.00

Reasons for decision

This is an application for the grant of a Premise License, for premises at Unit 2, 100 Dock Lane Dudley.

The operating schedule seeks a license to sell alcohol between 12 midday and 11.30pm Monday to Thursday, to 2.30am Friday and Saturday and to 10.30pm on a Sunday.

It also seeks regulated entertainment (Films/live music/recorded music and dance) until midnight Monday to Thursday, 3.00am Friday and Saturday and 11pm on a Sunday.

There have been no representations by Responsible Authorities to the application, but local residents and others have made representations in the form of a petition. The Sub-Committee has noted the identified lead signatory. Nobody attended today to speak on behalf of the petition.

The Applicant Ms Hutchinson did not attend today (being at work), but her partner Mr Thomason did attend, and stated that he had full authority to present the application. He stated that he was a Personal License holder, was the proposed Designated Premises Supervisor for the premises, and that he would have made the application himself had his health been better in the recent past. The Sub-Committee decided to proceed today in the absence of the applicant on the basis of the submissions made by Mr Thomason.

The Sub-Committee grants the application for a premises license today. The premises is situated in an industrial area, well away from housing, and the Sub-Committee has heard no evidence that children or young persons would be affected by the license being granted. The operating schedule and the evidence today has satisfied the Sub-Committee that the premises will be run very discreetly, that there will be no external signage and that the internal signage will encourage patrons to respect any local residents when they leave. These signs are already in place. There are no ground floor windows to the premises and the unit is screened from the main road by another unit.

The granting of this license will not adversely affect any of the licensing objectives.

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**Application for the grant of a Street Collection Permit –  
Innerspace Concession Management Ltd (Unique Fundraising on  
behalf of Cats Protection)**

A report of the Director of Corporate Resources was submitted on an application for the grant of a Street Collection Permit made by Mr David Wylie of Innerspace Concession Management Ltd on behalf of Unique Fundraising for the benefit of the charity known as Cats Protection.

Mr Wylie, applicant, was not in attendance at the meeting due to the travelling distance to Dudley Metropolitan Borough Council.

Arising from consideration of the information submitted, the Sub-Committee decided to proceed in the applicant's absence.

Resolved



That, following consideration of the information, the application submitted for the grant of a Street Collection Permit made by Mr David Wylie of Innerspace Concession Management Ltd on behalf of Unique Fundraising for the benefit of the charity known as Cats Protection, be refused on the grounds that the information provided in support of the application gave rise to a number of questions and concerns, which could not be answered.

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The meeting ended at 11.45 am.

CHAIR

**Licensing Sub-Committee 3 – 17<sup>th</sup> February 2015**

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

**Application for a Premises Licence – Quarry Bank Liberal Club**

**Purpose of Report**

1. To consider the application for the grant of a premises licence in respect of the Quarry Bank Liberal Club, 153 High Street, Quarry Bank, Brierley Hill, DY5 2AF.

**Background**

2. On the 23<sup>rd</sup> December 2014, an application for the grant of a new premises licence was received from Stanley John Owen in respect of the premises known as Quarry Bank Liberal Club, 153 High Street, Quarry Bank, Brierley Hill, West Midlands. A copy of that application has been forwarded to the Committee Members and interested parties in accordance with the Licensing Act 2003.
3. The application had the following documents enclosed:-
  - Plan of the premises
  - Correct Fee of £190.00
  - Consent of proposed premises supervisor
4. The application for a premises licence is as follows:

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

Monday – Sunday inc      10.00 – 24.00

**Late Night Refreshment**

Monday – Sunday inc      23.00 – 24.00

5. Confirmation that copies of the application form and supporting documentation have been served on the relevant authorities has been received.
6. Letters of objection have been received from local residents along with a petition, copies of which has been forwarded to the applicant, Committee Members and Interested parties in accordance with the Licensing Act 2003.
7. This application falls within the Council's recent responsibility for liquor licensing which has a direct link to the Council's key corporate priority that safety matters.

## **Finance**

- 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 appropriate for the promotion of the Licensing objectives.
11.     Pursuant to Section 18 (4) the steps are:-
- (a)     to grant the licence subject to:-
    - (i)       conditions that are consistent with the operating schedule accompanying the application modified to such an extent as the authority considers appropriate for the promotion of the licensing objectives, and
    - (ii)      any condition which must under section 19, 20 or 21 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 immediately 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 area in which the premises are situated

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)
15. 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.
16. In pursuance of regulation 26(1) of the Licensing Act 2003 (Hearing Regulations 2005) the Licensing Authority must make its determination at the conclusion of the hearing.
17. If the Licensing Authority refuse to grant the application, there is a right of appeal to the Magistrates' Court pursuant to schedule 5 section 18 part 1(a).

### **Equality Impact**

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

## **Recommendation**

21. That the Sub-Committee determine the application.



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Strategic Director (Resources and Transformation)

Contact Officer: Mrs. L Rouse  
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## **List of Background Papers**