

## **Meeting of the Licensing Sub-Committee 2**

**Tuesday 7<sup>th</sup> February, 2023 at 10.00am**

**In Conference Room 6, 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 11<sup>th</sup> October, 2022 as a correct record – (Pages 7 – 15)

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

5. Review of a Premises Licence – The Liquor Well (Formally Old Park News and Mini Market) - (Pages 16 – 21)
6. Review of a Premises Licence – Steve's News, 56-58 Stourbridge Road, Halesowen, B63 3US – (Pages 22 – 27)
7. 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: 30<sup>th</sup> January, 2023**

**Distribution:**

**Members of the Licensing Sub-Committee 2**

Councillor K Razzaq (Chair)

Councillors P Drake and E Taylor

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

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- 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**

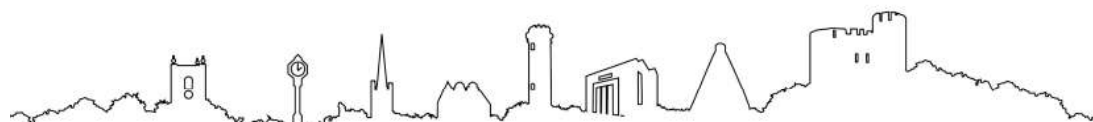
- In the event of the alarms sounding, please leave the building by the nearest exit. There are Officers who will assist you in the event of this happening, please follow their instructions.

## **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).

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## **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 2**  
**Tuesday, 11th October 2022 at 10.00 am**  
**In the Council Chamber, the Council House, Dudley**

**Present:**

Councillor K Razzaq (Chair)  
Councillors P Drake and E Taylor

**Officers:**

S Smith – 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).

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12. **Declarations of Interest**

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

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13. **Minutes**

**Resolved**

That the minutes of the meeting held on 12<sup>th</sup> July 2022, be approved as a correct record, and signed.

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14. **Application for Review of a Premises Licence – Cocktails and Dreams, 19 Bilston Street, Sedgley**

A report of the Director of Public Realm was submitted on an application for a review of a premises licence in respect of Cocktails and Dreams, 19 Bilston Street, Sedgley.

The following persons were in attendance, at the meeting:

Ms D Jenkins – (West Midlands Police)  
Ms K Turley – (West Midlands Police)  
Sergeant Andrews – (West Midlands Police)  
Mr C Bates – (Premises Licence Holder)  
Mr N Slym – (Licensing and Waste Enforcement)  
Ms K Mullings – (Licensing and Waste Enforcement)  
Ms C Vaughan – (Environmental Health and Trading Standards)

Following Introductions, the Team Manager (Licensing and Waste Enforcement) presented the report on behalf of the Council.

Ms C Vaughan then outlined the reasons for the application for a review of the premises licence, referring to the ongoing problems with noise disturbance, and a failure to uphold the licensing objective to prevent public nuisance.

Initially the premises had operated on a Temporary Event Notice (TEN) in early April 2022. Environmental Health and Trading Standards had advised the licence holder and manager of the premises Mr Bates, on numerous occasions of concerns in relation to noise disturbance and agreed operating parameters to address those issues. However, despite this, Environmental Health and Trading Standards had continued to receive complaints in this regard, in particular from residents regarding disturbance throughout the night from loud music and person generated noise.

The TEN in April 2022 permitted licensable activities until 02:00 hours; video footage from residents had evidenced noise from music and people leaving the premises until approximately 04:30 to 05:00 hours. Subsequently Environmental Health and Trading Standards had discussed at length with Mr Bates the measures to take to responsibly operate a licenced premises at the location in question.

The current licence forms part of an old restaurant licence for 19 Bilston Street and consequently the licence did not include any form of regulated entertainment or any standard conditions that would typically be applied to a premises licence for a late-night drinking establishment.

Despite several warnings the premises had failed to implement steps to address concerns in relation to noise which continued to give rise to complaints from residents.



Closed Circuit Television (CCTV) had been requested from the premises for two of the occasions whilst the premises were causing noise disturbance late at night outside the hours permitted, however to date that had not been provided with the premises reporting that there were technical difficulties in relation to CCTV.

Concerns had also been raised with Mr Bates regarding children being present late at night and collecting glasses. Referrals had been made and the premises licence holder had been provided with advice in relation to planning consent and the need to obtain a pavement licence.

Environmental Health and Trading Standards submitted an incident log with the review application together with a video recording of patrons drinking after hours posted on Saturday 6<sup>th</sup> August 2022 at 23.46pm from the facebook-live page of Cocktails and Dreams. That demonstrated recorded music, people dancing and drinking, and drinking at 23.46pm both inside and outside to the fore of the premises.

It was also noted that there were no door staff to the fore of the premises, the music was not background music, the front of the premises was used as an extension to the premises and the partial planning application submitted by Mr Bates had been returned due to the need for additional information.

It was reported that progress had been made as far as the West Midlands Fire Service were concerned.

There followed a request to impose the conditions suggested by Environmental Health and Trading Standards and West Midlands Police on the Premises Licence, in order to uphold the licensing objectives.

During their submissions West Midlands Police stated that they supported the removal of Ms J Glover as the Designated Premises Supervisor and the closure of the premises for a limited period of time.

It was reported that Ms J Glover, Designated Premises Supervisor, had only attended the licensed premises twice and did not have an active role in running the premises responsibly.

In relation to the TEN's granted for the event in early April 2022, Mr Bates stated that this had been applied for following the death of his son to celebrate his birthday and the younger children referred to had left the premises at 9:00pm being transported by cars parked to the rear of the licensed premises.

Representatives from West Midlands Police stated that they supported the application made by Environmental Health and Trading Standards and referred to a disorder that had occurred on 5<sup>th</sup> August 2022 outside the licensed premises that culminated in a serious assault resulting in the male victim undergoing emergency surgery. There remained the objection to tables and chairs being placed outside the front of the business premises and it was confirmed that no pavement licence had been applied for. There was no CCTV footage, no door staff and a fire alarm should be installed for public safety.

West Midlands Police referred to the number of conditions they proposed be put onto the premises licence including that no drinking vessels be taken outside the licensed premises.

Mr Bates responded stating that there was no CCTV outside the licensed premises, however CCTV had been installed inside the premises, but it had become evident that the hard drive was faulty, and a new hard drive was installed in September 2022. Cameras were now operating inside the premises downstairs in the bar area, dance floor, front door and at the back of the premises. He indicated that CCTV was now constantly recording, and he reviewed the footage each day. It was also confirmed that a fire alarm had now been installed.

Mr Bates also responded in relation to the assault, stating that he had been with the victim following the assault and had called an ambulance. It was confirmed that no children were in attendance at the Licensed premises with the victim and the assault had not taken place on the licensed premises.

West Midlands Police raised a concern relating to a 13 year old present at the premises until 11.00pm and no Security Industry Authority (SIA) door staff being present.

The Licensing Enforcement Officer in her submissions referred to a compliance visit to the premises on 6<sup>th</sup> October 2022 and the concerns of the licensing authority that were discussed with Mr Bates together with the restrictions on his current licence.

Mr Bates had been advised to pursue the variation of the planning application.

It was stated that West Midlands Fire Service had issued a Notice for Improvement to limit the capacity in the licensed premises to 60, however that capacity would require monitoring by SIA door staff.

It was again stated that no application had been submitted for a pavement licence and gatherings outside the premises were causing problems for local residents.

Mr Bates had informed the Enforcement Officer that he carried out training with his staff and he produced a spreadsheet, however that training had related to the use of machinery at the premises for example a cocktail machine and not with regard to the sale of alcohol. Further advice was relayed to Mr Bates in relation to the provision of training records. It was also suggested that it may be beneficial for some members of staff to complete a Personal Licence course.

The Enforcement Officer had questioned a member of staff in relation to acceptable Identification (ID) checks and that had been answered satisfactorily.

Mr Bates had also produced health and safety and fire safety policies, together with an incident reporting book and a refusals register. Some zero tolerance signs had also been purchased which were to be displayed around the premises.

When questioned regarding how staff had been instructed to promote awareness to monitor consumption of alcohol on the premises, it was indicated that a token system was in operation in order that staff knew how much patrons had had to drink.

Mr Bates was advised that his staff must be aware of the law in relation to selling alcohol to a person who was incapacitated due to alcohol consumption, as that was a criminal offence and that he should consider introducing that as part of staff training.

The Enforcement Officer had requested Mr Bates to demonstrate the use of the CCTV system, he indicated that he had purchased a new hard drive, however he was unable to demonstrate this to the Officer as he indicated that due to the closure of the premises for a month there was no current footage to view.

The Licensing Authority supported the conditions to carry out compliance with the licensing objectives and to the condition that no alcohol be served on the Licensed premises after 23:00 hours with a terminal hour of 23:30 hours.

Mr C Bates stated that in relation to person generated noise, the complaints were always on Sundays, and alleged that the noise was generated from the Bulls Head Public House in Bilston Street and not from his premises.

In response, Environmental Heath and Trading Standards stated that they had had no complaints about noise from the Public House and that the complaints were at weekends but not always Sundays. The Bulls Head was four to five doors away and the nearest neighbour was approximately 30 feet from the rear door of Mr. Bate's premises.

In responding to questions from Members, Mr Bates stated that: -

- a) He had self-employed SIA door staff throughout the full week and the number of patrons each night was approximately 30 to 40.
- b) The maximum capacity was 60 for the premises.
- c) Training records would be in place for his staff by the end of the week.
- d) The CCTV was fully operational and could be viewed by all relevant authorities.
- e) The Designated Premises Supervisor was currently ill and was unable to attend the meeting.
- f) Following the renovations to the licensed premises shop frontage, the application for a change in use of the business premises should proceed.
- g) His younger child had helped to collect glasses initially however that had now ceased.
- h) Identification was required at the bar and there was a zero tolerance policy in place in relation to underage drinking.
- i) The residential DJ at the premises had been a one-time event.

Following the opportunity for all parties to sum up their cases, all parties withdrew from the meeting to enable the Sub-Committee to determine the application.

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

## Resolved

- (1) That, following consideration of the information contained in the report submitted and presented at the meeting, the premises licence in respect of Cocktails and Dreams, 19 Bilston Street, Sedgley, be suspended for a period of three months, or until such time as the following conditions on the premises licence have been complied with (whichever be the sooner), and compliance has been confirmed by the Licensing Authority: -
  - (a) That the Closed Circuit Television (CCTV) be positioned at all entrances, exits and external areas, providing complete visibility of who is entering and exiting the licensed premises, and away from light sources to provide a clear view. Should the fore of the premises be used for patrons to smoke or in the event, that a pavement licence was granted, CCTV to cover that area.
  - (b) That a camera be positioned to cover the bar and dance areas, and any other area where licensable activity takes place.
  - (c) That the CCTV must record for a minimum of 28 days. One person on duty at all times that the premises was open to the public would be able to view and download any footage and produce it on a USB or Disc to any of the responsible authorities within 24 hours.
  - (d) That the CCTV hard drive be retained at the premises in a secured area.
  - (e) That daily checks be carried out to ensure that the CCTV system is working and recording, and this check will be entered in a separate book which will be signed and dated by the person carrying out the check. This book will remain on the premises at all times and be available for viewing immediately upon request by any of the responsible authorities.
  - (f) That any breakdown of the CCTV system, will be dealt with immediately and a replacement system will be sought if need be to enable the premises to continue operating.
  - (g) That any CCTV hard drive/system that has been replaced will be retained at the premises for a minimum of 30 days and made available to any of the responsible authorities upon reasonable request.

- (h) That the premises shall employ a minimum of two SIA registered Door Supervisors, through an SIA regulated firm, from 21:00 hours on a Friday and Saturday night until close. Door staff will ensure that all patrons entering the premises are subject to a bag and body search, along with identification checks. One member of door staff when required will monitor any outside drinking/smoking areas until close. Door staff will also be employed at the premises on any Sunday evenings prior to Bank Holiday Monday, and also on Bank Holidays, including Christmas Eve and New Year's Eve.
- (i) That one member of door staff at all times will wear a body cam, and will ensure that it is recording at all times when carrying out their duty.
- (j) That a Door Staff register will be kept at the premises, and at the beginning of each tour of duty, names and addresses of all door staff and badge numbers will be entered, these will be checked and countersigned by a manager on duty. This register will be available to any of the responsible authorities upon request.
- (k) The door Supervisors will ensure when on duty that capacity levels are not exceeded as per the premises own Fire risk Assessment.
- (l) That all drinking vessels will be removed from any outside area as soon as the contents have either been drunk or are empty. No glass wear will be taken outside onto the front pavement area, unless it is deemed unbreakable.
- (m) That all instances of crime and/or disorder that cannot be dealt with by the venue staff/door Supervisors, will be reported to the Police as soon as possible.
- (n) That the premises will operate a challenge 25 policy at all times.
- (o) That no children under the age of 18 will be allowed in any area of the premises without being accompanied by an adult. Any accompanying children will not be allowed inside the premises after 21:00 hours on any night of the week.
- (p) That the supply of alcohol be permitted from 17:30 to 23:00 hours Monday to Sunday and on public holidays.
- (q) That the premises shall be closed and vacated by customers no later than 23:30 hours each day.

- (r) 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.
- (s) All windows and doors to the premises will be kept closed during the playing of any recorded music for entertainment purposes (until 23.00 hours) with the exception of the external front door which can remain open to indicate to customers that the premises is trading.
- (t) A self-closer device will be fitted to the rear door and remain in use at all times.
- (u) That the premises shall not permit any access or egress to the premises by members of the public via the rear gate situated on Brick Street, with the exception of any emergency situation.
- (v) The rear gate on Brick Street shall be used for deliveries and collections between the hours of 07.00 to 19.00 Monday to Saturday only. There shall be no deliveries to or collections from the premises via the rear gate on Brick Street on Sundays.
- (w) That the external rear yard to the premises shall be closed to customers at 20:30 hours each day and after this time customers will not be able to gain access to the rear yard, with the exception of any emergency situation.
- (x) That no drinks will be permitted to be taken outside of the premises after 20:30 hours.
- (y) After 20:30 hours smoking by customers will be in a designated area at the front of the premises only. This smoking area must be clearly barriered or demarked in some way to ensure that no obstruction is caused to the public footpath and must comply with any requirements stipulated in a pavement licence if required.

2. That Ms J Glover be removed as the Designated Premises Supervisor.

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The meeting ended at 12.34pm

CHAIR

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**Meeting of the Licensing Sub-Committee 2 – 7<sup>th</sup> February 2023**

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

**Application for Review of a Premises Licence**  
**The Liquor Well (Formally Old Park News and Mini Market)**

**Purpose of report**

1. To consider the application for the review of the premises licence in respect of The Liquor Well, 159 Old Park Road, Dudley, West Midlands, DY1 3NE.

**Recommendation**

2. That the Sub-Committee determine the application for the review of the premises licence received from the Public Protection Manager in respect of the premises known as The Liquor Well, 159 Old Park Road, Dudley.

**Background**

3. The Liquor Well (formerly known as Old Park News & Mini Market) was first issued with a premises licence on the 29<sup>th</sup> November 2007. That licence was transferred to the current premises licence holder Mr Harpreet Singh on the 19<sup>th</sup> November 2020 and is issued for the following days and times:

Supply of Alcohol Monday to Sunday inc 08.00 until 23.00

4. On the 15<sup>th</sup> December 2022, an application for the review of the premises licence was received from the Public Protection Manager, Environmental Health & Trading Standards, the grounds for the review relate to the prevention of crime and disorder and the protection of children from harm. A copy of that application has been forwarded to the Premises Licence Holder, Committee Members,



Relevant Authorities and Interested Parties in accordance with the Licensing Act 2003.

5. The Council advertised the application for review of the premises licence in accordance with Licensing Regulation SI, 2005, No. 42, Section 38.
6. Representations in support of the application for review have been received from the West Midlands Police, the Licensing Authority and Health and Wellbeing.
7. Copies of all representations have been forwarded to the Premises Licence Holder, Committee Members and Interested Parties.
8. These premises have been subject to a review under the previous management on the 19<sup>th</sup> January 2016 a copy of the minutes from that meeting are attached to this report as Appendix 1.

### **Finance**

9. There are no financial implications.

### **Law**

10. The law relating to the review of licences is governed by the Licensing Act, 2003 Section 52(1).

52(1) This section applies where:-

- a) The relevant licensing authority receives an application made in accordance with Section 51.
  - b) the applicant has complied with any requirement imposed on him under subsection (3)(a) or (d) of that section, and
  - c) the authority has complied with any requirement imposed on it under subsection (3)(b) or (d) of that section
11. Before determining the application, the authority must hold a hearing to consider it and any relevant representations.

12. The authority must, having regard to the application and any relevant representations, take such of the steps mentioned in subsection (4) (if any) as it considers necessary for the promotion of the licensing objectives.
13. The steps are -
- a) to modify the conditions of the licence;
  - b) to exclude a licensable activity from the scope of the licence;
  - c) to remove the designated premises supervisor;
  - d) to suspend the licence for a period not exceeding three months;
  - e) to revoke the licence;
- and for this purpose the conditions of the licence are modified if any of them is altered or omitted or any new condition is added.
14. Subsection (3) is subject to sections 19,20 and 21 (requirement to include certain conditions in premises licences).
15. Where the authority takes a step mentioned in subsection (4) (a) or (b) it may provide that the modification or exclusion is to have effect for only such period (not exceeding three months) as it may specify.
16. In this section “relevant representations” means representations which -
- a) are relevant to one or more of the licensing objectives, and
  - b) meet the requirements of subsection (8).
17. The requirements are -
- a) that the representations are made –
    - i) by the holder of the premises licence, a responsible authority or an interested party, and
    - ii) within the period prescribed under section 51(3)(c)

- b) that they have not been withdrawn, and
  - c) if they are made by an interested party (who is not also a responsible authority), that they are not, in the opinion of the relevant licensing authority, frivolous or vexatious.
18. Where the relevant licensing authority determines that any representations are frivolous or vexatious, it must notify the person who made them of the reasons for that determination.
19. Where a licensing authority determines an application for review under this section it must notify the determination and its reasons for making it to -
- a) the holder of the licence
  - b) the applicant
  - c) any person who made relevant representations, and
  - d) the chief officer of police for the police area (or each police area) in which the premises are situated.
20. A determination under this section does not have effect -
- a) until the end of the period given for appealing against the decision, or
  - b) if the decision is appealed against, until the appeal is disposed of
21. Pursuant to schedule 5 part 1, section 8(2)
- An appeal may be made against the decision of the committee by –
- a) the applicant for the review
  - b) the holder of the premises licence or
  - c) any other person who made relevant representations in relation to the application for review.

## **Risk Management**

22. There are no material risk implications.

## **Equality Impact**

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

## **Human Resources/Organisational Development**

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

## **Commercial/Procurement**

27. There are no commercial/procurement implications.

## **Environment/Climate Change**

28. There are no Environment/Climate Change implications.

## **Council Priorities and Projects**

29. 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**  
**Head of Transport and Highway Services**  
**On behalf of the Interim Director of Public Realm**

Report Author: Mr S Smith  
Telephone: 01384 815377  
Email: [simon.smith@dudley.gov.uk](mailto:simon.smith@dudley.gov.uk)

## **Appendices**

Minutes of the meeting 19.01.16

## **List of Background Documents**

None

## **Meeting of the Licensing Sub-Committee 2 – 7<sup>th</sup> February 2022**

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

#### **Application for Review of a Premises Licence**

#### **Steve's News, 56-58 Stourbridge Road, Halesowen, B63 3US**

#### **Purpose of report**

1. To consider the application for the review of the premises licence in respect of Steve's News, 56-58 Stourbridge Road, Halesowen.

#### **Recommendation**

2. That the Sub-Committee determine the application for the review of the premises licence received from the Public Protection Manager in respect of the premises known as Steve's News.

#### **Background**

3. Steve's News was first issued with a premises licence on the 26<sup>th</sup> September 2005. That licence was transferred to the current premises licence holder Mrs Thevaranjani Manivannan on the 15<sup>th</sup> August 2014 and is issued for the following days and times:

<b>Supply of Alcohol</b>	<b>Monday to Saturday</b>	<b>08:00</b>	<b>23:00</b>
<b>Supply of Alcohol</b>	<b>Sunday</b>	<b>10:00</b>	<b>22:30</b>
<b>Supply of Alcohol</b>	<b>Good Friday</b>	<b>08:00</b>	<b>22:30</b>
<b>Supply of Alcohol</b>	<b>Christmas Day</b>	<b>12:00</b>	<b>15:00</b>
<b>Supply of Alcohol</b>	<b>Christmas Day</b>	<b>19:00</b>	<b>22:30</b>

4. On the 16<sup>th</sup> December 2022, an application for the review of the premises licence was received from the Public Protection Manager, Environmental Health & Trading Standards, the grounds for the review relate to the prevention of crime and disorder and the protection of children from harm. A copy of that application has been forwarded to the Premises Licence Holder, Committee Members, Relevant Authorities and Interested Parties in accordance with the Licensing Act 2003.
5. The Council advertised the application for review of the premises licence in accordance with Licensing Regulation SI, 2005, No. 42, Section 38.
6. Representations in support of the application for review have been received from the West Midlands Police, the Licensing Authority and Public Health and Wellbeing.
7. Copies of all representations have been forwarded to the Premises Licence Holder, Committee Members and Interested Parties.

## **Finance**

8. There are no financial implications.

## **Law**

9. The law relating to the review of licences is governed by the Licensing Act, 2003 Section 52(1).

52(1) This section applies where:-

- a) The relevant licensing authority receives an application made in accordance with Section 51.
- b) the applicant has complied with any requirement imposed on him under subsection (3)(a) or (d) of that section, and
- c) the authority has complied with any requirement imposed on it under subsection (3)(b) or (d) of that section



10. Before determining the application, the authority must hold a hearing to consider it and any relevant representations.
11. The authority must, having regard to the application and any relevant representations, take such of the steps mentioned in subsection (4) (if any) as it considers necessary for the promotion of the licensing objectives.
12. The steps are -
  - a) to modify the conditions of the licence;
  - b) to exclude a licensable activity from the scope of the licence;
  - c) to remove the designated premises supervisor;
  - d) to suspend the licence for a period not exceeding three months;
  - e) to revoke the licence;and for this purpose the conditions of the licence are modified if any of them is altered or omitted or any new condition is added.
13. Subsection (3) is subject to sections 19,20 and 21 (requirement to include certain conditions in premises licences).
14. Where the authority takes a step mentioned in subsection (4) (a) or (b) it may provide that the modification or exclusion is to have effect for only such period (not exceeding three months) as it may specify.
15. In this section “relevant representations” means representations which -
  - a) are relevant to one or more of the licensing objectives, and
  - b) meet the requirements of subsection (8).
16. The requirements are -
  - a) that the representations are made –



- i) by the holder of the premises licence, a responsible authority or an interested party, and
    - ii) within the period prescribed under section 51(3)(c)
  - b) that they have not been withdrawn, and
  - c) if they are made by an interested party (who is not also a responsible authority), that they are not, in the opinion of the relevant licensing authority, frivolous or vexatious.
17. Where the relevant licensing authority determines that any representations are frivolous or vexatious, it must notify the person who made them of the reasons for that determination.
18. Where a licensing authority determines an application for review under this section it must notify the determination and its reasons for making it to -
- a) the holder of the licence
  - b) the applicant
  - c) any person who made relevant representations, and
  - d) the chief officer of police for the police area (or each police area) in which the premises are situated.
19. A determination under this section does not have effect -
- a) until the end of the period given for appealing against the decision, or
  - b) if the decision is appealed against, until the appeal is disposed of
20. Pursuant to schedule 5 part 1, section 8(2)
- An appeal may be made against the decision of the committee by –
- a) the applicant for the review

- b) the holder of the premises licence or
- c) any other person who made relevant representations in relation to the application for review.

### **Risk Management**

- 21. There are no material risk implications.

### **Equality Impact**

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

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

- 25. There are no human resources/organisational development implications.

### **Commercial/Procurement**

- 26. There are no commercial/procurement implications.

### **Environment/Climate Change**

- 27. There are no Environment/Climate Change implications.

### **Council Priorities and Projects**

- 28. 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.

N.M. k

**Nick McGurk**  
**Head of Transport and Highway Services**  
**On behalf of the Interim Director of Public Realm**

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### **Appendices**

None

### **List of Background Documents**

None