

Meeting of the Licensing Sub-Committee 3
Tuesday 5th September, 2023 at 10.00am
At Saltwells Education Development Centre,
Bowling Green Road, Netherton

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

1. Apologies for absence.
2. To report the appointment of any substitute Members for this meeting of the Sub-Committee.
3. To receive any declarations of interest under the Members' Code of Conduct.
4. To confirm and sign the minutes of the meeting held on 4th July, 2023 as a correct record – (Pages 6 - 18)

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

5. Application to Vary a Premises Licence – Kingsbridge Bar, 83A – 85A Bridgnorth Road, Wollaston, Stourbridge, DY8 3PZ (Pages 19 - 55)

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

6. Application for Renewal of Consent to Engage in Street Trading – Build A Burga Ltd (Pages 56 - 70)
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: 24th August, 2023

Distribution:

Members of the Licensing Sub-Committee 3

Councillor M Evans (Chair)

Councillors A Goddard and S Mughal

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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 3
Tuesday, 4th July 2023 at 10.00 am
In Meeting Room 6, Saltwells Education Development Centre,
Bowling Green Road, Netherton**

Present:

Councillor M Evans (Chair)
Councillors S Mughal and K Razzaq

Officers:

N Slym – Assistant Team Manager (Waste, Fleet and Licensing) (Directorate of Public Realm), T Holder – Solicitor and K Taylor – Senior Democratic Services Officer (Directorate of Finance and Legal).

1. **Apology for Absence**

An apology for absence from the meeting was submitted on behalf of Councillor A Goddard.

2. **Appointment of Substitute Member**

It was reported that Councillor K Razzaq had been appointed as substitute member for Councillor A Goddard for this meeting of the Sub-Committee only.

3. **Declarations of Interest**

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

4. **Minutes**

Resolved

That the minutes of the meeting held on 21st February 2023, be approved as a correct record, and signed.

5. **Application for Grant of a New Premises Licence – AFC Birmingham, Illey Lane, Halesowen**

A report of the Interim Service Director of Environment was submitted on an application for the grant of a new premises licence in respect of the premises known as AFC Birmingham, Illey Lane, Halesowen.

The following persons were in attendance at the meeting:-

Mr J Baker – Applicant and Chairman and Secretary of AFC Birmingham
Mr A Rohomon BEM – Licensing Consultant for the applicant
Mr A Wheatley - Objector
Mr P Stockton – Objector
Mr S Howell – Objector

Following introductions, T Holder declared, for transparency purposes, that he was a colleague of Mr P Stockton, Objector, however he assured those present that he had not previously discussed the case with Mr Stockton and that they worked within different teams. All parties had no objection to T Holder, in his capacity as Legal Advisor to the Sub-Committee, being present in relation to this matter.

The Assistant Team Manager (Waste, Fleet and Licensing) then presented the report on behalf of the Council and confirmed that since the writing of the report, one of the four objections submitted had now been withdrawn.

Mr S Howell, local resident, then outlined the reasons for the objections, and in doing so referred to the primary concerns of residents in relation to public safety, given that the premises was situated off a narrow lane and accessed via a farm track. Due to the limited access available on site, further concerns were also raised to access by emergency service vehicles and the potential increase to traffic congestion should a premises licence be granted.

Reference was made to the potential anti-social behaviour issues within a rural area should the premises be allowed to sell alcohol for the requested licensable hours of Monday to Sunday between 12 midday and 23.00hrs. Although it was acknowledged that the site was of some distance from nearby buildings, the football pitch was within close proximity of residents who had reported that they could hear shouting and swearing by attendees. It was anticipated that this could be further exacerbated should alcohol be available before, during and after football matches / events as intended.

Given the nature of the premises being a Football Club it was evident that a number of children were in attendance on a regular basis, and therefore by allowing the premises to sell alcohol could result in a number of safeguarding issues for children on-site who were not being supervised appropriately, in particular potential access to the two neighbouring working farms equipped with agricultural machinery and livestock.

Mr Howell further commented on the potential increase of public nuisance should the application be granted and raised concerns that the application submitted had suggested the use of live and recorded music, including showcasing films, given that there were no sound restrictions to the existing porta cabins. He suggested that the application submitted was not specific in the type and number of events likely to happen during the year and therefore caused some uncertainty and concern to residents.

Reference was made to existing floodlights at the premises which was suggested had been used in contravention to the planning permission granted. It was further stated that the premises was situated on green belt and a local heritage site with an abundance of wildlife, in particular nocturnal animals such as bats and owls, which would be disrupted and disturbed. It was anticipated that the additional noise and lighting pollution resulting from the application being granted would be detrimental to the area.

Mr A Wheatley considered that the site was unsuitable for a licensed premises which was located in the middle of a working farm within a rural area and suggested that a nearby local public house, namely, the Black Horse, could be used by supporters and players as an alternative option.

In responding to questions raised by the Chair, Mr Howell confirmed that cattle were present on the field on one of the farms adjacent to the premises on a regular basis and should parents be consuming alcohol and not supervising their children appropriately, this raised some safeguarding concerns to the children's safety. He also confirmed that he had heard shouting and swearing during a football match from his daughter's bedroom.

In responding to further questions raised by the Chair in relation to access to agricultural machinery, Mr Wheatley reiterated the concerns raised to potential access to agricultural machinery located on one of the working farms and referred to difficulties encountered where a fire engine was unable to access one of the farms to attend to a fire.

At this juncture, the Assistant Team Manager (Waste, Fleet and Licensing) confirmed that no representations had been received from the Fire Authority.

In responding to comments made by the objectors, Mr A Rohomon confirmed that the site had been established as a football pitch since 1973 and a Rugby pitch beforehand. In referring to comments made in relation to a response to a fire at one of the adjacent farms, Mr J Baker confirmed that the difficulties encountered was trying to locate nearby fire hydrants and not in relation to access to the area. He also confirmed that ambulance vehicles had attended the site previously with no concerns raised.

Mr A Rohomon then presented the case on behalf of Mr J Baker and in doing so referred to the supporting documents submitted which had been circulated to all parties prior to the hearing and included aerial photographs highlighting the site and surrounding properties and boundary fencing.

Reference was made to the limited information contained within the public notice of the application which outlined the hours requested for the premises licence only. It was confirmed that the purpose of the application was to allow the sale of alcohol on the premises within a small bar area and occasional events during the off season which would be subject to conditions. It was noted that the applicant had included a condition to the operating schedule in where the outside space was used for an event this would be subject to event paperwork being completed and submitted to responsible authorities.

Mr Rohomon confirmed that the application sought a premises licence for 7 days a week between the hours of 12:00 and 23:00, and that as a football club, there were matches both at the weekend and during the week. It was noted that midweek games were varied and were not confirmed until the fixtures were released, and therefore the application provided a level of flexibility needed to accommodate all matches.

It was noted that Mr J Baker was the Chairman and Secretary for AFC Birmingham and is a member of a full Committee Team, that met once a month to discuss the club, taking it forward and developing youth sport. The Committee included voluntary members who were either retired or worked full time, including Mr Baker, who was also employed as a builder. Mr Baker founded the club following concerns about both the lack of facilities and how local children were being coached.

Mr Rohomon emphasised that it was not the applicant's intention to develop a destination pub and that the area where alcohol would be sold would be in a small portacabin on the site and reiterated that the Committee would not want to stay on the premises until 23:00 each night. The intention was for the patrons to buy alcohol and either sit with just a drink or with a meal and to the viewing areas for the pitch only. Whilst it was accepted that some revenue would be made each week, the profits would be put back into the club to help support local communities and continue offering sporting opportunities to young children.

It was noted that Mr Baker founded AFC Birmingham in 2012, and due to his passion and commitment, having started off with a youth team, quickly became recognised as a well-run club, which resulted in him agreeing to take over the football ground at Illey Lane, Halesowen in March, 2020. With the support of the committee, players and supporters, the facilities at the club have been greatly improved and a safe space created for young children and adults.

The club now run 6 teams, including S.Collins coaching and football development who train on a Wednesday evening at the ground, attracting up to 40 young women aged between 11-14. Local schools were also allowed to use the pitch to play their school football.

Reference was made to the adjoining properties and Mr Baker's commitment to being a good neighbour, including updating the lighting and allowing children of people working on the farm to play on the pitch.

It was noted that an average 40 people attended each week which included mainly friends and family of players.

A significant amount of work had been undertaken to the premises including upgrading the changing rooms and toilets; upgrading floodlights to directional and improved LED lighting and links with a Physic Therapist to offer free therapy to the players.

With regard to comments made by the objectors, Mr Rohomon assured the Sub-Committee that it was not the intention for people to be intoxicated at the premises and also suggested that the security of the agricultural machinery and access to the neighbouring farms were the responsibility of the owners and not Mr Baker.

It was further reiterated that no representations had been submitted by any of the responsible authorities. A local Ward Councillor had expressed their support for the application submitted which were included within the supporting documentation. It was noted that Mr Rohomon had contacted the four objectors to provide further details with regard to the application in order to try to address and alleviate the concerns raised, which resulted in one objection being withdrawn.

In responding to the objections raised, Mr Rohomon disagreed that traffic congestion would increase should the application be granted given that the football club had been playing matches since 2012. He suggested that claims of swearing and shouting could also have been heard at the local public house and gave assurances that stewards were on site to monitor behaviour and any patrons that displayed any anti-social behaviour would be removed and banned accordingly. He further reiterated that the site was enclosed from neighbouring farms, and that the concerns raised regarding lighting was not for consideration by the Sub-Committee.

It was also confirmed that Mr Baker had undertaken a personal licence course and understood his responsibilities as a premises licence holder.

In concluding, Mr Baker reiterated that the purpose of the application was not to open a pub but to provide a welcoming environment for players and supporters, and the additional income would enable the premises to become more self-sufficient instead of asking for financial support from parents, supporters, and other businesses. The Committee members were happy to support training and matches and it was confirmed that they would not open the bar if there was nothing scheduled at the premises.

Mr Howell acknowledged Mr Baker's motivation and determination, however stated that his concerns remained as to why the application for a premises licence requested licensable hours until 23:00, seven days a week. In responding, Mr Rohomon confirmed that the hours requested was to provide the premises the flexibility for opening in the event of football game changes and fixtures. Whilst it was accepted that the majority of games were held during the day on weekends, midweek games would finish later allowing for showers and hospitality. Mr Rohomon again confirmed that the premises would not be advertised as a public house.

In responding to a question raised by Councillor K Razzaq in relation to planned events should the application be granted, Mr Rohomon confirmed that a condition had been included to the operating schedule in where any proposed events would be subject to event paperwork being completed and submitted to responsible authorities, and risk assessments undertaken accordingly.

In responding to a question raised by the Chair, Mr Rohomon confirmed the days currently allocated for matches and training and reiterated that the premises would not open on days where these were not taking place.

In responding to a question raised by the Solicitor, Mr Rohomon confirmed that the proposed measures in promoting the four licensing objectives were contained within the operating schedule submitted including staff undertaking training which would be recorded and refreshed every six months or sooner if needed. A Challenge 25 policy would also be implemented, with children not being allowed to stand by the bar, and any unsealed alcohol drinks would not be permitted to be taken off site.

In responding to a question by the Assistant Team Manager (Waste, Fleet and Licensing), it was noted that the premises currently provided hospitality to players and supporters without alcohol and that there had been no complaints or issues raised.

Further to comments made and observations in relation to the licensable hours sought, Mr Rohomon, on behalf of the applicant, suggested an additional condition should the Sub-Committee be minded to grant the application as follows:

Where the Premises is not open for either a football match, training and/or an event, the Premises Licence will not have effect.

All parties were provided with the opportunity to sum up their cases, following which all parties withdrew from the meeting to enable the Sub-Committee to determine the application.

Having made their decision, the meeting was reconvened, and the Solicitor outlined the decision.

Resolved

That following careful consideration of the information contained in the report submitted and presented by all parties at the meeting, the application for a new premises licence in respect of the premises known as AFC Birmingham, Illey Lane, Halesowen be approved, in principle, subject to satisfactory discussions in relation to the implementation of Closed Circuit Television (CCTV) to address concerns raised in relation to the protection of children from harm, together with the conditions contained in the operating schedule to the application and an additional condition as set out below:-

Where the Premises is not open for either a football match, training and/or an event, the Premises Licence will not have effect.

6. **Transfer of Premises Licence and Variation of the DPS (Designated Premises Supervisor) The Broadway Service Station, 154 South Road, Stourbridge**

A report of the Interim Service Director of Environment was submitted on an application for a transfer of premises licence and to vary the Designated Premises Supervisor in respect of the Broadway Service Station, 154 South Road, Stourbridge.

The following persons were in attendance, at the meeting: -

Ms K Turley (West Midlands Police)

Mr R Jones (Environmental Health and Trading Standards)

Mr K Mann (Environmental Health and Trading Standards)

It was noted that neither the Designated Premises Supervisor nor the Premises Licence Holder were in attendance at the meeting.

Following introductions, the Assistant Team Manager (Waste, Fleet and Licensing) presented the report on behalf of the Council, referring to the application that had originally been received on the 18th April 2023 to transfer the premises licence and vary the Designated Premises Supervisor. It was noted that the matter was due to be considered by the Licensing Sub-Committee on 1st June, 2023 however at the request of the applicants solicitor the matter was deferred to a future meeting.

The Assistant Team Manager (Waste, Fleet and Licensing) further advised that notification had been received that Hayleys Solicitors were no longer representing the Designated Premises Supervisor. A further request had been received on 3rd July, 2023, from Forrest Solicitors who had recently been instructed by the Designated Premises Supervisor, and requested that the application be deferred for them to prepare representations on behalf of their client.

In considering the request for deferment, having already deferred consideration of the application previously and concerns raised that the Premises Licence Holder and Designated Premises Supervisor had failed to attend two hearings despite sufficient notice being given, the Sub-Committee agreed to hear the matter in the absence of the Premises Licence Holder and Designated Premises Supervisor.

Ms K Turley presented the representations of West Midlands Police relating to the prevention of crime and disorder and the protection of children from harm under the Licensing Act 2003, and outlined the reasons that had resulted in the objections to the transfer of the premises licence and variation of the designated premises licence.

It was noted that on 11th April, 2023, two sixteen year old females were sold a disposable e-cigarette, and intelligence had also been received that the premises were selling illegal oversized e-cigarettes. Following the test purchase and having entered the premises, an unknown male was present stacking the shelves and was informed of the underage sale. Having identified illegal e-cigarettes in a display cabinet on the shop counter, Trading Standards Enforcement Officers carried out an inspection of the premises under the Consumer Rights Act 2015. The inspection found additional illegal e-cigarettes under the counter and three further boxes on the floor, which were then seized. Having been informed of the inspection, the proposed designated premises supervisor, Mr Salar, attended the premises and was aggressive and obstructive and refused to provide his details.

During the seizure of the illegal products, it was reported that Mr Salar assaulted one of the officers present, and the Sub-Committee were informed that Mr Salar was currently under investigation by West Midlands Police for Common Assault.

The Sub-Committee were further advised that on 18th April, 2023, Trading Standards Enforcement Officers visited the premises and seized an illegal e-cigarette and a packet of counterfeit cigarettes. Following the seizure, officers intended to conduct a full inspection of the premises under the Consumer Rights Act 2015, however they were unable to gain access as the roller shutter on the premises had been pulled down and locked to prevent entry.

It was noted that on 16th May, 2023, Trading Standards Enforcement Officers, assisted by Officers from West Midlands Police, executed search warrants granted by Dudley Magistrates Court at the premises following suspected storage and sale of illegal tobacco and disposable e-cigarettes. During the search, a large amount of counterfeit cigarettes and illegal oversized e-cigarettes were recovered from a motor vehicle and residential property, both of which were associated with the shop premises and business operators, leading to a criminal investigation being pursued.

It was also noted that on 19th June, 2023, a 15 year old test purchaser was sold a can of 4% alcohol by volume, namely Strongbow Cider, by a male identified to be Mr S Mehmud, the proposed premises licence holder.

In concluding, Ms Turley stated that the West Midlands Police strongly objected to both the transfer of premises licence and variation of the designated premises supervisor for their failure to uphold the licensing objectives in relation to prevention of crime and disorders and protection of children from harm and a number of ongoing investigations by Trading Standards.

Mr R Jones shared his concerns and supported the representations submitted by West Midlands Police and in doing so informed the Sub-Committee that details provided by Mr Salah during the seizure of illegal e-cigarettes on 11th April, 2023 were false. It was also noted that a notice had been served to the premises in accordance with the Policing Act 2014 to close the premises for a three-month period following complaints received in relation to nuisance, sale of alcohol to children and the sale of illegal products.

It was suggested that Mr Salar continued selling the illegal products despite being informed that they were counterfeit.

All parties were provided with the opportunity to sum up their cases, following which all parties withdrew from the meeting to enable the Sub-Committee to determine the application.

Having made their decision, the meeting was reconvened, and the Solicitor outlined the decision.

Resolved

That following careful consideration of the information contained in the report submitted and presented by all parties at the meeting, the application for the transfer of premises licence and vary of Designated Premises Supervisor in respect of the premises known as the Broadway Service Station, 154 South Road, Stourbridge, be refused.

7. **Application for Renewal of Consent to Engage in Street Trading – Build A Burga Ltd**

A report of the Interim Service Director of Environment was submitted in respect of an application made by Mr M Ikhlas (Build A Burga Ltd) for the renewal of a consent to engage in street trading in Dudley Town Centre.

The following persons were in attendance at the meeting:-

Mr M Ikhlas – Applicant
Mr M Bieganski – Strategy and Governance Section Manager
Councillor C Bayton – Local Ward Councillor and Objector

Following introductions, the Assistant Team Manager (Waste, Fleet and Licensing) presented the report on behalf of the Council, advising that an application had been received from Mr M Ikhlas on 20th March, 2023 to renew the consent from the 2nd August, 2023 in Stone Street Square, Dudley to sell Burgers, Fries and Canned Drinks, Monday to Sunday between the hours of 12pm to 11pm. The application together with details of the proposed site and photographs of the trading vehicle had been circulated to the Committee and interested parties.

Mr M Bieganski, Strategy and Governance Section Manager, made comments on behalf of Corporate Landlord Services in particular that it was understood that the Stone Street Square area was not a designated public highway and was owned and maintained by Dudley Council as a public space. It was reported that the department would have objected to the original application, which was considered by a Licensing Sub-Committee on 2nd August, 2022, however they had not been consulted at the time.

It was noted that Dudley Council had recently agreed terms to relet the former Glasshouse restaurant, located on Stone Street Square, for use as a good quality restaurant which was due to open shortly and it was considered that the presence of the applicants vehicle was not appropriate for the area. Reference was also made to the detailed discussions undertaken by the Council in relation to the redevelopment of the businesses around the square amounting to a proposed £4m investment.

In responding to comments made, Mr Ikhlas suggested that his business would not affect the re-opening of the restaurant and that the location on which he had traded from since August, 2022 was agreed by the Council, however he would be agreeable to situate the van wherever the Sub-Committee deemed appropriate within the square.

Councillor C Bayton then presented her representations and in doing so stated that the location was a pedestrianised area and was accessed by two bollards, however these had since been removed. Concerns were raised on the number of delivery drivers driving into the square to collect online orders and with the anticipated increased footfall following the re-opening of the restaurant, this could result in crime and disorder and anti-social behaviour within the area. Councillor Bayton further confirmed that she had no concerns or objections to Mr Ikhlas application for a street trading consent but objected to the area requested.

In responding to comments made, Mr Ikhlas confirmed that he had contacted Dudley Council requesting replacement of the bollards but that he had not yet received a response, as he was also concerned of the safety of pedestrians.

In responding to a question raised by Councillor K Razzaq, Councillor Bayton confirmed that there had been no complaints received from constituents in relation to Mr Ikhlas with regard to his business, however it was noted that during the last twelve months, the restaurant had been vacant. In responding, Mr Ikhlas referred to the increase in the number of vehicles associated with the restaurant on the pedestrianised area during the refurbishment works.

Mr M Ikhlas then presented his case and in doing so stated that his vehicle was not a standard burger van and that the business had been successful and popular with local businesses, council employees and college students, with some customers attending from areas including Birmingham and Wolverhampton. Mr Ikhlas welcomed the re-opening of the restaurant and reiterated that he would be agreeable to situate the van wherever the Sub-Committee deemed appropriate, however requested that he remained on Stone Street Square where he had built his reputation.

Mr Ikhlas further stated that he had been flexible and accommodating since his consent had been granted by not attending on days to allow for scheduled events and filming. He further stated that the majority of his trade related to walk-in customers rather than online orders due to associated excessive fees.

In responding to questions raised by the Chair, Mr Ikhlas confirmed that he would prefer to remain in the Stone Street Square location due to accessibility and given that his business had been established in the area for almost a year.

All parties were provided with the opportunity to sum up their cases, following which all parties withdrew from the meeting to enable the Sub-Committee to determine the application.

Having made their decision, the meeting was reconvened, and the Solicitor outlined the decision.

Resolved

That, following careful consideration of the information contained in the report submitted and presented at the meeting, the application made by Mr M Ikhlas (Build A Burga Ltd) for the renewal of a consent to engage in street trading in Dudley Town Centre be deferred to the next meeting of Licensing Sub-Committee 3 pending further investigation on the consent awarded to Stone Street Square, Dudley.

8. **Questions Under Council Procedure Rule 11.8**

There were no questions to the Chair pursuant to Council Procedure Rule 11.8.

The meeting ended at 1.30pm

CHAIR

Meeting of the Licensing Sub-Committee 3 – 5th September 2023.

Report of the Interim Service Director of Environment Directorate

**Application to Vary a Premises Licence - Kingsbridge Bar, 83A – 85A
Bridgnorth Road, Wollaston, Stourbridge, DY8 3PZ**

Purpose

- 1 To consider the application for variation of the premises licence in respect of the premises known as The Kingsbridge Bar, 83A – 85A, Bridgnorth Road, Wollaston, Stourbridge, West Midlands, DY8 3PZ.

Recommendation

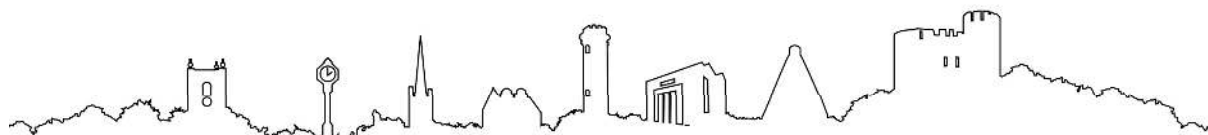
2. That the Sub-Committee determine the application for variation of the premises licence following the receipt of representations.

Background

3. The Kingsbridge Bar was first issued with a premises licence on the 30th May 2019, by the Licensing Sub-Committee 1. A copy of the minutes of that meeting are attached to this report as Appendix 1.
4. The current joint premises licence holders are Mr Jason Thomas and Mr Lee Brown the current licence is issued for the following days and times:

Sale of Alcohol

Monday to Sunday 10.00 until 22.15



5. On the 12th July 2023 Mr Jason Thomas and Mr Lee Brown made application for the variation of the premises licence as set out below.

The amendment of the conditions of its outdoor area imposed by the licensing authority on the 28th September 2021 as follows:

Monday to Saturday inc
From 10.00 until 18.00 to **10.00 until 21.00**

Sundays
From 10.00 until 15.00 to **10.00 until 21.00**

The sale of Alcohol in the outdoor area is not permitted only for consumption.

The outdoor area to be closed to the public at 21.00 Monday to Sunday.

6. A copy of the application has been forwarded to Committee Members and interested parties in accordance with the licensing Act 2003.
7. Confirmation that copies of the application form and supporting documentation have been served on the relevant authorities has been received.
8. Representations to the application have been received from 2 local residents. Copies of all representations are attached to this report as appendix 2.
9. These premises have been considered by the Licensing Sub-Committee previously On the 30th May 2019 when the licence was initially granted and again on the 28th September 2021 following and application for variation of licence to include sale of Alcohol on Sundays between 10.00 and 22.15
10. Representations to the application were received from two local residents.

11. The Committee resolved that the application for variation of the premises licence in respect of the premises known as Kingsbridge Bar, be granted subject to the following conditions and opening times:

The Supply of Alcohol

Sunday 10.00 until 22.15 with a terminal hour of 22.30.

Conditions

- (1) The sale of alcohol for consumption in the outdoor area is not permitted before 10.00 and after 18.00 hours Monday to Saturday or before 9.00 nor after 15.00 hours on Sundays.
- (2) The outdoor area shall be closed to the public at 15.00 hours on Sundays and 18.00 hours Monday to Saturday.

Finance

12. There are no financial implications.

Law

13. The law relating to the granting of applications to vary premises licences is governed by the Licensing Act 2003, part 3, section 34.
14. Pursuant to section 35(3)(a) of the Licensing Act 2003, where a relevant authority has made representations, the Licensing Authority must:-
- Hold a hearing to consider item, unless the authority, the applicant and each person who has made such representations agree that a hearing is unnecessary, and,
 - Having regard to the representations, take such of steps mentioned in subsection (4) (if any) as it considers necessary for the promotion of the licensing objectives.
 - The steps are:-
 - To modify the conditions of licence;
 - To reject the whole or part of the application.

15. Pursuant to Section 36(1) and (4) of the Licensing Act 2003 where an application (or any part of an application) is granted or rejected under Section 35 of the Licensing Act 2003, the Licensing Authority must immediately give notice to that effect to :-
- the applicant;
 - any person who made relevant representations in respect of the application and
 - the Chief Officer of Police for the police area in which the premises are situated.
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. In pursuance of schedule 5, section 4 if the Licensing Authority refuse to grant the application vary the premises licence, there is a right of appeal to the Magistrates' Court.
18. In pursuance of schedule 5, section 4(2) where the Licensing Authority grant an application to vary a premises licence in whole or in part. The applicant may appeal against any decision to modify the conditions of the licence under subsection 4(a) of section 35 of the Licensing Act 2003.
19. In pursuance of schedule 5 section 4(3) where a person who made relevant representations to the application desires to contend:-
- a) that any variation made ought not to have been made, or
 - b) that, when varying the licence, the Licensing Authority ought not to have modified the conditions of the licence, or ought to have modified item in a different way, under subsection 4(a) of section 35 of the Licensing Act.

They have the right of appeal to the Magistrates' Court.

Risk Management

20. There are no risk management implications.

Equality Impact

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

Human Resources/Organisational Development

24. There are no commercial/procurement implications.

Commercial/Procurement

25. There are no commercial/procurement implications.

Environment/Climate Change

26. There are no environment/climate change implications.

Council Priorities

27. This application falls within the Council's responsibility for liquor licensing which has a direct link to the Council's key corporate priority that safety matters.



Nicholas McGurk
Interim Director of Environment Directorate

Contact Officer: Mr S Smith
Telephone: 01384 815377
Email: simon.smith@dudley.gov.uk

Appendices

- Appendix 1 Minutes of the Licensing Sub-Committee 30th May 2019.
Appendix 2 Representations

Minutes of the Licensing Sub-Committee 1

Thursday 30th May, 2019 at 10.00 am
In the Council Chamber, The Council House, Dudley

Present:-

Councillor S Keasey (Chair)
Councillors C Elcock and C Perks

Officers:-

S Smith – Team Manager Licensing and Waste Enforcement (Place Directorate);
R Clark – Solicitor and K Buckle – Democratic Services Officer (Chief Executive's Directorate).

1. **Declarations of Interest**

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

2. **Minutes**

Resolved

That the minutes of the meeting of the Sub-Committee held on 18th January, 2019, be approved as a correct record and signed.

3. **Application for Grant of a New Premises Licence – 83a-85a Bridgnorth Road, Wollaston, Stourbridge**

A report of the Strategic Director Place was submitted on an application for the grant of a new premises licence, in respect of the premises known as 83a to 85a Bridgnorth Road, Wollaston, Stourbridge.

The following persons were in attendance at the meeting in respect of this application:-

Mr J Thomas and Mr L Brown – Applicants
Mr H Thomas – Harrison Clark Rickerbys Solicitors (Applicant's Solicitor)
Councillor N Barlow (Supporter)
N Baugh – West Midlands Fire Service
Ms C Vaughan and Mr I Grove – Environmental Safety and Health
Ms C Thomas and Ms D Eccles - Objectors

Following introductions, the Team Manager Licensing and Waste Enforcement presented the report on behalf of the Council. It was noted that representations had been received from a Ward Councillor, two local residents, the West Midlands Fire Service and Environmental Safety and Health.

In presenting the report submitted, the Team Manager Licensing and Waste Enforcement advised that the representations had been forwarded to all interested parties.

The current Designated Premises Supervisor was Mr J Thomas.

It was noted that Environmental Safety and Health had recommended a number of conditions to the licence, addressing issues of potential nuisance by the fitting and use of a sound limiter for amplified sound, ensuring doors and windows remained closed, the gate to the King Street Entrance be secured and was used as an emergency exit only and no external sound amplification equipment being used on the premises. The Applicants had accepted the potential conditions on any premises licence and upon that basis, the initial representations by Environmental Safety and Health had been withdrawn.

One of the Ward Councillors, Councillor N Barlow had made a written representation in support of the application and was in attendance at the meeting. He addressed the Committee stating that he had some initial planning concerns, however those had been addressed and he believed that the applicants had worked with the relevant authorities.

Councillor N Barlow stated that he had not been contacted by any of the local residents.

Written representations had been received from two local residents, Ms C Thomas and Ms D Eccles who were in attendance at the meeting.

The concerns raised related to potential noise into the evening and increased parking issues.

Ms C Thomas' property was attached to the proposed licenced premises and she raised concerns in relation to her ten year old twin children and the likely noise that would impact upon their sleep, health and wellbeing.

Ms C Thomas also raised concerns in relation to outside smoking and the detrimental impact that this would have upon the families' health. The impact upon traffic and parking in relation to deliveries and customers were referred to, as there were double yellow lines preventing parking outside the property and no car park for the premises. She was also concerned that the premises would not close prior to 11pm, should alcohol be sold up until 10.30pm, the proposed terminal hour.

Ms D Eccles' property was adjacent to the proposed new licenced premises and she stated that she had not moved to her current residence to have a public house open so close to her property. She raised concerns regarding potential noise and stated that any sound limitation device and closed windows would not prevent external noise from taxis and customers.

Ms D Eccles also referred to the maximum number of customers raising from sixty following a period of time and in her view the type of premises was likely to change the nature of the area, increase the number of people in the streets in the area with a likely rise in litter, drinking and noise. She referred to a public house "Graham's Place" that was a reasonable distance away from her home, that had a large car park.

In responding to questions from a Member and concerns raised that the notice displayed at the premises was placed in too high a position to read, the Team Manager Licensing and Waste Enforcement advised that the application was advertised in the press, the notice was displayed on the premises and had been checked by an Officer.

It was noted that there was no requirement to write to residents individually and the Officer who had attended to check the notice, believed that it had been displayed correctly.

Issues were also raised in relation to there being no need for a further licensed premises in the area and the proposals to build residential units above the premises, however it was noted that those matters could not be considered by the Sub-Committee.

The applicants' Solicitor referred Members to the Home Office Guidance that stated each application should be considered on its own merits and not in relation to other premises and under paragraph 2.1 (Crime and Disorder), the police had not made representations relating to crime and disorder and that they were the main source of evidence in that regard. At paragraph 2.19 any appropriate conditions should focus on the most sensitive periods, for example the late hours and the likely impact of noise. At paragraph 9.45, with regard to planning that was a separate issue it was noted it had been considered separately to the current application before the Sub-Committee.

The applicants' Solicitor stated that the planning application had been considered and granted. Parking issues had been considered as part of that planning application by both Planning and Highways as part of the change of use of the premises.

It was stated that deliveries would take place between 9am and 6pm and it was proposed that the premises licensing hours would be limited between 10am and 10.30pm Monday to Saturday inclusive.

Noise had also been considered with an acoustic report commissioned and air conditioning was installed. There were no windows downstairs in the premises that could be opened and the doors had self-closing mechanisms.

It was stated that alcohol would not be permitted to be consumed outside the premises.

It was confirmed that there would be no amplification of sound from the premises and the rear gate onto King Street, Wollaston would not be used to access the premises, only being used for emergency purposes.

A noise management plan was required with a sound limiter as a consequence of planning consent and there would be background music only at the premises.

The applicants' Solicitor admitted that the courtyard area was small and could only house six to eight people at most, and the predicted levels for the courtyard would be less. The courtyard would be utilised as a smoking area, would have noise notices displayed and there would be no seating.

In responding to a Member's concern in relation to noise emanating from air conditioning units, the applicants' Solicitor advised that conditions on the planning application were in place in relation to installing those units and those conditions would be adhered to.

Members also raised concerns in relation to the termination time of the licence and the applicants' Solicitor advised that should the Sub-Committee wish the termination time to be earlier, the applicants would agree to that, and should customers not comply with the smoking conditions, they would be refused entry to the premises.

Members suggested that there should be no seating or heating in the courtyard area, in order to ensure that potential noise levels remained at a minimum.

Further the applicants had agreed to conditions on the licence to address some noise issues, and the applicants had confirmed that they would encourage use of a local hackney carriage and/or private hire service with an agreement in place.

Environmental Safety and Health advised that they continued to have concerns in relation to the courtyard area.

The applicants had agreed to provide a private telephone number in order that should local residents have concerns, they could be contacted with a view to put measures in place to address issues.

The applicants disagreed that the premises were in a residential area, advising that it was a mixed use area including businesses and a nearby busy supermarket. The applicants asserted that the opening hours were extremely restricted.

In relation to Members comments regarding “off sales” the applicants’ Solicitor advised that the representations made had not raised concerns relating to “off sales”, however any such sales would be in sealed containers.

It was again reiterated that West Midlands Police had not made any representations in relation to potential issues with crime and disorder.

The 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 Chair outlined the decision.

Resolved

That, following consideration of the information contained in the report submitted and presented at the meeting, the application for grant of a premises licence in respect of premises known as 83a-85a Bridgnorth Road, Wollaston, Stourbridge, be approved, in the following terms:-

Sale of Alcohol

Monday to Saturday inclusive	10:00 – 22.15
Sundays	10:00 – 15:00

CONDITIONS ON PREMISES LICENCE

- (1) A (Challenge 25) proof of age scheme shall be operated at the premises where the only acceptable forms of identification are recognised photographic identification cards, such as a driving licence, passport or proof of age card with the PASS Hologram.
- (2) A record shall be kept detailing all refused sale of alcohol. The record shall include the date and time of the refused sale and the name of the member of staff who refused the sale. The record shall be available for inspection at the premises by the police or an authorised officer of the Council at all times whilst the premises is open.
- (3) The premises shall install and maintain CCTV systems. The CCTV system shall continually record whilst the premises are open for licensable activities and during all times when customers remain on the premises. All recordings shall be stored for a minimum period of 31 days. Viewings of recordings shall be made available immediately upon the request of Police or authorised officer throughout the entire 31 day period.

- (4) A staff member who is conversant with the operation of the CCTV system shall be on the premises at all times when the premises is open. This staff member must be able to provide a Police or authorised Council Officer copies of recent CCTV images or data with the absolute minimum of delay when requested.
- (5) An incident log shall be kept at the premises, and made available on request to an authorised Officer of the Council or the Police. It will record the following:-
 - (a) all crimes reported to the venue
 - (b) all ejections of patrons
 - (c) any complaints received concerning crime and disorder
 - (d) any incidents of disorder
 - (e) any faults in the CCTV system
 - (f) any refusal of the sale of alcohol
 - (g) any visit by a relevant authority or emergency service
- (6) The Premises Licence Holder will conduct and implement a fire risk assessment. The capacity of the premises will be in accordance with risk assessment.
- (7) No noise generated on the premises, or by its associated plant or equipment, shall emanate from the premises nor vibration be transmitted through the structure of the premises which gives rise to a nuisance.
- (8) No external sound amplification equipment shall be used on the site of the licensed premises at any time or for any purpose.
- (9) A Sound Limiter shall be fitted and used with any amplified sound arising from within the licensed premises in order to control internal noise levels. The sound limiter shall be used to ensure the inaudibility of amplified sound in nearby properties.
- (10) The gate that provides access / egress from the rear courtyard to the footpath to King Street, Wollaston, Stourbridge shall be secured and shall be used only in the event that an emergency exit is required from the premises.
- (11) Notices shall be prominently displayed at the exit to the premises requesting patrons to respect the needs of local residents and businesses and leave the area quietly.
- (12) Notices shall be prominently displayed at any area used for smoking requesting patrons to respect the needs of local residents and use the area quietly

- (13) A direct telephone number for the manager at the premises shall be publicly available at all times whilst the premises remains open. The telephone number shall be made available to residents and businesses within the vicinity of the premises.
 - (14) The licence holder shall enter into an agreement with a hackney carriage and/or private hire firm to provide transport to customers, with contact numbers made readily available to customers who shall be encouraged to use such services.
 - (15) All windows to the external façade of the licenced premises shall remain closed whilst the premises are open to members of the public. All doors to the external facade of the premises shall be kept closed except for access/egress. All external doors to the licensed premises shall be fitted with self-closing devices.
 - (16) Any off sales from the premises shall be made in sealed containers.
 - (17) There shall be no heating or seating in the smoking courtyard.
-

The meeting ended at 1.00 pm.

CHAIR

Licensing Services, Unit 1 Hurst Business Park, Narrowboat Way, Brierley Hill, DY5 1UF

Application to vary a premises licence under the Licensing Act 2003

PLEASE READ THE FOLLOWING INSTRUCTIONS FIRST

Before completing this form please read the guidance notes at the end of the form. If you are completing this form by hand please write legibly in block capitals. In all cases ensure that your answers are inside the boxes and written in black ink. Use additional sheets if necessary.

You may wish to keep a copy of the completed form for your records.

I/We Jason Thomas & Lee Brown

(insert name(s) of applicant)

being the premises licence holder, apply to vary a premises licence under section 34 of the Licensing Act 2003 for the premises described in Part 1 below

Premises licence number	DY/51/1532
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Part 1 – Premises Details

Postal address of premises or, if none, ordnance survey map reference or description			
Kingsbridge Bar 83A - 85A Bridgnorth Road, Wollaston			
Post town	Stourbridge	Postcode	DY8 3PZ
Telephone number at premises (if any)			
Non-domestic rateable value of premises			

Part 2 – Applicant details

Daytime contact telephone number			
E-mail address (optional)			
Current postal address if different from premises address			
Post town		Postcode	

Part 3 - Variation

Please tick as appropriate

Do you want the proposed variation to have effect as soon as possible? Yes No

If not, from what date do you want the variation to take effect? DD MM YYYY

--	--	--	--	--	--	--	--

Do you want the proposed variation to have effect in relation to the introduction of the late night levy? (Please see guidance note 1) Yes No

Please describe briefly the nature of the proposed variation (Please see guidance note 2)

Kingsbridge Bar would like to amend the conditions of its outdoor area imposed by the licensing authority on 28th September 2021 to the following -

From 10am - 1800pm Monday - Saturday to 10am -2100pm

From 10am - 1500pm Sunday To 10am -2100pm

The sale of Alcohol in the outdoor area is not permitted only for consumption,

The outdoor area will be closed to public at 2100pm Monday to Sunday

If your proposed variation would mean that 5,000 or more people are expected to attend the premises at any one time, please state the number expected to attend:

--

Part 4 Operating Schedule

Please complete those parts of the Operating Schedule below which would be subject to change if this application to vary is successful.

Provision of regulated entertainment (Please see guidance note 3) Please tick all that apply

- a) plays (if ticking yes, fill in box A)
- b) films (if ticking yes, fill in box B)
- c) indoor sporting events (if ticking yes, fill in box C)
- d) boxing or wrestling entertainment (if ticking yes, fill in box D)
- e) live music (if ticking yes, fill in box E)
- f) recorded music (if ticking yes, fill in box F)
- g) performances of dance (if ticking yes, fill in box G)
- h) anything of a similar description to that falling within (e), (f) or (g) (if ticking yes, fill in box H)

Provision of late night refreshment (if ticking yes, fill in box I)

Supply of alcohol (if ticking yes, fill in box J)

In all cases complete boxes K, L and M

A

Plays Standard days and timings (please read guidance note 8)			<u>Will the performance of a play take place indoors or outdoors or both – please tick (please read guidance note 4)</u>	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish	<u>Please give further details here (please read guidance note 5)</u>		
Mon					
Tue					
Wed			<u>State any seasonal variations for performing plays (please read guidance note 6)</u>		
Thur					
Fri			<u>Non standard timings. Where you intend to use the premises for the performance of plays at different times to those listed in the column on the left, please list (please read guidance note 7)</u>		
Sat					
Sun					

B

Films Standard days and timings (please read guidance note 8)			<u>Will the exhibition of films take place indoors or outdoors or both – please tick</u> (please read guidance note 4)	Indoors	<input type="checkbox"/>
Day	Start	Finish		Outdoors	<input type="checkbox"/>
Mon				Both	<input type="checkbox"/>
Tue				<u>Please give further details here</u> (please read guidance note 5)	
Wed					
Thur			<u>State any seasonal variations for the exhibition of films</u> (please read guidance note 6)		
Fri					
Sat			<u>Non standard timings. Where you intend to use the premises for the exhibition of films at different times to those listed in the column on the left, please list</u> (please read guidance note 7)		
Sun					

C

Indoor sporting events Standard days and timings (please read guidance note 8)			Please give further details (please read guidance note 5)
Day	Start	Finish	
Mon			
Tue			State any seasonal variations for indoor sporting events (please read guidance note 6)
Wed			
Thur			Non standard timings. Where you intend to use the premises for indoor sporting events at different times to those listed in the column on the left, please list (please read guidance note 7)
Fri			
Sat			
Sun			

D

Boxing or wrestling entertainments Standard days and timings (please read guidance note 8)			Will the boxing or wrestling entertainment take place indoors or outdoors or both – please tick (please read guidance note 4)	Indoors	<input type="checkbox"/>
Day	Start	Finish		Outdoors	<input type="checkbox"/>
Mon			Please give further details here (please read guidance note 5)	Both	<input type="checkbox"/>
Tue					
Wed					
Thur			State any seasonal variations for boxing or wrestling entertainment (please read guidance note 6)		
Fri					
Sat			Non standard timings. Where you intend to use the premises for boxing or wrestling entertainment at different times to those listed in the column on the left, please list (please read guidance note 7)		
Sun					

E

Live music Standard days and timings (please read guidance note 8)			Will the performance of live music take place indoors or outdoors or both – please tick (please read guidance note 4)	Indoors	<input type="checkbox"/>
Day	Start	Finish		Outdoors	<input type="checkbox"/>
Mon				Both	<input type="checkbox"/>
Tue				<u>Please give further details here</u> (please read guidance note 5)	
Wed					
Thur			<u>State any seasonal variations for the performance of live music</u> (please read guidance note 6)		
Fri					
Sat			<u>Non standard timings. Where you intend to use the premises for the performance of live music at different times to those listed in the column on the left, please list</u> (please read guidance note 7)		
Sun					

F

Recorded music Standard days and timings (please read guidance note 8)			<u>Will the playing of recorded music take place indoors or outdoors or both – please tick (please read guidance note 4)</u>	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish	<u>Please give further details here (please read guidance note 5)</u>		
Mon					
Tue			<u>State any seasonal variations for the playing of recorded music (please read guidance note 6)</u>		
Wed					
Thur			<u>Non standard timings. Where you intend to use the premises for the playing of recorded music at different times to those listed in the column on the left, please list (please read guidance note 7)</u>		
Fri					
Sat					
Sun					

G

Performances of dance Standard days and timings (please read guidance note 8)			<u>Will the performance of dance take place indoors or outdoors or both – please tick</u> (please read guidance note 4)	Indoors	<input type="checkbox"/>
Day	Start	Finish		Outdoors	<input type="checkbox"/>
Mon			<u>Please give further details here</u> (please read guidance note 5)	Both	<input type="checkbox"/>
Tue					
Wed					
Thur			<u>State any seasonal variations for the performance of dance</u> (please read guidance note 6)		
Fri					
Sat			<u>Non standard timings. Where you intend to use the premises for the performance of dance at different times to those listed in the column on the left, please list</u> (please read guidance note 7)		
Sun					

H

Anything of a similar description to that falling within (e), (f) or (g) Standard days and timings (please read guidance note 8)			Please give a description of the type of entertainment you will be providing		
Day	Start	Finish	Will this entertainment take place indoors or outdoors or both – please tick (please read guidance note 4)	Indoors	<input type="checkbox"/>
Mon				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Tue			Please give further details here (please read guidance note 5)		
Wed					
Thur			State any seasonal variations for entertainment of a similar description to that falling within (e), (f) or (g) (please read guidance note 6)		
Fri					
Sat			Non standard timings. Where you intend to use the premises for the entertainment of a similar description to that falling within (e), (f) or (g) at different times to those listed in the column on the left, please list (please read guidance note 7)		
Sun					

I

Late night refreshment Standard days and timings (please read guidance note 8)			Will the provision of late night refreshment take place indoors or outdoors or both – please tick (please read guidance note 4)	Indoors	<input type="checkbox"/>
Day	Start	Finish		Outdoors	<input type="checkbox"/>
Mon			Please give further details here (please read guidance note 5)	Both	<input type="checkbox"/>
Tue					
Wed					
Thur			State any seasonal variations for the provision of late night refreshment (please read guidance note 6)		
Fri					
Sat					
Sun			Non standard timings. Where you intend to use the premises for the provision of late night refreshment at different times, to those listed in the column on the left, please list (please read guidance note 7)		

J

Supply of alcohol Standard days and timings (please read guidance note 8)			Will the supply of alcohol be for consumption – please tick (please read guidance note 9)	On the premises	<input type="checkbox"/>
Day	Start	Finish		Off the premises	<input type="checkbox"/>
Mon			State any seasonal variations for the supply of alcohol (please read guidance note 6)	Both	<input type="checkbox"/>
Tue					
Wed					
Thur			Non-standard timings. Where you intend to use the premises for the supply of alcohol at different times to those listed in the column on the left, please list (please read guidance note 7)		
Fri					
Sat					
Sun					

K

Please highlight any adult entertainment or services, activities, other entertainment or matters ancillary to the use of the premises that may give rise to concern in respect of children (please read guidance note 10).

L

Hours premises are open to the public Standard days and timings (please read guidance note 8)			State any seasonal variations (please read guidance note 6)
Day	Start	Finish	
Mon			Non standard timings. Where you intend the premises to be open to the public at different times from those listed in the column on the left, please list (please read guidance note 7)
Tue			
Wed			
Thur			
Fri			
Sat			
Sun			

Please identify those conditions currently imposed on the licence which you believe could be removed as a consequence of the proposed variation you are seeking.

- I have enclosed the premises licence
- I have enclosed the relevant part of the premises licence

Please tick as appropriate

If you have not ticked one of these boxes, please fill in reasons for not including the licence or part of it below

Reasons why I have not enclosed the premises licence or relevant part of premises licence.
--

M Describe any additional steps you intend to take to promote the four licensing objectives as a result of the proposed variation:

a) General – all four licensing objectives (b, c, d and e) (please read guidance note 11)

no additional steps are proposed to promote the licensing objective

b) The prevention of crime and disorder

no additional steps are proposed to promote the licensing objective

c) Public safety

no additional steps are proposed to promote the licensing objective

d) The prevention of public nuisance

no additional steps are proposed to promote the licensing objective

e) The protection of children from harm

no additional steps are proposed to promote the licensing objective

Checklist:

Please tick to indicate agreement

- I have made or enclosed payment of the fee; or
- I have not made or enclosed payment of the fee because this application has been made in relation to the introduction of the late night levy.
- I have sent copies of this application and the plan to responsible authorities and others where applicable.
- I understand that I must now advertise my application.
- I have enclosed the premises licence or relevant part of it or explanation.
- I understand that if I do not comply with the above requirements my application will be rejected.

IT IS AN OFFENCE, UNDER SECTION 158 OF THE LICENSING ACT 2003, TO MAKE A FALSE STATEMENT IN OR IN CONNECTION WITH THIS APPLICATION. THOSE WHO MAKE A FALSE STATEMENT MAY BE LIABLE ON SUMMARY CONVICTION TO A FINE OF ANY AMOUNT.

Part 5 – Signatures (please read guidance note 12)

Signature of applicant (the current premises licence holder) or applicant’s solicitor or other duly authorised agent (please read guidance note 13). If signing on behalf of the applicant, please state in what capacity.

Signature	Jason Thomas
Date	11.07.2023
Capacity	owner -premises licence holder

Where the premises licence is jointly held, signature of 2nd applicant (the current premises licence holder) or 2nd applicant’s solicitor or other authorised agent (please read guidance note 14). If signing on behalf of the applicant, please state in what capacity.

Signature	<i>LEE BROWN</i>
Date	11.07.2023
Capacity	<i>OWNER.</i>

Contact name (where not previously given) and address for correspondence associated with this application (please read guidance note 15)

Post town	Post code
Telephone number (if any)	

If you would prefer us to correspond with you by e-mail, your e-mail address (optional)

Notes for Guidance

This application cannot be used to vary the licence so as to extend the period for which the licence has effect or to vary substantially the premises to which it relates. If you wish to make that type of change to the premises licence, you should make a new premises licence application under section 17 of the Licensing Act 2003.

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

12. The application form must be signed.
13. An applicant's agent (for example solicitor) may sign the form on their behalf provided that they have actual authority to do so.
14. Where there is more than one applicant, each of the applicants or their respective agents must sign the application form.
15. This is the address which we shall use to correspond with you about this application.

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

12. The application form must be signed.
13. An applicant's agent (for example solicitor) may sign the form on their behalf provided that they have actual authority to do so.
14. Where there is more than one applicant, each of the applicants or their respective agents must sign the application form.
15. This is the address which we shall use to correspond with you about this application.



24/07/2022

RE: Proposed variation of a premises license at Kingsbridge Bar 83A-85A, Bridgenorth Road, Wollaston, Stourbridge.

I would like to strongly object to the extension of the outdoor 'beer garden' opening times at the above pub.

I want to bring to your attention the already existing noise problems we have to endure with the existing opening hours of the beer garden and also refer you to the Planning Conditions that were enforced by Dudley Council under application number P18/1628

Here is just one example of this noise - <https://>

I live right opposite this beer garden and have been here for over 30 years and this development has had a massive detrimental effect on our wellbeing. My one son has to get up at 4am for his job and is generally in bed at 9pm at the latest. The open courtyard area of the pub already causes noise problems at busy times and has had drunk persons shouting at each other causing us to go outside to see what is occurring as it sounds like arguments in the street that can be heard from inside out house.

Referring back to the 'conditions' laid down by Dudley Council and what already seems to be ignored..

Point 3. No deliveries or despatches shall be made to or from the site, and no delivery or despatch vehicles shall enter or leave the site, before the hours of 09:00 nor after 18:00 Monday to Saturday, or at all on Sundays and Public Holidays. REASON: To protect the amenities of nearby residents in accordance with Borough development strategy 2017 Policy D5 Noise Pollution and Policy L1 Housing Development.

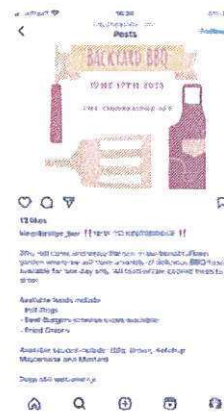
Whilst deliveries comply to this, the establishment has their glass waste bins emptied from their storage area in King Street opposite our house at 06:00am on a Monday morning. The noise of which can only be likened to the collapse of a building as the bin is emptied into the waste lorry, guaranteed to wake anyone nearby.

Point 8. Before the development commences, a premises management plan to control noise and prevent any disturbances to nearby residents from the use of the rear courtyard / beer garden and footpath in Bridgnorth Road and King Street associated with the a4 ground floor use shall be submitted to and approved in writing by the local Planning Authority. The plans shall include details of when all windows and doors to the external facades of the ground floor A4 use shall be closed. The actions contained within the approved noise management plan shall be implemented in full at all times that the ground floor A4 use is operating.

This point seems to be ignored as the beer garden door and courtyard door are clearly left open at all times, resulting in hearing internal noise at busy times.

Point 12. The premises shall not be used for the serving of hot food and no primary cooking operations of unprepared food shall occur within the premises for the lifetime of the development. REASON: To protect the amenities of nearby residents and in accordance with Borough Development Strategy 2017 Policy D5 Noise Pollution and Policy L1 Housing Development, extensions and alterations to existing dwellings and policy D2 Incompatible Land Uses (In Part)

This point seems to be permanently ignored as they serve hot food as standard.. as shown below.



We have had to ring Jason Thomas on several occasions where the beer garden has remained open later than the current time. As he now normally ignores any phone calls my wife went into the pub around 7:30 on 15th July to ask why the garden was still open where the girl behind the bar replied with "I have been told to keep it open"

They have had several open mic nights where the beer garden doors have remained open meaning it can be heard from our property.

Based on the above information I hope you can see that granting an extension to the beer garden opening hours would have a devastating effect to the properties that overlook this development and that are already suffering detrimental effects due to its current existence.

Best Regards

03 August 2023

Good Afternoon

Further to the correspondence below I would like to hereby formally submit a representation and objection to a Premises Licence Variation Application submitted on 12 July 2023 by applicants Mr Jason Thomas and Mr Lee Brown. in respect of Kingsbridge Bar (83A – 85A Bridgnorth Road, Wollaston, Stourbridge, West Midlands, DY8 3PZ).

I live at _____ and my property lies just below and opposite the boundary wall of the Kingsbridge Bar beer garden. King Street is a relatively narrow terraced residential street and the beer garden is only 8 metres away from my property and within line of sight.

Condition 4 of P22/0632 stipulated “The outdoor drinking area hereby approved shall not be used for any purpose before the hours of 1000 nor after 1800 hours Monday to Saturday, or before the hours of 1000 nor after 1500 hours on Sundays and Public Holidays. REASON: To protect the amenities of the surrounding residents in accordance with Borough Development Strategy 2017 Policy D5 Noise Pollution and Policy L1 Housing Development, extensions and alterations to existing dwellings Policy D2 Incompatible Land Uses (in part)”. The applicants are now seeking to extend the sale of alcohol for consumption in the outdoor area for an additional three hours between 18.00 – 21.00 on Monday – Saturday and an additional six hours between 15.00 – 21.00 on Sunday.

This is incredibly disappointing and frustrating given that the current restrictions on the beer garden opening times were imposed by the Planning Committee, and recommended by the Environmental Health Team, to protect the civic amenity of those residents living closest from excessive noise at times when we are at home and wanting to enjoy the peace and quiet of our properties. To extend the opening times of the beer garden goes against these protections and will invariably lead to yet more noise disturbances from the patrons of the beer garden.

Even with the current restrictions in place we suffer excessive noise from the beer garden (shouting, screaming, singing) and despite residents’ repeated complaints to both the bar staff and bar owners this continues. The noise is at times excessive and can be heard from within the closest properties even with windows closed. Recordings of this have been taken and previously submitted. To now extend the opening hours, particularly at the weekend, will inevitably lead to patrons staying longer, drinking more alcohol and within the social setting of a beer garden generate yet more noise to our annoyance and dismay.

It should also be recognised, and further investigated, that on several documented occasions the beer garden has been in full commercial and private use at times outside of the current opening hours in direct contravention of P22/0632. Most recently, on 28

June 2023 the Kingsbridge Bar was closed for a private family event, yet the beer garden remained open and in full use after 18.00 for several hours with noisy children playing outside. When a neighbour complained about the noise and use of the beer garden beyond it's curfew she was advised this did not apply to private family events yet P22/0632 clearly stipulates the outdoor area "shall not be used for any purpose" outside of the stipulated times. On 14 July 2023 the beer garden was still in full use at 21.00 and on 15 July 2023 it was also still open at 19.30 in direct contravention of the current planning consent. What hope is there of the applicants observing extended opening hours when they have scant regard for the current limits, or consideration of the noise impact on their nearest neighbours? It should be noted that on all of these occasions the beer garden was in full use, it wasn't pub goers from within the bar using the outside smoking area however that in itself is another sore source of excessive noise particularly on the recently introduced live music nights when noise blasts outside whenever the door is opened and kept open.

I would also like to draw to the attention of both the Licensing Department and Planning Department a further blatant contravention of P18/1628 which granted planning consent for the bar itself. Clause 12 states, "The premises shall not be used for the serving of hot food and no primary cooking operations of unprepared food shall occur within the premises for the lifetime of the development. REASON: To protect the amenities of nearby residents and in accordance with Borough Development Strategy 2017 Policy D5 Noise Pollution and Policy L1 Housing Development, extensions and alterations to existing dwellings and Policy D2 Incompatible Land Uses (in part)". In spite of this the Kingsbridge Bar now offer a range of hot cooked breakfast items; a range of toasties; pizzas and on 17 June 2023 they planned to host a BBQ in the beer garden. Surely this contravenes Clause 12 of P18/1628?

I am wholly opposed to any extension of the beer garden opening hours on the basis this is highly likely to generate yet more noise which I should not have to suffer within the peace and quiet of my own home. The bar owners and staff have flagrant regard for observing the stipulations of their planning and licensing consents. The beer garden is not always promptly closed nor is their due regard given for the noise it generates. It might be considered by some that a beer garden of such small size cannot generate much noise, but this is simply not the case when it is an open-air walled space with maximum occupancy for the social enjoyment of alcohol which itself is recognised to generate noise over and above the normal level. It might also be considered by some that the proposed extension of opening hours would still see the beer garden close at a reasonable time however this is of no comfort to myself or my immediate neighbours who work unsociable hours and often go to bed very early as a result. I therefore implore you to reject this license variation application and investigate further the breaches of existing planning and licensing consents as detailed above.

Kind regards

Meeting of the Licensing Sub-Committee 3 - 5th September 2023

Report of the Interim Service Director of Environment Directorate

Application for Renewal of Consent to Engage in Street Trading - Mr Muhammad Ikhlas – Build A Burga Ltd

Purpose

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

Recommendation

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

Background

3. The recent history of street trading within the Dudley Borough is as follows: On the 28th October 1987 the Administration, Property and Legal Committee approved the transition of regulation for Street Trading, from Section 40 of the Local Government (Miscellaneous Provisions) Act 1982 Part III.
4. In accordance with the regulations the Committee designated consented and prohibited streets throughout the Borough in relation to street trading. The designated streets came into force on the 22nd May 1989.
5. On 20th March 1991 the Administration, Property and Legal Committee determined new criteria in respect of street trading consents. As a result a committee meeting was held on the 29th April 1991, where all

holders of street consents were invited to submit new proposals in line with the new criteria. As a result of the hearing, all successful applicants were issued with new terms and conditions.

6. On the 31st of October 2005, following requests from Town Centre Managers, the Licensing Sub Committee approved amendments to the designated consented and prohibited streets. This included the following:

Consented Streets:

Stone Street Square
Stone Street (High Street to Priory Street)

The rest of Stone Street was considered a prohibited street for street trading.

7. All street consents were reviewed by the Licensing and Safety Committee on the 12th November 2009, however no amendments were made and therefore the consented and prohibited streets shown in paragraph 6 are still valid.
8. On the 23rd May 2022, an application was received by the Licensing Office from Mr Ikhlas for the grant of a consent to engage in street trading in Stone Street Square, Dudley to sell Burgers, Fries and Canned Drinks. Monday to Sunday 12.00pm until 11.00pm.
9. This matter was considered by the Committee on the 2nd August 2022, when comments in respect of the application were received from Environmental Health and Trading Standards, Traffic Transportation and Engineering Services and Placemaking (Regeneration and Enterprise). The Committee resolved that a consent to engage in street trading in Dudley Town Centre be approved subject to the relevant Department to confirm in writing the precise location on which the applicant could trade at Stone Street Square, Dudley.
10. On the 20th March 2023 an application to renew the consent from the 2nd August 2023 was received by the Licensing office.
11. That application together with details of the proposed site and photograph of the trading vehicle were circulated to Committee Members and interested parties, details of the application were also posted on the Council Web Site.

12. Comments in respect of the application were received from 3 Ward Councillors, Corporate Landlord Services, Street Green Care and Amenity Services and Environmental Health and Trading Standards and are attached to this report as Appendix 2.

Finance

13. There are no financial implications.

Law

14. 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.
15. 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.
16. 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.
17. 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.
18. 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

19. There are no risk management implications.

Equality Impact

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

Human Resources/Organisational Development

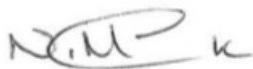
22. There are no human resources/organisational development implications.

Commercial/Procurement

23. There are no commercial/procurement implications.

Council Priorities and projects

24. 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.



Nicholas McGurk
Interim Service Director of Environment Directorate

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

List of Background Documents

Current Street Trading Consent

Appendices

Appendix 1 - Application Form
Appendix 2 - Representations



DUDLEY METROPOLITAN BOROUGH COUNCIL

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

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

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

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

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

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

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

£ 0 for each additional site for which I have applied

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

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

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

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

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

Signed 

For and on behalf of

BUILD A BURGA LTD



Gale Siviter (Waste, Fleet and Licensing)

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

Hi Gale,

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

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

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

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

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

Regards,

Mark Bieganski
Strategy and Governance Section Manager

Gale Siviter (Waste, Fleet and Licensing)

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

Hi Gale

I have had a look at this application for street trading on Stone Street Square. With the new Glass House Restaurant opening anytime now, along with the new projects for that area i would like for us to help find an alternative location for the burger van business. Which would help the new Restaurant get on it feet and established, as the restaurant will create much needed jobs and I think more beneficial to that area.

So unfortunately I can not support the application.

Kind Regards

Cllr Wayne Sullivan
St James Ward

Gale Siviter (Waste, Fleet and Licensing)

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

Good morning Gale,

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

Kind regards

Cllr Sara Bothul

Sent from my iPhone

Gale Siviter (Waste, Fleet and Licensing)

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

Hi Gale

I'd obviously missed this so apologies.

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

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

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

Gale Siviter (Waste, Fleet and Licensing)

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

Sensitivity: Confidential

Morning Gale,

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

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

Access via Stone Street would be preferable.

Cheers

Alan

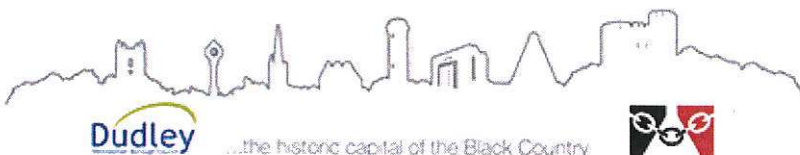
Regards,

Alan Radford
Maintenance Manager



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

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



Gale Siviter (Waste, Fleet and Licensing)

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

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

Good afternoon,

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

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

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

Many thanks,

Regards,

Charley Vaughan
Principal Environmental Health Officer



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