

**Minutes of the Licensing Sub-Committee 3  
Tuesday, 5th September 2023 at 10.00 am  
In Meeting Room 6, Saltwells Education Development Centre,  
Bowling Green Road, Netherton**

**Present:**

Councillor M Evans (Chair)  
Councillors A Goddard and S Mughal

**Officers:**

S Smith – Team Manager (Waste, Fleet and Licensing) (Directorate of Environment), T Holder – Solicitor and K Buckle – Democratic Services Officer (Directorate of Finance and Legal).

---

9. **Apologies for Absence**

There were no apologies for absence for this meeting of the Sub-Committee.

---

10. **Appointment of Substitute Member**

There were no substitute Members appointed for this meeting of the Sub-Committee.

---

11. **Declarations of Interest**

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

12. **Minutes**

**Resolved**

That the minutes of the meeting held on 4<sup>th</sup> July 2023, be approved as a correct record, and signed.

---

13. **Application to Vary a Premises Licence – Kingsbridge Bar, 83A – 85A Bridgnorth Road, Wollaston, Stourbridge.**

A report of the Interim Service Director of Environment was submitted on an application to vary a premises licence in respect of Kingsbridge Bar, 83A to 85A Bridgnorth Road, Wollaston, Stourbridge.

The following persons were in attendance at the meeting: -

Mr L Brown – Premises Licence Holder

Mr J Thomas – Premises Licence Holder

Mr N Cook (Local resident and customer of the Kingsbridge Bar)

Following introductions, the Team Manager (Waste, Fleet and Licensing) presented the report on behalf of the Council, referring to the application to the request for the variation and the previous applications that were considered by the Sub-Committee and subsequently granted subject to conditions.

Members were referred to the objections that had been made to the application and that the objectors had been notified of the date for consideration of the application, however no notification had been received that they would be attending.

The applicants were invited to make representations and in doing so Mr N Cook, local resident, customer, and a small business owner referred to the Kingsbridge Bar being a small, friendly, safe and warm all-inclusive bar which provided coffee during mornings and quiet drinks during evenings. The drinks had been priced to avoid binge drinkers and anti-social behaviour and it was unfortunate that the outside area of the premises could not be open during summer evenings for customers.

The current application for the variation of the premises licence was to extend the opening time for the garden area until 9pm which would be on a seasonal basis as there was not external covering for the garden.

This area would remain smoke and music free.

It was understood that there had been three objections to the application from one family and a resident who had moved into a property within the area following the opening of the bar.

In conclusion, the business was struggling, and it was believed that it should be supported.

In response to a question from Councillor A Goddard, the premises licence owners advised that there was a separate outside smoking area at the premises in line with the conditions on the licence.

In response to a question from the Solicitor, it was stated that the capacity including the garden area was 200, however realistically there were usually no more than 20 customers occupying the garden area and the total capacity of the bar had never been reached.

The Chair invited those present to respond to the objections raised and the Mr J Thomas stated that local residents could contact both himself and Mr L Brown to raise any issues that would be directly dealt with and believed that 9pm would be a more realistic closing time for the garden area.

There was a robust management plan in place for the garden area, however he had stopped answering his phone to one resident due to abusive and threatening language and text messages.

Mr L Brown confirmed that he continued to converse with the local resident by mobile phone when issues arose.

In response to a question from the Chair, it was confirmed that both the planning and licensing objectives were and had been complied with and both of the premises licence owners remained in contact with the Council's Environmental Health Officers.

It was stated that only two complaints had been received in relation to the garden area which had resulted in miscommunication in relation to the current application to extend the opening time of the garden area which had been rectified with the bar manager.

Mr J Thomas referred to the signage outside requesting customers to respect neighbouring properties and keep noise levels low.

In response to a question from Councillor S Mughal in relation to the complaint pertaining to serving hot food, it was confirmed that food was heated through in a microwave only.

In response to a further question from Councillor S Mughal, Mr L Brown advised that the open mic nights were inside the business premises, the outside door remained closed and as such consisted of one gentleman playing music at the premises.

In response to a question from the Solicitor in relation to objections relating to the outside door remaining open, Mr L Brown advised that the door remained open between 4pm and 5pm but remained closed during the evening.

The premises licence owners confirmed that the complaint in relation to the garden area remaining open had occurred following a private family funeral and that complaint had been immediately addressed.

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 variation of the premises licence in respect of the Kingsbridge Bar, 83A to 85A Bridgnorth Road, Wollaston, be approved.

---

#### 14. **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.

Mr M Ikhlas, applicant, was in attendance at the meeting.

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 20<sup>th</sup> March, 2023 to renew the consent from the 2<sup>nd</sup> August, 2023 in Stone Street Square, Dudley to sell Burgers, Fries and Canned Drinks, Monday to Sunday between the hours of 12 noon to 11pm. This matter had been considered previously by the Sub-Committee on 4<sup>th</sup> July 2023, when the application had been deferred pending further investigation on the consent awarded to Stone Street Square, Dudley, following the evidence submitted and comments made by Mr M Bieganski, the Strategy and Governance Section Manager on behalf of Corporate Landlord Services. It was understood that Stone Street Square was not a designated public highway and was owned and maintained by Dudley Council as a public space.

It was noted that although Mr M Bieganski was not in attendance at the meeting, he had submitted a briefing note to the Chair providing advice for the Sub-Committee to consider.

Mr Ikhlas indicated that he had not received the above briefing note and the meeting was adjourned in order for Mr Ikhlas to read the briefing note.

The meeting was re-convened and the Team Manager (Waste, Fleet and Licensing) read out the briefing note provided by Mr M Bieganski which stated as follows: -

### Stone Street Square

#### Advice to the Chair of the Licencing Sub-Committee

Further to the licencing hearing in July 2023 I was asked to undertake a review of the history to Stone Street Square.

This historical information is best presented to the Sub-Committee through a series of documentary evidence.

### Public Highway

The current extent of public highway maintained at public expense is shown in diagram A.

This clearly shows Stone Street is not presently deemed a public highway.

## Historical Information Council Acquisition

The council purchased this site under two separate transactions in 1886 and 1891.

The extent of purchase is shown in diagram B. As can be seen from this there is no part of the square which wasn't purchased which might have been deemed a highway. By way of comparison diagram C shows the acquisition record of a site nearby where there was former highway, and it can be seen clearly both the route of the roadways and therefore property which was not acquired.

Diagram D shows the situation on site in the 1880's per ordnance survey emphasising that this was not even the square as we see it today but rather there were buildings up to the front edge of Priory Street and Stone Street. Please note overlaid over the top of the mapping in blue is the current Ordnance survey outlines.

### Ordnance survey and photographic evidence

Diagram E is taken from the Ordnance survey for the 1920's and we can see the square is developed as a market square and clearly marked as such.

Diagram F is taken from the 1960's and now the space is laid out as a car park, and we believe the shelter shown is for a bus shelter. Please see also diagram G which is a photograph of the area taken which we believe a decade later in the 1970s (going by the cars in the background) which shows the use of Stone Street Square as a car park and a bus stop.

By this time aerial photographic evidence has become available and diagrams H, I, J, K and L are aerial photographs showing the use of the square developing from car parking in the 1960's to the open space we see today.

The final element is diagram M the commemorative plaque for the funding used to create Stone Street Square as event space. Officers have advised there is a power source to this square for such events and careful examination of the brick paved area evidences the tie down arrangements for any marquee which may be erected in the square during such an event.

## Conclusion

Stone Street Square was not purchased for public highway purposes and nor was it purchased with any highway crossing it. Its development has been for controlled public use whether car parking or the market square or as now its use as event space. The public highway extent is to the back of the pavement of both Priory Street and Stone Street and there is no evidence found which would suggest it has ever been used as a highway.

I can only conclude from here that it has been included in the list of trading streets under the control of the Licensing Sub-Committee in error. The objection to renewing the licence by myself, on behalf of the Council, still stands. There is a process to go through to remove Stone Street Square from this list which will be undertaken in due course.”

In response to a question from the Chair, Mr Ikhlas indicated that there had only been one event on Stone Street Square that had prevented him from trading during the previous year and he was prepared to work around any further events.

In response to a question from Councillor S Mughal, Mr Ikhlas stated that to utilise private land for his business in the future should his application not be successful.

The Solicitor confirmed that the Council could request that Stone Street Square be re-classified as none trading by way of None Trading Order, however the Sub-Committee had to consider the application before them on its own merits.

Mr Ikhlas confirmed that he did operate at other events and on the site of a public house once each week and a local gym, therefore there were other locations for Build A Burga Ltd Street Trading, however those locations were not permanent bases.

The Chair indicated that he fully supported venues and businesses within the Borough and asked whether Mr Ikhlas was prepared to work with the authority to find another possible area, to operate from.

The Team Manager (Licensing and Waste Enforcement) indicated that the authority held a list of consented streets and should Mr Ikhlas find another area to operate his business from, a further application would have to be submitted to the Sub-Committee. If a not consented area was required, work would have to be conducted with the Highways department.

Mr Ikhlas confirmed that he would consider both options set out above.

Mr Ikhlas was provided with the opportunity to sum up his case, 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 approved.

---

### 15 **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 11.35pm

CHAIR