

## LICENSING SUB-COMMITTEE 2

Tuesday 25<sup>th</sup> January, 2011 at 10.25am  
in The Council Chamber, The Council House, Dudley

### PRESENT:-

Councillor Woodall (Chairman)  
Councillors Mrs Aston and Vickers.

### Officers

Principal Solicitor (Legal Advisor), Mrs J Elliott (Licensing Officer) and Miss H Shepherd (Directorate of Corporate Resources).

### Also in attendance

Rachel Cooper (Group Accountant, Directorate of Corporate Resources)  
(In relation to Agenda Item No 8 only)

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39      DECLARATIONS OF INTEREST

No member declared an interest in accordance with the Members' Code of Conduct.

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40      MINUTES

### RESOLVED

That the Minutes of the Meeting of the Sub-Committee held on 14<sup>th</sup> December, 2010, be approved as a correct record and signed.

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41      APPLICATION FOR A LICENSED PREMISES GAMING MACHINE PERMIT – BOWLPLEX, BIRMINGHAM ROAD, CASTLE GATE PARK, DUDLEY

A report of the Director of Corporate Resources was submitted on an application for the grant of a Licensed Premises Gaming Machine Permit for 20 machines in respect of Bowlplex, Birmingham Road, Castle Gate Park, Dudley, West Midlands, DY1 4TA.

Mr P Haynes, the designated premises supervisor and Mr J Langham, on behalf of Town and Country Leisure Ltd, was in attendance at the meeting.

Following introductions, the Legal Advisor explained the procedure to be followed.

Mrs J Elliott, Licensing Officer, presented the report on behalf of the Council.

Mr Langham informed the Committee that it was their intention to reduce the number of Category C gaming machines and introduce more Category D gaming machines. A category D machine has multiple money slots and requires a permit for each slot, and provides customers with more value for money rather than just gambling.

Clarification was sought with regards to the siting of the machines, as not all could be located on the plan supplied. Mr Langham stated that Category D machines could be a double machine and therefore require more than one permit, it would be dependent on the type of machines purchased.

Following a question raised by the Legal Advisor with regards to safe guarding children, Mr Haynes informed the Sub-Committee that Over 18 signage was displayed by all gaming machines, that all staff were trained during their induction with regards to the company's Gambling Policy, and that all refusals and request for proof of Identification were recorded in the Alcohol and Gambling Refusals Register. He also stated that children under the age of 18 were not allowed on the premises after 9.00 pm unless accompanied by an adult. Copies of the companies gambling policy, staff induction checklist and the refusals register, were circulated to members of the Sub-Committee at the meeting.

Arising from questions raised by the Legal Advisor, Mr Haynes confirmed that the refusal register was a loose folder and not bound and that the Video World, where the majority of the gaming machines would be located, was in view from the reception area, monitored on CCTV and managers were vigilant and carried out regular checks. Mr Haynes also stated that security staff were employed on weekends.

In response to a question, Mr Haynes stated that the equipment in place at the Bowlplex worked through a bar code system and would also record electronically if a customer was challenged for ID. He also stated that the number of requests for ID was dependent on the level of business.

Mr Langham stated that if the application was granted, then a plan identifying the location of all the gaming machines would be submitted to the Licensing Officer, upon installation of the machines.

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

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

RESOLVED

That, the application for the grant of a Licensed Premises Gaming Machine Permit for 20 machines in respect of Bowlplex, Birmingham Road, Castle Gate Park, Dudley, be approved.

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42      APPLICATION FOR HOUSE TO HOUSE COLLECTIONS LICENCE – RAGBAGS – DAYCARE TRUST

A report of the Director of Corporate Resources was submitted on an application for the grant of a House to House Collections Licence in respect of Daycare Trust (Ragbags).

It was noted that the applicant was not in attendance at the meeting.

Following consideration it was

RESOLVED

That, in view of the applicant's non-attendance at the meeting and that further account information had still not been provided as requested, the application for the grant of a House to House Collections Licence in respect of Daycare Trust (Ragbags) be refused.

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43      APPLICATION FOR HOUSE TO HOUSE COLLECTIONS LICENCE – EAST LONDON TEXTILES LIMITED (LITTLE TREASURES CHILDRENS TRUST)

A report of the Director of Corporate Resources was submitted on an application for the grant of a House to House Collections Licence in respect of East London Textile Limited on behalf of Little Treasures Children's Trust.

Mr Davies, on behalf of Mr Collins, the applicant, was in attendance at the meeting.

Clarification was sought as to Mr Davies relationship with Mr Collins, who stated he was not currently employed with East London Textiles Ltd and did not have any connections with the business, but would be in the future. He stated that due to unforeseen circumstances Mr Collins had been unable to attend.

Following a brief discussion, it was

## RESOLVED

That, in view of the applicant's non-attendance and that Mr Davies had no connection with the business, the application for the grant of a House to House Collections Licence in respect of East London Textiles Limited on behalf of Little Treasures Children's Trust, be deferred to a future meeting of the Sub-Committee.

## ADJOURNMENT OF MEETING

At this juncture, the Committee adjourned until 11.30 am.

### 44 APPLICATION FOR VARIANCE OF FEE IN RELATION TO A LICENCE FOR A SEX ESTABLISHMENT – BANDIT QUEEN GENTLEMEN'S CLUB, 93 KING STREET, DUDLEY

A report of the Director of Corporate Resources was submitted on an application made to vary the fee for a Licence for a Sex Establishment, made by Silks Solicitors on behalf of Bandit Queen Gentlemen's Club, 93, King Street, West Midlands, DY2 8NZ.

Mr Dhillon, the Proprietor and Managing Director of Bandit Queen Gentlemen's Club and Mr Bytheway on behalf of Silks Solicitors, was in attendance at the meeting.

Following introductions, the Legal Advisor explained the procedure to be followed.

Mrs J Elliott, Licensing Officer, presented the report on behalf of the Council.

Mr Bytheway asked the Sub-Committee to take into consideration the history of the club and to look at the Licensing Act 2003. He stated that the club had obtained its License in 2005 to carry out the same activities as it was currently doing. During this time the club had caused no concerns for the Police or the Licensing Officers.

He informed the Sub-Committee that not all Local Authorities had adopted the amended Schedule 3 to the Local Government (Miscellaneous Provisions) Act 1982, and that those Authorities throughout the Country who had adopted the Schedule, charged a range of fees. He stated that the Authority should look at a particular area when considering the setting of fees, as an establishment in a city centre would attract far more customers.

He stated that Dudley Town Centre had deteriorated over the years and understood that Dudley Council was in the process of regenerating the town, however there were very few evening entertainment premises still in operation, therefore there was nothing to attract customers at night.

Following clarification from the Legal Advisor, Mr Bytheway circulated to Members of the Sub-Committee, a copy of the finance accounts for the Bandit Queen Gentlemen's Club for the period 2007 to 2009 for information. The Sub-Committee were also informed that the Club had 12 members of staff, excluding the door staff, and that the company still owed Mr Dhillon capital, which had originally been put in the business.

Reference was made to a letter that had been sent to Mr Dhillon by the Chief Executive of the Council in relation to help and support of businesses in the local area.

Mr Bytheway stated that if the fees remained at £3810, Mr Dhillon would have to consider whether it would be worthwhile continuing with the business.

In summing up, Mr Bytheway asked the Sub-Committee to take the lead in setting the fees for these licenses and to take into consideration the affects it has on the Borough.

In response to a question raised, Mr Dhillon stated that the accounts figures were in single units.

The Sub-Committee were informed that the Bandit Queen Gentlemen's Club had been awarded the LDA National Best Club Award for 2008/09.

Arising from questions raised by a Member, the Licensing Officer confirmed that the fee for a Sex Establishment Licence (Sexual Entertainment Venue) had been agreed at the Licensing and Safety Committee and that in comparison with surrounding Authorities, Dudley was the cheapest, however not all Authorities had adopted the amended Schedule 3.

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

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

#### RESOLVED

That, the application made to vary the fee for a Licence for a Sex Establishment, made by Silks Solicitors on behalf of Bandit Queen Gentlemen's Club, 93, King Street, be refused.

The Sub-Committee has listened very carefully to the representations made on behalf of the applicant by solicitors representing them. However, the Sub-Committee is satisfied that the licence fee has been determined by the Council, it having considered all of the relevant issues and that it is a reasonable fee.

The meeting ended at 12:20 pm

CHAIRMAN