

**Meeting of the Licensing Sub-Committee 4  
Tuesday 29<sup>th</sup> November, 2022 at 10.00am  
In the Council Chamber at the Council House, Priory Road, Dudley**

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

1. Apologies for absence.
2. To report the appointment of any substitute Members for this meeting of the Sub-Committee.
3. To receive any declarations of interest under the Members' Code of Conduct.
4. To confirm and sign the minutes of the meeting held on 26<sup>th</sup> April, 2022 as a correct record (Pages 7 – 11)

***The following applications are to be considered under the provisions of the Licensing Act 2003:-***

5. Application for Review of a Premises Licence – Dhanda Off Licence and Convenience Store (Pages 12 - 17)
6. Variation of Designated Premises Supervisor – Cocktail and Dreams, 19 Bilston Street, Sedgley (Pages 18 – 21)
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: 21<sup>st</sup> November, 2022**

**Distribution:**

**Members of the Licensing Sub-Committee 4**

Councillor M Evans (Chair)

Councillors S Greenaway and M Howard

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- Sanitise your hands when arriving and leaving the building and wash your hands regularly.
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### **Submitting Apologies for Absence**

- Elected Members can submit apologies by contacting Democratic Services (see our contact details below). Members wishing to appoint a substitute should notify Democratic Services as soon as possible in advance of the meeting. Any substitute Members must be eligible to serve on the meeting in question (for example, he/she must have received the training required by the Council).

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## **General**

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## **If you need advice or assistance**

- If you (or anyone you know) requires assistance to access the venue, or if you have any other queries, please contact Democratic Services - Telephone 01384 815238 or E-mail [Democratic.Services@dudley.gov.uk](mailto:Democratic.Services@dudley.gov.uk)

## 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 4  
Tuesday, 26<sup>th</sup> April, 2022 at 10.00 am  
In the Council Chamber, Council House, Dudley**

**Present:-**

Councillor J Clinton (Chair)  
Councillors J Cowell and E Taylor

**Officers:-**

N Slym – Assistant Team Manager (Directorate of Public Realm), R Clark – Solicitor and  
M Johal – Senior Democratic Services Officer (Directorate of Finance and Legal).

11. **Apology for absence**

An apology for absence from the meeting was submitted on behalf of Councillor R Burston.

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12. **Appointment of Substitute Member**

It was reported that Councillor E Taylor had been appointed as a Substitute Member for Councillor R Burston for this meeting of the Sub-Committee only.

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13. **Declarations of Interest**

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

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14. **Minutes**

**Resolved**

That the minutes of the meeting held on 11<sup>th</sup> January, 2022, be approved as a correct record and signed.

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15. **Application to Vary a Premises Licence – Budgens, 58 High Street, Pensnett, Brierley Hill**

A report of the Interim Director of Public Realm was submitted on an application for variation of the premises licence in respect of the premises known as Budgens (formerly Sainsburys Supermarket), 58 High Street, Pensnett, Brierley Hill.

The following were in attendance at the meeting: -

Mr R Botkai – Solicitor  
Mr M Palanisamy – Director  
Mr A Kaliannan – Business Development Manager  
Ms K Turley – West Midlands Police  
Councillors S Greenaway and R Collins – Objectors

The Chair welcomed everyone present to the meeting and outlined the procedure that would be followed.

The Assistant Team Manager - Licensing and Waste Enforcement presented the report on behalf of the Council.

Ms K Turley, on behalf of West Midlands Police, made representations objecting to the variation of the premises licence under the Prevention of Crime and Disorder licensing objective. In doing so, it was stated that although the premises were located on a High Street, it was within a residential area, with a number of anti-social behavioural issues surrounding it. It was asserted that should the extension of hours for the sale of alcohol to 24 hours per day, 7 days a week, be granted, it would potentially cause an increase in anti-social behavioural issues. Reference was also made to correspondence between the applicant's solicitor and the Police including consideration of proposed conditions circulated the previous day. Specific reference was made to the proposed condition numbered 8 and Ms Turley stated that the Police were of the view that a night pay window together with there being no dedicated car park would cause additional noise nuisance issues and therefore could not support the application.

The objectors, Councillors S Greenaway and R Collins then made their representations in their capacity as Ward Councillors for Brockmoor and Pensnett. Councillor R Collins agreed with the comments made by the Police and provided further comments in this regard and highlighted that the selling of alcohol on a 24-hour basis would exacerbate anti-social behaviour issues in the area. Reference was also made to the potential risk of people travelling from neighbouring areas to use the shop during late hours causing an influx in traffic during unsocial hours. It was also stated that the premises hours had previously been reduced to 9pm due to anti-social behaviour and that registered door



staff had been used by the previous owners, Sainsburys. Councillor S Greenaway highlighted the fact that she was not keen on small shops being open all night due to nuisance to local residents and highlighted concerns about staff and public safety. Reference was also made to a new housing development that was currently underway in close proximity to the shop and on the potential impact to those residents.

Mr R Botkai, Solicitor then presented the case on behalf of Samy Limited, the applicant, and in doing so, provided background information to the organisation in that they had acquired a number of stores from Sainsburys. The symbol group for the organisation was Budgens and the company now owned 25 stores, employed over 200 staff, had 16, 24-hour licences with no reviews. The organisation owned a store in Oldbury and operated on the same basis requested and no difficulties had been encountered. It was highlighted that the store in question currently operated on a 24-hour basis but had to cease selling alcohol and hot drinks at midnight until 6am. Mr Botkai referred to the proposed conditions circulated the previous day and highlighted the fact that they would consider any amendments, particularly to the night pay window. Further, to allay safety fears and to provide an assurance to the Police, the organisation made a proposition to ensure 2 staff were on duty during the night between the hours of 12 midnight and 6 am whilst doors were open and/or to have a night pay window. Conflicting information was provided by the Police in differing locations as some preferred a night pay window, however, the organisation would consider any suggestions moving forward.

With regard to training, Mr Botkai indicated that the company used a proper national training provider to fully train staff which was refreshed every 3 months. In responding to issues raised by the Police and objectors, Mr Botkai stated that the premises had a dedicated car park, litter was cleaned outside on a daily basis and a potential increase in traffic was unknown, however, it was pointed out that the store already operated on a 24-hour basis and therefore a significant increase in traffic was not expected. Clarification was also provided on the sale of hot food and it was stated that the intention of late night refreshment was to have a “Costa” to allow people to have hot drinks and the applicant was content for a condition to not serve hot food although it was highlighted that the shop did not cater for takeaway food such as kebabs.

Mr Botkai referred to national Licensing policies and the Council’s local policy requiring there to be a very good reason not to grant permission and highlighted the fact that there was no evidence or data to verify anti-social behaviour issues arising from the premises. Representations and objections were based on opinions and hypothetical situations and it was pointed out there had been no representations from local residents.

Following questioning and responses provided by relevant parties, the Council’s representative, the objectors and the applicant’s representative summarised their cases.



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All parties then withdrew from the meeting to enable the Sub-Committee to determine the application.

Upon reconvening, the decision was communicated to all parties, as follows:-

### **Resolved**

That, having considered all the information received in writing, and as presented at the meeting, the application for variation of the premises in respect of Budgens, 58 High Street, Brierley Hill, be granted with the following conditions:-

1. All staff engaged or to be engaged in the sale of alcohol on the premises shall receive training in age restricted sales. Induction training must be completed and documented prior to the sale of alcohol by the staff member. Refresher/reinforcement training must be completed and documented at intervals of no more than 6 months. Training records will be available for inspection by a police officer or other authorised officer on request. Training records will be retained at the premises or at the offices of the licence holder for a minimum period of 12 months.
2. All cashiers shall be trained to record refusals of sales of alcohol in a refusals book/register. The book/register will contain:
  - details of the time and date the refusal was made;
  - the identity of the staff member refusing the sale;
  - details of the alcohol the person attempted to purchase.

This book/register shall be available for inspection by a police officer or other authorised officer on request. The book/register shall be retained at the premises or at the offices of the licence holder for a minimum period of 12 months.

3. An incident book/register shall be maintained to record:
  - all incidents of crime and disorder occurring at the premises
  - details of occasions when the police are called to the premises

This book/register shall be available for inspection by a police officer or other authorised officer on request. The book/register shall be retained at the premises or at the offices of the licence holder for a minimum period of 12 months.

4. All sales tills shall prompt the cashier making a sale of alcohol to verify that the customer is aged 18 or over.
5. There shall be no self-service of spirits except for spirit mixtures.



LSBC4/11

6. Notices shall be prominently displayed at all exits requesting patrons to respect the needs of local residents and businesses and leave the area quietly.
7. There shall be no sale of single cans of beer, lager or cider from the premises.
8. Between the hours of 0000 to 0600 there shall be a minimum of 2 members of staff on duty. In the alternative, and if there is only one member of staff on duty, the shop door must be closed to customers and any sales made through the night pay window.

The meeting ended at 11.15am

CHAIR



**Meeting of the Licensing Sub-Committee 4 – 29<sup>th</sup> November 2022**

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

**Application for Review of a Premises Licence  
Dhanda Off Licence and Convenience Store**

**Purpose of report**

1. To consider the application for the review of the premises licence in respect of Dhanda Off Licence and Convenience Store.

**Recommendation**

2. That the Sub-Committee determine the application for the review of the premises licence received from the Public Protection Manager in respect of the premises known as Dhanda Off Licence and Convenience Store, Unit 1, Kinver Street, Wordsley, DY8 5AA.

**Background**

3. Dhanda Off Licence and Convenience Store (formerly known as Wordsley News and Booze) was first issued with a premises licence on the 22<sup>nd</sup> July 2005. That licence was transferred to the current premises licence holder Mrs J Kaur on the 11<sup>th</sup> November 2021 and is issued for the following days and times:

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

4. On the 6<sup>th</sup> October 2022, an application for the review of the premises licence was received from the Public Protection Manager, Environmental Health and Trading Standards, the grounds for the review relate to the prevention of crime and disorder and the protection of children from harm. A copy of that application has been forwarded to the Premises Licence Holder, Committee Members, Relevant Authorities and Interested Parties in accordance with the Licensing Act 2003.
5. The Council advertised the application for review of the premises licence in accordance with Licensing Regulation SI, 2005, No. 42, Section 38.
6. Representations in support of the application for review have been received from Immigration, West Midlands Police, Licensing Authority and the Children's and Young People Safeguarding and Review. Comments have also been received from a Ward Member.
7. Copies of all representations have been forwarded to the Premises Licence Holder, Committee Members and Interested Parties.
8. These premises were subject to review by the Committee on the 20<sup>th</sup> August 2013, this related to two counts of offering for sale counterfeit vodka, the Committee suspended the premises licence for 6 weeks, which was reduced upon appeal to the Magistrates Court to a period of 2 weeks after a consent order was agreed between all parties. The order resulted in two conditions being added to the licence. It is however recognised that the above sanction is historic and related to the previous management.

## **Finance**

9. There are no financial implications.

## **Law**

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

52(1) This section applies where:-

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

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

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

## **Risk Management**

22. There are no material risk implications.

## **Equality Impact**

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

## **Human Resources/Organisational Development**

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

## **Commercial/Procurement**

27. There are no commercial/procurement implications.

## **Environment/Climate Change**

28. There are no Environment/Climate Change implications.

## **Council Priorities and Projects**

29. This application falls within the Council's responsibility for Licensing as a direct link to the Council's key corporate priority to support stronger and safer communities.



**Andy Vaughan**  
**Interim Director of Public Realm**

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**Appendices**

None

**List of Background Documents**

None

**Licensing Sub-Committee 4 – 29<sup>th</sup> November 2022**

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

**Variation of Designated Premises Supervisor**

**Cocktails and Dreams, 19 Bilston Street, Sedgley, DY3 1JA**

**Purpose**

1. To consider the application for variation of designated premises supervisor in respect of Cocktails and Dreams, 19 Bilston Street, Sedgley, DY3 1JA.

**Recommendation**

2. That the Sub-Committee determine the application for the variation of the Designated Premises Supervisor in respect of the premises known as Cocktails and Dreams, following the receipt of representations from West Midlands Police.

**Background**

3. Cocktails and Dreams formerly (Sedgley Karai Restaurant) was first issued with a premises licence on the 13<sup>th</sup> March 2015, that licence was suspended on the 1<sup>st</sup> June 2017 for the none payment of annual fee and was reinstated and transferred into the name of Mr C Bates on the 24<sup>th</sup> May 2022.
4. On the 22<sup>nd</sup> August 2022, an application for the review of the premises licence was received from the Principal Environmental Health Officer, the grounds for the review related to the prevention of public nuisance.

5. The Council advertised the application for review of the premises licence in accordance with Licensing Regulation SI, 2005, No. 42, Section 38.
6. Representations in support of the application for review were received from two Ward Members, West Midlands Police and the Licensing Authority.
7. That application was considered by the Committee on the 11<sup>th</sup> October 2022, the Committee resolved that the premises licence be suspended for a period of 3 months and that the DPS be removed. That decision came into effect from the 7<sup>th</sup> November 2022 following the appeal period of 21 days.
8. On the 20<sup>th</sup> October 2022, the premises licence holder Mr Carl Bates made application for the variation of DPS. A copy of that application has been circulated to committee members and relevant authorities.
9. On the 2<sup>nd</sup> November 2022, representations in respect of the application were raised by the West Midlands Police, copies of the representations have been forwarded to committee members and the premises licence holder in accordance with the Licensing Act 2003.

### **Finance**

10. There are no financial implications.

### **Law**

11. The law relating to the granting of applications to vary a licence to specify individual as premises supervisor is governed by the Licensing Act 2003, part 3, section 37.
12. Pursuant to part 3, section 37(5) where a Chief Officer of Police is satisfied that the exceptional circumstances of the case are such that granting the application would undermine the crime prevention objective, he must give the relevant licensing authority a notice stating the reasons why he is so satisfied.
13. Pursuant to part 3, section 37(6) the Chief Officer of Police must give that notice within the period of 14 days beginning with the day he is notified of the application.
14. Pursuant to section 39(3), the Licensing Authority must:-
  - (a) hold a hearing to consider it, unless the authority, the applicant, and the Chief Officer of the Police who

gave notice agree that a hearing is unnecessary, and

- (b) having regard to the notice reject the application if it considers it appropriate for the promotion of the crime prevention objective to do so.
15. Pursuant to regulation 26(1) of the Licensing Act 2003 (Hearing Regulations 2005), the Licensing Authority must make its determination at the conclusion of the hearing.
  16. Where an application under section 37 is granted or rejected pursuant to section 39(4), the Licensing Authority must give a notice to that effect to:-
    - (a) the applicant
    - (b) the proposed individual, and
    - (c) the Chief Officer of Police for police area in which the premises are situated.
  17. Pursuant to section 39(5) the notice must state the authority's reasons for granting or rejecting the application.
  18. Pursuant to section 39(6) where the application is granted, the notice must specify the time when the variation takes effect.
  19. Pursuant to schedule 5, part 1 1(c) if the Licensing Committee refuse to grant the application to vary a licence to specify individual as premises supervisor there is a right of appeal to the Magistrate's Court.
  20. Pursuant to schedule 5, part 1 5(1) and (2) if the licensing Committee grants the application to vary a licence to specify individual as premises supervisor in a case where the Chief Officer of the Police gave notice under section 37(5) the Chief Officer of the Police may appeal against the decision to grant the application.

### **Risk Management**

21. There are no material risk implications.

### **Equality Impact**

22. This report takes into account the Council's policy on equal opportunities.

23. The licensing of premises and individuals will impact on children and young people through their attendance at licensed premises.
24. There has been no consultation or involvement of children and young people in developing these proposals.

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

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

### **Commercial/Procurement**

26. There are no commercial/procurement implications.

### **Environment/Climate Change**

27. There are no Environment/Climate Change implications.

### **Council Priorities and Projects**

28. This application falls within the Council's responsibility for Licensing as a direct link to the Council's key corporate priority to support stronger and safer communities.



**Andy Vaughan**  
**Interim Director of Public Realm**

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### **Appendices**

None

### **List of Background Documents**

None