



Licensing Sub-Committee 3

**Tuesday, 2nd May, 2017 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 1st November, 2016 as a correct record.
5. Application to Vary a Premises Licence - Tesco Express, Dudley Road, Halesowen (Pages 1 – 4)
6. Application for Grant of a New Premises Licence – Bar Diva, Lower Ground Floor, Plaza Mall, King Street, Dudley (Pages 5 – 15)

A handwritten signature in black ink, appearing to read "Sarah Noun", with a stylized, flowing script.

Chief Executive

Dated: 19th April, 2017

Distribution:

Councillor M Evans (Chair); Councillor J Cowell and S Mughal

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Minutes of the Licensing Sub-Committee 3

Tuesday 1st November, 2016 at 10.00 am
in the Council Chamber, The Council House, Dudley

Present:-

Councillor M Evans (Chair)
Councillors K Finch and G Simms

Officers:-

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

23 Apology for Absence

An apology for absence from the meeting was received on behalf of Councillor J Cowell.

24 Appointment of Substitute Member

It was reported that Councillor K Finch had been appointed as a substitute Member for Councillor J Cowell for this meeting of the Sub-Committee only.

25 Declarations of Interest

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

26 Minutes

Resolved

That the minutes of the meeting of the Sub-Committee held on 23rd August, 2016, be approved as a correct record and signed.

27 Application for the Renewal and Variation of Consent to Engage in Street Trading LSD Promotions Limited – Food/Craft Market in Stourbridge

A report of the Strategic Director Place was submitted on an application for the renewal and variation of the consent to engage in street trading at a site in Stourbridge. .

The following persons attended the meeting in respect of the application:-

Mr D McGillicuddy - LSD Promotions Limited – Applicant
Mr M Morgan – LSD Promotions Limited
Mr D Harcourt – Stourbridge Trade of Commerce
Mr L Lenihan – Dudley Market Traders Limited – Objector
Mr P Paker – Head of Communications and Public Affairs – Dudley Council.

The Team Manager – Licensing and Waste Disposal referred to the report submitted and the supporting documentation that had been forwarded to Members only for their consideration and made reference to the objections that had been received to the application.

Objections to the application were made by Mr L Lenihan in relation to the legal aspects of using a Street Traders Licence for the purposes of allowing various third parties to trade under that licence, urging the Council to re-visit their application procedures for Street Trading Licences.

Mr L Lenihan also raised concerns in relation to the fees paid by Dudley Market Traders in comparison with the fees that the Applicant would be requested to pay.

Mr P Parker referred to the ongoing income generation in relation to events that will be and would be taking place in the various streets that covered the Application and requested that should the licence be granted that the licence reflect the requirement for the conditions in order that those events could proceed.

Mr McGillicuddy confirmed that he would have no objections to such a condition being imposed and would continue to work closely with the Council in order that events such as the Summer Carnival and Christmas market could take place.

Arising from the presentation of the report submitted, objections and representations made, Mr McGillicuddy responded to questions from Members, specifically in relation to the benefits the market would bring to the residents of the Borough. It was also noted that those who operated market stalls displayed various certificates in order to ensure that health and safety and various policies and conditions were being complied with.

Mr McGillicuddy confirmed that as a matter of Policy all of his staff were trained to clear up litter and LSD Promotions Limited were registered waste carriers.

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

The Sub-Committee having made their decision invited the parties to return and the Principal Solicitor outlined the decision together with the reasons for the decision.

Resolved

That the application made by Mr D McGillicuddy of LSD Promotions Limited for the renewal and variation of the consent to engage in street trading at a site in Stourbridge be approved subject to the condition that Applicant works in partnership with the Council and their Communications and Public Affair Section, always making available, on any Saturday, adequate space in the consent area, for any commercial bookings. LSD Promotions will also ensure that residents and businesses on Coventry Street have clear access to their properties and parking at all times.

Reasons for the Decision

This is an application by Mr. Dermot McGillicuddy of LSD Promotions for the grant of a street trading consent each Saturday, 9-4pm, for Lower High Street, Coventry Street and the area around the town clock in Stourbridge. David Harcourt of Stourbridge Chamber of Commerce stated that the two big occasions of the year were the Carnival which was on a Sunday and the Christmas lights, which had always been managed with street traders in past years. These were therefore not an issue in terms of this application. Mr. Lenihan on behalf of Dudley Market Traders Limited stated that a grant of a street traders consent cannot be assigned to a third party, and that Street Trading legislation was never intended for the running of a market. Further, the council would therefore have no right to ask each individual stall holder for any information.

Mr. Phil Parker of Dudley Communications and Public Affairs stated that the Town Clock area in Stourbridge is frequently rented out for bookings, and would want the condition attached to any consent that space is always made available for any commercial bookings.

LSD was formed in Stourbridge in 1989, and operated in Stourbridge from 2002 until 2008 on 1st and 3rd Saturday of the month, around Coventry Street and around the clock. Mr. McGillicuddy did not address the legal issues regarding the running of a market under a street trading consent. He explained that the current area around The Ryemarket was very restricted in space. Mr. McGillicuddy stated that LSD provided the market stalls but individual stall holders are responsible for their products and their storage. He stated that he obtained food hygiene certificates for all food vendors, and these were displayed on all relevant stalls. He also stated that the company was a registered waste carrier and always cleared up litter at the end of each market day, and that this was a priority.

On the basis of the information provided today, the committee grants a street trading consent to LSD Promotions for a period of 12 months for the areas specified in the application and between 9.00am and 4.00pm. The committee attaches the condition that LSD Promotions must work in partnership with the council and Dudley Communications and Public Affairs and that it will always make available, on any Saturday, adequate space in the consent area, for any commercial bookings. LSD Promotions will also ensure that residents and businesses on Coventry Street have clear access to their properties and parking at all times.

28 **Application for the Grant of Consent to Engage in Street Trading –
Mr Richard Lee Anthony Palethorpe – Halesowen Town Centre**

A report of the Strategic Place was submitted on an application for the grant of consent to engage in street trading at a site in High Street/Hagley Street, Halesowen.

The Team Manager referred to the report submitted and supporting documentation that had been forwarded to Members only for their consideration and made reference to the objections that had been received.

The applicant, Mr R L A Palethorpe was in attendance at the meeting and responded to questions from Members and in particular stated that he was catering for the people working in Halesowen and was only seeking to operate during week days. It was noted that there was a receptacle in place for rubbish and all packaging used was recyclable.

The parties then 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 Senior Solicitor then outlined the decision and the reasons for the decision.

Resolved

- (1) That the application made by Mr R L A Palethorpe for the grant of consent to engage in street trading in High Street/Hagley Street, Halesowen, be approved for a period of six months.
- (2) That upon the expiry of six months should a further application be received the application be referred for consideration to this Sub-Committee.

Reasons for the Decision

This is an application for a street trading consent in Halesowen between the hours of 9am and 3.30pm Monday to Friday each week. The application is to sell jacket potatoes, soup and tea and coffee from a van. The proposed location is in Halesowen High Street, in the main square. The food was presented as a healthy option and all home made, and there was seating for 8 with tables. They were aiming at business lunches and were not seeking to trade at weekends. There were four local objections to the grant. A common theme was that there were already a large number of food outlets in the town, including a recently established baguette shop, and that a further food outlet was not required.

There was also a concern that the proposed site was in a pedestrianised area and an entertainments square and that the van would detract from the ambience of the area.

The committee notes that none of the objectors has attended today. The committee grants the consent, as sought, for a period of 6 months, in order to see what impact this has on the trade of shops in the area. The committee notes that the application made no reference to seating or tables, and therefore, use of tables and chairs will not be permitted under this consent.

The committee also requests following the six month trial period, any further application is referred back to this sub-committee.

The meeting ended at 11.45 am

CHAIR

Licensing Sub-Committee 3 – 2nd May 2017

Report of the Strategic Director Place

Application to Vary a Premises Licence

Purpose of Report

- 1 To consider the application for variation of the premises licence in respect of the premises known as Tesco Express, Dudley Road, Halesowen.

Background

- 2 Tesco Express was first issued with a premises licence on the 13th July 2005.
- 3 The current premises licence is issued for the following:

| | | | |
|--------------------------|--------------------------|--------------|--------------|
| Supply of Alcohol | Monday – Saturday | 08:00 | 23:00 |
| Supply of Alcohol | Sunday | 10:00 | 22:30 |
| Supply of Alcohol | Good Friday | 08:00 | 22:30 |
| Supply of Alcohol | Christmas Day | 12:00 | 15:00 |
| Supply of Alcohol | Christmas Day | 19:00 | 22:30 |

- 4 The current premises licence holder is Tesco Stores Ltd.

- 5 On the 9th March 2017, Tesco Stores Ltd, made application for the variation of the premises licence in respect of the Tesco Express, Dudley Road, Halesowen.

The application for variation of licence is as follows:

Sale of Alcohol

| | | | |
|--------------------------|-------------------------|--------------|--------------|
| Supply of Alcohol | Monday to Sunday | 06:00 | 23:00 |
| | | | |

The nature of the application is to extend the permitted hours of the store and to remove the embedded restrictions inherited from the Licensing Act 1964 relating to permitted hours. ie Good Friday and Christmas Day.

- 6 Confirmation that copies of the application form and supporting documentation have been served on the relevant authorities has been received.
- 7 An objection to the application has been received from a Local Councillor, a copy of which have been circulated to the applicant, Committee Members and interested parties in accordance with the Licensing Act 2003.
- 8 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

Finance

- 9 There are no financial implications.

Law

- 10 The law relating to the granting of applications to vary premises licences is governed by the Licensing Act 2003, part 3, section 34.
- 11 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 appropriate 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.
- 12 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.
- 13 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.
- 14 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.
- 15 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.
- 16 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 it 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.

Equality Impact

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

Recommendation

- 20 That the Sub-Committee determine the application.



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Strategic Director Place

Contact Officer: Mr S Smith
Telephone: 01384 814631
Email: simon.smith@dudley.gov.uk

List of Background Papers

None

Licensing Sub-Committee 3 – 2nd May 2017

Report of the Strategic Director Place

Application for Grant of a New Premises Licence
Bar Diva, Lower Ground Floor, Plaza Mall, King Street, Dudley.

Purpose of Report

1. To consider the application for the grant of a new premises licence in respect of Bar Diva Ltd, Lower Ground Floor, Plaza Mall, King Street, Dudley, West Midlands.
2. On the 10th March 2017, an application for the grant of a new premises licence was received from Bar Diva Ltd in respect of the premises known as Bar Diva, Lower Ground Floor, Plaza Mall, King Street, Dudley. A copy of that application has been forwarded to Committee Members and interested parties in accordance with the Licensing Act 2003.
3. The application had the following documents enclosed:-
 - Plan of the premises
 - Correct Fee
 - Consent of proposed premises supervisor
4. The application for a premises licence is as follows:

Sale of Alcohol/Live Music/Recorded Music

| | |
|--------------------------|-------------------|
| Thursday to Saturday inc | 21.00 until 04.00 |
| Monday | 21.00 until 04.00 |
| Sunday | 21.00 until 02.00 |
5. Confirmation that copies of the application form and supporting documentation have been served on the relevant authorities has been received.
6. Representations have been received from the West Midlands Fire Service. Copies of which have been forwarded to the Applicant, Committee Members and Interested parties in accordance with the Licensing Act 2003.
7. On the 4th April 2017, confirmation was received from the West Midlands Police that they had mediated with the applicant who had agreed to addition conditions being attached to the premises licence if granted and also to the reduction of hours as follows:

Live Music

Thursday to Saturday inc 21.00 until 02.30
Monday 21.00 until 02.30
Sunday 21.00 until 02.00

Recorded Music

Thursday to Saturday inc 21.00 until 03.00
Monday 21.00 until 03.00
Sunday 21.00 until 02.00

Sale of Alcohol

Thursday to Saturday inc 21.00 until 02.00
Monday 21.00 until 02.00
Sunday 21.00 until 01.30

Additional Conditions (to be attached to premises licence if granted).

1. SIA registered door staff, including 1 female member of door staff shall be provided on those days when recorded or live music is being provided as entertainment, between opening and the end of licensed hours. All door staff must be clearly identifiable as door staff, with a Security Industry Authority (SIA) number visible.
2. The premises shall maintain a record of full details of all door staff on duty at the premises, including SIA number and the signature of door staff upon start and finish of duty, countersigned by the Designated Premises Supervisor.
3. All customers entering the premises when door staff are in place shall be Subject to a bag and body search.
4. Strictly no entry to the premises at any time to anyone under the age of 18 years old.
5. Internal and external CCTV to be installed at the premises and to be recording at all times when the premises are open for licensable activity, to the specifications of the West Midlands Police. All images are to be recorded and retained for a minimum of 28 days and made available to any responsible authority upon request.
6. A last entry policy of 00.00hrs into the premises.
7. The use of breathalysers if a customer appears intoxicated.

The applicant has also agreed to the removal of the following statement from the Licensing Objective – The prevention of public nuisance “Working closely with a local taxi company who operate across the road (Triple 20)”

8. The premises has previously held a premises licence that licence was revoked by the Licensing & Safety Committee on the 2nd August 2016, a copy of the minutes from that meeting are attached to this report as Appendix 1.
9. This applications falls within the Council's responsibility for liquor licensing which has a direct link to the Council's key corporate priority that safety matters.

Finance

10. There are no financial implications.

Law

11. The law relating to the determination of applications for the grant of a premises licence is governed by the Licensing Act 2003, part 3, section 18.
12. Pursuant to Section 18(3) of the Licensing Act 2003, where a relevant authority has made representations, the Licensing Authority must:-
 - (a) hold a hearing to consider them, unless the authority, the applicant each person who has made such representations agree that a hearing is unnecessary, and
 - (b) having regard to the representations, take such of the steps mentioned in subsection (4) (if any) as it considers appropriate for the promotion of the Licensing objectives.
13. Pursuant to Section 18 (4) the steps are:-
 - (a) to grant the licence subject to:-
 - (i) conditions that are consistent with the operating schedule accompanying the application modified to such an extent as the authority considers appropriate for the promotion of the licensing objectives, and
 - (ii) any condition which must under section 19, 20 or 21 included in the licence;
 - (b) to exclude from the scope of the licence any of the licensable activities to which the application relates;
 - (c) to refuse to specify a person in the licence as the premises supervisor;
 - (d) to reject the application
14. Pursuant to Section 23(1) of the Licensing Act 2003 where an application (or any part of an application) is granted under section 18 of the Licensing Act 2003, the Licensing Authority must immediately give notice to that effect to:-

- 1 (a) (i) the applicant
 - 1 (a) (ii) any person who made relevant representations in respect of the application and
 - 1 (a) (iii) the Chief Officer of Police for the police area in which the premises are situated and
 - 1 (b) issue the application with the licence and a summary of it
15. Pursuant to section 23(2) where relevant representations were made in respect of the application, the notice under subsection (1)(a) must state the authorities reasons for its decisions as to the steps (if any) to take under section 18(3)(b).
16. Pursuant to section 23(3) where an application is rejected under section 18, the licensing authority must immediately give a notice to that effect stating its reasons for the decision, to
- (a) the applicant
 - (b) any person who made relevant representations in respect of the application, and
 - (c) the Chief of Police area in which the premises are situated

Where a Local Authority grant a licence under section 18 pursuant to schedule 5 of the Licensing Act, section 2 the holder of the licence may appeal against any decision:-

- (a) to impose conditions on the licence under subsection (2)(a) or 3(b) of that section, or
 - (b) to take any step mentioned in subsection (4)(b) or (c) of that section (exclusion of licensable activity or refusal to specify person as premises supervisor)
17. Where a person who made relevant representations in relation to the application desires to contend:-
- (a) that the licence ought not to have been granted, or
 - (b) that, on granting the licence, the licensing authority ought to have imposed different or additional conditions, or to have taken a step mentioned in subsection (4)(b) or (c) of that section, he may appeal against the decision.
18. 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.
19. If the Licensing Authority refuse to grant the application, there is a right of appeal to the Magistrates' Court pursuant to schedule 5 section 18 part 1(a).

Equality Impact

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

Recommendation

- 23. That the Sub-Committee determine the application.



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Strategic Director Place.

Contact Officer: Mr S Smith
Telephone: 01384 814631
Email: simon.smith@dudley.gov.uk

List of Background Papers

Minutes of the Licensing Sub-Committee 1

Tuesday 2nd August, 2016 at 10.00 am
in the Council Chamber, The Council House, Dudley

Present:-

Councillor K Finch (Chair)
 Councillors J Baines and C Elcock

Officers:-

R Clark (Principal Solicitor – Chief Executive's Directorate),
 L Rouse (Licensing Clerk – Place Directorate) and K Buckle (Democratic
 Services Officer – Chief Executive's Directorate).

4. **Apology for Absence**

An apology for absence was submitted on behalf of Councillor P Miller.

5. **Appointment of Substitute Member**

It had been agreed that Councillor C Elcock be appointed to serve in place of Councillor P Miller to maintain the Members that previously considered the expedited licence review in respect of the premises.

6. **Declarations of Interest**

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

7. **Application for Expedited Review of Premises Licence – Rock Zombie, Plaza Malls, King Street, Dudley**

A report of the Strategic Director Place was submitted on an application for the expedited review of the premises licence in respect of the premises licence for Rock Zombie, Plaza Malls, King Street, Dudley.

The following persons attended the meeting in respect of the application:-

Mrs A Jinks – Premises Licence Holder and Mr K Jinks (spouse)
 Sergeant A Hands – West Midlands Police
 PC A Baldwin – West Midlands Police
 PC K Turley – West Midlands Police

Inspector Mason – West Midlands Police
A Collins – West Midlands Police
D Jenks – West Midlands Police
J Mason – West Midlands Police
Mr D Craig – Barrister representing West Midlands Police
Ms L Falconer – Rock Zombie
Ms L Lester – Core Security Solutions
B J Moore – Rock Zombie
Mr M Bowers – Rock Zombie

Following introductions, the Licensing Clerk presented the report on behalf of the Council.

Mr Craig presented the case on behalf of West Midlands Police and in doing so referred to the application made by the Police for an expedited licence review owing to the number of incidents that had occurred relating to serious crime and disorder. It was noted that at the interim steps meeting Members suspended the premises licence pending the full review.

Mr Craig referred to the previous review on 22nd March, 2016, advising of the fair and balanced view that had been taken by West Midlands Police referring to the nine conditions imposed on the premises licence at that review meeting.

It was noted that the above decision was subsequently appealed, with the appeal due to be considered by the Magistrates Court on 11th August, 2016. Mr Craig stated that the appeal had suspended the implementation of the conditions imposed.

Mr Craig referred to the statement of Police Sergeant Hands which detailed the incidents that had occurred on 2nd April, 19th and 26th June, 2nd and 9th July, 2016, advising that the incident on 9th July, 2016 had led to the current application for a review of the premises licence.

Reference was made to concerns that had been raised by West Midlands Police with the premises Licence Holder in relation to the change in type of music being played at the club and it was noted that still images of incidents and a video had been displayed to Members at the Interim Steps meeting.

Mrs Jinks then presented her case. It was stated that A4 posters were displayed on the doors at the premises advising customers that admittance would not be allowed after 1am and the last entry time had been advertised on facebook and pirate radio stations. Mrs Jinks advised that although not required to do so, the conditions imposed on the premises licence had been observed.

Representatives of West Midlands Police all expressed concerns that advertising methods in relation to the time of the last entry policy had been insufficient and had led to an escalation in incidents occurring outside the licensed premises.

Mrs Jinks advised that there were rare occasions when incidents occurred inside the licensed premises, with problems occurring with queues of customers forming outside the premises due to strict stop and search policies. Those queues formed following the closure of public houses in the town centre, with incidents occurring when customers were refused entry after 1am, although queueing had commenced some time earlier.

Mrs Jinks believed that by increasing the entry time to 2am would prevent future incidents occurring outside the licensed premises as queues could be managed more effectively given the extra time allowed for entry.

It was noted that Security Staff had been reluctant to provide witness statements to the Police and that had hindered prosecutions.

Mrs Jinks explained that the change in music policy had been introduced to attract more customers.

Mr D Craig summed up on behalf of West Midlands Police referring to the incidents that had occurred, two of which had resulted in arrests, with the situation becoming unmanageable and chaos occurring. Mr Craig stated that based on intelligence and the incidents that had occurred, the most appropriate decision that was proportionate and appropriate would be to revoke the premises licence given the real concern that an incident would occur that would end tragically.

Mrs Jinks summed up the case, stating that closing premises in Dudley would take away business from the town and transfer it to the Stourbridge area of the Borough.

The parties then 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 then outlined the decision.

Resolved

- (1) That, following consideration of the information contained in the report submitted and presented at the meeting, the premises licence in respect of Rock Zombie, Plaza Malls, King Street, Dudley be revoked, for the reasons given below.
- (2) That the interim step of the suspension of the premises license in respect of Rock Zombie, Plaza Malls, King Street, Dudley, continue.

The applicant was informed on her right of appeal.

Reasons for Decision

This is an application brought by West Midlands Police, for a review of the premises license, on the grounds of crime and disorder. This follows an application for an expedited review of the premises license dated 12th July 2016 and an interim review held on 14th July 2016. At that interim review, at which Mrs. Jinks was not present, the committee took the step of suspending the premises license pending the full hearing today.

In attendance today were Amanda Jinks Premises License Holder and Mr. Jinks and a senior female security guard. Mrs. Jinks is also the Designated Premises Supervisor.

Inspector Mason, Police Sergeant Collins and Police Sergeant Hands attended for the West Midlands Police. Mr Craig, barrister, represented the police.

The premises license was reviewed on 22nd March 2016, and a number of conditions were attached to the premises license, in order to address the issues of crime and disorder reported at the premises. This review followed an application for an expedited review. The Premises License Holder has appealed two of the conditions and the appeal has been listed in the Magistrates court on 11th August 2016 on the grounds that the conditions were unreasonable and disproportionate. In particular the club objects to the 1.00am closure time. The conditions attached by the committee are therefore suspended pending appeal. The police asserted that they are not currently operative.

The statement of Police Sergeant Aiden Collins refers to customers being allowed into the club at 2am, which would not have happened under the conditions imposed in March 2016. Mrs. Jinks stated that this was not correct and that signs on the doors and adverts on pirate radio and face book were clear that the premises closed at 1.00am. The police asserted that this was insufficient advertisement.

The statement of Police Sergeant Alan Hands records incidents at and immediately outside the premises (persons waiting to gain entrance) between April and July 2016.

In 2015 there have been 14 crimes recorded and 42 calls for service. In 2016 there have been 13 crimes recorded and 32 calls for service. These incidents involved members from gangs from Birmingham and Wolverhampton and Inspector Mason was particularly concerned about the gang related element and a real possibility of a death occurring at the premises.

Police intelligence from Birmingham reveals that similar gang related power struggles have taken place over licensed premises, and one such struggle has resulted in a death by shooting. There are reports around Rock Zombie that weapons are being carried but no weapons have been recovered by police from the premises.

Since 26th June 2016 there have been 7 violent crimes of assault and one of criminal damage. On Saturday 9th July the premises were stormed by 20-30 persons in a violent manner, and on advice from police voluntary closure was agreed. Police intelligence indicates that the club has been targeted by 2 gangs, one from outside Dudley, and that the venue has changed from one playing rock music, to one that plays reggae and R&B, which tends to attract gang members.

Since the review on 22nd March 2016, there have been 13 calls to the police.

Mrs Jinks stated that the premises had operated to the conditions imposed in March 2016. The female security staff member gave evidence that persons do not attend the club until 12.30am when local pubs close and so that the police did their "walk throughs" too early. The problem, in their view, was that persons arrived at the club at or after 1.00am and that refusing them entry was often the cause of disorder at the doors. She also stated that extending the hours to 2.00am would give more time for the door staff to search persons thoroughly on entrance.

The police submitted that if the conditions of March 2016 were being complied with they were not sufficient to prevent crime and disorder.

The committee is not satisfied that putting the closure hour back to 2.00am would prevent the crime and disorder that has occurred at these premises. This would return the hours closer to those which existed before March 2016, and gave rise to serious concerns then. The Sub-Committee has some grounds to believe that the security arrangements have improved, but it perceives a lack of clear direction and communication from the management of the premises in terms of them communicating their opening and closure times to their audience, a lack of clear communication with the police and poor choice of music at the club. The music being played does attract gang members.

The Sub-Committee did consider amending the closing hours and other steps available but concludes that these would not address the long standing problems of crime and disorder at the premises.

The Sub-Committee therefore revokes the premises licence.

The Sub-Committee was asked to make a determination as to whether the interim step taken on 14th July 2016, of suspending the premises licence, was to continue. The committee confirmed that the suspension was to continue.

The meeting ended at 12.15 pm

CHAIR