

Meeting of the Licensing Sub-Committee 3
Tuesday 20th December, 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 25th October, 2022 as a correct record (Pages 7 – 11)

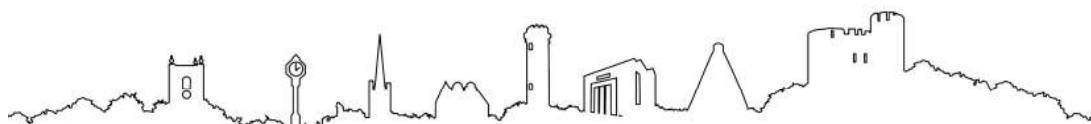
The following applications are to be considered under the provisions of the Licensing Act 2003:-

5. Application to Vary a Premises Licence – The Royal (Pages 12 - 17)
6. Notice of Temporary Event – Conyers Yard (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: 12th December, 2022



Distribution:
Members of the Licensing Sub-Committee 3

Councillor A Taylor (Chair)
Councillors T Creed and K Finch

Please note the following concerning meetings at Dudley Council House:

Covid-19 Secure Working

Hands

- Hand Sanitiser and antibacterial wipes are available at various locations. Everyone is asked to sanitise their hands when arriving and leaving the building. Hand washing facilities are also available on site.

Face

- All attendees are strongly advised to wear face coverings in situations where 2m distancing cannot be maintained. There is a supply of masks available for your use. These need to be worn correctly, covering nose and mouth. To assist this, a provision of surgical grade type 2R masks are available. The masks can be removed when you are speaking at the meeting.
- All persons entering or working in the building are strongly encouraged to wear face masks in communal areas and when moving around the building.

Space

- Please be respectful of everyone's personal space and preferences when you attend meetings.

Testing

- All people attending are encouraged to undertake Lateral Flow Tests twice a week (a supply of kits is available). Anyone testing positive should not attend and should seek further advice including self-isolation and taking a PCR test.
- Anyone unwell should not attend. Or if you have tested positive for Covid-19 in the last 10 days; if you are self-isolating or if you suspect that you are symptomatic.

Ventilation

- Windows will be opened in advance of meetings and will be maintained in an open position during meetings to maximise air flow and air changes within the room.
- Heating on site will be used to ensure minimum welfare requirements are met. The windows are open for ventilation, and this may make the environment cooler, so please dress accordingly.
- Carbon Dioxide Monitors will be situated in the meeting rooms. Data captured is used to monitor and assure effectiveness of ventilation.

Vaccination

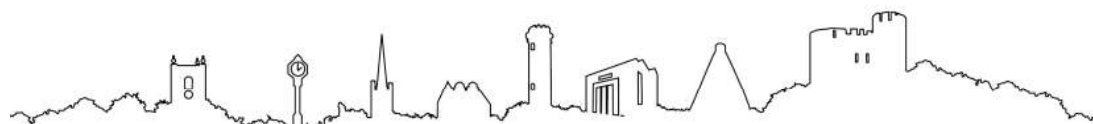
- All persons attending meetings are strongly encouraged to be double vaccinated to limit ill-health effects should a transmission of coronavirus occur.

Toilets

- Toilet facilities are available on site and are subject to safety measures that are in place. All the toilets have hand washing facilities.

No smoking

- There is no smoking on the Council House premises in line with national legislation. It is an offence to smoke in or on the premises. You cannot use e-cigarettes and/or similar vaping devices.



In Case of Emergency

- In the event of the alarms sounding, please leave the building by the nearest exit. There are Officers who will assist you in the event of this happening, please follow their instructions.

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).

Private and Confidential Information

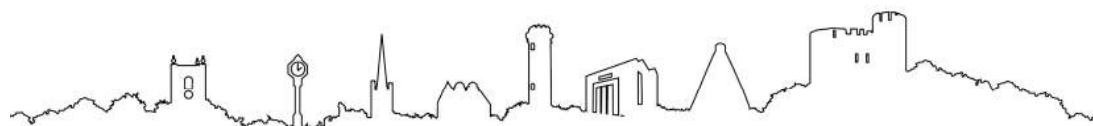
- Any agendas containing reports with 'exempt' information should be treated as private and confidential. It is your responsibility to ensure that information containing private and personal data is kept safe and secure at all times. Confidential papers should be handed to Democratic Services for secure disposal. If you choose to retain the documents you should ensure that the information is securely stored and destroyed within six months.

General

- Public Wi-Fi is available in the Council House.
- The use of mobile devices or electronic facilities is permitted for the purposes of recording/reporting during the public session of the meeting. The use of any such devices must not disrupt the meeting – Please turn off any ringtones or set your devices to silent.
- Information about the Council and our meetings can be viewed on the website www.dudley.gov.uk

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



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 Licensing Sub-Committee 3
Tuesday 25th October, 2022 at 10.00am
In the Council Chamber, The Council House, Dudley**

Present:

Councillor A Taylor (Chair)
Councillors T Creed and K Finch

Officers:

N Slym – Assistant Team Manager (Licensing and Waste Enforcement) (Directorate of Public Realm); R Clark – Principal Solicitor and H Mills – Democratic Services Officer (Directorate of Finance and Legal).

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 held on 21st December, 2021, be approved as a correct record and signed.

3. **Application for Grant of a New Premises Licence – Tapri, 404 Himley Road, Gornal Wood, Dudley**

A report of the Interim Director of Public Realm was submitted on an application for grant of a new premises licence in respect of the premises known as Tapri, 404 Himley Road, Gornal Wood, Dudley.

The following persons were in attendance at the meeting:-

R Patel – Applicant

S Singh – Business Partner

Following the introduction of those present, the Assistant Team Manager (Licensing and Waste Enforcement) presented the report on behalf of the Council, advising that an application had been received on 5th September, 2022 from John Gaunt and Partners on behalf of Tapri Himley Limited, for grant of a new premises licence in respect of Tapri, formerly known as The Bulls Head, 404 Himley Road.

The Assistant Team Manager (Licensing and Waste Enforcement) outlined the application and stated that permission for the sale of alcohol at the premises was requested between 10am to 11.30pm Monday to Saturday and Sunday 12 noon to 11.30pm, with live and recorded music, dance and late-night refreshments also requested for the same time period. It was proposed that the premises would be open to the public until midnight Monday to Saturday and 11.30pm on a Sunday and it was confirmed that copies of the application, together with supporting documentation had been circulated to Members of the Sub-Committee and responsible authorities accordingly.

It was reported that mediation with responsible authorities had been undertaken with the applicant at the application stage and changes had been made to the initial application to alleviate concerns raised. Therefore, no representations had been submitted from responsible authorities. Representations had however been received from local residents, copies of which had been circulated to Sub-Committee Members and interested parties in advance of the meeting. The Sub-Committee were advised that the objectors had confirmed that they would not be in attendance at the meeting, however requested that their written representations be taken into consideration.

S Singh then presented the case on behalf of the applicant and in doing so attempted to address the issues identified in the local residents representations, in particular in relation to noise nuisance from vehicles and patrons leaving the premises in the early hours of the morning and stated that the requested licencing hours were for the premises to be vacated by 12 midnight and there was no incentive for the premises to remain open longer than the licensed hours. He emphasised that the company was well experienced within the hospitality trade and all staff would be trained appropriately to ensure that they adhered to licensing laws.

S Singh expressed his desire to work with local neighbours to address their concerns and it was suggested that to alleviate issues with taxis attending the premises and sounding their horns, which had been an issue previously experienced, an arrangement with a local taxi firm would be established in that the premises would arrange a patrons taxi on their behalf, providing the taxi firm with a contact name and telephone number of the client so that they could be called upon arrival, prohibiting the use of vehicle horns. It was commented however that patrons could not be prohibited from making their own taxi arrangements, however if using providers such as Uber, these sources did not usually sound their horns upon arrival, as the customer was contacted directly via their mobile device.

The Sub-Committee were advised that R Patel and S Singh would not be heavily involved at the premises and appropriate management and staff would be appointed to manage the daily operations of the premises. Assurance was provided that the premises would close on time to take care of their staff and to ensure effective and efficient use of utilities. It was emphasised that the focus of the premises would be predominately food rather than a pub focussing on alcohol sales.

In responding to questions raised by Councillor K Finch, in relation to what the premises would bring to the local area and what steps would be taken to minimise noise nuisance from the car park area, it was stated that after much research it was established that the area did not have an Indian food/grill provision and it was their aim to provide good quality Indian/Punjabi food. Extensive refurbishment works would be undertaken at the premises so that it looked good and was comfortable for families and customers to attend to enjoy good food, relax and watch sporting events. The car park was now gated and would remain locked when the premises was not open to the public, with notices displayed around the car park area, as well as on doors and windows at the exit requesting patrons to respect local residents and to keep noise to a minimum. It was also commented that it was not the intention to have extensive advertisements displayed on the exterior of the building.

Arising from a question raised by Councillor T Creed, it was confirmed that a food only takeaway facility would be available at the premises, however food would be for collection and delivered by professional couriers only. The Sub-Committee was assured that this would not generate significant noise due to the nature the collection and delivery business operated.

In response to a further question raised by Councillor T Creed in relation to the operating schedule, S Singh reiterated that the premises would predominately be food orientated, therefore on occasions the premises may close earlier than the proposed 12 midnight. However, the proposed times would provide a buffer for when sporting events go beyond programmed times.

At the request of the Solicitor, the Assistant Team Manager (Licensing and Waste Enforcement) clarified that the initial application was submitted on 5th September, 2022, however following mediation with responsible authorities the application was resubmitted with the requested changes, hence the date on the application circulated being 28th September, 2022.

The Applicant was then provided with the opportunity to sum-up their case and confirmed that they had had a fair hearing. 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 it was

Resolved

That following careful consideration of the information contained in the report and presented at the meeting, the application for a new premises licence in respect of the premises known as Tapri, 404 Himley Road, Gornal Wood, Dudley, be granted.

The meeting ended at 10.30am

CHAIR

Meeting of the Licensing Sub-Committee 3 – 20th December 2022

Report of the Interim Director of Public Realm

Application to Vary a Premises Licence

The Royal, 54 Castle Street, Coseley, WV14 9DP

Purpose

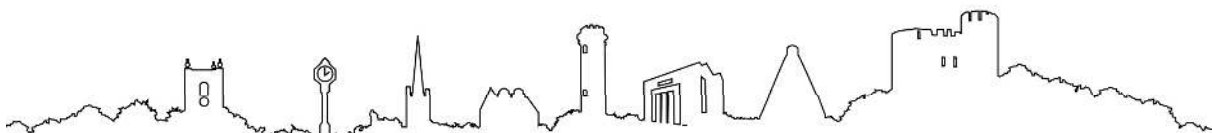
1. To consider the application for variation of the premises licence in respect of the premises known as The Royal, 54 Castle Street, Coseley, WV14 9DP.

Recommendation

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

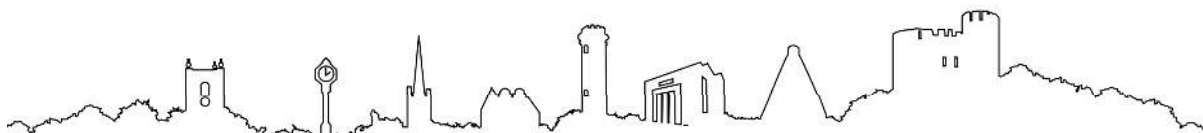
Background

3. The Royal was first issued with a premises licence on the 19th September 2005, that licence was transferred into the name of the current premises licence holder The Craft Union Pub Company on the 28th April 2021.
4. The current premises licence is issued for the following days and times:



Supply of Alcohol / Premises Open to the Public

Supply of Alcohol	Monday to Saturday Inclusive	10:00	23:00
Supply of Alcohol	Sunday	12:00	22:30
Supply of Alcohol	Christmas Day	12:00	15:00
Supply of Alcohol	Christmas Day	19:00	22:30
Supply of Alcohol	Good Friday	12:00	22:30
	New Years Eve to New Years Day (36 hours)		
Performance of Live Music	New Years Eve to New Years Day (36 hours) – Lounge only		
Performance of Live Music	Thursday to Saturday - Lounge Only	11.00	23.15
Performance of Live Music	Sunday – Lounge Only	12.00	22.30
Playing of Recorded Music	Thursday to Saturday - Lounge Only	11.00	23.15
Playing of Recorded Music	Sunday – Lounge Only	12.00	22.30
Playing of Recorded Music	New Years Eve to New Years Day (36 hours) – Lounge only		



5. On the 3rd November 2022, Gosschalks LLP, made application on behalf of The Craft Union Pub Company Ltd, in respect of the premises known as the Royal Hotel for the variation of the premises licence as follows:

Supply of Alcohol

Friday & Saturday 10.00 until 01.00
Sundays until 12.00 until 23.00

Christmas Day 12.00 until 23.00

Live Music/Recorded Music

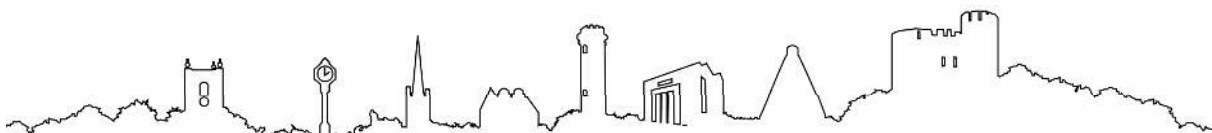
Friday & Saturday 11.00 until 01.00
Sundays until 12.00 until 23.00

To remove/replace conditions contained in the premises licence as per the application.

6. Confirmation that copies of the application form and supporting documentation has been served on the relevant authorities has been received.
7. Representations in respect of the application have been received from a Local Ward Member. Copies of all representations have been forwarded to Committee Members, Interested Parties and the Applicant in accordance with the Licensing Act 2003.

Finance

8. There are no financial implications.



Law

9. The law relating to the granting of applications to vary premises licences is governed by the Licensing Act 2003, part 3, section 34.
10. Pursuant to section 35(3)(a) of the Licensing Act 2003, where a relevant representation is made, 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.
11. 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.
12. 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.



13. 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.
14. 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.
15. 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.

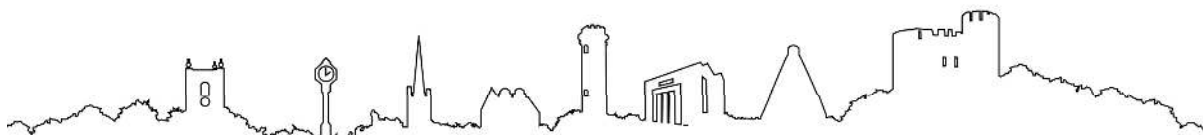
They have the right of appeal to the Magistrates' Court.

Risk Management

16. There are no risk management implications.

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.



Human Resources/Organisational Development

20. There are no Human Resources/organisational Development implications.

Commercial/Procurement

21. There are no commercial/procurement implications.

Environment/Climate Change

22. There are no Environment/Climate Change implications.

Council Priorities and Projects

23. 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.



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Andy Vaughan
Interim Director of Public Realm

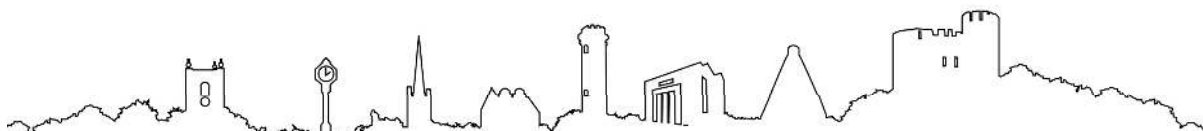
Report Author: Mr S Smith
Telephone: 01384 815377
Email: simon.smith@dudley.gov.uk

Appendices

None

List of Background Documents

None



Meeting of the Licensing Sub-Committee 3 – 20th December 2022

Report of the Interim Director of Public Realm

Notice of Temporary Event – Conyers Yard, Station House, Station Yard, Stourbridge, DY9 8ER.

Purpose

1. To consider the Notice of Temporary Event (TEN's) served on the Council by Mr Daniel Dawson, in respect of Conyers Yard, Station House, Station Yard, Stourbridge, DY9 8ER.

Recommendation

2. That the Sub-Committee determine the Notice of Temporary Event following the receipt of an objection notice from Environmental Safety and Health.

Background

3. On the 1st December 2022, a Notice of Temporary Event was accepted by the Licensing Office from Mr Daniel Dawson in respect of Conyers Yard, Station House, Station Yard, Stourbridge, DY9 8ER. The notice has been forwarded to Committee Members in accordance with the Licensing Act 2003. Copies have also been served on the two responsible authorities, Police and Environmental Safety & Health as required by statute.

4. The Notice of Temporary Event is as follows:-

Supply of Alcohol/Regulated Entertainment/Late Night Refreshment

26th December 2022 23.00 until 00.00 to
27th December 2022 00.00 until 03.00

These premises hold a current premises licence. A copy of that licence has been forwarded to Committee Members for their information.

5. The Notice was served on the Council within the required 10 working days, together with the correct fee.
6. On the 6th December 2022, objection notice to the Notice of Temporary Event was received from Environmental Safety and Health on the grounds of Public Nuisance. A copy of the objection notice has also been forwarded to the Committee Members, the applicant and interested parties in accordance with the Licensing Act 2003.

Finance

7. There are no financial implications.

Law

8. Temporary Event Notices are governed by the Licensing Act 2003, Part 5 Sections 100 to 107 as amended by the Police Reform and Social Responsibility Act 2011.
9. In accordance with Section 104, the responsible Authorities Police and Environmental Safety & Health, may object if the proposed use of the premises would undermine the crime prevention, public nuisance or public safety objectives of the Licensing Act 2003
10. The relevant Licensing Authority must:-
- (a) hold a hearing to consider the objection notice, unless the premises user, the responsible authority who gave the objection

notice and the authority agree that a hearing is unnecessary ,
and

- (b) having regard to the objection notice, give the premises user a counter notice under this section if it considers it appropriate for the promotion of the crime prevention, public nuisance or public safety objective to do so.

Risk Management.

- 11. There are no risk management implications.

Equality Impact

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

Human Resources/Organisational Development

- 15. There are no human resources/organisational development implications.

Commercial/Procurement

- 16. There are no commercial/procurement implications.

Environment/Climate Change

- 17. There are no Environment/Climate Change implications.

Council Priorities and Projects

18. 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

Report Author: Mr S Smith
Telephone: 01384 815101
Email: simon.smith@dudley.gov.uk

Appendices

None

List of Background Documents

Current Premises Licence