

**Meeting of the Licensing Sub-Committee 1
Thursday 1st June, 2023 at 10.00am
at Saltwells Education Development Centre,
Bowling Green Road, Netherton**

**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 21st March, 2023 as a correct record (Pages 7 – 15)

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

5. Application for Review of a Premises Licence – Cocktails & Dreams, 19 Bilston Street, Sedgley, DY3 1JA (Pages 16 – 30)
6. Transfer of Premises Licence and Vary of DPS (Designated Premises Supervisor) – The Broadway Service Station, 154 South Road, Stourbridge, DY8 3RW (Pages 31 – 36)
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: 23rd May, 2023

Distribution:

Members of the Licensing Sub-Committee 1

Subject to your appointment by the Licensing and Safety Committee on 31st May, 2023

Councillor A Lees (Chair)
Councillors T Creed and S Mughal

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

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- There is no smoking on the 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.

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- 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).

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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 1
Tuesday, 21st March 2023 at 10.17 am
In Conference Room 9, Saltwells Education Development
Centre, Bowling Green Road, Netherton, Dudley**

Present:

Councillor J Clinton (Chair)
Councillors J Cowell and T Creed

Officers: -

N Slym – Assistant Team Manager - Licensing and Waste Enforcement (Directorate of Public Realm), S Wright – Solicitor and K Buckle – Democratic Services Officer (Directorate of Finance and Legal).

13. **Apology for Absence**

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

14. **Appointment of Substitute Member**

It was reported that Councillor T Creed had been appointed as a substitute member for Councillor P Miller for this meeting of the sub-committee only

15. **Declaration of Interests**

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

16. **Application for Grant of a New Premises Licence – The Coast, Afro Cuisine, 31 – 32 King Street, Dudley**

A report of the Interim Director of the Environment Directorate was submitted in respect of an application for the grant of a new premises licence in respect of premises known as The Coast Afro Cuisine, 31 – 32 King Street, Dudley.

The following persons were in attendance at the meeting: -

Mrs A Nsinga – Designated Premises Supervisor (DPS)

Mr J Ewane – Son of the (DPS)

Mr P Burke – PMB Licensing – Representative for the DPS

K Turley and D Jenkins – West Midlands Police (Observers)

N Aston-Baugh – West Midlands Fire Service

Following introductions, the Assistant Team Manager (Licensing and Waste Enforcement) presented the report on behalf of the Council, referring to the application that had been received on 27th January 2023 from PMB Licensing on behalf of Mrs A Nsigna.

It was noted that the objections raised to the application by West Midlands Police and the Licensing Authority had been withdrawn and the remaining objection from a local resident was referred to, however the resident had indicated that he would not be attending the meeting today.

West Midlands Fire Service made representations, and in doing so referred to the voluntary undertaking that had now been agreed by the Designated Premises Supervisor and which was attached to the application. It was stated that once all work had been completed including conducting a fire risk assessment of the licensed premises, capacity would be increased from 60 to 100 patrons.

In referring to the objections of the local resident, Mr P Burke referred to those as vexatious.

It was noted that he was a local business premises owner.

The raised objections were refuted, and it was stated that King Street, Dudley was covered by CCTV surveillance.

Councillor J Cowell sought clarification on whether West Midlands Police had been alerted of any issues within the King Street vicinity.

Ms D Jenkins confirmed that there were issues with the lack of parking facilities for vehicles utilising the businesses within the area in question, stating that this was a high crime impact area and both cars and noise were problematic.

Mr N Slym advised that there had been issues in relation to violent crimes and disturbances with noise complaints and issues with parking being raised with Environmental Health Colleagues, in relation to King Street, Dudley.

At this juncture the meeting was adjourned for the sub-committee to determine whether the objections raised were vexatious.

The sub-committee having made their decision reconvened the meeting.

All parties were advised that the Sub-Committee had determined that the objector raised several issues which amounted to relevant representations and as such were not vexatious.

Mr P Burke referred to the conditions that had been agreed with all of the responsible Licensing Authorities.

In response to a question from Councillor T Creed, Mr P Burke advised that the premises operated an entrance and exit only policy, thereby should patrons leave via the exit to visit the smoking area, they would have to re-enter and would be searched by the Security Industry Authority (SIA) staff, before being allowed to re-enter the premises.

Mr P Burke also confirmed that the smoking area would not impede any escape from the premises and any litter would be cleared from outside the business premises.

Following the summing up from all parties, the Sub-Committee came to their conclusion and the Chair of the Committee outlined the decision.

Resolved

That following careful consideration of the information contained in the report submitted and presented at the meeting, the application for a new premises licence in respect of the premises known as The Coast, Afro Cuisine, 31 – 32 King Street, Dudley, be granted subject to the following conditions: -

- (1) Incident Book - The premises will have an incident book and record all incidents that occur inside or immediately outside the premise, regardless of whether any of the emergency services have been called. The record of incident will include details of the member of staff involved in the incident and the actions taken. Regular liaison with police will be encouraged to ensure cross-reference of venue related incidents. This incident book can be inspected at any reasonable time by all responsible authorities.
- (2) Staff Training – All staff will be trained on the signs of drug abuse both on persons and how to recognise signs of use on the premises. Training would also be provided on signs of persons drinking to excess. Training would be provided to staff to include Challenge 25 policy and differing ID methods. All training must be recorded on the premises in a training book and be made available to the responsible authority immediately upon request.
- (3) The DPS will undergo updated training annually.
- (4) A refusal book to be kept on the premises detailing the time and date of refusal and the reasons for the refusal. The book will be kept on the premises and handed to any responsible authority on request.
- (5) There will be a Challenge 25 policy in place and only photographic ID including a driving licence, passport student card or 'Pass' scheme card will be accepted as proof of age. 'Challenge 25' signage will be prominently displayed for customers in the premises.
- (6) Staff will be trained on signs of underage drinking and this will be recorded in the training book and kept on the premises and can be inspected on the request of any responsible authority.
- (7) Drugs misuse signs will be predominantly displayed in all areas of the premises.

- (8) Any Temporary Event Notice (TEN) received in relation to the premises will include full details of any DJ that will be attending and will be forwarded on to the Dudley Licensing Officer at the time of the application. The premises license holder will uphold the conditions of the license regarding Security Industry Authority (SIA) staff for the duration of the TEN.
- (9) The premises CCTV will be checked on a weekly basis in order to identify any concerns. A record of these checks shall be maintained and be available for inspection upon request by an officer of any responsible authority.
- (10) CCTV will be installed at the premises and will record all incidents and immediately outside the premises for a minimum of 28 days. CCTV will cover all areas of licensable activity and will include all exits and entrances where searching takes place. The smoking area will also be covered by CCTV.
- (11) A member of staff employed at the premises when it is open for licensable activity will be trained in the operation of the CCTV system. They will be able to download any footage at the request of the Police and any other Responsible Authority within 24 hours of the request, and the venue will provide their own USB and/or disc for this purpose.
- (12) A member of staff on duty at the venue will carry out daily checks when the premises are open for licensable activity, that the CCTV system is in working order. This check will be recorded in a separate book and signed and dated by the checker.
- (13) Any CCTV hard drive that is damaged or broken will be retained at the premises for a minimum of 28 days and available upon request by the Police or any other Responsible Authority.

- (14) On Fridays and Saturdays, and any Sunday before any Bank Holiday and any Bank Holiday and Christmas Eve, Boxing Day and New Years Eve when entertainment is provided, from 22:00 hours a minimum of 6 SIA registered Door Supervisors will be employed at the venue, including one female. They will remain in place until the venue is closed. One member of door staff will be positioned in the smoking area. On all other occasions door supervisors will be employed in accordance with a separate written risk assessment.
- (15) Door Supervisors on duty will display on their outer sleeve at all times an up to date/relevant SIA Badge. All Door Supervisors will be required to wear high visibility jackets when outside the premises and appropriate dress when inside. All Door Supervisors will be required to sign in/out every shift; this must include their full badge number and full name, and these details must be retained by the premises for a 6 month period and disclosed to any Responsible Authority upon request.
- (16) A minimum of 6 door staff will at all times wear a Body Worn Camera when door staff are employed at the premises. The bodycams will be checked prior to any tour of duty that they are in working order & replaced as soon as practicable if faulty.
- (17) When door supervisors are employed at the premises, every patron entering the venue will be subject to a full bag and body search. Any persons leaving and returning to the venue will be re searched fully.
- (18) The premises will install a metal screening device (ie; knife arch) which all patrons will be required to walk through upon entry to the premises. This will be in addition to a full bag and body search by SIA Door Supervisors as per Condition number 17 above.
- (19) The premises shall implement and put into practice a drugs policy for the venue. Anyone found to be in possession of drugs, including nitrous oxide cannisters, will be removed from the premises.

- (20) No drinking vessels at any time are to be taken beyond the outside perimeter of the premises and the premises licence holder must ensure notices are displayed in any designated outside smoking or drinking area to inform patrons of the restriction.
- (21) No persons will be allowed entry inside the venue when wearing a cap, hoodie or any other item that will obscure full facial recognition on CCTV cameras.
- (22) The Police will be called if an incident arises that the door staff are unable to diffuse.
- (23) All drinks will be served in plastic cups or poly carbs after 22:00 hours on Friday, Saturday and Sunday evenings, Bank Holidays, Christmas Eve, Boxing Day and New Years Eve or any other date when a special event is taking place.
- (24) An incident log shall be kept at the premises; and made available on request to an authorised officer. It must be completed within 24 hours of the incident and will record the following: -
 - (a) All crimes reported to the venue
 - (b) All ejections of patrons
 - (c) Any complaints received concerning crime and disorder
 - (d) Any incidents of disorder
 - (e) All seizures of drugs or offensive weapons (to be kept in a safe and reported to the Police)
 - (f) Any faults in the CCTV system.
 - (g) Any refusal of the sale of alcohol
 - (h) Any visit by a relevant authority or emergency service.
- (25) No under 18's shall be allowed inside the premises after 21:00 hours any night of the week.
- (26) No unaccompanied under 18s shall be allowed inside the premises at any time.

- (27) The venue must retain on the premises door staff profiles, which includes photo ID other than their SIA badge and a utility bill which must not be dated later than 6 months previously. The Licence Holder shall ensure that such profiles are made available for inspection by the Police or Local Authority at any time and kept in a secure location. If any door supervisors leave the premises, the profile shall be retained on the premises for at least three months, following their departure.
- (28) The premises shall implement and put into practice a search policy for the venue.
- (29) The DPS shall ensure that noise levels arising from the premises including the smoking areas are at a level so as not to disturb local residents.
- (30) Internal doors will be installed to cut down on noise from the premises.
- (31) A wind down period of 30 minutes before the last drinks are served. This will encourage customers to begin to leave the location as this will indicate the night is ending. It will also reduce noise leaving the location through the opening and closing of the main door when customers leave.
- (32) Signage displaying to customers to “respect local residents, please leave quietly” to be on display around the location and especially at the exits and smoking areas.
- (33) The smoking area as identified in the plan will be barriered with a 2 metre by 3 metre of barriers and will be monitored and controlled by SIA staff to restrict non-patron use and restricted to 10 persons at any one time.
- (34) Door staff will search customers on re-entry from the smoking area to the premises.

Reasons for the Decision

In accordance with the Council’s Licensing Policy each licence application will be considered on its own merits in the context of the four licensing objectives. We have taken account of the Licensing Act 2003 and the Section 182 Statutory Guidance. We note we must carry out our function

under the Act with a view to promoting the licencing objectives. We have had regard to the representations. We have taken such steps as we consider appropriate for the promotion of all four licencing objectives. In considering the evidence representations have been made by the Police and the Licensing Authority, they have raised a number of concerns and are now satisfied that the new Operating Schedule addresses the concerns. There has been a promotion of the licensing objectives. The Fire Service has also raised concerns and the Applicant has entered into a Voluntary Undertaking.

There is another person who has made representations. That person raises relevant representations that relate to: -

- Drinking in the streets
- Noise
- General disorder

There are other issues mentioned by the other person, but we can only consider that which is a relevant representation if it relates to the likely effect of the grant of the licence on the promotion of at least one of the licensing objectives.

We are of the view that the new schedule addresses the concerns raised by the other person.

There is a right of appeal by all parties to the magistrates' court. The appeal must be commenced within 21 days.

The meeting ended at 11.47am

CHAIR

Meeting of the Licensing Sub-Committee 1 – 1st June 2023

Report of the Interim Director of Environment

**Application for Review of a Premises Licence
Cocktails & Dreams, 19 Bilston Street, Sedgley, DY3 1JA**

Purpose

1. To consider the application for the review of the premises licence in respect of Cocktails & Dreams, 19 Bilston Street, Sedgley, DY3 1JA.

Recommendation

2. That the Sub-Committee determine the application for the review of the premises licence received from the Chief Constable of the West Midlands Police in respect of the premises known as Cocktails & Dreams.

Background

3. Cocktails & Dreams formerly (Sedgley Karai Restaurant) was first issued with a premises licence on the 11th March 2015, that licence was suspended on the 1st June 2017 in accordance with Section 55 of the Licensing Act 2003 for the none payment of annual fees. The licence was reinstated and transferred into the name of Mr C Bates on the 24th May 2022 following the payment of the outstanding fees.
4. On the 22nd August 2022, an application for the review of the premises licence was received from the Principle Environmental Health Officer, the grounds for the review related to the prevention of public nuisance.
5. Representations in support of the application for review were received from 2 Ward Members, West Midlands Police and the Licensing Authority.

6. This application was considered by the Licensing Sub-Committee 2 on the 11th October 2022, the Committee resolved that following consideration of the information contained in the report submitted and presented at the meeting, the premises licence issued in relation to Cocktails & Dreams, be suspended for a period of 3 months.
7. The Committee further resolved conditions be attached to the premises licence and that the then current DPS be removed. A copy of the minutes of the meeting on the 11th October 2022 are attached to this report as appendix 1.
8. The current premises licence is issued for the following days and times:

The times the licence authorises the carrying out of licensable activities: -			
I: Late Night Refreshment	Monday to Sunday	23:00	23:30
J: Supply of Alcohol	Monday to Sunday	17:30	23:00

Premises Open to the Public

Monday to Sunday inc 17.30 until 23.30

9. On the 5th April 2023, an application for the review of the premises licence was received from the Chief Constable of the West Midlands Police, 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.
10. The Council advertised the application for review of the premises licence in accordance with Licensing Regulation SI, 2005, No. 42, Section 38.
11. Representations in support of the application for review have been received from Public Health and Wellbeing, Environmental Health, Children's and Young People Safeguarding & Review and the Licensing Authority. Comments have also been received from the Planning Department.
12. Copies of all representations have been forwarded to the Premises Licence Holder, Committee Members, and Interested Parties.

Finance

13. There are no financial implications.

Law

14. 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

Before determining the application, the authority must hold a hearing to consider it and any relevant representations.

15. 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.

16. 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.

17. Subsection (3) is subject to sections 19,20 and 21 (requirement to include certain conditions in premises licences).

18. 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.
19. 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).
20. 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.
21. 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.
22. 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.

23. 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
24. 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

25. There are no material risk implications.

Equality Impact

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

Human Resources/Organisational Development

29. There are no organisational development/transformation implications.

Commercial/Procurement

30. There are no commercial/procurement implications.

Environment/Climate Change

31. There are no Environment/Climate Change implications.

Council Priorities and Projects

32. 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.



**Nick McGurk – Acting Service Director, Neighbourhood Services
On behalf of Interim Director of Environment**

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Appendices

Appendix 1 – Minutes of the meeting 11th October 2022

List of Background Documents

None



**Minutes of the Licensing Sub-Committee 2
Tuesday, 11th October 2022 at 10.00 am
In the Council Chamber, the Council House, Dudley**

Present:

Councillor K Razzaq (Chair)
Councillors P Drake and E Taylor

Officers:

S Smith – Team Manager (Licensing and Waste Enforcement) (Directorate of Public Realm), R Clark – Principal Solicitor and K Buckle – Democratic Services Officer (Directorate of Finance and Legal).

12. **Declarations of Interest**

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

13. **Minutes**

Resolved

That the minutes of the meeting held on 12th July 2022, be approved as a correct record, and signed.

14. **Application for Review of a Premises Licence – Cocktails and Dreams, 19 Bilston Street, Sedgley**

A report of the Director of Public Realm was submitted on an application for a review of a premises licence in respect of Cocktails and Dreams, 19 Bilston Street, Sedgley.



The following persons were in attendance, at the meeting:

Ms D Jenkins – (West Midlands Police)
Ms K Turley – (West Midlands Police)
Sergeant Andrews – (West Midlands Police)
Mr C Bates – (Premises Licence Holder)
Mr N Slym – (Licensing and Waste Enforcement)
Ms K Mullings – (Licensing and Waste Enforcement)
Ms C Vaughan – (Environmental Health and Trading Standards)

Following Introductions, the Team Manager (Licensing and Waste Enforcement) presented the report on behalf of the Council.

Ms C Vaughan then outlined the reasons for the application for a review of the premises licence, referring to the ongoing problems with noise disturbance, and a failure to uphold the licensing objective to prevent public nuisance.

Initially the premises had operated on a Temporary Event Notice (TEN) in early April 2022. Environmental Health and Trading Standards had advised the licence holder and manager of the premises Mr Bates, on numerous occasions of concerns in relation to noise disturbance and agreed operating parameters to address those issues. However, despite this, Environmental Health and Trading Standards had continued to receive complaints in this regard, in particular from residents regarding disturbance throughout the night from loud music and person generated noise.

The TEN in April 2022 permitted licensable activities until 02:00 hours; video footage from residents had evidenced noise from music and people leaving the premises until approximately 04:30 to 05:00 hours. Subsequently Environmental Health and Trading Standards had discussed at length with Mr Bates the measures to take to responsibly operate a licenced premises at the location in question.

The current licence forms part of an old restaurant licence for 19 Bilston Street and consequently the licence did not include any form of regulated entertainment or any standard conditions that would typically be applied to a premises licence for a late-night drinking establishment.

Despite several warnings the premises had failed to implement steps to address concerns in relation to noise which continued to give rise to complaints from residents.

Closed Circuit Television (CCTV) had been requested from the premises for two of the occasions whilst the premises were causing noise disturbance late at night outside the hours permitted, however to date that had not been provided with the premises reporting that there were technical difficulties in relation to CCTV.

Concerns had also been raised with Mr Bates regarding children being present late at night and collecting glasses. Referrals had been made and the premises licence holder had been provided with advice in relation to planning consent and the need to obtain a pavement licence.

Environmental Health and Trading Standards submitted an incident log with the review application together with a video recording of patrons drinking after hours posted on Saturday 6th August 2022 at 23.46pm from the facebook-live page of Cocktails and Dreams. That demonstrated recorded music, people dancing and drinking, and drinking at 23.46pm both inside and outside to the fore of the premises.

It was also noted that there were no door staff to the fore of the premises, the music was not background music, the front of the premises was used as an extension to the premises and the partial planning application submitted by Mr Bates had been returned due to the need for additional information.

It was reported that progress had been made as far as the West Midlands Fire Service were concerned.

There followed a request to impose the conditions suggested by Environmental Health and Trading Standards and West Midlands Police on the Premises Licence, in order to uphold the licensing objectives.

During their submissions West Midlands Police stated that they supported the removal of Ms J Glover as the Designated Premises Supervisor and the closure of the premises for a limited period of time.

It was reported that Ms J Glover, Designated Premises Supervisor, had only attended the licensed premises twice and did not have an active role in running the premises responsibly.

In relation to the TEN's granted for the event in early April 2022, Mr Bates stated that this had been applied for following the death of his son to celebrate his birthday and the younger children referred to had left the premises at 9:00pm being transported by cars parked to the rear of the licensed premises.

Representatives from West Midlands Police stated that they supported the application made by Environmental Health and Trading Standards and referred to a disorder that had occurred on 5th August 2022 outside the licensed premises that culminated in a serious assault resulting in the male victim undergoing emergency surgery. There remained the objection to tables and chairs being placed outside the front of the business premises and it was confirmed that no pavement licence had been applied for. There was no CCTV footage, no door staff and a fire alarm should be installed for public safety.

West Midlands Police referred to the number of conditions they proposed be put onto the premises licence including that no drinking vessels be taken outside the licensed premises.

Mr Bates responded stating that there was no CCTV outside the licensed premises, however CCTV had been installed inside the premises, but it had become evident that the hard drive was faulty, and a new hard drive was installed in September 2022. Cameras were now operating inside the premises downstairs in the bar area, dance floor, front door and at the back of the premises. He indicated that CCTV was now constantly recording, and he reviewed the footage each day. It was also confirmed that a fire alarm had now been installed.

Mr Bates also responded in relation to the assault, stating that he had been with the victim following the assault and had called an ambulance. It was confirmed that no children were in attendance at the Licensed premises with the victim and the assault had not taken place on the licensed premises.

West Midlands Police raised a concern relating to a 13 year old present at the premises until 11.00pm and no Security Industry Authority (SIA) door staff being present.

The Licensing Enforcement Officer in her submissions referred to a compliance visit to the premises on 6th October 2022 and the concerns of the licensing authority that were discussed with Mr Bates together with the restrictions on his current licence.

Mr Bates had been advised to pursue the variation of the planning application.

It was stated that West Midlands Fire Service had issued a Notice for Improvement to limit the capacity in the licensed premises to 60, however that capacity would require monitoring by SIA door staff.

It was again stated that no application had been submitted for a pavement licence and gatherings outside the premises were causing problems for local residents.

Mr Bates had informed the Enforcement Officer that he carried out training with his staff and he produced a spreadsheet, however that training had related to the use of machinery at the premises for example a cocktail machine and not with regard to the sale of alcohol. Further advice was relayed to Mr Bates in relation to the provision of training records. It was also suggested that it may be beneficial for some members of staff to complete a Personal Licence course.

The Enforcement Officer had questioned a member of staff in relation to acceptable Identification (ID) checks and that had been answered satisfactorily.

Mr Bates had also produced health and safety and fire safety policies, together with an incident reporting book and a refusals register. Some zero tolerance signs had also been purchased which were to be displayed around the premises.

When questioned regarding how staff had been instructed to promote awareness to monitor consumption of alcohol on the premises, it was indicated that a token system was in operation in order that staff knew how much patrons had had to drink.

Mr Bates was advised that his staff must be aware of the law in relation to selling alcohol to a person who was incapacitated due to alcohol consumption, as that was a criminal offence and that he should consider introducing that as part of staff training.

The Enforcement Officer had requested Mr Bates to demonstrate the use of the CCTV system, he indicated that he had purchased a new hard drive, however he was unable to demonstrate this to the Officer as he indicated that due to the closure of the premises for a month there was no current footage to view.

The Licensing Authority supported the conditions to carry out compliance with the licensing objectives and to the condition that no alcohol be served on the Licensed premises after 23:00 hours with a terminal hour of 23:30 hours.

Mr C Bates stated that in relation to person generated noise, the complaints were always on Sundays, and alleged that the noise was generated from the Bulls Head Public House in Bilston Street and not from his premises.

In response, Environmental Health and Trading Standards stated that they had had no complaints about noise from the Public House and that the complaints were at weekends but not always Sundays. The Bulls Head was four to five doors away and the nearest neighbour was approximately 30 feet from the rear door of Mr. Bate's premises.

In responding to questions from Members, Mr Bates stated that: -

- a) He had self-employed SIA door staff throughout the full week and the number of patrons each night was approximately 30 to 40.
- b) The maximum capacity was 60 for the premises.
- c) Training records would be in place for his staff by the end of the week.
- d) The CCTV was fully operational and could be viewed by all relevant authorities.
- e) The Designated Premises Supervisor was currently ill and was unable to attend the meeting.
- f) Following the renovations to the licensed premises shop frontage, the application for a change in use of the business premises should proceed.
- g) His younger child had helped to collect glasses initially however that had now ceased.
- h) Identification was required at the bar and there was a zero tolerance policy in place in relation to underage drinking.
- i) The residential DJ at the premises had been a one-time event.

Following the opportunity for all parties to sum up their cases, all parties 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 then outlined their 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 Cocktails and Dreams, 19 Bilston Street, Sedgley, be suspended for a period of three months, or until such time as the following conditions on the premises licence have been complied with (whichever be the sooner), and compliance has been confirmed by the Licensing Authority: -
 - (a) That the Closed Circuit Television (CCTV) be positioned at all entrances, exits and external areas, providing complete visibility of who is entering and exiting the licensed premises, and away from light sources to provide a clear view. Should the fore of the premises be used for patrons to smoke or in the event, that a pavement licence was granted, CCTV to cover that area.
 - (b) That a camera be positioned to cover the bar and dance areas, and any other area where licensable activity takes place.
 - (c) That the CCTV must record for a minimum of 28 days. One person on duty at all times that the premises was open to the public would be able to view and download any footage and produce it on a USB or Disc to any of the responsible authorities within 24 hours.
 - (d) That the CCTV hard drive be retained at the premises in a secured area.
 - (e) That daily checks be carried out to ensure that the CCTV system is working and recording, and this check will be entered in a separate book which will be signed and dated by the person carrying out the check. This book will remain on the premises at all times and be available for viewing immediately upon request by any of the responsible authorities.
 - (f) That any breakdown of the CCTV system, will be dealt with immediately and a replacement system will be sought if need be to enable the premises to continue operating.
 - (g) That any CCTV hard drive/system that has been replaced will be retained at the premises for a minimum of 30 days and made available to any of the responsible authorities upon reasonable request.

- (h) That the premises shall employ a minimum of two SIA registered Door Supervisors, through an SIA regulated firm, from 21:00 hours on a Friday and Saturday night until close. Door staff will ensure that all patrons entering the premises are subject to a bag and body search, along with identification checks. One member of door staff when required will monitor any outside drinking/smoking areas until close. Door staff will also be employed at the premises on any Sunday evenings prior to Bank Holiday Monday, and also on Bank Holidays, including Christmas Eve and New Year's Eve.
- (i) That one member of door staff at all times will wear a body cam, and will ensure that it is recording at all times when carrying out their duty.
- (j) That a Door Staff register will be kept at the premises, and at the beginning of each tour of duty, names and addresses of all door staff and badge numbers will be entered, these will be checked and countersigned by a manager on duty. This register will be available to any of the responsible authorities upon request.
- (k) The door Supervisors will ensure when on duty that capacity levels are not exceeded as per the premises own Fire risk Assessment.
- (l) That all drinking vessels will be removed from any outside area as soon as the contents have either been drunk or are empty. No glass wear will be taken outside onto the front pavement area, unless it is deemed unbreakable.
- (m) That all instances of crime and/or disorder that cannot be dealt with by the venue staff/door Supervisors, will be reported to the Police as soon as possible.
- (n) That the premises will operate a challenge 25 policy at all times.
- (o) That no children under the age of 18 will be allowed in any area of the premises without being accompanied by an adult. Any accompanying children will not be allowed inside the premises after 21:00 hours on any night of the week.
- (p) That the supply of alcohol be permitted from 17:30 to 23:00 hours Monday to Sunday and on public holidays.
- (q) That the premises shall be closed and vacated by customers no later than 23:30 hours each day.

- (r) That the premises will not host at any time any performance by a DJ, including a DJ mixing tracks and the use of a DJ to play recorded music.
- (s) All windows and doors to the premises will be kept closed during the playing of any recorded music for entertainment purposes (until 23.00 hours) with the exception of the external front door which can remain open to indicate to customers that the premises is trading.
- (t) A self-closer device will be fitted to the rear door and remain in use at all times.
- (u) That the premises shall not permit any access or egress to the premises by members of the public via the rear gate situated on Brick Street, with the exception of any emergency situation.
- (v) The rear gate on Brick Street shall be used for deliveries and collections between the hours of 07.00 to 19.00 Monday to Saturday only. There shall be no deliveries to or collections from the premises via the rear gate on Brick Street on Sundays.
- (w) That the external rear yard to the premises shall be closed to customers at 20:30 hours each day and after this time customers will not be able to gain access to the rear yard, with the exception of any emergency situation.
- (x) That no drinks will be permitted to be taken outside of the premises after 20:30 hours.
- (y) After 20:30 hours smoking by customers will be in a designated area at the front of the premises only. This smoking area must be clearly barriered or demarked in some way to ensure that no obstruction is caused to the public footpath and must comply with any requirements stipulated in a pavement licence if required.

2. That Ms J Glover be removed as the Designated Premises Supervisor.

The meeting ended at 12.34pm

CHAIR

Licensing Sub-Committee 1 - 1st June 2023

Report of the Interim Director of Environment

Transfer of Premises Licence and Vary of DPS (Designated Premises Supervisor)

The Broadway Service Station, 154 South Road, Stourbridge, DY8 3RW

Purpose

1. To consider the application for the transfer of premises licence and vary of DPS in respect of the Broadway Service Station, 154 South Road, Stourbridge, West Midlands.

Recommendation

2. That the Licensing Sub-Committee determine the application for the transfer of premises licence and vary of DPS (designated premises Supervisor) in respect of the premises known as the Broadway Service Station, 154 South Road, Stourbridge following the receipt of representations from the West Midlands Police.

Background

3. The Broadway Service Station, was first issued with a premises licence on the 1st July 2010, the current premises licence is in the name of Mr Piara Singh Virdee. The premises licence is issued for the following days and times:

Supply of Alcohol

Monday to Sunday 08.00 until 22.00

Hours Open to the Public

Monday to Sunday 06.00 until 22.00

4. On the 18th April 2023, Mr Saman Haroon Mehmud made application for the transfer of the premises licence and vary of the DPS. A copy of both application forms have been forwarded to Committee Members and interested parties in accordance with the Licensing Act 2003.
5. On the 27th April 2023, representations were received from the West Midlands Police. Copies of the representations have also been forwarded to the applicant, Committee Members and interested parties in accordance with the Licensing Act 2003.

Finance

6. There are no financial implications.

Law

7. The law relating to applications to transfer of premises licence is governed by the Licensing Act 2003, part 3, section 42.
8. Pursuant to section 42 (6) 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/she must give the relevant licensing authority a notice stating the reasons why he is so satisfied.
9. Pursuant to section 42 (7) the Chief Officer of Police must give that notice within the period of 14 days beginning with the day he/she is notified of the application.

10. Pursuant to section 44 (5) 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 necessary for the promotion of the crime prevention objective to do so.
11. 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.
12. Pursuant to section 45 (1) where an application under section 42 is granted or rejected the Licensing Authority must give a notice to that effect to:-
 - (a) the applicant; and
 - (b) the Chief Officer of Police in which the premises are situated.
13. Pursuant to section 45 (2) the notice must state the authorities reasons for granting or rejecting the application.
14. Pursuant to section 45 (3) where the application is granted, the notice must specify the time when the transfer takes effect.
15. Pursuant to section 45 (4) the licensing authority must also give a notice
 - (a) where the application is granted:-
 - (i) to the holder of the licence immediately before the application was granted, or
 - (ii) if the application was one to which included a request that the transfer take immediate effect, to the holder of the licence immediately before the application was made (if any)
 - (b) where the application is rejected, to the holder of the premises licence (if any)

16. Pursuant to schedule 5, part 1 1(d) if the Licensing Committee refuse to grant the application for transfer of premises licence there is a right of appeal to the Magistrate's Court.
17. 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.
18. 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/she must give the relevant licensing authority a notice stating the reasons why he/she is so satisfied.
19. 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/she is notified of the application.
20. 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.
21. 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.
22. 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.
23. Pursuant to section 39(5) the notice must state the authority's reasons for granting or rejecting the application.

24. Pursuant to section 39(6) where the application is granted, the notice must specify the time when the variation takes effect.
25. 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.
26. 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

27. There are no material risk implications.

Equality Impact

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

Human Resources/Organisational Development

31. There are no organisational development/transformation implications.

Commercial/Procurement

32. There are no commercial/procurement implications.

Environment/Climate Change

33. There are no Environment/Climate Change implications

Council Priorities and Projects

34. 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.



**Nick McGurk – Acting Service Director, Neighbourhood Services
On behalf of Interim Director of Environment**

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Appendices

None

List of Background Documents

None