

**Minutes of the Licensing Sub-Committee 1
Thursday, 1st July 2023 at 10.00 am
In Meeting Room 9, Saltwells Education Development Centre,
Bowling Green Road, Netherton**

Present:

Councillor A Taylor (Chair)
Councillors T Creed and P Drake

Officers:

J Scobie – Assistant Team Manager (Licensing and Waste Enforcement) (Directorate of Public Realm), T Holder – Solicitor and K Buckle – Democratic Services Officer (Directorate of Finance and Legal).

17. Apologies for Absence

Apologies for absence from the meeting were submitted on behalf of Councillors A Lees and S Mughal.

18. Appointment of Substitute Members

It was reported that Councillors A Taylor and P Drake had been appointed as substitute members for Councillors A Lees and S Mughal for this meeting of the Sub-Committee only.

19. Declarations of Interest

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

20. **Minutes**

Resolved

That the minutes of the meeting held on 21st March 2023, be approved as a correct record, and signed.

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

A report of the Interim Director of Environment 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 K Turley – (West Midlands Police)
Mr C Coughlan – (Solicitor for West Midlands Police)
Sergeants J Andrews and J Newton – (West Midlands Police)
Mr C Bates – (Premises Licence Holder)
Ms K Loveridge and Mr S Gowan – (Supporters for the Premises Licence Holder)
Mr N Slym – (Licensing and Waste Enforcement)
Mr A Humphrey (Licensing and Waste Enforcement)
Ms K Mullings – (Licensing and Waste Enforcement)
Mr R Jones – (Environmental Health and Trading Standards)
Ms C Vaughan – (Environmental Health and Trading Standards)
Ms K Wilkinson-Clarke (Health and Wellbeing Environmental Health and Trading Standards)
Mr T Cranston – (Childrens and Young People Safeguarding and Review)

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

Mr Coughlan outlined the reasons for the application for a review of the premises licence referring to the photographs contained in the closed circuit television (CCTV) and photographic booklet that had been circulated to all interested parties, stating that children were at risk from harm due to Mr Bates being unable to adhere to the licensing objectives.

Mr Bates confirmed that he had received the booklet referred to above, which contained the photographic evidence.

Mr Coughlan stated that there was clear evidence that children were present on the licensed premises, paying cash over the bar for drinks.

At 22.42 pm on 6th January, 2023, a young female was photographed leaving the licensed premises under the influence of alcohol and it was confirmed that a bottle of Kopparberg cider had been sold to a child, with the bottle being encircled on the photographic evidence.

There was photographs of young girls and boys congregating in the licensed premises with one vaping and of disco lighting being illuminated on the dance floor with what appeared to be a six-year-old child running across the dance floor.

Mr Coughlan advised that the Dormston Secondary School in Sedgley had confirmed that the young girls and boys in the photographs were pupils at the school.

It had never been ascertained which security company were employed by Mr Bates to secure the licensed premises, with no security checking in or out of the premises. There were no door supervisors, breaching the conditions on the premises licence and there were children drinking on the licensed premises.

Ms Vaughan stated that Environmental Health and Trading Standards supported the representations submitted by West Midlands Police, advising that there was likely to have been further noise disturbance based upon the evidence submitted by West Midlands Police, then outlined the reasons for the application for a review of the premises licence, referring to a further complaint received on 20th May 2023 of noise disturbance.

Ms C Vaughan advised that following enquiries of the Council's highways section and a land registry search both had evidenced that Mr Bates had no Pavement Licence, although there was photographic evidence of patrons to the fore of the premises

Following a question from Mr Bates, Ms Vaughan referred to the table and chairs that were in situ to the fore of the licensed premises and the barrier that had been installed.

Mr Bates refuted the allegation that there was a table to the fore of the licensed premises and indicated that he had been advised by Mr Slym to erect a barrier to the fore of the premises and stated that he had been advised not to apply for a pavement licence.

Ms Vaughan referred to the Land Registry Search confirming that the boundary of the licensed premises was up to the blue line to the fore of the premises.

Mr Bates referred to the parking that was allowed to the fore of the premises, advising that it was not public land but belonged to the licensed premises.

Mr Slym confirmed that following checks with the Land Registry the land referred to did form part of the public highway.

Mr Cranston advised that he was making representations on behalf of Ms N Hale, the Head of Childrens Safeguarding who had serious concerns in relation to the protection of children from harm being prevented by the sale of alcohol to children on the licensed premises. The clear conditions in place preventing the sale of alcohol to those under the age of 18 were referred to and having reviewed the documentation submitted by West Midlands Police concurred with the concerns raised by them.

In response Mr Bates stated that there was no evidence that alcohol had been sold to those under the age of 18 advising that drinks referred to were alcohol free drinks.

Mr N Slym made representations on behalf of the Licensing Authority, referring to the summary of breaches of the conditions on the licence which amounted to 27 over a four-month period.

Mr N Slym referred to the images taken of the door staff register on 7th March 2023, which evidenced that only one member of Security Industry Authority staff was on duty with no counter signature appearing for a second which breached conditions j) and i) on the premises licence.

On the 27th and 30th December 2022, and 6th and 7th January 2023 Mr J Allen was the only member of door staff who had signed the door staff register which had resulted in four breaches of the conditions on the premises licence. Further breaches had occurred on 27th and 28th January 2023 when only member of the door staff had signed the register.

On the 24th and 25th February 2023 Mr Tilt had been the only member of the door staff to sign the register.

Mr Slym advised that West Midlands Police had been informed that a children's party had taken place on the licenced premises on 6th January 2023 with a number of those children present being intoxicated. Following the event, Mr Bates had been requested to provide the CCTV for that evening, however he advised that the CCTV had only recorded from the 7th January 2023. West Midlands Police then seized the CCTV hard drive and recovered the deleted footage.

In response to a question from the Chair, Mr Slym confirmed that CCTV recorded on a loop, and there would always be 28 days of coverage.

The CCTV recording checking had been photographed which evidenced that there had been no record of a fault with the system, or a replacement hard drive, made between Christmas and the new year period. It also evidenced that the system had been working correctly on 6th January 2023, however when footage was later requested, Mr Bates had stated that it was not recorded as the system only recorded between the 7th and 7th each month.

Mr Slym advised that when he had visited the licensed premises on 22nd December 2022 the CCTV system was recording on a 28-day loop and on the balance of probabilities the relevant footage had been deleted.

Mr Bates had been reminded on 22nd December 2022 that the licence to serve alcohol permits the sale until 23:00 hours, however the CCTV images evidence alcohol being sold at 00.34 and 01:00 hours.

When the hard drive was returned on 7th March 2023, Mr Bates was questioned in relation to booking parties, where he advised he maintained a diary system. Upon examination of that diary it identified a record on 6th January 2023 as 'Demi party 60 people', however Mr Bates advised that the party did not take place.

On 13th January 2023, a female had entered the premises and handed over a large sum of money, this female has been identified by West Midlands Police as Demi.

On 6th January 2023 the CCTV footage records a female dressed in birthday clothes purchasing alcohol, including a bottle of Kopparberg Cider and drinks from a jagermeister machine. Children also appeared to be drinking tequila shots.

At 22.42 on the same evening, a female was carried out of the licensed premises and has since been identified as a pupil of the Dormston Secondary School.

There were also a number of people vaping opposite the bar area.

The above constituted further breaches of the conditions placed on the licence, as children are not permitted on the licensed premises after 9pm.

The footage of 18th March 2023 highlighting a child running through the dancefloor was again referred to.

Following a compliance visit on 24th May 2023 it was noted that signage was displayed stating that all children need to be out of the premises by 21:30, however the signage was wrong and breaches condition 'o' on the premises licence which states 21:00 hours.

Mr Slym referred to the fact that Mr Bates has no Security Industry Authority (SIA) Licence and cannot employ SIA staff, and when questioned Mr Bates advised that he employed security staff from a company called Lionheart, however they advised that none of their staff had been employed at the licensed premises since December 2022.

Following further enquiries Mr Bates confirmed that he employed RSS Security Services and provided a contract, which was considered false as their trading address was wrongly stated and it indicated that two door staff would be paid £10.00 per hour, which was under the national minimal wage.

Mr Bates referred to signing the security register advising this had been an honest mistake, with the staff since being informed that they must both sign the register. Mr Bates alleges that following photographing the register Mr Slym invited him to sign the register.

Mr Bates stated that he remained in talks with RSS Security Services, their address was correct as stated on the contact and they were providing the licensed premises with security.

Mr Slym stated that the Managing Director had advised that he had never heard of Mr Bates or his licensed premises.

Mr Bates advised that his contact was a Mr Gareth Williams.

Mr Holder confirmed that the operating address could be a different address to that held by Companies House.

Mr Bates confirmed he had checked that the CCTV was recording.

Mr Humphries reported that there had been no record of an error had occurred in relation to the CCTV or that an engineer had been called.

Mr Bates referred to the image of a bottle on 6th January 2023, stating that “this is just a brown bottle, and it is alcohol free”.

Mr Bates referred to a blue ticketing system in operation when purchasing drinks whereby if two drinks are purchased one is left in the refrigerator, the purchaser is then provided with a blue ticket which would be used to exchange with the pre-purchased drink upon production of the ticket.

Mr Bates indicated that he had told patrons not to vape on the licensed premises.

Mr Bates presented his case, providing those present with three invoices from CW Distribution Limited, recording the purchase of various alcohol free drinks including tequila and Kopparberg cider.

Mr Bates advised that he had not received the payment for a party on 6th January 2023 and was not aware that the party was taking place. He had subsequently discovered that his daughter had taken the payment for the party.

Mr Bates reiterated that he had a contract with Mr Gareth Williams for the provision of security staff at the licensed premises.

In response to questions from Councillor Creed, Mr Bates confirmed that the party did take place on 6th January 2023, the room hire was provided, however he did not provide food only alcohol free drinks and mocktails.

Ms Turley asked why children remained on the licensed premises after 9pm on 6th January 2023, Mr C Bates stated that they were accompanied by their parent, who comprised of one aunt.

The Chair referred to the conditions imposed on the premises licence at the hearing of the sub-committee on 11th October 2022, referring to the voucher system and the fact that patrons should not be present on the premises after 23.30 hours. The fact that there were a number of unaccompanied children on the business premises after 9pm was referred to, which also breached the conditions on the licence.

In response to an observation by Councillor Drake in relation to the young lady being escorted from the licensed premises, Mr Bates stated that there

were no issues with intoxicated patrons and two security staff were employed.

Mr Holder referred to the conditions imposed on the licence in October 2023, questioning whether one adult to supervise 60 children was appropriate and in any event children had remained on the licensed premises after 9pm which clearly breached the conditions on the licence.

Mr Bates agreed with Mr Holder's assertions outlined above.

Mr Slym queried the alleged payment made on 13th January 2023, referred to in the photographic evidence and Mr Bates confirmed that the payment had been made.

Following the advice of Mr T Holder all those present viewed the CCTV relating to the images contained in the photographic evidence.

In response to a question from Councillor Creed, Ms Turley advised that West Midlands Police had received intelligence in relation to the party on 6th January 2023. A member of the public had taken their child to the party and there were concerns in relation to the bar staff selling alcohol to children 16 and under.

Mr Bates confirmed that he had do questions on the reports or evidence of Mr Scobie, Mr Cranston or Mr Coughlan.

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 Solicitor then outlined their decision.

Resolved

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 revoked.

Reasons for the Decision

Cocktails & Dreams was last before the Committee on 11th October 2022 when 25 conditions were placed on the Licence. Having heard the evidence before the Sub-Committee today, the Sub-Committee

did not feel that Mr Bates had complied with the majority of those conditions.

The Sub-Committee heard about the lack of Security Industry Authority (SIA) registered door keepers and was not convinced that Mr Bates had undertaken a contract with the Ltd Company as he claimed.

The Sub-Committee heard about issues with the CCTV which prevented Mr Bates showing recordings of specific dates to Dudley Metropolitan Borough Council (DMBC). The Sub-Committee was not convinced by his version of events.

The Sub-Committee heard that Mr Bates still allows customers to use the pavement outside his premises without a pavement licence.

The Sub-Committee, despite the apparent support and involvement of DMBC and West Midlands Police was concerned that Mr Bates had no regard for his opening hours, that under 18's were not properly accompanied by adults, that under 18's were on the premises after 21.00 hrs. Mr Bates did not appear to recognise the difference between sale and supply of alcohol and that, on the balance of probabilities, the evidence seen today appeared to show that under 18's were served and went on to consume alcohol and there was also evidence of vaping on the premises

The meeting viewed the CCTV footage retrieved by West Midlands Police.

Mr Bates acknowledged that he had received a fair hearing and had said all that he wanted

The Sub-Committee resolved that following consideration of the information contained in the report and upon viewing and hearing evidence from those present on 1st June 2023, the premises licence in respect of Cocktails and Dreams, 19 Bilston Street Sedgley be revoked on the basis that the breaches of conditions heard today constitute criminal offences and the premises licence holder did not give adequate attention to the protection of children from harm as required by the Licensing Act 2003.

Mr Bates was notified of his right of appeal

22. **Transfer of Premises Licence and Variation of the DPS (Designated Premises Supervisor) The Broadway Service Station, 154 South Road, Stourbridge**

A report of the Interim Director of Environment was submitted on an application for a transfer of premises licence and to vary the Designated Premises Supervisor in respect of the Broadway Service Station, 154 South Road, Stourbridge.

The following persons were in attendance, at the meeting: -

Ms K Turley (West Midlands Police)
Mr R Jones (Environmental Health and Trading Standards)
Mr Ipchapwa (Haleys Solicitors)

It was noted that neither the Designated Premises Supervisor nor the Premises Licence Holder were in attendance at the meeting.

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 the 18th April 2023 to transfer the premises licence and vary the Designated Premises Supervisor.

Mr Ipchapwa advised that Hayleys Solicitors had been instructed by the Designated Premises Supervisor on the 31st May 2023 in relation to this application and requested that the application be deferred for them to prepare representations on behalf of their client.

It was noted that the Premises Licence Holder had not instructed Hayleys Solicitors.

Following further consideration, it was

Resolved

That, in view of the representations made by the Solicitors for the Designated Premises Supervisor, the application be deferred to a future meeting of the Sub-Committee.

The meeting ended at 12.30pm

CHAIR