

**Meeting of the Licensing Sub-Committee 3**

**Tuesday 26<sup>th</sup> October, 2021 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 31<sup>st</sup> August, 2021 as a correct record.

***The following application is to be considered under the provisions of the Licensing Act 2003:-***

5. Application to Vary a Premises Licence – Skinny Tiger Ltd, St Giles House, 15-16 Lower High Street, Stourbridge (Pages 1 - 7)
6. 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: 18<sup>th</sup> October, 2021**

**Distribution:**

**Members of the Licensing Sub-Committee 3**

Councillor A Taylor (Chair)

Councillors C Elcock and P Drake



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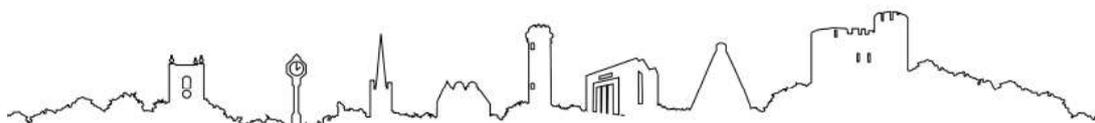
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## Licensing Sub-Committee Procedure

- 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 Licensing Sub-Committee 3  
Tuesday, 31st August 2021 at 10.45am  
In the Council Chamber, The Council House, Dudley**

**Present:**

Councillor A Taylor (Chair)  
Councillors P Drake and C Elcock

**Officers:**

S Smith – Team Manager Licensing and Waste Enforcement and P Butler – Enforcement Officer (Both Directorate of Public Realm), S Wright – Solicitor and K Buckle – Democratic Services Officer (Directorate of Finance and Legal).

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1. **Declarations of Interest**

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

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2. **Minutes**

**Resolved**

That the minutes of the meeting held on 13<sup>th</sup> April 2021, be approved as a correct record and signed.

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3. **Application for Grant of a New Premises Licence – Tirana Bar Restaurant, 175 – 177 High Street, Lye**

A report of the Acting Director of Public Realm was submitted on an application for the grant of a new premises licence in respect of the premises known as Tirana Bar Restaurant, 175 – 177 High Street, Lye.

The following were in attendance at the meeting: -

Mr D Dadds – Applicant's Legal Advisor  
Ms K Turley and Ms D Jenkins – West Midlands Police

Mr N Aston-Baugh and Mr M Serdetschmay – West Midlands Fire Service  
Ms C Vaughan – Environmental Health  
Mrs L Bott and Mr D Austin – Objectors and Local Residents.  
Councillor M Hanif – Objector and Ward Councillor

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

The Team Manager – Licensing and Waste Enforcement presented the report on behalf of the Council and confirmed that objections had been received

Ms K Turley on behalf of West Midlands Police made representations referring to the objections on the grounds of the prevention of Crime and Disorder Licensing Objectives in view of previous noise complaints and the proposed closing time of 3am. The Committee were advised that West Midlands Police now agreed with the proposed modified closing time of 1am.

Mr Aston-Baugh on behalf of West Midlands Fire Service made representations on the grounds of public safety. It was reported that the Applicant had been advised to apply for Building Regulations Consent due to substantial changes that had been made at the premises, and having failed to comply with the request, an Alterations Notice had been served on the Applicant. It was further reported that the danger to public safety related to there being no means of escape from the first floor of the premises.

There followed a request that the plans of the layout of the premises should be re-submitted detailing a safe layout and including a safe means of escape from the first floor, as currently the only means of escape was onto a flat roof which was surrounded by razor wire which was unacceptable.

Mr Dadds asserted that if West Midlands Fire Service had serious concerns for public safety, a Prohibition Notice should have been served on the Applicant and not as was the case an Alterations Notice.

Mr Aston-Baugh on behalf of West Midlands Fire Service responded stating that there were numerous methods in which to rectify the problem, which may require instructing an Architect or Structural Surveyor to prepare and submit further plans of the layout of the property.

The Licensing Enforcement Officer referred to the history of the premises licence, making specific reference to a complaint that had been received in relation to noise nuisance, however as the complaint had not been substantiated no further action had been taken.

Councillor M Hanif made representations on behalf of himself and the two other Ward Councillors, advising that the Application before the Sub-Committee was

opposed by numerous local residents, on the grounds of noise emanating from the premises, flying tipping and incidents of anti-social behaviour.

Mr Austin, a local resident referred to potential noise issues that would result should the application be granted, particularly in relation to late night music, questioning why a restaurant required music or a licence to serve alcohol and again referred to anti-social behaviour within the High Street.

The Chair responded stating that the windows and doors at the premises would remain closed apart from ingress and egress to and from the premises.

Mrs Bott advised that she resided opposite the business premises and referred to issues with noise, parking, anti-social behaviour and those accessing the business premises driving in the wrong direction along the High Street in Lye.

In responding to a question from the Sub-Committee's Legal Advisor, Mrs Bott stated the modification of the closing times would not solve the issues referred to above.

Councillor M Hanif reported that complaints had been received from local residents in relation to noise issues.

Ms D Jenkins on behalf of West Midlands Police advised that the Council's Environmental Health Section would deal with noise complaints, however it was noted that no objections had been raised by Environmental Health to the application, and that the revised closing time of 1am had been more acceptable to West Midlands Police.

Following a request by Councillor C Elcock that the business premises owner consider a closing time of 12pm, West Midlands Police confirmed that as the Local Neighbourhood Team finished their shift at 12pm that closing time, would be more beneficial, from a policing point of view.

Mr Dadds referred to the fact that no objections had been made by Environmental Health to the application and therefore the noise complaints could not be substantiated, and there was no causal link between those driving in the wrong direction along the High Street and those customers who attended the business premises. The complaint that had been made in 2020 to the Council's Licensing Section had been investigated but had been unsubstantiated, and no primary evidence had been received by the local resident objectors, and West Midlands Police had not objected to the proposed 1am closure time.

In response to the objections raised by West Midlands Fire Service, Mr Dadds confirmed that the flat roof would not be accessed from the first floor of the premises until safety measures were undertaken to use as a safe means of escape. The solution was offered to remove the fire exit signs and to lock the doors leading to the flat roof with the staircase leading to the ground floor facilitating a safe means of escape.

It was further stated that the first floor would house 60 members of the public and the normal staircase with balustrade would be sufficient to meet the regulations in order to provide a safe means of escape.

It was reported that there were doors from the restaurant to the corridor.

Mr Dadds stated that the seriousness asserted by West Midlands Fire Service did not accord with the Alteration Improvement Notice that had been issued, and additional conditions were suggested in relation to the issues raised by West Midlands Fire Service, limiting the number of those accessing the first floor to the premises to 60, and the installation of a noise limiting device at the premises, which would be set at a level that was acceptable to Environmental Health. A member of staff would also be in situ to ensure that the lobby and main entrance doors were not opened at the same time.

Mr Dadds advised that the condition in relation to fire safety would include provision that the first floor of the premises would not be used until the Fire Authority had agreed with the Fire Risk Assessment.

Mr Aston-Baugh on behalf of West Midlands Fire Service asserted that the condition offered would not satisfy the risk to public health, as there remained no sufficient means of escape from the first floor of the premises.

In response to a question from an Objector, Mr Dadds referred to the previous Temporary Exemption Certificates that were granted to the premises licence holder in order that music could be played for extended opening hours on numerous occasions.

The Licensing Manager, referred to smoking on the public highway and Mr Dadds advised that this could be limited, however there was no alternative provision for smoking outside the business premises.

All parties were provided with the opportunity to sum up their cases.

The Sub-Committee's Legal Advisor referred to the law to be applied to the application for the grant of a new premises licence and that which would be considered by the Members of the Sub-Committee.

All parties then withdrew from the meeting to enable the Sub-Committee to determine the application. Having made their decision, the meeting was reconvened, and the Sub-Committee's Legal Advisor outlined the decision.

## **Resolved**

That the application for a new premises licence in respect of Tirana Bar Restaurant, 175 – 177 High Street, Lye, be granted subject to the conditions as reflected in Section M of the Operating Schedule, together with modified opening times and additional conditions as outlined below: -



LSBC/4

**The supply of alcohol/live music/recorded music/performance of dance and anything of a similar description.**

Sunday to Wednesday 10:00 until 12:00  
Thursday to Saturday 10:00 until 01:00

**Late Night Refreshment**

Sunday to Wednesday 23:00 until 12:00  
Thursday to Saturday 23:00 until 01:00

Open to the public 30 minutes from the end of the provision of regulated entertainment, provision of late-night refreshment and supply of alcohol.

**Conditions**

- (1) That the premises shall implement and incorporate a Policy on dispersal. The Policy shall be reviewed periodically and not changed without consultation with the Licensing Authority.
- (2) The premises shall have a person present at the front door of the premises to ensure the lobby doors are not open simultaneously when dancing is taking place.
- (3) The first floor of the premises shall not be used until and unless West Midlands Fire Service have agreed that the first floor can be used and that a Fire Risk Assessment of the premises which has been completed, which includes but is not limited to addressing the issues of the flat roof, the staircase way leading from the first floor to the ground floor and occupancy level. The Licensing Authority shall be sent a copy of the Fire Risk Assessment and the agreement by the West Midlands Fire Service that the first floor of the premises can be used.
- (4) A noise limiting device must be installed and must operate at all times regulated entertainment takes place at the premises. The device must be of a type, in a location and set at a level approved in writing by the appropriate officer of the Council.

All parties were informed of their right of appeal

The meeting ended at 2.10pm

CHAIR

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**Meeting of the Licensing Sub-Committee 3 –  
26<sup>th</sup> October 2021**

**Report of the Acting Director of Public Realm**

**Application to Vary a Premises Licence**

**Skinny Tiger Ltd, St Giles House 15 – 16 Lower High Street,  
Stourbridge, DY8 1TA**

**Purpose**

- 1 To consider the application for variation of the premises licence in respect of the premises known as Skinny Tiger Ltd, St Giles House, 15 -16 Lower High Street, Stourbridge, DY8 1TA.

**Recommendation**

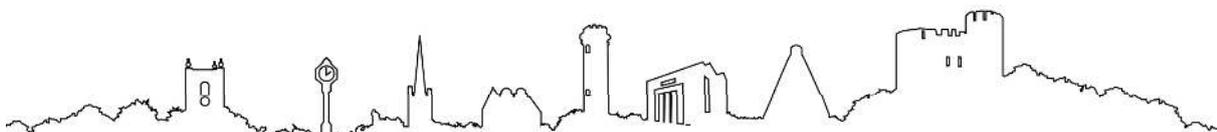
2. That the Sub-Committee determine the application for variation of the premises licence following the receipt of representations.

**Background**

3. The Skinny Tiger Ltd, St Giles House, 15 – 16 Lower High Street, Stourbridge, was first issued with a premises licence on the 4<sup>th</sup> August 2020, by the Licensing Sub-Committee 1. A copy of the minutes of that meeting are attached to this report as Appendix 1.
4. The current premises licence holder is Skinny Tiger Limited, the current licence is issued for the following days and times:

**Supply of Alcohol**

**Tuesday to Saturday inc 12.00 until 20.00**



5. On the 13<sup>th</sup> September 2021, Skinny Tiger Limited, made application on behalf of St Giles House, 15 – 16, Lower High Street, Stourbridge, for the variation of the permitted hours for the supply of alcohol as follows:

### **Supply of Alcohol**

**Monday to Sunday inc 11.00 until 22.00 (off sales)**

**Monday to Sunday inc 11.00 until 21.30 (on sales)**

A copy of the application has been forwarded to Committee Members in accordance with the licensing Act 2003.

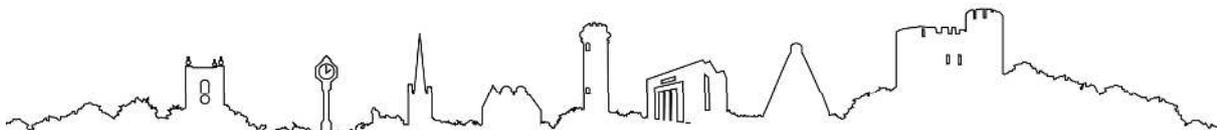
6. Confirmation that copies of the application form and supporting documentation have been served on the relevant authorities has been received.
7. Representations in respect of the application have been received from Environmental Safety and Health together with 1 local resident. In addition 5 letters of support have also been received. Copies of all representations have been forwarded to the Applicant and Committee Members 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 authority has made representations, the Licensing Authority must:-
  - Hold a hearing to consider item, unless the authority, the applicant and each person who has made such representations agree that a hearing is unnecessary, and,
  - Having regard to the representations, take such of steps mentioned in subsection (4) (if any) as it considers 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 organisational development/transformation implications.

## **Commercial/Procurement**

21. There are no commercial/procurement implications.

## **Council Priorities**

22. This application falls within the Council's responsibility for liquor licensing which has a direct link to the Council's key corporate priority that safety matters.

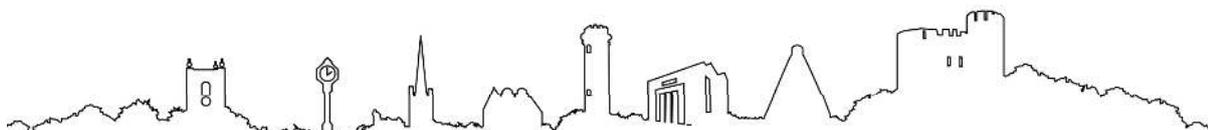


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**Acting Director of Public Realm**

Contact Officer: Mr S Smith  
Telephone: 01384 815377  
Email: [simon.smith@dudley.gov.uk](mailto:simon.smith@dudley.gov.uk)

## **Appendices**

Appendix 1 – Minutes of the Licensing Sub-Committee 4<sup>th</sup> August 2020.





**Minutes of Licensing Sub-Committee 1  
Tuesday, 4<sup>th</sup> August, 2020 at 10.00 am  
On Microsoft Teams**

**Present:**

Councillor S Keasey (Chair)  
Councillors C Elcock and C Perks

**Officers:-**

L Rouse – Senior Licensing Clerk (Directorate of Public Realm), R Clark – Principal Solicitor,  
H Shepherd – Democratic Services Officer and K Buckle - Democratic Services Officer  
(Directorate of Finance and Legal Services).

And one Member of the public.

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10 **Declarations of Interest**

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

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11 **Minutes**

**Resolved**

That the minutes of the meetings held on 9<sup>th</sup> June, 2020, be approved as a correct record and signed.

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12 **Application for Grant of a New Premises Licence – Skinny Tiger Beer Ltd**

A report of the Acting Director of Public Realm was submitted on an application for the grant of a new premises licence in respect of the premises known as Skinny Tiger Beer Ltd, St Giles House, 15-16 Lower High Street, Stourbridge.

The following were in attendance at the meeting:-



LSBC1/12

Mr P Tunnicliffe – Applicant  
Mr R Hopkins – Objector

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

The Senior Licensing Clerk presented the report on behalf of the Council.

Mr Hopkins then presented his case and outlined the reasons for his objection to the application and in doing so referred to the cumulative impact zone (CIZ) in which the premises in question was located and which had been operational since 2006. Mr Hopkins referred to the increasing criminal statistics that had arisen during the period 2015 and 2017, referring to two serious incidents that had occurred in licenced premises in Stourbridge High Street.

The basis of the objections related to the location of the proposed establishment which was in a predominately residential area and would be directly adjacent to the Job Centre and a children's day nursery, which may potentially attract inappropriate clientele and would be against the licensing objective to protect children from harm and the potential to encourage and exacerbate anti-social behaviour that was already experienced in St Giles Hill from the congregation of street drinkers. The proposal to serve craft beers on draft from the premises, with tables and chairs available for customers to sit on could promote a "bar like" environment, with the possibility of the applicant wishing to increase operational times in the future, which would be of further detriment to the residents of Lower High Street.

Mr Hopkins responded to all questions asked by the Sub-Committee.

Mr Tunnicliffe, the applicant, then presented his case and in doing so confirmed that he had no intention or desire for the venue to become a bar and the premises would only supply high end independent craft beers, the price of which would reflect and emphasise that it would not be a place to purchase cheap alcohol.

The proposed business case was outlined and it was predicted that 75% of the business would be from online purchases, with the remainder from shop purchases. The purpose of having the shop would be to allow customers to sample the produce prior to purchase and was not to attract patrons off the street for social drinking. Samples would be served in half pints or a third of a pint, depending on the strength of the beer, all of which would be provided at a charge.

Mr Tunnicliffe outlined the proposed operational arrangements and the security and noise reduction improvement measures that were to be made to the premises and confirmed that the premises would adopt the Challenge 25 policy. Appropriate signage would be displayed within the premises, together with external signage to deter smoking and gathering outside of the premises or within St Giles Hill.

Mr Tunnicliffe responded to questions raised by all parties and in doing so clarified that the measurement of a beer sample would depend on the Alcohol by Volume (ABV) strength of the produce and a cost ranging between £3 to £6 would be charged. Should a crowd of people enter the premises with the intention to sit drinking and socialising, this would immediately be discouraged.

Both parties were given the opportunity to sum up their cases and the legal advisor to the Sub-Committee outlined the law relating to the determination of applications for the grant of a premises licence.

All parties then withdrew from the meeting to enable the Sub-Committee to determine the application, the decision of which would be conveyed to both parties after the meeting had concluded.

### **Resolved**

That the application for a new premises licence in respect of the premises known as Skinny Tiger Beer Ltd, St Giles House, 15-16 Lower High Street, Stourbridge, DY8 1TA, be granted.

The meeting ended at 11.20 am

CHAIR