

Meeting of the Licensing Sub-Committee 2

Tuesday 12th 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 22nd June, 2021 as a correct record.

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

5. Application for Grant of a New Premises Licence – Passion Night Club Limited, First Floor, 100 Dock Lane, Dudley (Pages 1 - 6)
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: 4th October, 2021

Distribution:

Members of the Licensing Sub-Committee 2

Councillor M Evans (Chair)

Councillors A Millward and K Finch



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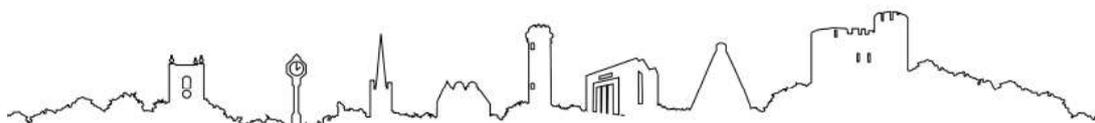
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Submitting Apologies for Absence

- 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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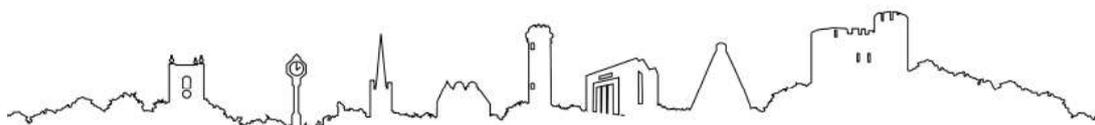
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General

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

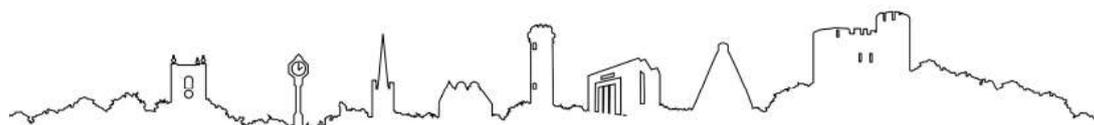
If you need advice or assistance

- If you (or anyone you know) requires assistance to access the venue, or if you have any other queries, please contact Democratic Services - Telephone 01384 815238 or E-mail Democratic.Services@dudley.gov.uk



Licensing Sub-Committee Procedure

- Chair to welcome parties and introduce Members and Officers
- Establish who the parties are and any representatives
- Chair to confirm that all parties have had disclosure of all documents that the Committee has before them and been allowed sufficient opportunity to read them prior to the meeting.
- Presenting Officer of the Local Authority or Solicitor to present the report to the Sub-Committee
- Relevant Authority to present their evidence and the Chair will then ask if any of the following have questions for the Officer:-
 - Objectors/or their representative
 - Applicant or representative
 - Sub-Committee Members and Legal Advisor
- Objectors or their representative/nominated person to present his/her case (including Ward Members)
 - Any witnesses to be called
 - Each witness to be questioned through the Chair in the following order:-
 - Representative of objectors (if present), if no representative, the objectors
- The Chair will then ask the following if they have any questions for the representative or the objectors:-
 - Presenting Officer Local Authority (or Solicitor)
 - Applicant or Representative
 - Sub-Committee Members and Legal Advisor
- Applicant or representative to introduce his or her case
 - Any witnesses for the applicant to be called
 - Each witness to be questioned through the Chair in the following order:-
 - Representative of Applicant (if present)
 - Presenting Officer Local Authority/Solicitor
 - Relevant Authority
 - Objector or Representative
 - Sub-Committee Members and Legal Advisor
- Presenting Officer of the Local Authority/Solicitor to sum up.
- Objectors/Representative to sum up



- Applicant or representative to sum up (must make final comments)
- Legal Advisor indicates to parties details of legal advice to be given to Sub-Committee
- Parties asked if they have had a fair hearing
- All parties, together with any members of the public to withdraw
- Sub-Committee to make their decision
- All parties invited to return and the Chair reads out the decision and the reasons for the decision.



**Minutes of the Licensing Sub-Committee 2
Tuesday, 22nd June 2021 at 10.00 am
In the Council Chamber, the Council House, Dudley**

Present:

Councillor M Evans (Chair)
Councillors A Millward 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).

1. **Apology for Absence**

An apology for absence from the meeting was submitted on behalf of Councillor K Finch.

2. **Appointment of Substitute Member**

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

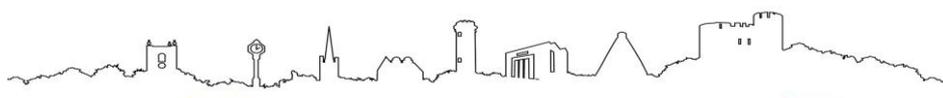
3. **Declarations of Interest**

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

4 **Minutes**

Resolved

That the minutes of the meeting held on 30th March 2021, be approved as a correct record, and signed.



5. **Application for Review of a Premises Licence – The Mayfair Club, Unit 4 Wedgbury Way, Brierley Hill**

A report of the Director of Public Realm was submitted on an application for a review of a premises licence in respect of The Mayfair Club, Unit 4 Wedgbury Way, Brierley Hill.

The following persons were in attendance, at the meeting:

Ms F Anderson – Legal Representative (West Midlands Police)
Ms D Jenkins – (West Midlands Police)
Ms K Turley – (West Midlands Police)
Mr M Swallow – (West Midlands Police)
Mr D Rossookh – Premises Licence Holder and Designated Premises Supervisor
Mr Rossookh Senior – Premises Licence Holder’s supporter
Mr R Jones – Enforcement Officer (Directorate of Public Health and Wellbeing)
Ms W Hillary-Patten – Senior Health Improvement Practitioner (Directorate of Public Health and Wellbeing)
Mr A Humphrey – Licensing Enforcement Officer (Directorate of Public Realm)

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

Ms F Anderson then outlined the reasons for the application for a review of the premises licence, advising that the premises licence was transferred to the Mayfair Club on 26th March 2021. The application to review had been made on 27th April 2021 against the licensing objective of the prevention of crime and disorder.

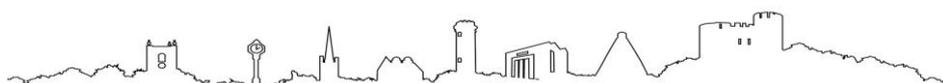
The West Midlands Police attended the premises on 18th April 2021 at 1.10am, in response to a report that an illegal poker game was taking place. Whilst outside the premises, light could be seen through the glass roof of the premises and it was evident that people were inside, as Police Officers could also hear objects being moved around the premises. However, the Police received no response from banging on the three doors outside the premises and the use of a loud hailer. Following the use of an electric saw at approximately 2.48am, Mr Rossookh opened the door to the premises.

Upon gaining entry to the premises, 17 people were present.

It was reported that the Sub-Committee had viewed body camera images of the Police discovering people hiding in what was described as the loft space at the premises.

It was stated that three people were dressed in black uniforms, unlike the remainder of those in attendance. One of those present had identified himself as a Chef.

Ms Anderson referred to an illegal poker game taking place advising that cards and chips were discovered at the premises, together with a card table upstairs with chairs



surrounding the table.

It had also been evident that the Closed-Circuit Television (CCTV) cameras had not been installed as per the premises Operating Schedule.

Concerns were also raised in relation to ineffective management of the premises, specifically in relation to the disregard for Health Covid-19 Regulations 2021.

Following the incident, 17 Fixed Penalty Notices were issued for the breach of the Health Covid-19 Regulations.

Mr R Jones referred to the representations of Trading Standards reiterating the events of the incident in question, confirming that Trading Standards supported the application of the West Midlands Police, referring to the number of Covid related deaths and the need to prevent crime and disorder, with a clear view that the Step 2 Covid-19 Restriction Regulations 2021 had been breached.

Ms W Hillary-Patten stated that there had been a direct contravention of the Covid-19 guidelines and public health fully support the application of the West Midlands Police.

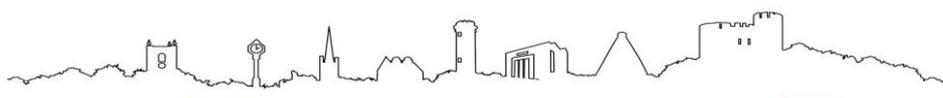
Mr A Humphrey presented the representations of the Dudley Licensing Authority, stating that further to an application to transfer the Premises Licence, the Licensing Authority and the Police visited the premises on 6th April 2021. Mr Rossookh was provided with information in relation to the Gaming Law. An application for a minor variation had been received on 26th April 2021 which resulted from the information provided to Mr Rossookh during the visit, due to an alternation of the premises layout. During the visit it had been noted that the CCTV was also not operational, and Mr Rossookh was also advised to contact the appropriate Officer to discuss the specification required.

In presenting his case, Mr Rossookh asserted that the people discovered at the premises were not in a loft space but on the same level as the upstairs of the premises that was a storage room, and due to extensive soundproofing at the premises as the premises were a former nightclub, the banging on doors could not be heard in the upper level of the premises.

Mr Rossookh stated that hand sanitiser points were installed at all door entrances and could be viewed on one of the video clips.

It was indicated that a staff induction event had taken place at the premises on 18th April 2021, with similar events being held before and after that date. Mr Rossookh apologised for the breach of the Regulations. He also stated that he had heard a 'horn sound' but was unsure what it was but did subsequently open the door and was 'grabbed' by aggressive Police Officers, screaming and shouting and being verbally abusive to him.

Mr Rossookh stated that the Mayfair Club was a games club, involving many different and slightly unusual games, which he had arranged with clubs. He stated that



numerous chess boards, back gammon boards and pool tables were also in situ at the premises but were not referred to by the Police.

Mr Rossookh advised that he did plan to organise low-level poker games.

It was stated that on the induction night, there were three to four different induction events for staff, and some people attended more formally dressed than others. There was no money in the till or found at the premises, and the fridge was still full, primarily of soft drinks, and none for sale.

Mr Rossookh conceded that he provided drinks after the training to the staff, and that staff training had commenced at 8pm, although he was unsure what time it had ceased.

Mr Rossookh indicated that he had received threats from a disgruntled employee and that he had made numerous telephone calls to the Licensing Authority for advice, however those were not returned.

Arising from questions from Members, Mr Rossookh responded as follows: -

- The business premises were extremely large with many fire doors and again the extensive sound proofing had contributed to him not hearing the Police banging on the doors.
- Many of those trained would become employees
- He had held a Premises Licence for 16 years, with only two minor incidents occurring during that time which had been resolved with the responsible Authorities.
- The CCTV had not been working at the Premises on the night of the incident as although installed the delivery of a Hard Drive was awaited.
- Mr Rossookh stated that he had paid the Fines to avoid those present having a criminal record, however he had subsequently appealed those fines.

Mr Rossookh confirmed that staff training, and employment records would be maintained.

Following the opportunity for both 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 Chair then outlined their decision.

Resolved



That following consideration of the information contained in the report submitted and presented at the meeting, no further action be taken in relation to the premises licence of the Mayfair Club, Unit 4, Wedgbury Way, Brierley Hill.

(Having come to the decision to take no steps upon the review application, the Sub-Committee, however, expected to see that Mr Rossookh cooperated fully with the Licencing Authority and the police (installing CCTV to the required standard) and had taken steps to ensure that he was able to be aware of persons visiting the premises, and that he was contactable. The installation of the CCTV should aid that. The Sub-Committee also expected the Licensing Authority and Mr Rossokh to work closely together and for a further inspection of the premises to take place prior to the opening in July 2021).

The meeting ended at 11.36am

CHAIR



Dudley
Metropolitan Borough Council

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LSBC2/5

**Meeting of the Licensing Sub-Committee 2 –
12th October 2021**

Report of the Acting Director of Public Realm

Application for Grant of a New Premises Licence

**Passion Night Club Limited (Ltd), First Floor, 100 Dock Lane,
Dudley, DY1 1SN**

Purpose

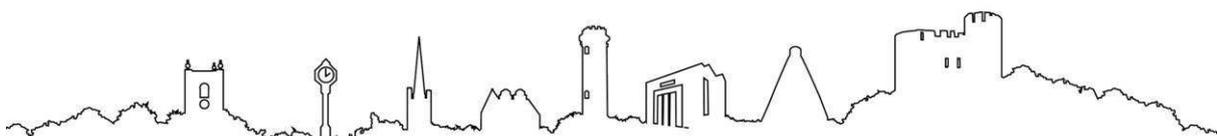
1. To consider the application for the grant of a new premises licence in respect of the premises known as Passion Night Club Ltd, First Floor, 100 Dock Lane, Dudley, West Midlands, DY1 1SN.

Recommendation

2. That the Sub-Committee determine the application for the grant of a premises licence in light of representations raised.

Background

3. On the 26th August 2021, an application for the grant of a new premises licence was received from S G Licensing Ltd on behalf of Passion Night Club Ltd, in respect of the premises known as Passion Night Club Ltd, First Floor, 100, Dock Lane, Dudley, DY1 1SN. A copy of that application has been forwarded to the Committee Members and interested parties in accordance with the Licensing Act 2003.
4. The application had the following documents enclosed:-
 - Plan of the premises
 - Correct fee
 - Consent of the DPS



5. The application for a premises licence is as follows:

Supply of Alcohol

Sunday to Thursday 11.00 until 02.00
Friday and Saturday 11.00 until 05.00

Live Music/Recorded Music

Sunday to Thursday 23.00 until 02.00
Friday and Saturday 23.00 until 05.00

Late Night Refreshment

Sunday to Thursday 23.00 until 02.00
Friday and Saturday 23.00 until 05.00

Premises Open To the Public

Sunday to Thursday 11.00 until 02.30
Friday and Saturday 11.00 until 05.30

Following mediation between the West Midlands Police, Environmental Health and Safety and the Applicant, agreement has been reached to reduce the hours as follows:

Supply of Alcohol

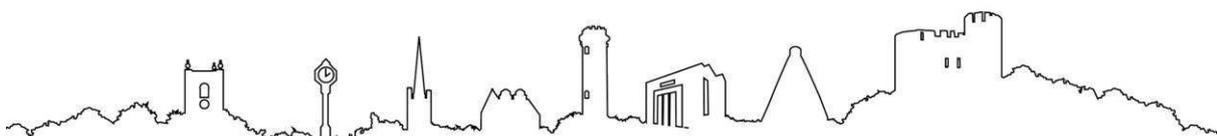
Sunday to Thursday 11.00 until 01.00
Friday and Saturday 11.00 until 02.30

Live Music/Recorded Music

Sunday to Thursday 23.00 until 01.00
Friday and Saturday 23.00 until 02.30

Late Night Refreshment

Sunday to Thursday 23.00 until 01.00
Friday and Saturday 23.00 until 02.30



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Premises Open To the Public

Sunday to Thursday 11.00 until 01.30
Friday and Saturday 11.00 until 03.00

The applicant has also agreed to amendments to the licensing objectives. An amended copy of the application has been forwarded to Committee Members and interested parties in accordance with the Licensing Act 2003.

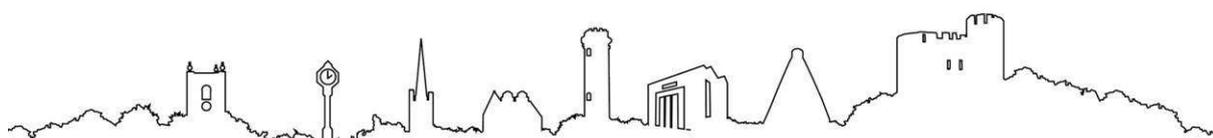
6. Confirmation that copies of the application form and supporting documentation have been served on the relevant authorities has been received.
7. Representations have been received from two Ward Councillors together with 35 letters from local residents together with a petition from local residents. Representations have also been received from Children's and Young People Safeguarding and Review. Copies of all representations have been forwarded to the Applicant and Committee Members in accordance with the Licensing Act 2003.

Finance

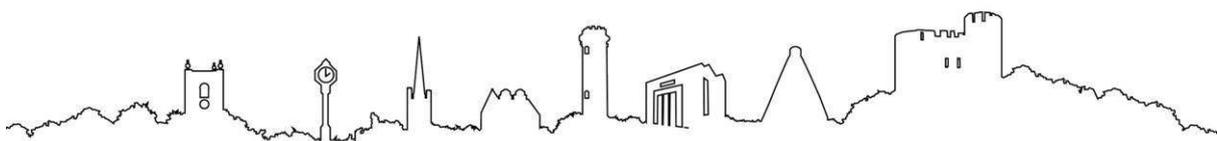
8. There are no financial implications.

Law

9. The law relating to the determination of applications for the grant of a premises licence is governed by the Licensing Act 2003, part 3, section 18.
10. Pursuant to Section 18(3) of the Licensing Act 2003, where a relevant authority has made representations, the Licensing Authority must:-
 - (a) hold a hearing to consider them, unless the authority, the applicant each person who has made such representations agree that a hearing is unnecessary, and
 - (b) having regard to the representations, take such of the steps mentioned in subsection (4) (if any) as it considers necessary for the promotion of the Licensing objectives.
11. Pursuant to Section 18 (4) the steps are:-
 - (a) to grant the licence subject to:-



- (i) such conditions as are consistent with the operating schedule accompanying the application modified to such extent as the authority considers necessary for the promotion of the licensing objectives, and
 - (ii) any condition which must under section 19, 20 or 21 be included in the licence;
- (b) to exclude from the scope of the licence any of the licensable activities to which the application relates;
 - (c) to refuse to specify a person in the licence as the premises supervisor;
 - (d) to reject the application
12. Pursuant to Section 23(1) of the Licensing Act 2003 where an application (or any part of an application) is granted under section 18 of the Licensing Act 2003, the Licensing Authority must immediately give notice to that effect to:-
- 1 (a) (i) the applicant
 - 1 (a) (ii) any person who made relevant representations in respect of the application and
 - 1 (a) (iii) the Chief Officer of Police for the police area in which the premises are situated and
 - 1 (b) issue the application with the licence and a summary of it
13. Pursuant to section 23(2) where relevant representations were made in respect of the application, the notice under subsection (1)(a) must state the authority's reasons for its decisions as to the steps (if any) to take under section 18(3)(b).
14. Pursuant to section 23(3) where an application is rejected under section 18, the licensing authority must forthwith give a notice to that effect stating its reasons for the decision, to
- (a) the applicant
 - (b) any person who made relevant representations in respect of the application, and
 - (c) the Chief of Police for the police area or each police area in which the premises are situated



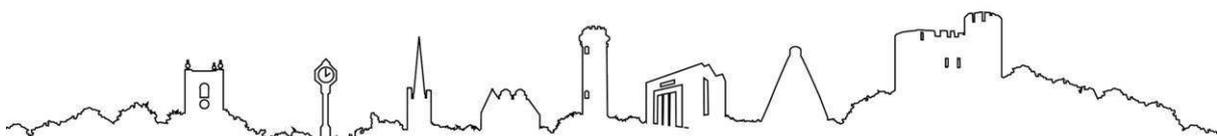
15. Where a Local Authority grant a licence under section 18 pursuant to schedule 5 of the Licensing Act, section 2 the holder of the licence may appeal against any decision:-
- (a) to impose conditions on the licence under subsection (2)(a) or 3(b) of that section, or
 - (b) to take any step mentioned in subsection (4)(b) or (c) of that section (exclusion of licensable activity or refusal to specify person as premises supervisor)
16. Where a person who made relevant representations in relation to the application desires to contend:-
- (a) that the licence ought not to have been granted, or
 - (b) that, on granting the licence, the licensing authority ought to have imposed different or additional conditions, or to have taken a step mentioned in subsection (4)(b) or (c) of that section, he may appeal against the decision.
17. In pursuance of regulation 26(2) of the Licensing Act 2003 (Hearing Regulations 2005) the Licensing Authority must make its determination within 5 working days of the conclusion of the hearing.
18. If the Licensing Authority refuse to grant the application, there is a right of appeal. The appeal under this part must be made to a Magistrates' Court pursuant to schedule 5 section 9 of the Licensing Act 2003.

Risk Management

19. There are no risk management implications.

Equality Impact

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



Human Resources/Organisational Development

23. There are no organisational development/transformation implications.

Commercial/Procurement

24. There are no commercial/procurement implications.

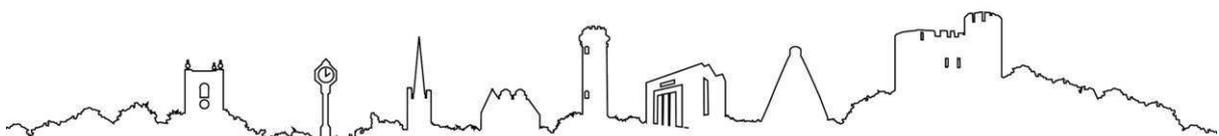
Council Priorities

25. 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.



Heidi Marsh-Geyton
Acting Director of Public Realm

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