

**Minutes of the Licensing Sub-Committee 2
Tuesday, 12th October, 2021 at 10.00 am
In the Council Chamber, the Council House, Dudley**

Present:

Councillor M Evans (Chair)
Councillors A Millward and K Finch

Officers:

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

6. Declarations of Interest

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

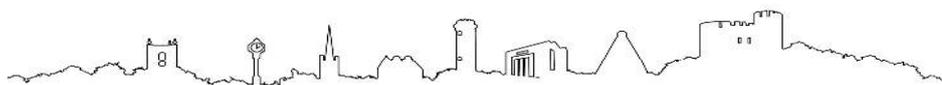
7. Minutes

Resolved

That the minutes of the meeting held on 22nd June 2021, be approved as a
correct record, and signed.

**8. Application for Grant of a New Premises Licence – Passion Night Club Limited,
First Floor, 100 Dock Lane, Dudley**

A report of the Acting Director of Public Realm was submitted on an application for a
grant of a new premises licence in respect of Passion Night Club Limited, First Floor,
100 Dock Lane, Dudley.



The following persons were in attendance at the meeting:

Mr J James – Applicant

Mr S Gibson – Licensing Consultant, SG Licensing Ltd

Councillor K Ahmed – Objector

Councillor C Bayton – Objector

Mr N Slym - Licensing Enforcement Officer (Directorate of Public Realm) (Observer)

Ms D Jenkins – (West Midlands Police) (Observer)

Ms K Turley – (West Midlands Police) (Observer)

Together with eight members of the public.

Following introductions, the Team Manager (Licensing and Waste Enforcement) presented the report on behalf of the Council and reported that following mediation, an agreement had been made with the responsible authorities to reduce the opening hours of the premises and an amended copy of the application had been forwarded to Committee Members and interested parties.

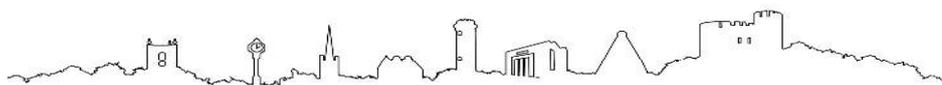
Representations had been received from two Ward Councillors, together with letters from thirty-five local residents and a petition had been received from members of the public. Representations were also submitted from Children's and Young People Safeguarding and Review.

Councillor C Bayton, represented local residents, and in doing so, stated that the premises were within twenty feet to the nearest local resident and raised concerns that the night club would generate noise nuisance, crime and disorder and would increase traffic and parking congestion from those leaving the premises and travelling along nearby residential areas. It was noted that a club was already located on the ground floor of the premises and it was considered that any additional night time establishment would escalate anti-social behaviour.

There were proposed plans for a further eighty houses to be built on the existing Dudley Leisure Centre site, and it was considered that the addition of the night club would affect the value of those properties.

Councillor Bayton expressed concerns that there appeared to be no sound proofing at the premises and it was believed that the proposed action to close doors and windows would be inadequate as the noise from the establishment would still be audible.

Councillor K Ahmed also represented local residents that were unable to attend the meeting, and in doing so, stated that the impact of noise nuisance from the premises would have a detrimental impact to children's health insofar as they would not be able to get sufficient sleep and that any crime and disorder generated from the premises would impact on the residents' health and wellbeing. It was stated that complaints of noise nuisance had already been raised with Councillor Ahmed by residents from the existing club situated on the ground floor at the premises.



Although both Councillors Bayton and Ahmed acknowledged that the night time economy should be encouraged, it was considered that there were more suitable premises within the Dudley area that could accommodate the night club.

In response to a question raised by a Member, the Licensing Enforcement Officer confirmed that only one complaint had been received from a commercial property concerning the existing club situated at the premises.

In responding to a question from a Member concerning signatures on the petition being from residents that resided outside the vicinity of the premises and what impact this would have upon the application, it was advised that the signatures were from individuals who attended the nearby Gurdwara and would be affected insofar as they attended the temple on a regular basis and spent a lot of time there.

Further to a question raised by the Chair it was established that complaints had not been raised directly with the applicant regarding residents' concerns of noise nuisance. Councillor Ahmed advised that he lived locally and could hear noise emanating from the existing club at the premises.

The Licensing Consultant then presented the case on behalf of the Applicant, and in doing so, stated that the application had been amended to reduce the proposed opening times; that a national standard practice was in place to allow an additional half hour period for patrons to leave in a staggered fashion to avoid disorganised closure and vacation of the venue; that the responsible authorities supported the amendments and conditions that were set out in the submission and that the premises would be run as a restaurant/bar during week days and a night club on weekends with a 1.00 am licence to allow flexibility for opening hours for private functions.

The Licensing Consultant, on behalf of the applicant, proposed an additional condition on the licence in that the premises be fully sound proofed as well as the doors and windows being closed throughout and speakers being pointed away from windows. It was advised that a full record of noise levels would be kept and monitored with immediate action being taken should levels increase.

It was noted that the applicant was committed to a three-year lease at the property and had financially invested money to comply with fire safety regulations such as appropriate fire doors.

The Licensing Consultant confirmed that between three to six security guards were to be hired in the evenings to ensure people left in an orderly manner, that security guards were to be equipped with security wands and to be used to limit people within the smoking area together with Closed Circuit Television (CCTV) being in operation throughout the premises. There would be thirty minutes given to allow patrons to vacate the building in a controlled way, by reducing sound levels and lights being turned up.



In referring to the representations in relation to the supported accommodation within the locality for sixteen to seventeen year olds and the potential for young people activity, it was advised that a strict challenge 25 policy would be implemented by door staff, with the addition of CCTV to record anyone who had been refused.

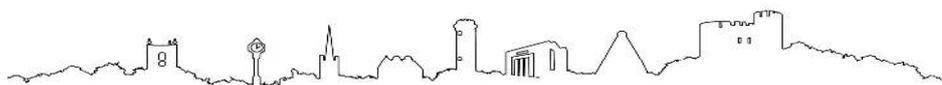
It was stated that no under eighteen year olds would be admitted to the premises at any time unless they were accompanied by an adult. It was commented that the target market for the establishment would be aimed at adults from twenty to twenty-five years old onwards and therefore, would not be appealing to younger adults.

In responding to questions raised concerning noise nuisance, crime and disorder after customers left the premises, the limited amount of parking available together with the limited amount of resources the Police would have to support any anti-social behaviour, the Licensing Consultant confirmed that the regulations stated that applicants could not seek to manage or influence behaviour of people when beyond the premises, therefore, this would not be a licensing issue. It was accepted that there were limited parking spaces available at the premises, however, it was believed that the majority of customers would not arrive by their own vehicle.

In referring to questions raised regarding how many customers would be at the premises and the suggestion that capacity would increase, the Licensing Consultant confirmed on behalf of the applicant, that with approval from the fire service, the capacity at the premises would be for sixty persons only.

Arising from issues raised concerning the restriction on age at private parties, the type of private events held and that it was considered private functions would take some control away from the applicant, the Licensing Consultant clarified that people under the age of eighteen were able to attend private parties, however, they must be accompanied by an adult. It was established that risk assessments would be carried out for each individual private event to enable the applicant to have full control of the type of events held at the premises.

In responding to questions raised from the Chair concerning provisions that would be put in place during hot weather with windows and doors being shut, how the applicant would address any increase in noise levels and whether the applicant had addressed the landlord regarding any reports of anti-social behaviour at the premises, it was advised that air conditioning had been installed at the premises, that regular noise level checks would be carried out and that any action undertaken to reduce noise levels would be recorded. It was noted that the landlord had confirmed with the applicant that no reports of anti-social behaviour had been brought to their attention.



The Sub-Committee's Legal Advisor clarified with the applicant that the issues raised from Children and Young Persons Safeguarding and Review, concerning the premises being within close proximity to a number of schools and supported accommodation and the potential for young person activity, that the challenge 25 policy would be put in place and that the target market for the establishment would be for an older age group.

In responding to a further question from the Sub-Committee's Legal Advisor concerning young people attending the premises during the daytime and how this would be monitored, the Licensing Consultant confirmed that the strict challenge 25 would also apply during daytime hours and that this would be policed by bar staff. It was reiterated that any persons under the age of eighteen must be accompanied by an adult at any time.

Further to an enquiry raised by the Chair concerning consideration being given to potential new dwellings planned at the Dudley Leisure Centre site, the Licensing Consultant was of the view that the plans for housing at the site were at the proposal stage and therefore, not guaranteed to go ahead. It was reported that the applicant had agreed to the conditions imposed and would be willing to continue to work with the community and responsible authorities to alleviate any ongoing concerns.

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 which would be considered by the Members of the Sub-Committee.

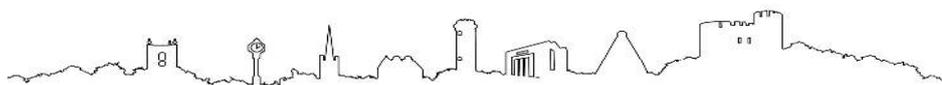
All parties then withdrew from the meeting to enable the Sub-Committee to determine the application. Having made their decision, the meeting was reconvened, and the Sub-Committee's Legal Advisor outlined the decision.

Resolved

That the application for a new premises licence in respect of Passion Night Club Limited, First Floor, 100 Dock Lane, Dudley, be granted subject to the conditions as reflected in Section M of the Operating Schedule, together with the modified opening times and additional conditions as outlined below:-

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

Premises Open To the Public

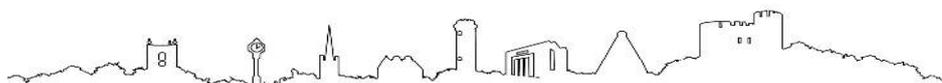
Sunday to Thursday 11.00 until 01.30
Friday and Saturday 11.00 until 03.00

Conditions

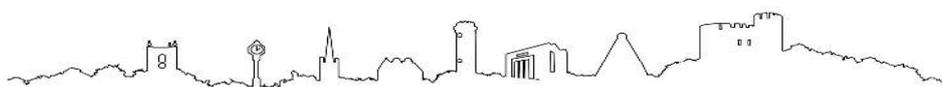
1. An incident log shall be kept at the premises, and made available on request to an authorised officer of the Council or the Police. It must be completed within 24 hours of the incident and will record the following:
 - a) all crimes reported to the venue
 - b) all ejections of patrons
 - c) any complaints received concerning crime and disorder
 - d) any incidents of disorder
 - e) all seizures of drugs or offensive weapons
 - f) any faults in the CCTV system, searching equipment or scanning equipment
 - g) any refusal of the sale of alcohol including date, time and name of staff member
 - h) any visit by a relevant authority or emergency service.

2. All staff members should be checked to ensure they have the right to work in the UK. These checks should be made available upon requests to all responsible authorities. All associated 'entitlement to work' documents:
 - a) must be logged and kept on the premises for the duration of the employment; and
 - b) must be retained for a minimum of 12 months after employment has ceased.

3. Customers shall only consume alcohol which has been purchased from the Premises.



4. The premises shall install and maintain a comprehensive CCTV system. All entry and exit points must be covered enabling frontal identification of every person entering in a light condition. The CCTV system shall continually record whilst the premises are open. All recordings shall be stored for a minimum period of 31 days with date and time stamping. Viewing of recordings shall be made available immediately upon the request of Police or authorised officer of the Council. Images will be shared amongst the door staff on duty to allow them to remain updated as to who has been refused entry during each shift.
5. A staff member from the premises who is conversant with the operation of the CCTV system shall be in the premises at all times when the premises is open. This staff member must be able to provide a Police or authorised council officer copies of recent CCTV images or data with the absolute minimum of delay when requested and within a maximum of 24 hours of the initial request.
6. Subject to Data Protection guidance and legislation, the management of the premises will ensure that key staff are fully trained in the operation of the CCTV, and will be able to download selected footage onto a disk/USB Stick for the Police or as practicable. Repair records/invoices shall be kept on site for at least 12 months and be readily available to be viewed by all authorised persons upon request.
7. CCTV will be checked daily prior to any licensable activity taking place. The checks will be signed and dated by the checker and any faults or breakdowns will be remedied as soon as practicable. Any hard drive that is faulty or changed at the premises will remain in the venue for a minimum of 30 days and available upon request to the Police or any other responsible authority.
8. Notices shall be prominently displayed within the premises stating that CCTV is in operation.
9. All alcohol products sold at the premises shall have the relevant UK duty paid label attached.
10. No person shall be allowed to leave the premises whilst in the possession of any drinking vessel or open glass bottle, whether empty or containing any beverage. This to include the smoking area. The smoking area will be monitored by Door Staff to ensure compliance.
11. Any person entering the premises who appears to be under the influence of alcohol or drugs shall in the interests of other members of the public using the premises be requested to leave the premises.



12. The premises shall operate a zero -tolerance policy to the supply and use of drugs.
13. Anyone who appears to be drunk or intoxicated shall not be allowed entry to the premises and those who have gained entry will be escorted from the building immediately.
14. SIA Door staff will be employed at the premises from 21:00 hours on each evening that licensable activity takes place.

Sunday to Thursday there will be a minimum of 3 Door Supervisors on duty.

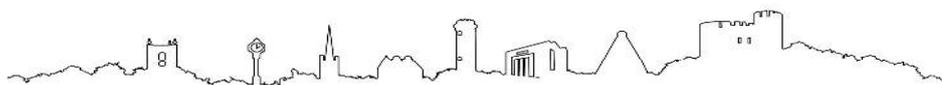
Friday and Saturday there will be a minimum of 6 Door Supervisors on duty.

Door staff will have access to 3 wands to assist with door searches that take place. 2 will be in use, with 1 kept in reserve in case of breakdown.

All Door supervisors will book in and book out for each shift. The detail will include, full name and address including their SIA badge number. These records will be held onsite at all times and available for inspection by the police and other authorities.

Any person leaving the premises from the front entrance will be searched on re -entry.

15. Patrons attending the premises will be reminded of their responsibilities to leave the premises quietly.
16. A smoking policy will be available on site for inspection as required.
17. The smoking area is to be located at the side of the venue by the fire escape. This area is to be cordoned off as the designated smoking area.
18. Checks of the smoking area will be made regularly when licensable activity is taking place to ensure that the crime prevention and public nuisance objective is upheld.
19. CCTV will be in place to monitor the smoking area at all times.
20. Cigarette bins will be provided to encourage smokers to dispose of their cigarettes in a safe manner.
21. The smoking area will be cleaned every evening at the close of trade.
22. Signage relating to Taxi services available, including phone numbers, will be displayed at the entrance to the premises.



23. All evenings will begin to wind down 30 minutes before closing, by way of softening of the music, both in volume and style, and repeated instructions from the DJ on how best to leave the premises, having full regard for neighbouring residents.
24. All doors and windows will remain closed whenever there is amplified music on the premises, except for access or egress.
25. All speakers will be positioned as to face away from doors or windows.
26. External monitoring of noise levels, outside nearby residential properties to be carried once each evening when the premises is open for business. Findings to be recorded and signed for all checks. These checks to be kept for 6 months for inspection by EH or other officers of the council.
27. The premises shall operate a Challenge 25 Policy. Such policy shall be written down and kept at the premises. The policy shall be produced on demand of an authorised person (as defined by S13 of the Licensing Act 2003) or the police or an authorised Trading Standards Officer of the Council.
28. Prominent, clear and legible signage (in not less than 32 font bold) shall also be displayed at all entrances to the premises as well as at, at least one location behind any bar advertising the scheme operated.
29. A written record of the number of refusals will be kept of the people who have been unable to provide required identification to prove their age. Such records shall be kept for a period of 12 months and will be collected on a daily basis by the Designated Premises Supervisor and produced to the police or an 'authorised person' (as defined by Section 13 of the Licensing Act 2003) or an authorised Trading Standards Officer of the Council on demand.
30. Any person attending the premises for a hired function who is under the age of 18 must be accompanied by an adult at all times.

Additional Condition

31. The applicant shall sound proof the premises using measures approved by Dudley MBC Environmental Health Service.

The meeting ended at 11.40am

CHAIR