

**Minutes of the Licensing Sub-Committee 4
Tuesday, 11th January, 2022 at 10.00 am
In the Council Chamber, Council House, Dudley**

Present:-

Councillor J Clinton (Chair)
Councillors R Burston and J Cowell

Officers:-

N Slym – Assistant Team Manager (Directorate of Public Realm), R Clark – Solicitor and
K Griffiths - Democratic Services Officer (Directorate of Finance and Legal).

Also in attendance:-

S Smith –Team Manager - Licensing and Waste Enforcement (Directorate of Public Realm) -
Observer

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 20th July, 2021, be approved as a
correct record and signed.

8. **Application for Grant of a New Premises Licence – Stourbridge Cinema, 1-3 Ryemarket, Stourbridge**

At the request of the applicant prior to the meeting, this item of business was deferred to a future meeting.

9. **Application for Grant of a New Premises Licence – Bianca Romanian Shop, 3 Wolverhampton Street, Dudley**

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 Bianca Romanian Shop, 3 Wolverhampton Street, Dudley.

The following were in attendance at the meeting: -

Mr G Tonciu, Applicant
Ms K Turley and Ms D Jenkins – West Midlands Police

Following introductions, K Griffiths declared an interest as she knew the applicant outside of her employment, however, as she was not involved in the decision-making process, all parties agreed to proceed with the meeting.

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

The Assistant Team Manager - Licensing and Waste Enforcement presented the report on behalf of the Council.

Ms D Jenkins, on behalf of West Midlands Police, referred to representations submitted on 16th December, 2021, concerning the application for a new premises licence on the grounds that the applicant indicated that Security Industry Authority (SIA) door staff were not required, the operating schedule lacked sufficient detail and that the applicant had not responded to an e-mail from West Midlands Police dated 29th November, 2021 requesting that Part M of the Operating Schedule be amended to address the concerns raised. It was noted that the information supplied had not satisfied the licensing objective in relation to the prevention of crime and disorder. It was reported that when applying for a new premises licence in the Dudley Borough, applicants were provided with a list of licensing requirements formulated by responsible authorities, self-tailored to specific premises, outlining information on what was expected to be included in the application. It was noted that an Enforcement Officer had also contacted the applicant to provide verbal advice on the licensing objectives.



The applicant informed the Sub-Committee that he had submitted a response updating Part M of the Operating Schedule to the Licensing Officer to address the concerns raised on 1st December, 2021. The Sub-Committee, having not received a copy of the applicant's response, agreed to adjourn the meeting to enable the information to be printed and circulated to the Sub-Committee. The meeting adjourned at 11.15am and recommenced at 11.35am following the Sub-Committee's perusal of the additional information presented.

In referring to the proforma relating to the prevention of crime and disorder previously circulated to the applicant by West Midlands Police, particularly the three conditions relating to the installation and operation of closed-circuit television (CCTV), the applicant informed the Sub-Committee that he would be happy to replace the initial condition proposed as part of the operating schedule for the three conditions recommended by the West Midlands Police. In view of the proposal, West Midlands Police were satisfied that the operating schedule would uphold the licensing objections.

It was established that CCTV was currently not in operation at the premises and the Solicitor reminded the applicant that should he sell alcohol prior to the CCTV being installed, he would be in breach of his licensing conditions and appropriate action would be taken.

Resolved

That following consideration of the information contained in the report submitted and presented at the meeting, the application for a new premises licence in respect of Bianca Romanian Shop, 3 Wolverhampton Street, Dudley, be granted, subject to the following conditions to replace the content of Part M of the original Operating Schedule.

- (1) All staff will be made aware of legislation covering the sale of age restricted products and a challenge 25 policy shall be operated within the shop.
- (2) The fire exit for the premises shall be clearly marked.
- (3) CCTV shall be installed in the premises and will record all incidents inside and immediately outside the premises, and retained for a minimum of 30 days. All recordings will be backed up to a separate server (i.e. Cloud or similar) and shall be available on request by the police or any other responsible authority. Any CCTV hard drive that is damaged or broken will be retained at the premises for a minimum of 30 days and shall be available on request by the police or any other responsible authority. The Digital Video Recorder (DVR) will be kept at all times in a locked and secure area.



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- (4) At least one member of staff on duty in the shop, shall, at all times, be conversant with how to view and download from the CCTV system. The staff member must be able to download any footage at the request of the police or officer of another responsible authority, within 24 hours of a request, and they will provide their own Universal Serial Bus (USB) or disc for this purpose.
- (5) At the beginning of every day, prior to the licensable activity taking place, the CCTV will be checked to confirm that it is in working order and the time and date shall be documented and the record signed and made available to the police or officer of another responsible authority upon request.
- (6) No music will be played on the premises and there will be no form of entertainment at the premises, so as to avoid a public nuisance.
- (7) All alcohol on sale will be displayed in full view of the tills and all customers will be monitored around age restricted products.
- (8) There will be challenge 25 signs located on the entrance to the shop and around the shop. There will be additional signage around the alcohol display area.
- (9) A refusals register shall be kept at the till and completed when required. This will made available to an officer of the licencing authority or the Police upon request.

10. **Application for Grant of Consent to Engage in Street Trading – Mr C Davis (Fishmonger), Stourbridge Town Centre**

A report of the Acting Director of Public Realm was submitted in respect of an application made by Mr C Davis (Fishmonger) on an application for the consent to engage in street trading in Stourbridge Town Centre.

Mr C Davies was in attendance at the meeting.

Following introductions, the Solicitor informed the Sub-Committee that having received representations from Street and Green Care – Traffic and Road Safety on 30th September, 2021, it appeared that the location in The Ryemarket that Mr C Davis had applied for street trading was currently licensed to Coffee 1 following a legal agreement entered into under The Highways Act 1980 dated 21st December, 2016. A copy of two plans, together with the agreement had been circulated to the Sub-Committee prior to the meeting.

The Sub-Committee was unable to consider the current application to consent in street trading due to two different plans being submitted to the Sub-Committee which marked the area covered by the legal agreement differently and therefore, in the absence of a representative of Street and Green Care, was unable to ascertain which plan was correct.

The applicant indicated that he had traded as a Fishmonger in the Borough of Dudley for thirty years and stated that he would be happy to trade in Stourbridge Town Centre in an area that was not currently being utilised. The Assistant Team Manager agreed to liaise with appropriate officers to clarify the area covered by Coffee 1's legal agreement and potential consent areas in Stourbridge Town Centre where Mr C Davis would be authorised to trade.

Resolved

That following consideration of the information contained in the report submitted, the application to consent in street trading made by Mr C Davis (Fishmonger) in Stourbridge Town Centre, be deferred to a future meeting of the Sub-Committee to enable Street and Green Care to provide clarification of the precise area covered by the legal agreement under The Highways Act 1980 dated 21st December, 2021 between The Borough Council of Dudley and Coffee 1.

The meeting ended at 12.15am

CHAIR