

Meeting of the Licensing Sub-Committee 3

Tuesday 31st August, 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 13th April, 2021 as a correct record.

The following applications are to be considered under the provisions of the Licensing Act 2003:-

5. Application for Grant of a New Premises Licence – Tirana Bar Restaurant, 175 – 177 High Street, Lye (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: 20th August, 2021



Distribution:

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

Please note the following concerning meetings at Dudley Council House:

Covid-19 Secure Working

Hands

- Hand sanitiser and antibacterial wipes are available at various locations in the Council House. Please ensure you sanitise your hands when arriving and leaving the building. Hand washing facilities are also available on site.

Face

- All persons entering or working in the Council House must wear face masks when moving around the building. Please remember to bring and use your own face masks. Face masks may be safely removed when you are seated in the meeting.

Space

- Seating in the meeting rooms is arranged to allow for safe distancing. You must only use the designated seating. Remember to maintain safe distancing at all times during your visit.
- Seating in the public gallery is currently restricted and will be allocated on a 'first come' basis.
- All persons must observe the signage in place throughout the Council House to ensure safety.

If you are unwell

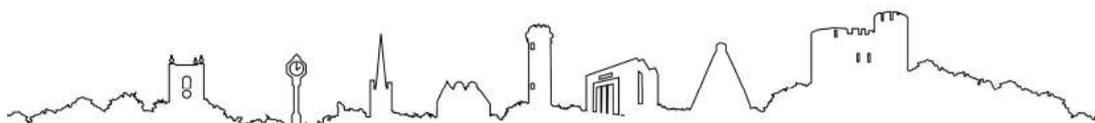
- Do not attend the Council House if you feel unwell; if you have tested positive for Covid-19; if you are self-isolating or if you suspect that you are symptomatic.
- You are advised to undertake a lateral flow test 48 hours before attending. If the test is positive, do not attend the meeting.

Toilets

- Toilet facilities are available on site and are subject to the Covid-19 secure measures that are in place. All the toilets have hand washing facilities.

No smoking

- There is no smoking on the Council House premises in line with national legislation. It is an offence to smoke in or on the premises. You cannot use e-cigarettes and/or similar vaping devices.



In Case of Emergency

- In the event of the alarms sounding, please leave the building by the nearest exit. There are Officers who will assist you in the event of this happening, please follow their instructions.

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).

Private and Confidential Information

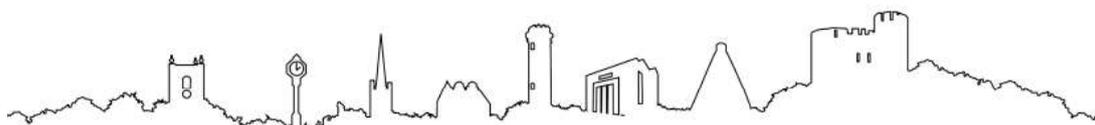
- Any agendas containing reports with 'exempt' information should be treated as private and confidential. It is your responsibility to ensure that information containing private and personal data is kept safe and secure at all times. Confidential papers should be handed to Democratic Services for secure disposal. If you choose to retain the documents you should ensure that the information is securely stored and destroyed within six months.

General

- Public Wi-Fi is available in the Council House.
- 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
- Clarification of any points of fact and indicate what, if any, evidence may be submitted and read
- 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 the following if any have any 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 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, 13th April 2021 at 10.00am
On Microsoft Teams**

Present:

Councillor A Taylor (Chair)
Councillors K Finch and S Greenaway

Officers:

H Griffiths – Licensing Clerk and L Rouse – Senior Licensing Clerk (Both Directorate of Public Realm), T Holder – Solicitor, K Buckle – Democratic Services Officer and G Gray – Assistant Democratic Services Officer (All Directorate of Finance and Legal).

11. **Declarations of Interest**

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

12. **Minutes**

Resolved

That the minutes of the meetings held on 23rd February 2021, be approved as correct records and signed.

13. **Application for House to House Collections Licence – Clothes Collection Ltd (World Cancer Care)**

A report of the Acting Director of Public Realm was submitted on an application for a House to House Collections Licence in respect of Clothes Collection Ltd (World Cancer Care).

The following were in attendance at the meeting: -

Ms D Taylor – Applicant
Ms J Sidhu – Customer Services and Relationship Manager

The Chair welcomed everyone present to the meeting and the Senior Licensing Clerk presented the report on behalf of the Council.

It was reported that no objections had been received from any of the relevant authorities to the application.

As no financial information had been supplied by the Applicant at the last meeting of the Sub-Committee the matter had been deferred for further information to be supplied.

The Applicant advised that Clothes Collection Ltd (World Cancer Care) was a new charity established in December 2020 and therefore no previous accounts were available.

Ms Sidhu advised that although the business had been incorporated in 2017, trading had not commenced until December 2020 in relation to the charitable collections for the business and referred to receipts for donations that had been supplied to date.

Members raised questions in relation to four transactions on the bank statements provided and it was clarified by Ms Sidhu that the transactions related to another part of the business that bought and sold goods and did not relate to the non-profit making part of the business in relation to collections.

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

All parties then withdrew from the meeting to enable the Sub-Committee to determine the application. It was confirmed that the decision would be conveyed to the Applicant after the meeting had been concluded.

Resolved

That following consideration of further information that had been submitted and reported on at the meeting, a House to House Collections Licence in respect of Clothes Collections Ltd (World Cancer Care) be approved for a period of 12 months.

The meeting ended at 10.53am

CHAIR

Meeting of the Licensing Sub-Committee 3 – 31st August 2021

Report of the Acting Director of Public Realm

Application for Grant of a New Premises Licence

Tirana Bar Restaurant, 175 – 177 High Street, Lye, DY9 8LN

Purpose

1. To consider the application for the grant of a new premises licence in respect of the premises known as Tirana Bar Restaurant, 175 – 177 High Street, Lye, DY9 8LN.

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 24th May 2021, an application for the grant of a new premises licence was received from Dadds LLP Solicitors on behalf of Mr Yleber Hoti, in respect of the premises known as Tirana Bar Restaurant, 175 – 177 High Street, Lye, DY9 8LN. 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/Live Music/Recorded Music/Performance of Dance (anything of a similar discription).

Sunday to Wednesday 10.00 until 01.00
Thursday to Saturday 10.00 until 03.00

Late Night Refreshment

Sunday to Wednesday 23.00 until 01.00
Thursday to Saturday 23.00 until 03.00

From end of permitted hours on New Years Eve to start of permitted hours on New Years Day.

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 2 Local Ward Councillors, 7 local residents, the Licensing Authority, the West Midlands Police and the West Midlands Fire Service together with comments from the Planning Department. Copies of all representations and comments have been forwarded to the Applicant, Committee Members and Interested parties in accordance with the Licensing Act 2003. A specific matter was raised by a local resident in their representations. The Licensing Authority has requested that the Planning Department provide further information either in person at the Committee Meeting or prior to the Committee Meeting about the current planning status of the premises to assist the Committee.
8. These premises currently hold a premises licence, the applicant has submitted a new licence application due to the proposed increase in licensed area to include the use of both the ground floor which is already subject to the existing licence and the upper first floor room with the addition of further regulated entertainment and late night refreshment, with the extension of licensing hours. Should this application be approved by the Committee Mr Hoti the premises licence holder intends to surrender the original licence. The current licence is issued for the following days and times.

Supply of Alcohol/Recorded Music

Monday to Saturday 11.00 until 23.00
Sunday 14.00 until 22.00



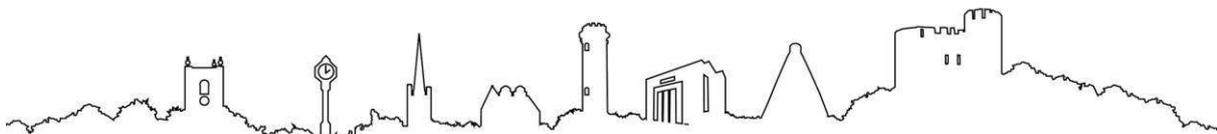
9. This matter was due to be considered by the Sub-Committee on the 13th July 2021, the Committee resolved at the request of the applicants representative that the matter be deferred to a future hearing.

Finance

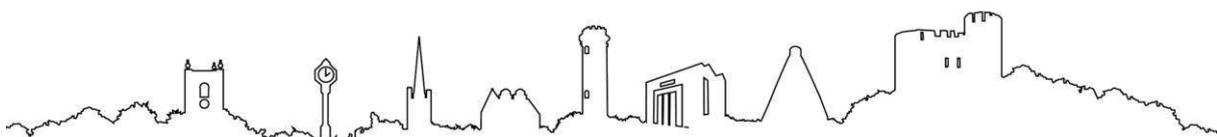
10. There are no financial implications.

Law

11. 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.
12. 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.
13. 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



14. 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
15. 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).
16. 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
17. 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)



18. 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.
19. 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.
20. 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

21. There are no risk management implications.

Equality Impact

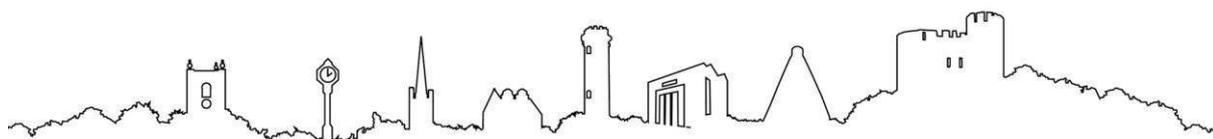
22. This report takes into account the Council's policy on equal opportunities.
23. The licensing of premises and individuals will impact on children and young people through their attendance at licensed premises.
24. There has been no consultation or involvement of children and young people in developing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

Human Resources/Organisational Development

25. There are no organisational development/transformation implications.

Commercial/Procurement

26. There are no commercial/procurement implications.



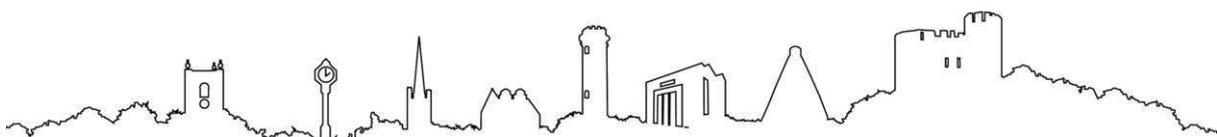
Council Priorities

27. 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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the historic capital of the Black Country

