

**Minutes of Licensing Sub-Committee 3
Tuesday 21st December, 2021 at 10.50am
In the Council Chamber, The Council House, Dudley**

Present:

Councillor A Taylor (Chair)
Councillors P Drake and K Razzaq

Officers:

S Smith – Team Manager (Licensing and Waste Enforcement) (Directorate of Public Realm);
R Clark – Principal Solicitor and H Mills – Democratic Services Officer (Directorate of Finance and Legal).

9. **Apology for absence**

An apology for absence from the meeting was submitted on behalf of Councillor C Elcock.

10. **Appointment of Substitute Member**

It was reported that Councillor K Razzaq had been appointed as a Substitute Member for Councillor C Elcock for this meeting of the Sub-Committee only.

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 meeting held on 26th October, 2021, be approved as a correct record and signed.

13. **Application to Vary a Premises Licence – The New Inn, 2 Cherry Street, Stourbridge**

At the request of the applicant and with agreement of the Sub-Committee, this item of business was deferred to a future meeting.

14. **Application for Grant of a New Premises Licence – Anatolia Grill Bar, 41 High Street, Stourbridge**

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 Anatolia Grill Bar, 41 High Street, Stourbridge.

The following persons were in attendance at the meeting:-

Y Ozdemir – Applicant, together with an interpreter
A Sahin – Designated Premises Supervisor (DPS)
A Brookes – Applicant’s friend
D Jenkins – West Midlands Police
K Turley – West Midlands Police
PC D Ingley – West Midlands Police

The Chair welcomed everyone to the meeting. Following introductions, the Team Manager (Licensing and Waste Enforcement) presented the report on behalf of the Local Authority.

D Jenkins, on behalf of West Midlands Police, referred to representations submitted on 20th October, 2021, concerning the application for a new premises licence on the grounds that the application lacked sufficient detail regarding Closed-Circuit Television (CCTV), which subsequently did not satisfy the licensing objective in relation to the prevention of crime and disorder. It was reported that West Midlands Police had attempted to contact the applicant to address the issue, however the applicant had failed to respond to the email correspondence sent.

Further representations were also made on 18th November, 2021, in that West Midlands Police, together with Dudley Licensing Enforcement Team, had attended the premises on 12th November, 2021, following reports that the premises was serving and displaying alcohol without a premises licence. During the visit, Mr Ozdemir advised Officers that he believed he had been given permission to sell alcohol by the Licensing Authority, though could not produce evidence to confirm that to be the case, which heightened West Midlands Police’s concerns that the licensing objectives would not be upheld should a Premises Licence be granted.



A Sahin confirmed that he had assisted Y Ozdemir with the completion of the application, as he considered that communication and support from the Local Authority had been poor and confirmed that he had previously been the DPS for the former business at the premises, formerly known as Bella Rose. He stated that he had communicated with the Local Authority regarding the transfer of the premises licence, which without his knowledge, had subsequently been surrendered. Therefore, he had been advised by the Local Authority to submit a new premises licence application, together with the required fees and subject to there being no objections, would be eligible to serve alcohol after a period of 28 days. A Sahin had been out of the country at the time of the incident on 12th November, however he had advised Y Ozdemir that he would be eligible to serve alcohol after the 28 days. As there had been no notification from the Local Authority that an objection had been received, they believed that a premises licence had been granted.

Arising from questions raised by A Brookes, relating to how Y Ozdemir had been contacted by West Midlands Police, as he had no recollection of receiving any correspondence in relation to the CCTV and whether it was normal practice for CCTV to be included as part of the licensing conditions for a restaurant, D Jenkins confirmed that an email had been sent to the applicant's email address, which had been checked to ensure it corresponded with the website, Local Authority's Licensing Team and was the same email address as included on the application. It was further stated that to assist with the prevention of crime and disorder licensing objective, it was a normal request for CCTV to be installed on any premises that served alcohol.

In response to a further question raised by the Sub-Committee relating to whether there had been any disorder and incidents reported at the premises, it was confirmed that there had been none to date.

A Sahin then presented the case on behalf on the applicant, and in doing so emphasised that they believed that a premises licence had been granted after the 28-day period and was not aware that an objection had been received until after that date. Whilst they were fully aware that alcohol could not be sold without a licence, it was commented that the business would not be able to continue without the provision to sell alcohol, which would result in closure of the business.

In responding to questions raised by West Midlands Police relating to the sale of alcohol after the premises licence had been surrendered and the reason why Y Ozdemir had not communicated with them with regard to CCTV, A Sahin confirmed that at the time he had not been aware that the premises licence had been surrendered and therefore attempted to transfer the licence in the first instance. It was the Licensing Authority who advised that a new application would be required, which was submitted and advertised as soon as it was brought to their attention. Y Ozdemir confirmed that he had not received any emails from West Midlands Police.



LSBC/12

The Team Manager (Licensing and Waste Enforcement) confirmed that all representations had been served on all parties prior to the hearing, which included a copy of the email from West Midlands Police to Y Ozdemir, therefore there had been an opportunity for engagement before the Sub-Committee.

In responding to a question from the Sub-Committee concerning the transfer of the premises licence, the Team Manager (Licensing and Waste Enforcement) stated that a surrendered licence could be transferred, though only during a grace period of 28-days, for premises to continue to sell alcohol. However, in this case the previous premises licence was surrendered in February 2021, therefore a transfer would not be permitted and a new application would be required to be submitted. The process and timelines for new premises applications were outlined and the Sub-Committee was assured that the process would have been explicitly explained to the applicant at the time.

At this juncture, A Sahin shared copies of the email correspondence received by him from the Licensing Authority with the Sub-Committee. The Principal Solicitor to the Sub-Committee confirmed it was clear from the correspondence that the Licensing Authority had explained that the previous premises licence had been surrendered and could not be transferred and that a new application was required, together with the process to follow outlined. It was considered to be clear from the email correspondence that the premises could not sell alcohol until the licence had been granted.

A Sahin responded to questions raised by all parties and in doing so confirmed that Turkish wine and beer had been served to patrons free with a meal, photos of the bar area with alcohol displayed had been removed from the website and arrangements had been made for CCTV to be installed.

Y Ozdemir responded to questions raised by all parties and in doing so confirmed that he did have experience in working in a restaurant and a cocktail bar, however had no previous experience in running a premises.

Following submissions and questions, all parties withdrew from the meeting to enable the Sub-Committee to determine the application.

Having made their decision, the meeting was reconvened and it was

Resolved

That following careful consideration of the information contained in the report submitted and presented at the meeting, the application for a new premises licence in respect of Anatolia Grill Bar, 41 High Street, Stourbridge, be granted, subject to the conditions as reflected in Section M of the Operating Schedule.



LSBC/13

15. **Application to Vary a Premises Licence – The Jolly Crispin, 25 Clarence Street, Upper Gornal, Dudley**

A report of the Acting Director of Public Realm was submitted on an application to vary a premises licence in respect of the premises known as The Jolly Crispin, 25 Clarence Street, Upper Gornal, Dudley.

The following persons were in attendance at the meeting:-

P Jones – The Red Pub Company
J Seaton-Reid – The Red Oak Tavern

The Chair welcomed everyone to the meeting. Following introductions, the Team Manager (Licensing and Waste Enforcement) presented the report on behalf of the Local Authority.

J Seaton-Reid presented the case on behalf of the applicant, and in doing so outlined the purpose for the variation request in that it would provide more flexibility and bring the operating schedule up to date. The concerns raised by objectors were referred to and the measures that would be taken to address the concerns were outlined, which included the erection of a fence to create a private area with no visual access from the car park perimeter, which would also provide a sound barrier; adequate parking was available on-site and appropriate signage would be displayed to encourage patrons to leave the premises quietly, as well as the situation regularly monitored by the management, and all music outputs located in the beer garden area would face towards the premises to reduce noise travel to neighbouring gardens. The parking issues referred to in Roford Court were not considered to be related to the public house, as the level of parking remained the same when the public house was open or closed. The Sub-Committee was advised that the applicant had attempted to contact three of the four residents that had submitted an objection to discuss their concerns, as it was the applicant's wish to enhance the community local pub offer and not create a problem, though no responses had been received.

P Jones responded to questions raised, and in doing so, confirmed that the capacity of the public house was 100 people; that it was not the intention for the premises to become a live music venue or for the premises to open at 8am on a regular basis, though to have the flexibility to open on occasions for special sporting fixtures and events, which could take place at unusual hours. Two live music events had been held to date, in accordance with current licence conditions and no complaints had been received.



LSBC/14

Following discussions, the applicant commented that he would be willing to compromise and prepared for the terminal hour for recorded music, played outside, to be reduced should the Sub-Committee deem it necessary and would also be prepared to accept that all under 18's should be accompanied by an adult and must leave the premises by 9pm.

Following submissions and questions, all parties withdrew from the meeting to enable the Sub-Committee to determine the application.

Having made their decision, the meeting was reconvened and it was

Resolved

That following careful consideration of the information contained in the report and presented at the meeting, the application for variation of the premises licence in respect of the premises known as The Jolly Crispin, 25 Clarence Street, Upper Gornal, Dudley, be granted, subject to the amendments to the operating schedule as outlined below:-

Recorded music in outdoor areas to be limited to 7.00pm Monday to Thursday and 8.00pm Friday to Sunday.

That no persons under the age of 18 be allowed on the premises unless accompanied by an adult, and any person under the age of 18 shall leave the premises by 9.00pm at the latest, on any day.

The meeting ended at 1.00pm

CHAIR