

Meeting of the Licensing Sub-Committee 4

Tuesday 11th January, 2022 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 20th July, 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 – Stourbridge Cinema, 1-3 Ryemarket, Stourbridge (Pages 1 - 5)
6. Application for Grant of a New Premises Licence – Bianca Romanian Shop, 3 Wolverhampton Street, Dudley (Pages 6 - 10)

The following application is to be considered under the provisions of the Local Government (Miscellaneous Provisions) Act 1982:-

7. Application for Grant of Consent to Engage in Street Trading – Mr C Davis (Fishmonger), Stourbridge Town Centre (Pages 11 - 13)
8. 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: 30th December, 2021

Distribution:

Members of the Licensing Sub-Committee 4

Councillor J Clinton (Chair)

Councillors R Burston and J Cowell

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. Everyone is asked to sanitise their hands when arriving and leaving the building. Hand washing facilities are also available on site.

Face

- All attendees are strongly advised to wear face coverings in situations where 2m distancing cannot be maintained. There is a supply of masks available for your use. These need to be worn correctly, covering nose and mouth. To assist this, a provision of surgical grade type 2R masks are available. The masks can be removed when you are speaking at the meeting.
- All persons entering or working in the building are strongly encouraged to wear face masks in communal areas and when moving around the building.

Space

- Please be respectful of everyone's personal space and preferences when you attend meetings.

Testing

- All people attending are encouraged to undertake Lateral Flow Tests twice a week (a supply of kits is available). Anyone testing positive should not attend and should seek further advice including self-isolation and taking a PCR test.
- Anyone unwell should not attend. Or if you have tested positive for Covid-19 in the last 10 days; if you are self-isolating or if you suspect that you are symptomatic.



Ventilation

- Windows will be opened in advance of meetings and will be maintained in an open position during meetings to maximise air flow and air changes within the room.
- Heating on site will be used to ensure minimum welfare requirements are met. The windows are open for ventilation, and this may make the environment cooler, so please dress accordingly.
- Carbon Dioxide Monitors will be situated in the meeting rooms. Data captured is used to monitor and assure effectiveness of ventilation.

Vaccination

- All persons attending meetings are strongly encouraged to be double vaccinated to limit ill-health effects should a transmission of coronavirus occur.

Toilets

- Toilet facilities are available on site and are subject to safety 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

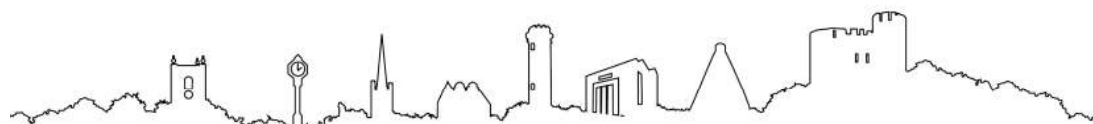
- In the event of the alarms sounding, please leave the building by the nearest exit. There are Officers who will assist you in the event of this happening, please follow their instructions.

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

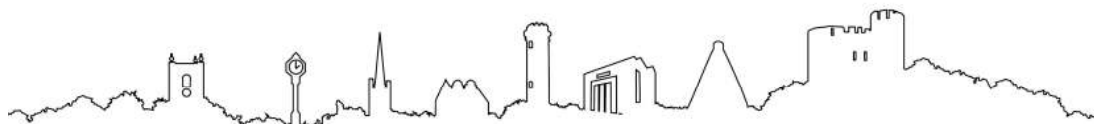


Licensing Sub-Committee Procedure

- Chair to welcome parties and introduce Members and Officers
- Establish who the parties are and any representatives
- 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 4
Tuesday, 20th July, 2021 at 10.00 am
In the Council Chamber, Council House, Dudley**

Present:

Councillor J Clinton (Chair)
Councillors J Cowell and A Taylor

Officers:-

S Smith –Team Manager - Licensing and Waste Enforcement (Directorate of Public Realm), T Holder – Solicitor and K Taylor - 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 R Burston.

2. **Appointment of Substitute Member**

It was noted that Councillor A Taylor had been appointed to serve as a substitute member for Councillor R Burston, 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 29th January, 2019, be approved as a correct record and signed.



5. **Application for a Licensed Premises Gaming Machine Permit – The Mayfair Club, Unit 4 Wedgbury Way, Brierley Hill**

A report of the Acting Director of Public Realm was submitted in respect of an application for the grant of a Licensed Premises Gaming Machine Permit for four Category C machines at the premises known as The Mayfair Club, Unit 4 Wedgbury Way, Brierley Hill.

Mr D Rossookh, applicant was in attendance at the meeting.

Following introductions, the Team Manager - Licensing and Waste Enforcement presented the report on behalf of the Council, and Mr Rossookh responded to questions asked by the Sub-Committee. In responding to comments made by the Sub-Committee, Mr Rossookh clarified the positioning of the machines and confirmed that he would relocate the machines in order for them all to be visible from the bar area in accordance with the Gambling Act 2005. Should the application be granted, the Sub-Committee requested that Officers review compliancy during their scheduled visit to the premises.

It was reported that a number of closed-circuit television (CCTV) systems had been installed at the premises covering a number of areas including the proposed gaming machines, with monitors positioned in the office, reception and bar. Mr Rossookh informed the Sub-Committee that the premises was a 'members-only' venue and that it would operate a 'Challenge-25' policy.

Following summing up by the Solicitor, 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 outlined the decision.

Resolved

That, following consideration of the information contained in the report submitted, the grant of a Licensed Premises Gaming Machine Permit for four Category C machines in respect of the premises known as The Mayfair Club, Unit 4 Wedgbury Way, Brierley Hill, be approved.

The meeting ended at 10:30 am

CHAIR

Meeting of the Licensing Sub-Committee 4 – 11th January 2022

Report of the Acting Director of Public Realm

Application for Grant of a New Premises Licence

Stourbridge Cinema, 1-3 Ryemarket, Stourbridge, DY8 1HJ

Purpose

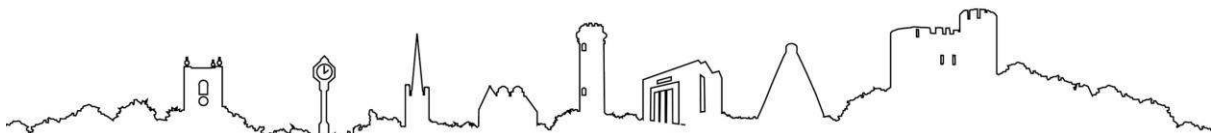
1. To consider the application for the grant of a new premises licence in respect of the premises known as Stourbridge Cinema, 1-3 Ryemarket, Stourbridge, DY8 1HJ.

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 16th November 2021, an application for the grant of a new premises licence was received from John Gaunt & Partners on behalf of Film Associates Limited, in respect of the premises known as Stourbridge Cinema, 1 – 3 Ryemarket, Stourbridge, DY8 1HJ. 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/Films/Recorded Music/Performance of Dance

Monday to Sunday 09.00 until 03.00

Live Music

Monday to Sunday 09.00 until 00.00

Late Night Refreshment

Monday to Sunday 23.00 until 03.00

Hours Open to the Public

Monday to Sunday 09.00 until 03.30

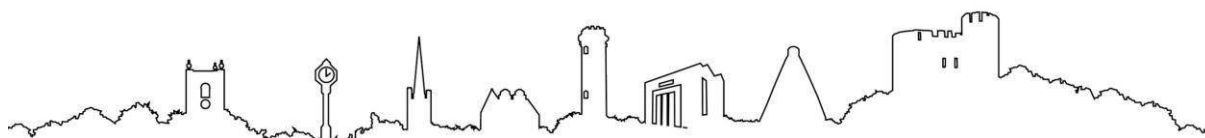
6. Confirmation that copies of the application form and supporting documentation have been served on the relevant authorities has been received.
7. Representations have been received from the West Midlands Fire Service, Environmental Health and Safety, West Midlands Police, the Licensing Authority and a local Ward Member a copy of the representations have been forwarded to the Applicant, Committee Members and Interested parties in accordance with the Licensing Act 2003.

Finance

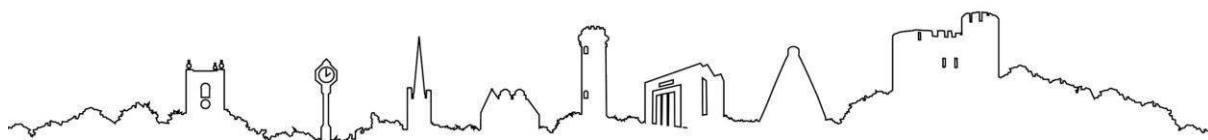
8. There are no financial implications.

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



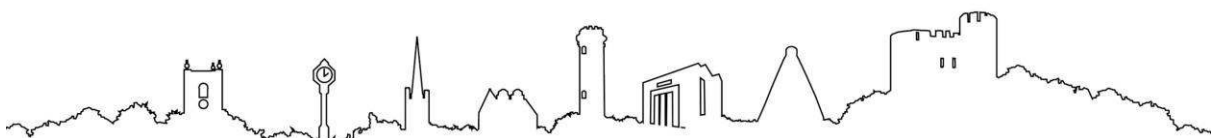
- (b) any person who made relevant representations in respect of the application, and
 - (c) the Chief of Police for the police area or each police area in which the premises are situated
15. Where a Local Authority grant a licence under section 18 pursuant to schedule 5 of the Licensing Act, section 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 human resources/organisational development implications.

Commercial/Procurement

24. There are no commercial/procurement implications.

Council Priorities

25. This application falls within the Council's responsibility for Licensing as a direct link to the Council's key corporate priority to support stronger and safer communities.



Heidi Marsh-Geyton
Acting Director of Public Realm

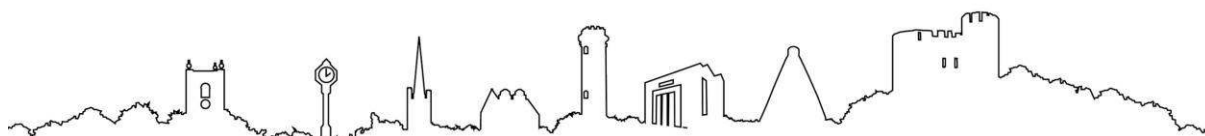
Contact Officer: Mr S Smith
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Email: simon.smith@dudley.gov.uk

Appendices

None

List of Background Documents

None



Meeting of the Licensing Sub-Committee 4 – 11th January 2022

Report of the Acting Director of Public Realm

Application for Grant of a New Premises Licence

Bianca Romanian Shop, 3 Wolverhampton Street, Dudley,

West Midlands, DY1 1DA.

Purpose

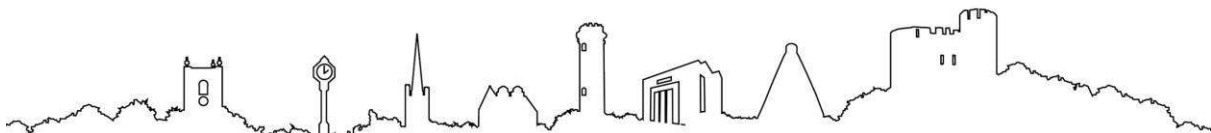
1. To consider the application for the grant of a new premises licence in respect of the premises known as Bianca Romanian Shop, 3 Wolverhampton Street, Dudley, West Midlands, DY1 1DA.

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 15th November 2021, an application for the grant of a new premises licence was received from Mr Gheorghe Ionut Tonciu, in respect of the premises known as Bianca Romanian Shop, 3 Wolverhampton Street, Dudley. 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

Monday to Saturday 10.00 until 19.00
Sunday 10.00 until 16.00

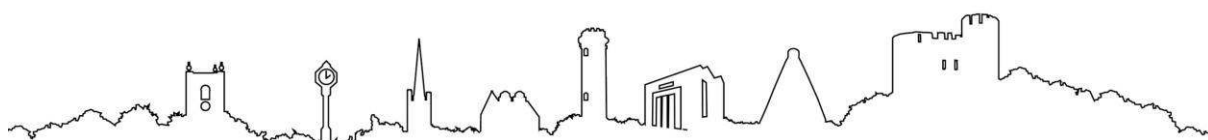
6. Confirmation that copies of the application form and supporting documentation have been served on the relevant authorities has been received.
7. Representations have been received from West Midlands Police, a copy of the representations has been forwarded to the Applicant, Committee Members and Interested parties in accordance with the Licensing Act 2003.

Finance

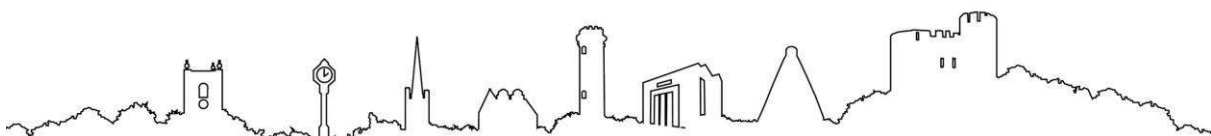
8. There are no financial implications.

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
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11. Pursuant to Section 18 (4) the steps are:-
- (a) to grant the licence subject to:-
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- (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;
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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
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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

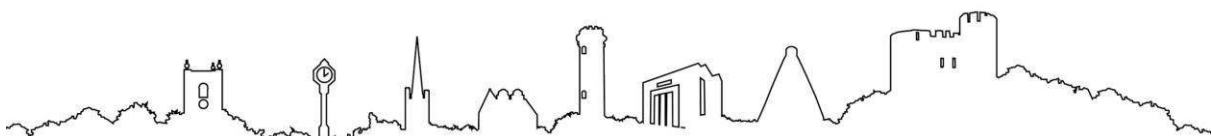
19. There are no risk management implications.

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 human resources/organisational development implications.



Commercial/Procurement

24. There are no commercial/procurement implications.

Council Priorities

25. This application falls within the Council's responsibility for Licensing as a direct link to the Council's key corporate priority to support stronger and safer communities.



Heidi Marsh-Geyton
Acting Director of Public Realm

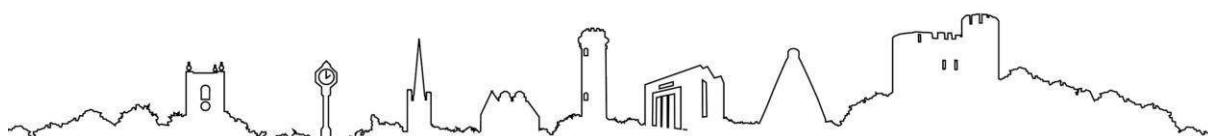
Contact Officer: Mr S Smith
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Appendices

None

List of Background Documents

None



Meeting of the Licensing Sub-Committee 4 – 11th January 2022

Report of the Acting Director of Public Realm

Application for Grant of Consent to Engage in Street Trading

Mr Christopher Davis (Fishmonger) – Stourbridge Town Centre.

Purpose

1. To consider the application made by Mr Christopher Davis for the grant of a consent to engage in street trading in Stourbridge Town Centre.

Recommendation

2. That the Committee consider Mr Davis's application for the grant of a consent to engage in street trading for the sale of fresh fish in the Ryemarket, High Street, Stourbridge.

Background

3. On the 24th September 2021, an application was received by the Licensing Office from Mr Davis for the grant of a consent to engage in street trading in Ryemarket, High Street, Stourbridge to sell fresh fish, Tuesday, Thursday, Friday and Saturday between the hours of 8.00 am and 3.00 pm.
4. That application together with photographs of the proposed site and trading vehicle have been circulated to Committee Members and interested parties, details of the application have also been posted on the Council Web Site.
5. Representations in respect of the application have been received from Street and Green Care and also the Ryemarket Centre Management together with the Chamber of Trade. Copies of all representations have been circulated to the Applicant and Committee Members.

Finance

6. There are no financial implications.

Law

7. The grant of consents to engage in street trading is governed by Part III of Schedule IV to the Local Government (Miscellaneous Provisions) Act 1982. To trade without such consent is an offence.
8. Paragraph 7(2) of Schedule IV of the 1982 Act, states that the Council may grant a consent if it thinks fit and, when granting or renewing a consent, the Council may attach such conditions as it considers necessary.
9. Paragraph 10 of Schedule IV of the 1982 Act, states that a street trading consent may be granted for one period not exceeding 12 months but may be revoked at any time.
10. Where the consent allows the holder to trade from a cart, barrow, or other vehicle, then the consent must specify the location from which they may trade and the times between which or periods for which they may trade.
11. There is no right of appeal against the Council's decision to vary a condition upon which consent is issued, or refusal to grant or renew a street trader's consent.

Risk Management

12. There are no risk management implications.

Equality Impact

13. This report takes into account the Council's policy on equal opportunities.
14. There has been no consultation or involvement of children and young people in developing these proposals.

Human Resources/Organisational Development

15. There are no human resources/organisational development implications.

Commercial/Procurement

16. There are no commercial/procurement implications.

Council Priorities

17. This application falls within the Council's responsibility for Licensing as a direct link to the Council's key corporate priority to support stronger and safer communities.



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Acting Director of Public Realm

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List of Background Documents

None

Appendices

None