

**Meeting of the Licensing Sub-Committee 1
Thursday 16th December, 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 23rd November, 2021 as a correct record.

The following application is to be considered under the provisions of the Licensing Act 2003:-

5. Notice of Temporary Event – Barbridge, Unit 11 Victoria Passage, Stourbridge (Pages 1 - 3)
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: 8th December, 2021

Distribution:

Members of the Licensing Sub-Committee 1

Councillor E Taylor (Chair)
Councillors P Miller and K Razzaq



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

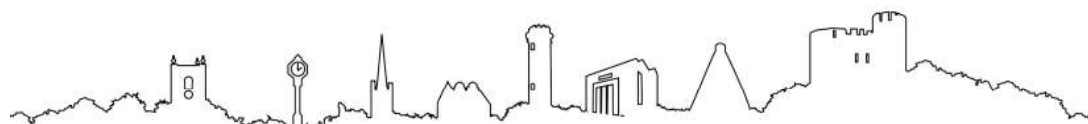
- Any agendas containing reports with 'exempt' information should be treated as private and confidential. It is your responsibility to ensure that information containing private and personal data is kept safe and secure at all times. Confidential papers should be handed to Democratic Services for secure 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

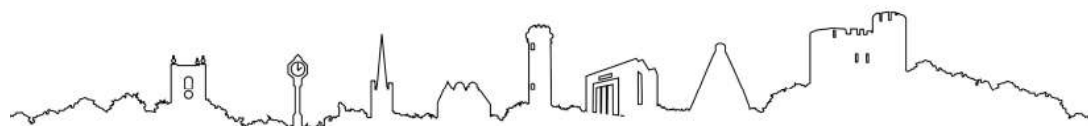
If you need advice or assistance

- 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 1
Tuesday, 23rd November 2021 at 10.00 am
In the Council Chamber, Council House, Dudley**

Present:

Councillor E Taylor (Chair)
Councillors K Razzaq and P Miller

Officers:

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

12. **Declarations of Interest**

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

13. **Minutes**

Resolved

That the Minutes of the meetings held on 28th September 2021, be approved as
a correct record and signed.

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 were in attendance at the meeting in respect of the application: -

Mr Y Ozdemir – Premises Licence Holder
Ms K Turley and Ms D Jenkins – West Midlands Police.
Ms W Hillary-patten – Senior Health Improvement Practitioner.

Representations were the received, on behalf of West Midlands Police, including those relating to the prevention of crime and disorder and the concerns raised that Closed Circuit Television enquiries had been made, however the premises licence holder had not responded to those concerns date. The premises licence holder had been made aware that West Midlands Police would not support the application in its current form.

Ms D Jenkins, also referred to the email containing additional evidence that had been circulated to all relevant parties.

Mr Y Ozdemir indicated that his understanding of the English language was very limited.

The Legal Advisor to the Sub-Committee referred to the seriousness of the objections raised by West Midlands Police and the implications for the business should the application be refused.

Mr Y Ozdemir confirmed that the designated premises supervisor had helped him complete the application form, however he was currently out of the country but would be returning the following week.

Following deliberations and there being no objections from any party in attendance at the meeting, it was: -

Resolved

That, the application for the grant of a new premises licence in respect of the premises known as Anatolia Grill Bar, 41 High Street, Stourbridge be deferred to a future meeting, in order for Mr Y Ozdemir to seek representation

The meeting ended at 10:30 am

CHAIR

Meeting of the Licensing Sub-Committee 1 – 16th December, 2021

Report of the Acting Director of Public Realm

Notice of Temporary Event – Barbridge, Unit 11 Victoria Passage, Stourbridge, West Midlands, DY8 1DP

Purpose

1. To consider the Notice of Temporary Event (TEN's) served on the Council by Mr Martin Clive Parkes, in respect of Barbridge, Unit 11 Victoria Passage, Stourbridge, DY8 1DP.

Recommendation

2. That the Sub-Committee determine the Notice of Temporary Event following the receipt of an objection notice from the West Midlands Police.

Background

3. On the 3rd December 2021, a Notice of Temporary Event was accepted by the Licensing Office from Mr Martin Clive Parkes in respect of Barbridge, Unit 11 Victoria Passage, Stourbridge. The notice has been forwarded to Committee Members in accordance with the Licensing Act 2003. Copies have also been served on the two responsible authorities, Police and Environmental Safety & Health as required by statute.
4. The Notice of Temporary Event is as follows:-

Supply of Alcohol/Regulated Entertainment

19th December 2021 01.01 until 02.30 (Disco)

This is an application for an additional 1 hour 30 minutes to the licensable activities permitted by the current premises licence.

5. The Notice was served on the Council within the required 10 working days, together with the correct fee.
6. On the 7th December 2021, objection notice to the Notice of Temporary Event was received from the West Midlands Police on the grounds of crime and disorder. A copy of the objection notice has been forwarded to the Committee Members, the applicant and interested parties in accordance with the Licensing Act 2003. A copy of the current premises licence has also been forwarded to the Committee Members for their information.

Finance

7. There are no financial implications.

Law

8. Temporary Event Notices are governed by the Licensing Act 2003, Part 5 Sections 100 to 107 as amended by the Police Reform and Social Responsibility Act 2011.
9. In accordance with Section 104, the responsible Authorities Police and Environmental Safety & Health, may object if the proposed use of the premises would undermine the crime prevention, public nuisance or public safety objectives of the Licensing Act 2003
10. The relevant Licensing Authority must:-
 - (a) hold a hearing to consider the objection notice, unless the premises user, the responsible authority who gave the objection notice and the authority agree that a hearing is unnecessary , and
 - (b) having regard to the objection notice, give the premises user a counter notice under this section if it considers it appropriate for the promotion of the crime prevention, public nuisance or public safety objective to do so.

Risk Management.

11. There are no risk management implications.

Equality Impact

12. This report takes into account the Council's policy on equal opportunities.
13. The licensing of premises and individuals will impact on children and young people through their attendance at licensed premises.



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.



Acting Director of Public Realm

Contact Officer: Mr S Smith
Telephone: 01384 815377
Email: simon.smith@dudley.gov.uk

Appendices

None

List of Background Documents

None