

## **Licensing Sub-Committee 3**

**Tuesday, 26<sup>th</sup> April, 2016 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 22<sup>nd</sup> March, 2016 as a correct record
5. Application for Review of Premises Licence – Enville Street News, 123 Enville Street, Stourbridge (Pages 1 – 5)
6. Application for Review of Premises Licence – A & B News Off Licence and Convenience, 34 – 36 Poole Crescent, Coseley (Pages 6 – 10)



**Strategic Director Resources and Transformation**

**Dated: 14<sup>th</sup> April, 2016**

**Distribution:**

Councillor J Cowell (Chair); Councillors D Perks and A Taylor

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**Minutes of the Licensing Sub-Committee 3**

**Tuesday 22<sup>nd</sup> March, 2016 at 10.00 am**  
**in the Council Chamber, The Council House, Dudley**

**Present:-**

Councillor D Russell (Chair)  
Councillors J Cowell and A Taylor

**Officers:-**

R Clark (Principal Solicitor – Resources and Transformation Directorate),  
S Smith (Interim Licensing Manager – Place Directorate) and M Johal  
(Democratic Services Officer – Resources and Transformation Directorate).

5 **Appointment of Substitute Member**

It had been agreed that Councillor D Russell be appointed to serve in place of Councillor D Perks to maintain the Members that previously considered the expedited licence review in respect of the premises.

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6 **Declarations of Interest**

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

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7 **Minutes**

**Resolved**

That the minutes of the meeting of the Sub-Committee held on 12<sup>th</sup> January, 2016 be approved as a correct record and signed.

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8 **Application for Review of Premises Licence – Rock Zombie, Plaza Malls, King Street, Dudley**

A report of the Strategic Director Place was submitted on an application for the review of the premises licence in respect of the premises licence for Rock Zombie, Plaza Malls, King Street, Dudley.

The following persons attended the meeting in respect of this application:-

Mrs A Jinks – Premises Licence Holder and Mr K Jinks (spouse)  
Sergeant A Hands – West Midlands Police  
PC A Baldwin – West Midlands Police  
PC K Turley – West Midlands Police  
Mr D Craig – Barrister representing West Midlands Police  
Ms L Falconer – Rock Zombie  
Ms L Lester – Core Security Solutions

Following introductions, the Interim Licensing Manager presented the report on behalf of the Council.

Mr Craig presented the case on behalf of West Midlands Police and in doing so referred to the application made by the Police for an expedited licence review owing to the number of incidents that had occurred relating to serious crime and disorder during a short period of time. At the interim steps meeting Members imposed eight interim conditions on the premises licence pending the full review hearing this day. Since implementation of these conditions there had been no further incidents at the premises with the exception of a call log on 5<sup>th</sup> March, 2016 where former door staff had forced their way past security into the premises to retrieve their belongings. Implementation of the interim conditions had significantly reduced further incidents and therefore the police were now seeking for these conditions to be made more specific and strengthened with a view to applying to the premises licence. The police expressed their concerns about particular issues such as identifying security people whilst on duty and the need for detection of metal objects on persons entering the premises. It was considered that attire for security personnel should include hi-visibility garments.

Mr and Mrs Jinks then presented their case. It was stated that following the expedited review meeting in February, 2016, new door staff had been recruited and the club had not experienced any further problems since. There were a minimum of six door staff on duty at all times and they were very thorough in conducting the search on entry policy. However, since implementation of the conditions that had been imposed on the premises licence the business had financially suffered due to restrictions placed on the club, including the last entry policy which had resulted in a reduction in customers. Also, due to the strict search policy, queues of customers tended to form outside the premises and as the last entry was at 01.00 am some customers had to be turned away. It was also considered six door staff to be excessive given the small number of customers attending the club. It was explained that Core Security Solutions carried their own personal cameras, kept logs of staff on duty and filled in incident sheets which were available for inspection on request. With regard to hi-visibility garments it was commented that this type of clothing impacted on the quality of CCTV images as it gave a blurred vision.

Current carbonated log books were circulated to Members and the police for inspection.

The parties then 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 then outlined the decision.

### **Resolved**

That, following consideration of the information contained in the report submitted and presented at the meeting, the following conditions be applied to the premises licence in respect of Rock Zombie, Plaza Malls, King Street, Dudley; as follows:-

1. There shall be a minimum of 6 door staff, including one female, at all times the premises are open. All door staff must be clearly identifiable as door staff, with a Security Industry Authority (SIA) number visible and must wear attire that is identifiable to the public and on Closed Circuit Television (CCTV).
2. All customers entering the premises shall be subject to a bag and body search including a search with a metal detecting device.
3. The premises are to use door staff from a company after prior approval of West Midlands Police.
4. The premises shall maintain a record of full details of all door staff on duty at the premises, including SIA number and the signatures of door staff upon start and finish of duty, countersigned by the Designated Premises Supervisor. The premises shall also maintain an incident log. Both the duty records and the log book (or a full copy of) shall be kept at the premises.
5. No new customers shall be allowed entrance to the premises after 01.00 am, regulated entertainment shall cease by 03.30 am and all other licensable activities shall cease by 03.00 am. The premises shall be vacated by 04.00 am and at least 2 door staff shall remain on duty for at least 15 minutes after closing.
6. The barrier around the smoking area at the entrance to the premises shall form a single barrier that cannot be easily broken up or used as a weapon.
7. The wheelie bins from the premises are kept in the loading bay behind roller shutters at all times during which the premises are open.

8. The premises shall maintain CCTV which records for 31 days, and footage shall be available at all times to an officer of a responsible authority.
9. The number of CCTV cameras on the premises shall be 14, including one outside.

The applicant was informed on her right of appeal.

### Reasons for Decision

This is an application for an expedited review of the premises licence of the Rock Zombie night club, made on 25<sup>th</sup> February 2016 and brought by West Midlands Police. A certificate under S53A (1) (B) was completed on the grounds of serious crime and serious disorder.

An interim steps meeting was held on 29<sup>th</sup> February, 2016 to decide whether any interim steps were necessary to uphold the licensing objectives. The decision was that conditions were placed on the premises licence pending the full review today provided that the premises license holder, Mrs. A.T. Jinks agreed to implement those conditions immediately. The premises licence was therefore not suspended. The conditions were focussed on the quality and management of the door staff, entrance arrangements and closing procedures.

The review is brought further to a number of incidents highlighted by the police, involving alleged crime and disorder.

Mrs. A Jinks and her husband Mr. K. Jinks attended today, with Ms. Lester (Rock Zombie) and a member of Security Solutions.

The Police were represented by Mr. Craig, barrister. PC A. Baldwin and K. Turley attended from the police.

A number of incidents had occurred at the premises prior to February 2016, particularly on 25<sup>th</sup> December 2015 when a serious incident occurred. But then a number of incidents occurred on 6<sup>th</sup>, 7<sup>th</sup>, 20<sup>th</sup> and 21<sup>st</sup> February 2016. In particular on 21<sup>st</sup> February a victim sustained serious injuries, and door staff appeared to ignore the injured man prone on the ground, as illustrated on CCTV stills presented to the Sub-Committee.

On 5<sup>th</sup> March 2016, a former door staff member forced their way into the premises to retrieve some of their property. This is the only new evidence before the Sub-Committee today. This appears to be the only incident since the interim steps meeting on 29<sup>th</sup> February. The police therefore submitted that their application today was to ask the committee to tighten the interim conditions imposed on the license to allow the premises to continue trading.

The premises license holder broadly agreed with the conditions and some tightening of those imposed at the interim steps hearing, but was concerned that the premises was losing trade by effectively closing to new customers at 1.00am.

The Sub-Committee was sympathetic to the commercial concerns of the premises, but was very concerned about the significant incidents occurring at the premises over a number of months. The conditions imposed in February 2016 had stopped further incidents of crime and disorder, and therefore the Sub-Committee decides not to alter the hour for last customers from 1.00am or reduce the number of door staff required. The Sub-Committee does note however that an application can be made in the future to vary the conditions, if the premises remain free from concerns around the licensing objectives.

The Sub-Committee therefore imposes the conditions detailed above upon the premises licence which will replace those imposed on 29<sup>th</sup> February 2016.

The meeting ended at 12.40 pm

CHAIR

**Licensing Sub-Committee 3 – 26<sup>th</sup> April 2016**

**Report of the Strategic Director Place**

**Application for Review of a Premises Licence**

**Purpose of Report**

1. To consider the application for the review of the premises licence in respect of Enville Street News, 123 Enville Street, Stourbridge, DY8 3TQ.

**Background**

2. Enville Street News was first issued with a premises licence on the 22<sup>nd</sup> June 2005, that licence was transfer on the 5<sup>th</sup> November 2008 and is issued for the following:

<b>Supply of Alcohol</b>	<b>Mondays to Saturdays</b>	<b>08:00</b>	<b>23:00</b>
<b>Supply of Alcohol</b>	<b>Sundays</b>	<b>10:00</b>	<b>22:30</b>
<b>Supply of Alcohol</b>	<b>Good Friday</b>	<b>08:00</b>	<b>22:30</b>
<b>Supply of Alcohol</b>	<b>Christmas Day</b>	<b>12:00</b>	<b>15:00</b>
<b>Supply of Alcohol</b>	<b>Christmas Day</b>	<b>19:00</b>	<b>22:30</b>

3. On the 4th March 2016, an application for the review of the premises licence was received from the Public Protection Manager (Food & Consumer Safety). A copy of that application has been circulated to Committee Members and interested parties in accordance with the Licensing Act, 2003.
4. The Council has advertised the application for review of the premises licence in accordance with Licensing Regulation S1, 2004, No. 42, Section 38. A copy of that notice is attached to this report as Appendix 1.
5. Confirmation that the application has been served on the premises licence holder and relevant authorities has been received.

6. On the 22<sup>nd</sup> March 2016, the West Midlands Police made representations.
7. On the 1<sup>st</sup> April 2016, the Office of Public Health made representations. Copies of all representations have been circulated to the premises licence holder, committee members and interested parties.
8. At the time that the application for review of the premises licence was received the premises licence holder was Mr Mazar Abbas.
9. On the 30<sup>th</sup> March 2016 an application for the transfer of the premises licence was received from Nasah Zahban.
10. This applications falls within the Council's responsibility for liquor licensing which has a direct link to the Council's key corporate priority that safety matters.

### **Finance**

11. There are no financial implications.

### **Law**

12. The law relating to the review of licences is governed by the Licensing Act, 2003 Section 52(1).

52(1) This section applies where:-

- a) The relevant licensing authority receives an application made in accordance with Section 51.
  - b) the applicant has complied with any requirement imposed on him under subsection (3)(a) or (d) of that section, and
  - c) the authority has complied with any requirement imposed on it under subsection (3)(b) or (d) of that section
13. Before determining the application, the authority must hold a hearing to consider it and any relevant representations.
  14. The authority must, having regard to the application and any relevant representations, take such of the steps mentioned in subsection (4) (if any) as it considers appropriate for the promotion of the licensing objectives.
  15. The steps are -
    - a) to modify the conditions of the licence;
    - b) to exclude a licensable activity from the scope of the licence;
    - c) to remove the designated premises supervisor;
    - d) to suspend the licence for a period not exceeding three months;

- e) to revoke the licence;
- and for this purpose the conditions of the licence are modified if any of them is altered or omitted or any new condition is added.
16. Subsection (3) is subject to sections 19,20 and 21 (requirement to include certain conditions in premises licences).
17. Where the authority takes a step mentioned in subsection (4) (a) or (b) it may provide that the modification or exclusion is to have effect for only such period (not exceeding three months) as it may specify.
18. In this section “relevant representations” means representations which -
- a) are relevant to one or more of the licensing objectives, and
  - b) meet the requirements of subsection (8).
19. The requirements are -
- a) that the representations are made –
    - i) by the holder of the premises licence, a responsible authority or an interested party, and
    - ii) within the period prescribed under section 51(3)(c)
  - b) that they have not been withdrawn, and
  - c) if they are made by an interested party (who is not also a responsible authority), that they are not, in the opinion of the relevant licensing authority, frivolous or vexatious.
20. Where the relevant licensing authority determines that any representations are frivolous or vexatious, it must notify the person who made them of the reasons for that determination.
21. Where a licensing authority determines an application for review under this section it must notify the determination and its reasons for making it to -
- a) the holder of the licence
  - b) the applicant
  - c) any person who made relevant representations, and
  - d) the chief officer of police for the police area (or each police area) in which the premises are situated.
22. A determination under this section does not have effect -
- a) until the end of the period given for appealing against the decision, or

- b) if the decision is appealed against, until the appeal is disposed of
23. Pursuant to schedule 5 part 1, section 8(2)

An appeal may be made against the decision of the committee by –

- a) the applicant for the review
- b) the holder of the premises licence or
- c) any other person who made relevant representations in relation to the application for review.

### **Equality Impact**

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

### **Recommendation**

27. That the Sub-Committee determine the application.



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STRATEGIC DIRECTOR PLACE

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### **List of Background Papers**

## DUDLEY METROPOLITAN BOROUGH COUNCIL

[www.dudley.gov.uk](http://www.dudley.gov.uk)

REVIEW OF PREMISES LICENCE  
UNDER THE LICENSING ACT 2003

Notice of Review of the Premises Licence issued to Enville Street News, 123 Enville Street, Stourbridge, DY8 3TQ.

Interested parties and relevant authorities may make representations in writing to the Licensing Office, Unit 1 Hurst Business Park, Narrowboat Way, Brierley Hill, West Midlands, DY5 1UF between 5<sup>th</sup> March 2016 and 1<sup>st</sup> April 2016.

The Review of Licence has been requested by a relevant authority on the grounds of

- Prevention of crime and disorder

The details of the grounds for review may be inspected at the Licensing Offices (address as above) between the hours of 08.30 am and 4.00pm (Monday to Friday except Public Holidays).

It is an offence knowingly or recklessly to make a false statement in connection with an application and the maximum fine for which a person is liable on summary conviction for the offence is £5,000.



A Lunt  
Strategic Director Place

**Licensing Sub-Committee 3 – 26<sup>th</sup> April 2016**

**Report of the Strategic Director Place**

**Application for Review of a Premises Licence**

**Purpose of Report**

1. To consider the application for the review of the premises licence in respect of A & B News Off Licence & Convenience, 34-36 Poole Crescent, Coseley, Bilston, WV14 8SU.

**Background**

2. A & B News Off Licence & Convenience (formerly known as Quick Stop News) was first issued with a premises licence on the 26<sup>th</sup> September 2005, that licence was transfer on the 26<sup>th</sup> April 2007 and the name of the premises was changed to A & B News Off Licence & Convenience on the 20<sup>th</sup> November 2007. The current licence is issued as follows:

<b>Sale of Alcohol</b>	<b>Monday to Saturday</b>	<b>08:00</b>	<b>23:00</b>
<b>Sale of Alcohol</b>	<b>Sunday</b>	<b>10:00</b>	<b>22:30</b>
<b>Sale of Alcohol</b>	<b>Good Friday</b>	<b>08:00</b>	<b>22:30</b>
<b>Sale of Alcohol</b>	<b>Christmas Day</b>	<b>12:00</b>	<b>15:00</b>
<b>Sale of Alcohol</b>	<b>Christmas Day</b>	<b>19:00</b>	<b>22:30</b>

3. On the 11th March 2016, an application for the review of the premises licence was received from the Public Protection Manager (Food & Consumer Safety). A copy of that application has been circulated to Committee Members and interested parties in accordance with the Licensing Act, 2003.
4. The Council has advertised the application for review of the premises licence in accordance with Licensing Regulation S1, 2004, No. 42, Section 38. A copy of that notice is attached to this report as Appendix 1.
5. Confirmation that the application has been served on the premises licence holder and relevant authorities has been received.

6. On the 7<sup>th</sup> April 2016 representations were received from the Office of Public Health copies of which have been forwarded to Committee Members, interested parties and the Premises Licence holder in accordance with the Licensing Act 2003.
7. The current joint premises licence holders are Mrs Baljit Purewal and Mr Ajbinder Purewal.
8. This applications falls within the Council's responsibility for liquor licensing which has a direct link to the Council's key corporate priority that safety matters.

### **Finance**

9. There are no financial implications.

### **Law**

10. The law relating to the review of licences is governed by the Licensing Act, 2003 Section 52(1).

52(1) This section applies where:-

- a) The relevant licensing authority receives an application made in accordance with Section 51.
  - b) the applicant has complied with any requirement imposed on him under subsection (3)(a) or (d) of that section, and
  - c) the authority has complied with any requirement imposed on it under subsection (3)(b) or (d) of that section
11. Before determining the application, the authority must hold a hearing to consider it and any relevant representations.
  12. The authority must, having regard to the application and any relevant representations, take such of the steps mentioned in subsection (4) (if any) as it considers appropriate for the promotion of the licensing objectives.
  13. The steps are -
    - a) to modify the conditions of the licence;
    - b) to exclude a licensable activity from the scope of the licence;
    - c) to remove the designated premises supervisor;
    - d) to suspend the licence for a period not exceeding three months;
    - e) to revoke the licence;

and for this purpose the conditions of the licence are modified if any of them is altered or omitted or any new condition is added.

14. Subsection (3) is subject to sections 19,20 and 21 (requirement to include certain conditions in premises licences).
15. Where the authority takes a step mentioned in subsection (4) (a) or (b) it may provide that the modification or exclusion is to have effect for only such period (not exceeding three months) as it may specify.
16. In this section “relevant representations” means representations which -
  - a) are relevant to one or more of the licensing objectives, and
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17. The requirements are -
  - a) that the representations are made –
    - i) by the holder of the premises licence, a responsible authority or an interested party, and
    - ii) within the period prescribed under section 51(3)(c)
  - b) that they have not been withdrawn, and
  - c) if they are made by an interested party (who is not also a responsible authority), that they are not, in the opinion of the relevant licensing authority, frivolous or vexatious.
18. Where the relevant licensing authority determines that any representations are frivolous or vexatious, it must notify the person who made them of the reasons for that determination.
19. Where a licensing authority determines an application for review under this section it must notify the determination and its reasons for making it to -
  - a) the holder of the licence
  - b) the applicant
  - c) any person who made relevant representations, and
  - d) the chief officer of police for the police area (or each police area) in which the premises are situated.
20. A determination under this section does not have effect -
  - a) until the end of the period given for appealing against the decision, or
  - b) if the decision is appealed against, until the appeal is disposed of

21. Pursuant to schedule 5 part 1, section 8(2)

An appeal may be made against the decision of the committee by –

- a) the applicant for the review
- b) the holder of the premises licence or
- c) any other person who made relevant representations in relation to the application for review.

### **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.

### **Recommendation**

25. That the Sub-Committee determine the application.



.....  
STRATEGIC DIRECTOR OF PLACE

Contact Officer: Mrs. L Rouse  
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### **List of Background Papers**

DUDLEY METROPOLITAN BOROUGH COUNCIL

[www.dudley.gov.uk](http://www.dudley.gov.uk)

REVIEW OF PREMISES LICENCE  
UNDER THE LICENSING ACT 2003

Notice of Review of the Premises Licence issued to A & B News,  
34 – 36 Poole Crescent, Coseley, WV14 8SU.

Interested parties and relevant authorities may make  
representations in writing to the Licensing Office, Unit 1  
Narrowboat Way, Hurst Business Park, Brierley Hill, West  
Midlands, DY5 1UF between 12<sup>th</sup> March 2016 and 8<sup>th</sup> April 2016.

The Review of Licence has been requested by a relevant authority  
on the grounds of

- Prevention of crime and disorder
- Protection of children from harm

The details of the grounds for review may be inspected at the  
Licensing Offices (address as above) between the hours of 08.30  
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