



Licensing Sub-Committee 4

**Tuesday, 20th January, 2015 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 16th December, 2014 as a correct record. (To Follow)
5. Application for a Licensed Premises Gaming Machine Permit – The Bostin Fittle, Tipton Road, Dudley (PAGES 1 – 4)
6. Application for Review of Premises Licence – One Stop (Previously Bridge General Stores) 42, Bridge Street, Coseley (PAGES 5 – 8)
7. Application for Consent to Engage in Street Trading – Mr and Mrs Hill – Ryemarket, Stourbridge (PAGES 9 – 10)
8. To consider any questions from Members to the Chair where two clear days notice has been given to the Director of Corporate Resources (Council Procedure Rule 11.8).

A handwritten signature in black ink, appearing to be "P. Z.", is written over a horizontal line.

Director of Corporate Resources

Dated: 7th January, 2015

Distribution:

Councillors Roberts (Chair), Hemingsley and H.Turner

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- The Democratic Services contact officer for this meeting is Karen Taylor, Telephone 01384 818116 or E-mail karen.taylor@dudley.gov.uk

Licensing Sub-Committee 4 – 20th January 2015

Report of the Director of Corporate Resources

Application for a Licensed Premises Gaming Machine Permit

Purpose of Report

1. To consider the application for the grant of a Licensed Premise Gaming Machine Permit for 3, Category C machines, and 2 Category D machines in respect of The Bostin Fittle, Tipton Road, Dudley, West Midlands.

Background

2. The Bostin Fittle holds a current premises licence for the following:-

Sale of Alcohol & Regulated Entertainment.

Sunday – Wednesday 09.00 until 00.00
Thursday – Saturday 09.00 until 01.00

Late Night Refreshments

Sunday – Wednesday 23.00 until 01.00
Thursday – Saturday 23.00 until 02.00

3. The Local Authority licensing policy states as follows:-

- If authorisation is sought for more than two category C or D machines the applicant will be required to attend a hearing to support the application. All plans submitted with applications for premises licences must set out the siting of each Category C or D machine.
- Parliament has placed no restrictions on the age at which such machines may be played (other than those in amusements arcades). It is, therefore, a matter for the discretion of the premises licence holder and any adults accompanying the children concerned whether they are entitled to play such machines. In the case of premises used exclusively or primarily for the consumption of alcohol, all children under the age of 16 will only be permitted entry to the premises if accompanied by adults. All such machines must be sited in accordance with the Gaming Act, further advice will be given on receipt of application.

- There is unlikely to be the need for a hearing where the application is for renewal of the existing permit for more than two machines or where the application is for the grant of a Licensed Premises Gaming Machine Permit at premises which already have an existing permit for more than two machines, and where that number is not increased.
4. On 2nd December, 2014, Poppleston Allen, made application for the grant of a licensed premises Gaming Machine Permit for 3, Category C machines, and 2 Category D Machine. A site plan was also received highlighting the proposed position of all 5 machines. The application together with the site plan has been circulated to Committee members and interested parties.
 5. The current licence holder of the premises licence is Mitchells & Butler Leisure Retail Limited. The premises currently holds a permit for up to 4 machines.
 6. This application falls within the Council's recent responsibility for liquor licensing which has a direct link to the Council's key corporate priority that safety matters.

Finance

7. There are no financial implications.

Law

8. Pursuant to schedule 13, section 283 of the Gaming Act 2005 the Council can grant a licensed premises gaming machine permits.
9. Pursuant to schedule 13, section 283 4(2) on considering an application for a permit the Licensing Authority shall:-
 - (a) grant an application
 - (b) refuse the application, or
 - (c) grant it in respect of:-
 - (i) a smaller number of machines than that specified in the application
 - (ii) a different category of machines from that specified in the application, or
 - (iii) both
10. Pursuant to schedule 13, section 283 5
 - (1) A Licensing Authority may not attach conditions to a permit
 - (2) As soon as is reasonably practicable after granting an application a Licensing Authority shall issue a permit to the applicant.

11. Pursuant to schedule 13, section 283 5(3) as soon as it reasonably practicable after refusing an application a Licensing Authority shall notify the applicant of:-
 - (a) the refusal, and
 - (b) the reasons for it
12. In pursuance of schedule 13, section 283 6 (2) a Licensing Authority may not refuse an application, or grant an application in respect of a different category or smaller number of gaming than that specified in the application, unless they have
 - (a) notified the applicant of their intention to refuse or grant the application in respect of
 - (i) a smaller number of machines than that specified in the application
 - (ii) a different category of machines than that specified in the application or
 - (iii) both, and
 - (b) given the applicant an opportunity to make representations
13. In pursuance of schedule 13 section 283 6 (3) a Licensing Authority can satisfy the opportunity to make representations by giving the applicant an opportunity to make:-
 - (a) oral representations
 - (b) written representations, or
 - (c) both
14. In pursuance of schedule 13 section 283 21 (1) the applicant for a holder of a permit may appeal to the Magistrates Court if the Licensing Authority:-
 - (a) reject an application for a permit
 - (b) grant an application for a permit in respect of a smaller number of machines than that specified in the application or a different category of machines from that specified in the application.


Equality Impact

15. This report complies with the Council's policy on equal opportunities.
16. The licensing of premises and individuals will impact on children and young people through their attendance at licensed premises.

17. There has been no consultation or involvement of children and young people in developing these proposals.

Recommendation

18. That the Sub-Committee give consideration to this application.



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DIRECTOR OF CORPORATE RESOURCES

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List of Background Papers

None

Licensing Sub-Committee 4 – 20th January 2015

Report of the Director of Corporate Resources

Application for Review of Premises Licence

Purpose of Report

1. To consider the application for the review of the premises licence in respect of One Stop (Previously Bridge General Stores) 42, Bridge Street, Coseley, WV14 8HU.

Background

2. The One Stop was first issued with a premises licence on the 28th October 2005, the current premises licence is issued for the following:

Sale of Alcohol

Monday – Saturday	08.00 until 23.00
Sundays	10.00 until 22.30
Good Friday	08.00 until 22.30
Christmas Day	12.00 until 15.00
	19.00 until 22.30

3. On the 24th November 2014, an application for the review of the premises licence was received from the Public Protection Manager (Food and 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 11th December 2014, the Interim Director of Public Health made representations, a copy of that report has been forwarded to the Committee Members, the applicant, the premises licence holder and all interested parties.

7. On the 19th December 2014, the West Midlands Police made representations. A copy of that report has been circulated to Committee members, interested parties and the premises licence holder.
8. The current premises licence holder is Mr. Thirugnanasampanthan.
9. This application falls within the Council's recent responsibility for liquor licensing which has a direct link to the Council's key corporate priority that safety matters.

Finance

10. There are no financial implications to the Council.

Law

11. 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
12. Before determining the application, the authority must hold a hearing to consider it and any relevant representations.
 13. 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.
 14. 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.

15. Subsection (3) is subject to sections 19, 20 and 21 (requirement to include certain conditions in premises licences).
16. 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.
17. 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).
18. 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.
19. 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.
20. 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.
21. 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
22. 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

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

Recommendation

- 26. That the Sub-Committee determine the review of the premises licence in respect of One Stop (Previously Bridge General Stores) 42, Bridge Street, Coseley, WV14 8HU.



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DIRECTOR OF CORPORATE RESOURCES

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List of Background Papers

Licensing Sub-Committee 4 – 20th January 2015

Report of the Director of Corporate Resources

Application for Consent to Engage in Street Trading

Mr. and Mrs. Hill, Ryemarket, Stourbridge

Purpose of Report

1. To consider the application made by Mr Roderick Hill and Mrs Larysa Hill for the grant of a consent to engage in street trading at a site in Ryemarket, Stourbridge, West Midlands.

Background

2. On the 23rd September 2014, Mr and Mrs Hill, made application for the grant of a Street Trader's Consent to sell Freshly made Crepes with various filling, Corn Dogs, Burgers, Pancakes and Hot and Cold Sandwiches, between the hours of 7.00 a.m and 5.00 p.m on Fridays, Saturdays and Bank Holidays in Ryemarket, Stourbridge. A copy of that application together with a site plan and photographs of the Trailer has been circulated to the Committee Members and interested parties.
3. On the 29th September 2014, the Building Control Manager (Directorate of the Urban Environment) made various comments.
4. On the 6th October 2014, a letter of objection was received from the Centre Manager of the Ryemarket, Stourbridge.
5. On the 13th October 2014, an objection was received from the Town Centre Events Officer.
6. Also on the 13th October 2014, a further letter of objection was received from a Local Trader, along with an email from the Branch Manager of Waitrose on behalf of local traders, copies of all objections and comments have been forwarded to the Committee Members, the Applicants and interested parties.
7. This application falls within the Council's responsibility for licensing which has a direct link to the Council's key corporate priority that safety matters.

Finance

8. There are no financial implications.

Law

9. 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. Ryemarket, Stourbridge is a consent street designated as such by a resolution of the Council. To trade without such a consent is an offence.
10. 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.
11. 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.
12. Where the consent allows the holder to trade from a cart, barrow, or other vehicle, then the consent must specify the location from which the trade/may trade and the times between which or periods for which he may trade.
13. There is no right of appeal against the Council's decision to vary a condition upon which a consent is issued, or refusal to grant or renew a street trader's consent.

Equality Impact

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

Recommendation

16. That the Committee consider Mr and Mrs Hill's application for the grant of a street trading consent in Ryemarket, Stourbridge.



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DIRECTOR OF CORPORATE RESOURCES

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List of Background Papers