



Licensing and Safety Committee

**Thursday 12th June, 2014 at 6.00pm
in Committee Room 2, 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 19th February, 2014 as a correct record.
5. Appointment of Sub-Committees.
6. Review of Street Trading Consent/Prohibited Streets – Market Street, Stourbridge.
7. Review of Street Trading Consent/Prohibited Streets – Dudley Town Centre.
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. J. A.", is written over a horizontal line.

Director of Corporate Resources

Dated: 5th June, 2014

Distribution:

To prospective Members of the Committee

(Subject to your appointment to the Committee at the Annual Meeting of the Council to be held on 5th June, 2014)

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- Information about the Council and our meetings can be viewed on the website www.dudley.gov.uk
- The Democratic Services contact officer for this meeting is Karen Taylor, Telephone 01384 818116 or E-mail karen.taylor@dudley.gov.uk

LICENSING AND SAFETY COMMITTEE

Wednesday, 19th February, 2014 at 5.30 p.m.
in Committee Room 2, The Council House, Dudley

PRESENT:-

Councillor Bills (Chair)

Councillor Russell (Vice Chair)

Councillors Mrs. Ameson, Blood, Cowell, K. Finch, Perks, Roberts, Taylor and Woodall.

Officers:-

Ms. N. Bangar (Solicitor), Mr. M. Hanson (Licensing Enforcement Officer) and Mr. J. Jablonski (Democratic Services) (All Directorate of Corporate Resources).

4. COMMENTS BY CHAIR

The Chair referred to the successful holding of meetings of Licensing Sub-Committees throughout the current municipal year, referring in particular to the number of occasions on which substitutes had been used and the willingness of people to substitute for meetings. She requested that thanks be recorded in the minutes to all those who had been substitutes and in this respect Councillor Mrs. Ameson also expressed her thanks to Committee members who had substituted for her due to her personal circumstances.

5. APOLOGIES FOR ABSENCE

Apologies for absence from the meeting were submitted on behalf of Councillors Mrs. Turner and Sykes.

6. DECLARATIONS OF INTEREST

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

7. MINUTES

That the minutes of the meeting of the Committee held on the 23rd May, 2013 be approved as a correct record and signed.

8. REVISION OF LICENCE FEES

A report of the Director of Corporate Resources was submitted on the proposed revision of fees for licences and consents, other than those where the fees are imposed by statute in respect of liquor licensing, gambling machine permits and lotteries and amusements.

RESOLVED

That approval be given to an increase of 2%, with effect from 1st April, 2014, in respect of fees for licences and consents, other than those where the fees are imposed by statute in respect of liquor licensing, gambling machine permits and lotteries and amusements, as set out in column (2) of Table A of the report submitted.

9. REVISION OF LICENCE FEES (SEX ESTABLISHMENTS/SEXUAL ENTERTAINMENT VENUE)

A report of the Director of Corporate Resources was submitted on a review of the fees for sex establishments/sexual entertainment venues.

The review was undertaken in the light of a court judgement, details of which were set out in Appendix 2 to the report submitted, leading to consideration of a reduction of fees, taking into account the results of the judgement.

RESOLVED

That, in the light of information contained in the report submitted and arising from a review of the current fees charged, with effect from 1st April, 2014, approval be given to a reduction in the fees set for the grant/renewal of the sex establishment/sexual entertainment venue licence from £4,043.00 to £3,034.00, so as to reflect the cost of service delivery .

The meeting ended at 5.40 p.m.

CHAIR

Licensing and Safety Committee – 12th June, 2014

Report of the Director of Corporate Resources

Appointment of Licensing Sub-Committees

Purpose of Report

- 1 To consider the appointment of four Licensing Sub-Committees for the municipal year 2014/15.

Background

- 2 In accordance with the Licensing Act 2003, the Council is required to make provision for the appointment of a Licensing Committee to undertake functions relating to liquor licensing. During 2004/2005, the Council operated interim arrangements and on the 19th May 2004 the Council resolved for practical purposes and to simplify administrative arrangements that the members appointed to the Licensing and Safety Committee should undertake, in addition to its existing functions, the statutory functions of the Committee under the 2003 Act, with the exception of the approval of the Licensing Policy and any other specific functions that may be reserved to full Council. In practice, the majority of all licensing applications, whether arising from the Licensing Act, 2003 or the other legislation referred to in paragraph 7 of this report, will be dealt with by the Licensing Sub-Committees. The functions of the Licensing and Safety Committee are as set out in the Council's Constitution. It is recommended that the Licensing Sub-Committees be given delegated powers to consider all licensing functions requiring Member determination in accordance with these functions.

- 3 On the 19th May 2005, the Council also resolved that the proportionality requirement in respect of the Sub-Committees should be waived and that the following wording be added to Council Procedure Rule 5.2 and the Constitution be amended accordingly:-

"The appointment of a substitute member is permitted for every member on any body exercising functions of a quasi-judicial nature where it is necessary for that body to be of a prescribed size or there is a need to comply with the requirements of any statutory requirement or Government guidance. A substitute member shall only be appointed if he/she is otherwise eligible to serve on the body concerned. Any substitute nominated to serve on a quasi-judicial body should be notified to the Director of Law and Property prior to the commencement of the meeting in question.

A substitute member shall serve only for the duration of the meeting to which they are appointed as a substitute except in the case of a quasi-judicial body:-

- (a) Where a member is required to withdraw from, or cannot attend to hear a particular case, where substitution will be permitted for that particular case.
 - (b) Where an adjourned meeting is reconvened and it is essential for the substitute member to consider a case to comply with the rules of natural justice. In these circumstances, the substantive member may not attend other than as an observer.
4. At the meeting of Annual Council to be held on 5th June, 2014, it is proposed that the number of members to serve on the committee shall be 12 and that the number of Licensing Sub-Committees shall be 4.
5. Details of the proposed Membership of the Sub-Committees will be circulated at the meeting of the committee. The scheduled meeting dates of the sub-committees appear in the calendar of meetings to be considered at Annual Council on 5th June, 2014.

Finance

6. There are no direct financial implications arising from the content of this report.

Law

7. Liquor Licensing is governed by the Licensing Act 2003.

Gambling Act 2005

Street and Door to Door Collecting is governed by Police, Factories, etc (Miscellaneous Provisions) Act 1916 and House to House Collections Act 1939.

Street Trading is governed by Local Government (Miscellaneous Provisions) Act 1982 Part III.

Scrap Yards is governed by Scrap Metal Dealers Act 1964.

Sex Shops is governed by Local Government (Miscellaneous Provisions) Act 1982 Part II.

Performance Hypnotism is governed by Hypnotism Act 1952.

Motor Salvage Operators is governed by Vehicles Crime Act 2001.

Gambling Licences and Permits are governed by the Gambling Act 2005.

Equality Impact

8. This report takes into account the Council's equality policies.
9. The licensing of premises and individuals will impact on children and young people through their attendance at licensed premises.
10. There has been no consultation or involvement of children and young people in developing these proposals.

Recommendations

11. That four Licensing Sub-Committees be established to deal with all licensing applications requiring member determination in accordance with the functions allocated to the Licensing and Safety Committee .
12. That consideration be given to the membership of the Licensing Sub-Committees for 2014/15 as set out in the details to be circulated at the meeting.
13. That the substitution arrangements set out in the Council's procedure rules be noted and applied to the Licensing Sub-Committees subject to an eligibility requirement that any named substitute must be:-
 - a) appointed to the Licensing and Safety Committee;
 - b) otherwise eligible to serve on any given occasion;
 - c) notified to the Director of Corporate Resources prior to the commencement of the meeting in question.



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DIRECTOR OF CORPORATE RESOURCES

Contact Officer: Joe Jablonski ext. 5243
Telephone: 01384 815243
Email: josef.jablonski@dudley.gov.uk

List of Background Papers

The Council's Constitution

Licensing & Safety Committee - 12th June, 2014

Report of the Director of Corporate Resources

Review of Street Trading Consent/Prohibited Streets

Market Street, Stourbridge

Purpose of Report

- 1 To consider the application on behalf of Sally Ann Newell, Himley Estate Manager, for the revision of the consent/prohibited streets in Dudley Borough to include Market Street, Stourbridge as a consent street in respect of Street Trading.

Background

2. On the 1st April, 2014, Ms. Newell made application for the revision of the consent streets in Dudley Borough to include Market Street, Stourbridge which is currently a prohibited street for the purpose of street trading, to become a consent street for one day per year to allow stalls to be set up along Market Street as part of the Christmas Light Switch On Festival, a copy of that requested is attached to this report as Appendix 1.
3. This application was circulated to the Directorate of the Urban Environment; Democratic Services; Commercial Operations Manager, Corporate Estates, the West Midlands Police and interested parties.
4. None of the agencies or interested parties raised objections.
5. A copy of the current list of Consent/Prohibited Streets is attached to this report as Appendix 2.
6. This application has a direct link to the Council's key corporate priority that safety matters.

Finance

7. There are no financial implications.

Law

8. Under the Local Government (Miscellaneous Provisions) Act 1982, The Council may pass a resolution which will designate any street within their District as:-
 - (1) a prohibited street;
 - (2) a licence street; or
 - (3) a consent street,and for the purposes of street trading.
9. Before the Council pass this resolution they must:-
 - (1) Publish a Notice containing a draft of their proposed resolution and invite the public to make written representations to the Council within 28 days of publication of the Notice.
 - (2) Serve a copy of the Notice on the Chief Officer of Police for the area in which the street to be designated is situated.
 - (3) Serve a copy of the Notice on the Environmental Engineering and Transportation Department (Highways Division).
10. As soon as is practicable the Council must consider any representations received in response to the public Notice within the stated 28 days.
11. After consideration of the representations the Council may pass a resolution.
12. Once a resolution has been passed the Council must publish a Notice containing the resolution for two consecutive weeks in a local newspaper. The first publication of this Notice must allow 28 days before the date that the resolution is to come into force.
13. The Council may stipulate that a Street Trading Consent will not be granted to any person who proposes to trade in the street for a number of days in every week less than the number specified in the resolution.
14. Any resolution passed by the Council may be varied or rescinded by following the same procedure as outlined in paragraphs 7 to 13 in this report.

Equality Impact

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

Recommendation

17. That the Committee determine the application for the revision of street trading consent/prohibited streets within the borough of Dudley.

A handwritten signature in black ink, appearing to be 'P. V. S.', with a large loop at the top and a long horizontal stroke at the bottom.

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DIRECTOR OF CORPORATE RESOURCES

Contact Officer: Mrs. L. Rouse Ext. 5377
Telephone: 01384 815377
Email: liz.rouse@dudley.gov.uk

List of Background Papers

Himley Hall & Park

Himley Hall & Park, Himley, Dudley, West Midlands DY3 4DF

Tel: (01384) 817817 Fax: (01384) 817818

www.himleyhall.org



1st April 2014

Liz Rouse
Licensing Team
5 Ednam Road
Dudley
West Midlands
DY1 1HL

Dear Liz,

RE Market Street, Stourbridge

I would like to make a formal application to revise the existing trading status of Market Street, Stourbridge. Currently it is a prohibited street for the purpose of street trading.

Would it be possible to have this restriction removed for one day a year to allow stalls to be set up along the Market Street highway as part of the Christmas Light Switch On Festival.

In 2013, we hosted a very successful event with a craft and farmers market along the High Street. To attract visitors to Market Street we would like to relocate some of the stall to Market Street to add to the festivities. This would also spread the density of the audience over a greater area increasing the safety of the event.

Should you have any queries please contact either myself or my Town Centre Events Office Jacki Wynn on 01384 817822.

Yours sincerely

SallyAnn Newell
Himley Estate Manager

Schedule 1Street Trading
Consent StreetsDudley

Birmingham Street
Castle Hill
Fisher Street
High Street (Vicar Street to Union Street, Stone Street to a point 50 metres north-east of
Stone Street, South-east side only New Street to a point 10 metres south-
west of Churchill Precinct)
King Street (Birmingham Street to Union Street)
Oakeywell Street
Stone Street Square
Stone Street (from High Street to Priory Street)

Stourbridge

Court Street
Coventry Street
Foster Street
High Street
Lower High Street
Ryemarket (High Street to a point 30 metres from High Street)
South Road (outside Crematorium)

Halesowen

Bull Ring
Great Cornbow (Birmingham Street to Hagley Street)
Hagley Road (Queensway to Summerhill)
Hagley Street
High Street (Queensway to Hagley Street)
Peckingham Street
Precinct (Queensway to a point 80 metres from Hagley Street)
Summerhill

Consent Streets

Brierley Hill

Cottage Street (from High Street to Little Cottage Street)

Little Cottage Street (from Cottage Street to Mill Street)

Bell Street (from Moor Street to end)

Gornal Wood

Chase Road (outside Gornal Wood Crematorium)

Prohibited Streets

Dudley

Birdcage Walk
Broadway
Castle Street
Churchill Precinct
High Street (except for that included in Schedule 1)
King Street (Union Street to Vicar Street)
Long Entry
New Street
Priory Street
Stafford Street (High Street to Inhedge)
Stone Street
Tower Street (Stone Street to New Street)
Trindle Road
Union Street
Vicar Street
Wolverhampton Street (High Street to Parsons Street)

Stourbridge

Bath Road (Ring Road)
Bell Street
Crown Centre
Crown Lane
Duke Street
Foster Street East
Greenfield Avenue (Ring Road)
Market Street
New Road (Ring Road)
Ryemarket (except that included in Schedule 1)
Smithfields (from Market Street to end)
St John's Road (Ring Road)
St Thomas's Street
Talbot Street
Victoria Passage
Victoria Street

Prohibited Streets

Halesowen

Birmingham Street
High Street (New Road to Queensway)
Pool Road
Precinct (except that included in Schedule 1)
Service Road North of Precinct
Service Road South of Precinct
Queensway

Manor Way A456

All lay-bys

Dudley Wood

Bush Road
Dalvine Road
Dudley Wood Avenue
Dudley Wood Road
Lantern Road
Lawnswood Road (Stoney Lane to Bush Road)
New Town
New Village
Orchard Road
Paint Cup Row
Quarry Road
Saltwells Road (Cradley Road to Bush Road)
Springmeadow Road
Stoney Lane (Saltwells Road to Heath Road)

Prohibited Streets

Kingswinford

High Street (Market Street to Penzer Street)
Market Street (Summer Hill to Manor Park)
Moss Grove (Summer Hill to Waterford Road)
Summer Hill

Pensnett

Tansey Green Road

Quarry Bank

Stockwell Avenue

Licensing & Safety Committee - 12th June, 2014

Report of the Director of Corporate Resources

Review of Street Trading Consent/Prohibited Streets

Dudley Town Centre

Purpose of Report

- 1 To consider the application on behalf of Phil Coyne, Assistant Director, Economic Regeneration, for the revision of the consent/prohibited streets in Dudley Borough to include Castle Street, New Street, Union Street and Junction of Stone Street/High Street, Dudley as consent streets in respect of Street Trading.

Background

2. On the 6th May 2014, The Assistant Director, Economic Regeneration, made application for the revision of the consent streets in Dudley Borough to include Castle Street, New Street, Union Street and Junction of Stone Street/High Street, Dudley which are currently prohibited streets for the purpose of street trading, to become consent streets to enable the current street traders that trade within High Street, Dudley to be relocated whilst works are being undertaken due to the regeneration of Dudley Market Place.
3. This application was circulated to the Directorate of the Urban Environment; Democratic Services; Commercial Operations Manager, Corporate Estates, the West Midlands Police and interested parties.
4. None of the agencies or interested parties raised objections.
5. A copy of the current list of Consent/Prohibited Streets is attached to this report as Appendix 1.
6. This application has a direct link to the Council's key corporate priority that safety matters.

Finance

7. There are no financial implications.

Law

8. Under the Local Government (Miscellaneous Provisions) Act 1982, The Council may pass a resolution which will designate any street within their District as:-
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13. The Council may stipulate that a Street Trading Consent will not be granted to any person who proposes to trade in the street for a number of days in every week less than the number specified in the resolution.
14. Any resolution passed by the Council may be varied or rescinded by following the same procedure as outlined in paragraphs 8 to 13 in this report.

Equality Impact

15. This report takes into account the Council's policy on equal opportunities.

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

Recommendation

17. That the Committee determine the application for the revision of street trading consent/prohibited streets within the borough of Dudley.



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DIRECTOR OF CORPORATE RESOURCES

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