

LICENSING SUB-COMMITTEE 4

Tuesday 10th December, 2013 at 10.05 am
in the Council Chamber, The Council House, Dudley

PRESENT:-

Councillor Roberts (Chair)
Councillors Perks and Sykes

Officers: -

Mr R Clark (Legal Advisor), Mrs L Rouse (Licensing Clerk) and Mrs K Taylor – All Directorate of Corporate Resources.

13 APOLOGY FOR ABSENCE

An apology for absence from the meeting was received on behalf of Councillor Woodall.

14 APPOINTMENT OF SUBSTITUTE MEMBER

It was reported that Councillor Sykes had been appointed as a substitute Member for Councillor Woodall for this meeting of the Sub-Committee only.

15 DECLARATIONS OF INTEREST

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

16 MINUTES

RESOLVED

That the minutes of the meeting of the Sub-Committee held on 27th August, 2013, be approved as a correct record and signed.

17 APPLICATION FOR REVIEW OF PREMISES LICENCE – HIGH STREET EXTRAS (PREMIER), 79 HIGH STREET, DUDLEY

A report of the Director of Corporate Resources was submitted on an application for the review of the premises licence in respect of High Street Extras (Premier), 79 High Street, Dudley.

Mr V Kalaichelvan, Designated Premises Supervisor, was in attendance at the meeting together with his representative, and supporter.

Also in attendance were Mr C King, Principal Trading Standards Officer, the Directorate of the Urban Environment, Ms D McNulty, Office of Public Health; and K Turley, Licensing Officer from West Midlands Police.

Following introductions, it was noted that Mr V Kalaichelvan was the Designated Premises Supervisor, and that his wife Mrs U Kalaichelvan was the Premises Licence Holder, who was not in attendance at the meeting due to health problems.

It was further noted that Mrs Kalaichelvan had consented for Mr Kalaichelvan to represent her at the hearing, and that there had been confusion as all documentation relating to the review had been in respect of Mr Kalaichelvan.

Further to comments made, the Licensing Clerk informed the Sub-Committee that all documentation sent had been addressed to Mrs U Kalaichelvan, however it was accepted by the Sub-Committee that there were minor discrepancies in the documentation submitted.

Following a brief discussion it was

RESOLVED

That consideration of the application made for the review of the premises licence in respect of High Street Extras (Premier), 79 High Street, Dudley be adjourned to a future meeting.

The Sub-Committee requested that both Mr and Mrs Kalaichelvan attend the re-convened hearing.

A report of the Director of the Corporate Resources was submitted on an application made by Mr M Geraghty for the grant of consent to engage in street trading to sell meat between the hours of 8.00 am and 4.00 pm, Thursday to Saturday inclusive in Halesowen Town Centre.

Mr M Geraghty, Applicant, together with his partner, Miss M Moore, was in attendance at the meeting.

Also in attendance was Mr M Hanson, Enforcement Officer, Directorate of Corporate Resources.

Following introductions by the Chair, the Licensing Clerk presented the report on behalf of the Council.

It was noted that the Cornbow Shopping Centre, Chamber of Trade and Fine Fresh Foods had made representations in relation to the application that had been circulated to the applicant, members of the Sub-Committee and interested parties.

Mr Hanson informed the Sub-Committee that he had attended the location with Mr Geraghty, and circulated photographs highlighting the three proposed sites suggested by Mr Geraghty. It was noted that option three, namely, Hagley Street, Halesowen, would be sufficient to accommodate Mr Geraghty's vehicle.

In responding to a question by the Legal Advisor; Miss Moore stated that there had been no meetings or communications between the parties that submitted objections; however they did contact Bescott Promotions, who operated the Farmer's Market, who confirmed that they had no objection to the application.

Reference was made to an inspection report, dated April 2012, that highlighted a number of recommendations to the business. Miss Moore confirmed that all recommendations had been implemented and had since been awarded a rating of four out of five for hygiene.

In responding to a question by a Member, Miss Moore stated that they had applied for a consent in Halesowen, following a recent move to the Halesowen area and would therefore reduce diesel costs and enable Mr Geraghty to be local to home. She informed the Sub-Committee that it would not be possible to purchase a shop in the town centre due to lack of capital, however this could be addressed in the future.

In responding to a question by a member, Miss Moore stated that should the application be granted, the business would not trade until after the Christmas period, and that there would be cover available should Mr Geraghty be unable to work.

Further to comments made by Mr Hanson in relation to the three proposed locations; Miss Moore stated that they were flexible and would be happy with any site, should the Sub-Committee be minded to approve the application.

In responding to a question by the Chair, the applicants confirmed that they had a fair hearing.

The parties then withdrew from the meeting in order to enable the Sub-Committee to determine the application.

The Sub-Committee, having made their decision, invited the parties to return and the Chairman outlined the decision.

RESOLVED

That the application made by Mr Geraghty for the grant of consent to engage in street trading at a site in Halesowen Town Centre, be refused.

REASONS FOR DECISION

The Sub-Committee has heard the application by Mr Geraghty and Ms Moore, for a traders consent, to sell meat, in Halesowen Town Centre.

The Cornbow Shopping Centre, the Halesowen Chamber of Trade and Fine Fresh Foods have made representations, opposing the grant of the consent. Primarily, their opposition is based upon the fact that there are two independent sellers of meat, as well as supermarkets in Halesowen already, and that these premises have high overheads.

Mr Hanson, Enforcement Officer, has visited the three proposed sites, and stated that the first choice would clash with the fortnightly Saturday market, and that the second choice is a narrow space. The third choice location is a longer space.

The Sub-Committee has considered the interests of shoppers and traders in Halesowen, and the availability of meat in the town, and does not think that a further outlet for meat is required, or in the interests of the town. The application is therefore refused.

The meeting ended at 11.40 am

CHAIR