

## LICENSING SUB-COMMITTEE 5

Tuesday, 1<sup>st</sup> April, 2008 at 11.00am  
in the Council Chamber, The Council House, Dudley

### PRESENT:-

Councillor Taylor (Chairman)  
Councillors Ms Craigie and Ryder

### Officers

Assistant Director Legal and Democratic Services (Legal Advisor), Mrs J Elliott (Licensing Officer) and Mrs K Farrington (Directorate of Law and Property).

---

31            DECLARATIONS OF INTEREST

No member declared an interest in accordance with the Members' Code of Conduct.

---

32            MINUTES

RESOLVED

That the minutes of the meeting of the Sub-Committee held on 26<sup>th</sup> February, 2008 be approved as a correct record and signed.

---

33            APPLICATION FOR A PREMISES LICENCE, MCDONALDS, 69 KENT STREET, UPPER GORNAL, DUDLEY

The Committee agreed, at the request of Ashnet 2000 Limited, that the application received on behalf of McDonald, 69 Kent Street, Upper Gornal, Dudley, for the grant of a premises licence, be deferred to a future meeting of the sub-committee.

---

34            APPLICATION FOR AMUSEMENT WITH PRIZES MACHINES PERMIT – CHICAGO ROCK CAFÉ, HIGH STREET, STOURBRIDGE

A report of the Director of Law and Property was submitted on an application received from Poppleston Allen, Licensing Solicitors, for the grant of an amusement with prizes machines permit for three machines, in respect of the Chicago Rock Café, High Street, Stourbridge.

Ms Louisa Pain, the Designated Premises Supervisor of the Chicago Rock Cafe, was in attendance at the meeting.

Following introductions, Mrs J Elliott, Licensing Officer, Directorate of Law and Property, presented the report on behalf of the Council.

In response to questions from Members, Ms Pain indicated on the plan of the premises previously circulated the exact location of the existing two machines together with the proposed location for the new machine.

In response to a further question, Ms Pain confirmed that the machines already situated on the premises and the location of the current request of a third machine were in clear view of the floor and bar staff.

RESOLVED

That approval be given to the grant of an amusement with prizes machines permit for three machines, in respect of the Chicago Rock Café, High Street, Stourbridge.

---

35      EXCLUSION OF THE PUBLIC

RESOLVED

That, under Section 100A(4) of the Local Government Act, 1972, the public be excluded from the meeting for the following item of business on the grounds that it involves the likely disclosure of exempt information, as defined in Schedule 12A to the Act, in particular that paragraph of Part I of that Schedule indicated below: -

| <u>Description of Item</u>  | <u>Relevant Paragraph of Part 1 of Schedule 12a</u> |
|---|---|
| Application for Consent to Engage in Street Trading – Mr MH (Birmingham Street, Dudley) | 1   |

---

36      APPLICATION FOR CONSENT TO ENGAGE IN STREET TRADING – MR MH (BIRMINGHAM STREET, DUDLEY)

A report of the Director of Law and Property was submitted on an application made by Mr MH, for the grant of a street traders consent to sell ice cream and popcorn in Birmingham Street, Dudley.

Mr MH was in attendance at the meeting, accompanied by a friend, who did not participate in the hearing.

Also in attendance at the meeting, objecting to the application, were PC David Smith, West Midlands Police Representative and Ms Andrea Jones, Dudley Town Centre Manager, Directorate of Urban Environment. It was noted that Mrs Julie Jones, Commercial Operations Manager, Directorate of Law and Property, was not in attendance at the meeting, but had submitted representations outlined in Appendix 2 to the report submitted.

Following introductions, the Legal Advisor outlined the procedure to be followed.

Mrs Elliott, Licensing Officer, Directorate of Law and Property, presented the report on behalf of the Council.

PC David Smith then expanded on the representations made in Appendix 3 to the report submitted, and on further written representations which he had circulated to the Sub-Committee. In the light of the representations made he did not consider that Mr MH was a fit and proper person to hold a street trading consent. A

t this juncture, the Legal Advisor sought clarification from Mr MH as to whether the information received was correct, to which he confirmed that it was.

Ms Andrea Jones then expanded on representations made in Appendix 4 to the report submitted and in doing so, informed the Sub-Committee of her concerns.

The Legal Advisor then invited Mr MH to comment on the representations made by both PC David Smith and Ms Andrea Jones. Mr MH responded by stating that he had invested a vast amount of money, time and effort into making the application.

In responding to a question from the Legal Advisor, Mr MH stated that he had not spoken to the Town Centre Manager regarding potential sites, but that he had spoken to other street traders in the Dudley area. At this juncture, Ms Andrea Jones confirmed that a conversation had taken place between herself and Mr MH prior to the application being submitted regarding a proposed site in the market place. During their conversation, she had informed him that the market place was saturated with street traders and had offered to help identify alternative sites in the area.

## RESOLVED

That, arising from consideration of the representations made in respect of the application submitted, the application made by Mr MH, for the grant of a street traders consent to sell ice cream and popcorn in Birmingham Street, Dudley, be refused for the following reasons: -

- (1) The Sub-Committee did not consider that the proposed site was a suitable venue on the basis that access to and from the location would result in road traffic offences being committed; and
  - (2) The Sub-Committee considered that the previous convictions of Mr MH were so serious that they did not consider him to be a fit and proper person to hold a street trading consent.
- 

The meeting ended at 12.15pm

CHAIRMAN