

**Meeting of the Licensing Sub-Committee 1  
Tuesday 18<sup>th</sup> June, 2024 at 6.00pm  
In Committee Room 3  
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 meetings held on 23<sup>rd</sup> May and 4<sup>th</sup> June, 2024 as correct records (Pages 6 – 17)

***The following application is to be considered under the provisions of the Local Government (Miscellaneous Provisions) Act 1982:-***

5. Application for Grant of Consent to Engage in Street Trading – Mr Mark Bruerton-Billingham (Pages 18 – 22)
6. To consider any questions from Members to the Chair where two clear days notice has been given to the Monitoring Officer (Council Procedure Rule 11.8).



**Chief Executive**

**Dated: 10<sup>th</sup> June, 2024**

**Distribution:**

Councillor B Collins (Chair)

Councillors K Denning and E Taylor

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- Elected Members can submit apologies by contacting Democratic Services (see our contact details below). Members wishing to appoint a substitute should notify Democratic Services as soon as possible in advance of the meeting. Any substitute Members must be eligible to serve on the meeting in question (for example, he/she must have received the training required by the Council).

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## Licensing Sub-Committee Procedure

- Chair to welcome parties and introduce Members and Officers
- Establish who the parties are and any representatives
- Chair to confirm that all parties have had disclosure of all documents that the Committee has before them and been allowed sufficient opportunity to read them prior to the meeting.
- Presenting Officer of the Local Authority or Solicitor to present the report to the Sub-Committee
- Relevant Authority to present their evidence and the Chair will then ask if any of the following have questions for the Officer:-
  - Objectors/or their representative
  - Applicant or representative
  - Sub-Committee Members and Legal Advisor
- Objectors or their representative/nominated person to present his/her case (including Ward Members)
  - Any witnesses to be called
  - Each witness to be questioned through the Chair in the following order:-
    - Representative of objectors (if present), if no representative, the objectors
- The Chair will then ask the following if they have any questions for the representative or the objectors:-
  - Presenting Officer Local Authority (or Solicitor)
  - Applicant or Representative
  - Sub-Committee Members and Legal Advisor
- Applicant or representative to introduce his or her case
  - Any witnesses for the applicant to be called
  - Each witness to be questioned through the Chair in the following order:-
    - Representative of Applicant (if present)
    - Presenting Officer Local Authority/Solicitor
    - Relevant Authority
    - Objector or Representative
    - Sub-Committee Members and Legal Advisor

- Presenting Officer of the Local Authority/Solicitor to sum up.
- Objectors/Representative to sum up
- Applicant or representative to sum up (must make final comments)
- Legal Advisor indicates to parties details of legal advice to be given to Sub-Committee
- Parties asked if they have had a fair hearing
- All parties, together with any members of the public to withdraw
- Sub-Committee to make their decision
- All parties invited to return and the Chair reads out the decision and the reasons for the decision.

**Minutes of the Licensing Sub-Committee 1**  
**Thursday, 23<sup>rd</sup> May 2024 at 10.00 am.**  
**In the Council Chamber, The Council House, Priory Road,**  
**Dudley**

**Present:**

Councillor B Collins (Chair)  
Councillors K Denning and E Taylor

**Officers: -**

S Smith (Team Manager (Licensing & Waste Enforcement)), T Holder (Solicitor)  
and K Taylor (Senior Democratic Services Officer).

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1. **Apology for Absence**

There were no apologies submitted for this meeting of the Sub-Committee.

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2. **Appointment of Substitute Member**

There were no Substitute Members appointed for this meeting of the Sub-Committee.

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3. **Declarations of Interest**

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

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4. **Minutes**

## Resolved

That the minutes of the meeting held on 19<sup>th</sup> March, 2024, be approved as a correct record, and signed.

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5. **Application for Grant of a New Premises Licence – Quickstop Convenience Store (UK) Ltd, 25 Park Road, Brierley Hill**

A report of the Director of Environment was submitted on an application for the grant of a new premises licence in respect of the premises known as Quickstop Convenience Store, 25 Park Road, Quarry Bank, Brierley Hill.

The following persons were in attendance, at the meeting:

Mr A Curtis (Solicitor on behalf of the Applicant)  
Mr I Afzal (Applicant)  
Miss S Afzal (Proposed Designated Premises Supervisor)  
Mr K Maan (Environmental Health and Trading Standards)  
Ms K Turley and Ms D Jenkins (West Midlands Police)  
Mr N Slym (Licensing and Waste Enforcement)  
Mr N Aston-Baugh (West Midlands Fire Service) (Observing)

Following introductions, the Solicitor sought clarification on the additional evidence submitted prior to the hearing by Mr Curtis, on behalf of his client, relating to the Personal Licence Training undertaken by Mr I Afzal and Miss S Afzal where it appeared that there was missing information contained within the documentation. In responding, Mr Curtis confirmed that there had been an administrative printing error, however, assured Members that the training had been completed and that he would refer to this in his submissions. At this juncture, the Chair raised concerns of the missing information and late submission of the additional evidence within 24 hours of the hearing. Mr Curtis then presented a hard copy of relevant training certificates and the Personal Licence cards held by Mr Afzal and Miss Afzal to the Sub-Committee for reference.

The Team Manager – Licensing and Waste Enforcement then presented the report on behalf of the Council. It was noted that an application for the grant of a new premises licence on behalf of the premises was considered and refused by a Licensing Sub-Committee on the 5<sup>th</sup> October, 2023.

Mr K Maan presented the representations of Environmental Health and Trading Standards relating to the prevention of crime and disorder and the protection of children from harm under the Licensing Act 2003.

It was noted that on 10<sup>th</sup> November, 2023, a further application for a premises licence was received by a different applicant who wished to be the Premises Licence Holder and Designated Premises Supervisor. A meeting was held between the applicant at that time and responsible authorities on 29<sup>th</sup> November, 2023, where it was confirmed that the applicant had no connection to the previous owners, that she had paid £15,000 for the business and was aware of the sale of the business from family and friends. She also confirmed that she was happy to include conditions on her licence preventing the previous owners (Mr I Afzal and his wife Mrs S Paul) from working in the store. Following the meeting, Trading Standards and West Midlands Police carried out a number of intelligence checks on the claims made by the previous applicant, with information obtained suggesting strong links to the previous owners, in particular Mr Afzal.

The Sub-Committee were advised that on 30<sup>th</sup> November, 2023, K Maan visited the premises and identified the previous owners, Mrs S Paul and Mr I Afzal, behind the counter, who had informed him that they were helping the previous applicant in the shop. A criminal investigation for potential fraud related offences commenced, and during the investigation the applicant withdrew the application.

Following receipt of an application for a premises licence on 28<sup>th</sup> March, 2024 on behalf of Mr I Afzal, N Slym emailed Mr Afzal's legal representative detailing the chronology of events of the premises and confirmed that an investigation for potential false claims made would be re-opened. The response by Mr Afzal's legal representative raised further concerns of further submissions of false information by Mr Afzal.

It was noted that both Mr Afzal and Mrs Paul initially declined to attend an online training course provided by Trading Standards on underage sales and illegal e-cigarettes. Mr Afzal later agreed to attend the courses however this was not progressed by Trading Standards given the claims made by Mr Afzal that he no longer owned the business in November, 2023. Mr Afzal has not approached Trading Standards with regard to training since deciding to continue trading.

In concluding, K Maan stated that due to the concerns raised, Trading Standards had zero confidence that Mr Afzal would uphold the Licensing Objectives relating to the prevention of Crime and Disorder and the Protection of Children from Harm.



Ms D Jenkins then presented the representations of West Midlands Police, as outlined in pages 83 and 84 of the report submitted, relating to the prevention of crime and disorder and the protection of children from harm under the Licensing Act 2003, and in doing so fully supported the comments made by K Maan with regard to the circumstances surrounding the previous applicant's application for a premises licence submitted on 10<sup>th</sup> November, 2023.

Ms D Jenkins reported that there had been no documentation to confirm that the lease to the premises had been terminated or a transaction to show that the £15,000 had been returned to the previous applicant, and that the proposed Designated Premises Supervisor, Miss S Afzal (Mr Afzal's Daughter) had only recently been successful in obtaining a Personal Licence and therefore had no relevant experience in the role.

In concluding, Ms Jenkins stated that the application submitted did not satisfy West Midlands Police in that any improvements or changes had been made by the proposed Premises Licence Holder to give the confidence that the Licensing Objectives would be upheld.

Mr N Slym then presented the representations on behalf of the Licensing Authority and in doing so advised that the previous application was refused by a Sub-Committee only five months previous and that there had been no evidence of any improvements or changes, and reiterated the concerns raised by both Trading Standards and West Midlands Police. It was noted that the premises licence had lapsed in 2021 due to the non-payment of annual fees, and Mr Afzal had not contacted the Licensing Authority regarding payment since that time.

It was further noted that alcohol continued to be stored at the premises behind a curtain. The products were easily accessible, and questions were raised as to the reasons for the storage.

The Sub-Committee were advised of the test purchase operation undertaken at the premises previously where a child volunteer attempted to purchase a disposable e-cigarette containing nicotine, where the seller actively encouraged the child to purchase an illegal e-cigarette as an alternative.

In concluding, N Slym stated that in view of the proposed Designated Premises Supervisor, Miss S Afzal, being the applicant's daughter, he believed that Mr Afzal would continue working at the premises, and that all the representations heard today had demonstrated the concerns of Mr Afzal's ability to uphold the Licensing Objectives.

Mr A Curtis then presented the case on behalf of his client, Mr I Afzal, and in doing so suggested that there had been a number of false statements presented and submissions made relating to the previous applicant and application which should not be considered by the Sub-Committee today. It was confirmed that Mr Afzal accepted the proposed additional operating conditions, as outlined in pages 80 and 81 of the report submitted, being attached to the licence except for condition 1 that prevented him and Mrs Paul from entering the premises, at any time that was open to the public, except to make or arrange urgent repairs or collect rent.

The Sub-Committee were advised that Mr Afzal owned the freehold of the property and that there was no subsisting lease to any party, and Mr Curtis disputed claims that there had not been any changes or improvements made. It was suggested that the leasing of the property was considered to be unviable without a premises licence.

Mr Curtis reported that both Miss S Afzal and Mrs S Paul had recently passed the Level 2 Award for Personal Licence Holders, which was confirmed within the additional documentation that had been circulated prior to the hearing. It was noted that Mr Afzal continued to undertake refresher training through an online Licensing application.

Mr Curtis also disputed claims that Miss S Afzal had not gained enough experience to be appointed as Designated Premises Supervisor and confirmed that the premises did sell age restricted products including cigarettes and that there had been no issues or complaints of the sale of alcohol or counterfeit products. The purpose of the application today was to obtain a premises licence to support both the community and the applicant.

The Sub-Committee were advised of Mr Afzal's health implications and diagnosis which had also been outlined in letters from consultants and treatment plans which had been circulated to all parties prior to the hearing. Mr Curtis shared his disappointment that the responsible authorities had suggested that Mr Afzal had made false statements with regard to his health.

Reference was made to the comments made in relation to alcohol being stored at the premises, and Mr Curtis confirmed that it was Mr Afzal's hope that the premises licence would be granted but assured the Sub-Committee that no alcohol had been sold.

In concluding, Mr Curtis reiterated that all people that would be present at the premises had undertaken appropriate Personal Licence Holder training and that in view of his health, it was Mr Afzal's intention to succeed and continue the family business for his daughter, Miss S Afzal. He gave assurances that Miss Afzal was trained and experienced at the premises and although it was accepted that an illegal e-cigarette had been sold previously, this would not happen again.

In responding to a question raised by the Team Manager (Licensing & Waste Enforcement), Miss S Afzal confirmed that she enjoyed working at the premises and communicating with the customers and local residents and advised that she would be working at the premises on a full-time basis.

Reference was made to the support from the community for a premises licence, and although local residents had written letters of support, these had not been submitted prior to the hearing as part of the applicant's submissions. The Chair again reiterated that information that had been disclosed within the last 24 hours could have been circulated in advance of the meeting. In responding, Mr Curtis apologised again for the lateness of the information, in particular the medical information relating to Mr Afzal, however found it appropriate to submit to the Sub-Committee in view of the submissions presented by the responsible authorities.

It was confirmed that Miss S Afzal's Personal Licence had been granted by the Local Authority where she resided, namely Wyre Forest District Council.

Arising from concerns raised by Trading Standards that there had not been sufficient explanation as to the circumstances surrounding the lease of the property, Mr Curtis reiterated that the licence had automatically lapsed following the non-payment of fees. Mr Afzal referred to the representations presented by Trading Standards in particular in relation to the previous applicant and suggested that she had been pressured by Officers to withdraw the application and in view of there being no possibility of obtaining a premises licence decided that the premises was not financially viable.

Mr Afzal further confirmed that during a visit by Trading Standards to the premises on 30<sup>th</sup> November, 2023, both himself and Mrs Paul was working at the premises to help the previous applicant whilst she was visiting her Mother at hospital.

In responding to a question by the Solicitor, Mr Afzal confirmed that he had been living in Kidderminster with his parents since December, 2023, who were supporting him during his treatment and health problems.

Ms Jenkins considered that there was still some confusion surrounding the lease to the premises and the proposed £15,000 that had been returned to the previous applicant. Mr Curtis confirmed that Mr Afzal was the freeholder to the property and suggested that the evidence presented by the responsible authorities heavily focused on the fraud investigation and previous applicant and reiterated that consideration should be given to the application presented today and the applicant in accordance with the Licensing Act 2003.

Following a question raised by Ms Jenkins as to why Mr Afzal had previously declined to undertake any additional training, Mr Afzal confirmed that he had been undertaking refresher training on the Licensing application. It was noted that there was no opportunity to undertake any further Personal Licence Holder training. With regard to additional training offered by Trading Standards in relation to underage sales and illegal e-cigarettes, Mr Afzal confirmed that he had contacted Trading Standards to arrange training however he had no response.

Following a question raised by the Solicitor in relation to the proposed additional operating conditions, and whether substituting condition 1 with a condition with regard to training would address the concerns raised, N Slym requested that condition 1, that prevented Mr Afzal and Mrs Paul from entering the premises be retained as Mr Afzal had not provided any evidence or mitigation that would alleviate his concerns.

All parties were provided with the opportunity to sum up their cases and the Solicitor provided legal advice, following which all parties confirmed that they had sufficient opportunity to present their cases. At this juncture, Ms D Jenkins wished to note that the representations made with regard to Mr Afzal's health did not suggest that Mr Afzal's health was false and that she was sympathetic to his diagnosis. All parties then withdrew from the meeting to enable the Sub-Committee to determine the application.

Having made their decision, the meeting was reconvened, and the Chair outlined the decision.

**Resolved**

That following careful consideration of the information contained in the report submitted and presented by all parties at the meeting, the application for the grant of a new premises licence in respect of the premises known as Quickstop Convenience Store, 25 Park Road, Brierley Hill, be refused.

**Reasons for the Decision:**

The Sub-Committee has made the decision to not grant a license to Mr Afzal on the grounds that the Sub-Committee does not have confidence that he will uphold the licensing objectives, particularly, the Prevention of Crime and Disorder and the Protection of Children from Harm, on the basis that the premises had previously sold an illegal vaping device to a child, and that sale was actively encouraged with no ID checks being carried out. Furthermore the premises has operated for almost 3 years without a licence, and whilst there is no evidence of the sale of alcohol, the Sub-Committee feel that there is no excuse for alcohol to remain stored in the refrigeration units, and Mr Afzal has been uncooperative with the responsible authorities.

Mr I Afzal was informed of his right to appeal the decision of the Sub-Committee.

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6. **Application for Grant of a New Premises Licence – The Bulls Head, Bull Street, Brierley Hill**

A report of the Director of Environment was submitted on an application for the grant of a new premises licence in respect of the premises known as The Bulls Head, Bull Street, Brierley Hill.

The following persons were in attendance, at the meeting:

Mr S Newey (Applicant)  
Mr N Slym (Licensing and Waste Enforcement)  
Mr N Aston-Baugh (West Midlands Fire Service)

Following introductions, N Slym advised the Sub-Committee that Mr Newey had requested that consideration of the application for the grant of a new premises licence be deferred to enable him time to address the fire safety issues identified by West Midlands Fire Service. Mr Aston-Baugh confirmed that he was in agreement with the request made.

**Resolved**

That, the application for the Grant of a new Premises Licence in respect of the premises known as The Bulls Head, Bull Street, Brierley Hill be deferred to a future meeting of the Licensing Sub-Committee 1 as appropriate.

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7. **Questions Under Council Procedure Rule 11.8**

There were no questions to the Chair pursuant to Council Procedure Rule 11.8.

The meeting ended at 12.14pm

CHAIR

**Minutes of the Licensing Sub-Committee 1**  
**Tuesday, 4<sup>th</sup> June 2024 at 10.00 am.**  
**In Committee Room 3, The Council House, Priory Road,**  
**Dudley**

**Present:**

Councillor B Collins (Chair)  
Councillors K Denning and E Taylor

**Officers: -**

N Slym (Assistant Team Manager (Licensing & Waste Enforcement)), S Wright (Solicitor) and K Taylor (Senior Democratic Services Officer).

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8. **Apology for Absence**

There were no apologies submitted for this meeting of the Sub-Committee.

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9. **Appointment of Substitute Member**

There were no Substitute Members appointed for this meeting of the Sub-Committee.

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10. **Declarations of Interest**

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

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11. **Application for Grant of Consent to Engage in Street Trading – Mr Mark Bruerton-Billingham**

A report of the Director of Environment was submitted on an application made by Mr Mark Bruerton-Billington for the grant of a consent to engage in street trading in (1<sup>st</sup> Choice) Castle Street, Dudley (2<sup>nd</sup> Choice) Junction of Stone Street and High Street, Dudley and (3<sup>rd</sup> Choice) Lower High Street, Stourbridge.

Mr Bruerton-Billington, Applicant, was in attendance at the meeting.

Following introductions, the Assistant Team Manager – Licensing and Waste Enforcement presented the report on behalf of the Council. It was noted that since receipt of this application there had been a further street trader granted a consent to engage in street trading at the site in Castle Street, Dudley bringing the current total number of consents issued in that location to three. Due to the restricted size of the location, any additional applications would not be considered whilst three stations were operational.

Following a question by the Chair, all parties confirmed that they had disclosure of all documents submitted to the Sub-Committee and had sufficient opportunity to read them prior to the hearing.

The Chair acknowledged and noted the representations and comments made in respect of all three sites which were attached as Appendix 2 to the report submitted, in particular noting that Castle Street, Dudley was no longer feasible due to capacity and the safety concerns raised with regard to the Junction of Stone Street and High Street, Dudley and Lower High Street, Stourbridge.

Following further discussion, the Chair asked Mr Bruerton-Billington whether he would consider deferring the application to a date to be agreed to allow him sufficient time to consult with officers to consider additional prospective locations and a variation of the application, including a period of consultation with interested parties. Mr Bruerton-Billington confirmed that he agreed with the suggestion made.

**Resolved**



That the application for the grant of consent to engage in street trading in respect of Mr Bruerton-Billington be deferred to a meeting of the Licensing Sub-Committee 1 on Tuesday 18<sup>th</sup> June, 2024 at 6pm, to allow for further consultation and consideration of additional prospective locations.

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12. **Application for Grant of a New Premises Licence – The Urban Griller Company, 3-4 The Broadway, Dudley**

A report of the Director of Environment was submitted on an application for the grant of a new premises licence in respect of the premises known as The Urban Griller Company, 3-4 The Broadway,

It was noted that the applicant had requested that consideration of the application for the grant of a new premises licence be deferred to enable him time to address the fire safety issues identified by West Midlands Fire Service. Mr Aston-Baugh had confirmed prior to the meeting that he was in agreement with the request made.

**Resolved**

That, the application for the Grant of a new Premises Licence in respect of the premises known as The Bulls Head, Bull Street, Brierley Hill be deferred to a future Licensing Sub-Committee meeting as appropriate.

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13. **Questions Under Council Procedure Rule 11.8**

There were no questions to the Chair pursuant to Council Procedure Rule 11.8.

The meeting ended at 11.00am

CHAIR

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**Meeting of the Licensing Sub-Committee – 18<sup>th</sup> June 2024**

**Report of the Director of Environment**

**Application for Grant of Consent to Engage in Street Trading**

**Purpose**

1. To consider the application made by Mark Bruerton-Billington for the grant of a consent to engage in street trading in (1<sup>st</sup> Choice) Castle Street, Dudley (2<sup>nd</sup> Choice) Junction of Stone Street and High Street Dudley and (3<sup>rd</sup> Choice) Lower High Street, Stourbridge.

**Recommendation**

2. That the Committee consider this application for the grant of a consent to engage in street trading for the sale of Breakfast Sandwiches, Burgers and Chips.

**Background**

3. On the 18<sup>th</sup> March 2024, an application was received by the Licensing Office from Mark Bruerton-Billington for the grant of a consent to engage in street trading on one of the following sites:

1<sup>st</sup> Site Castle Street, Dudley.

2<sup>nd</sup> Site Junction of Stone Street and High Street, Dudley.

3<sup>rd</sup> Site Lower High Street, Stourbridge.



To sell Breakfast Sandwiches, Burgers, and Chips on the following days and between the following times:

Monday to Saturday 08.00am until 3.00pm

4. That application together with details of the proposed site and photograph of the trading vehicle have been circulated to interested parties. Details of the application were also posted on the Council Web Site.
5. Representations/comments in respect of all three sites have been received.
6. Since receipt of this application there has been a further street trader granted a consent to engage in street trading at the site in Castle Street, Dudley bringing the current total number of consents issued for Castle Street (Outside Greggs) to 3.
7. This matter was considered by the Licensing Sub Committee 1 on 4<sup>th</sup> June 2024 where it was resolved the matter be deferred to a further meeting of the Sub Committee 1 on the 18<sup>th</sup> June 2024 in order to allow further consultations with interested parties and to agree an alternative position in Dudley Town Centre. The three initial preferences were all considered and the Sub-Committee deemed that they were unsuitable locations. A plan of a suggested alternative site has been forwarded to interested parties and is attached to this report as appendix 1.

## **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. To trade without such 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 they may trade and the times between which or periods for which they may trade.
13. There is no right of appeal against the Council's decision to vary a condition upon which consent is issued, or refusal to grant or renew a street trader's consent.

### **Risk Management**

14. There are no risk management implications.

### **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.

### **Human Resources/Organisational Development**

17. There are no human resources/organisational development implications.

### **Commercial/Procurement**

18. There are no commercial/procurement implications.

### **Council Plan**

19. This application falls within the Council's statutory responsibility for Licensing as a direct link to the Council's Plan 2024- 2025 by improving our organisation and serving our brough by contributing and creating opportunities for all to thrive in a safe and healthy environment.
  - Financial sustainability, efficiency and providing best value
  - Governance and control
  - Leadership and culture
  - Delivering for our customers, residents and communities
  - Supporting businesses and the local economy



**Nicholas McGurk**  
**Director of Environment**

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### **Appendices**

Appendix 1 – Plan of alternative site

### **List of Background Documents**

None

The committee are seeking to grant somewhere left, right or centre between the benches and the fountain:

