

**Minutes of the Licensing Sub-Committee 1
Tuesday, 27th February 2024 at 10.00 am
In the Council Chamber, The Council House, Priory Road,
Dudley**

Present:

Councillors T Creed, M Howard and A Taylor

Officers: -

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

36. **Election of Chair**

It was noted that Councillor A Taylor was elected Chair for this meeting of the Sub-Committee only.

(Councillor A Taylor in the Chair)

37. **Apology for Absence**

An apology for absence from the meeting was submitted on behalf of Councillor A Lees.

38. **Appointment of Substitute Member**

It was noted that Councillor A Taylor was appointed as substitute Member for Councillor A Lees for this meeting of the Sub-Committee only.

39. **Declarations of Interest**

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

40. **Minutes**

Resolved

That the minutes of the meeting held on 5th October, 2023, be approved as a correct record, and signed.

41. **Application for Grant of a New Premises Licence – Sedgley Mini Market, Unit 1-3 High Street, Sedgley**

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 Sedgley Mini Market, Unit 1-3 High Street, Sedgley.

It was noted that the applicant, Mr M Hejrandoost was not in attendance at the meeting and notification of his absence had not been received. Following a telephone call, the applicant confirmed that he would not be attending the hearing. Mr Hejrandoost did not confirm that he wished for the application to be withdrawn, therefore, it would be a matter for the Sub-Committee to consider whether to proceed in the absence of the applicant.

The Sub-Committee resolved to proceed with the hearing, the following persons were in attendance, at the meeting:

K Maan and R Timmins (Environmental Health and Trading Standards)
K Turley and D Jenkins (West Midlands Police)
N Aston-Baugh and M Grainger (West Midlands Fire Service)
A Humphrey (Licensing and Waste Enforcement)

Following introductions, the Assistant Team Manager – Licensing and Waste Enforcement presented the report on behalf of the Council.

The Chair, on behalf of the Sub-Committee, confirmed that they had received copies of the application form, supporting documentation and the representations submitted by the responsible authorities and invited all parties present whether there was any additional information in which they would like to present or expand on further.

In responding to a question raised by the Chair, N Aston-Baugh confirmed that the fire safety issues outlined in the representations submitted had not been resolved by the applicant.

K Maan advised the Sub-Committee that since the writing of the report, further complaints and intelligence had been received reporting that illegal cigarettes continued to be sold at the premises. It was confirmed that the applicant was currently under investigation for several criminal offences and would be cautioned and interviewed. A number of products that had been seized during a visit to the premises had been confirmed to be counterfeit and further discussions would be undertaken with the business owners. It was further noted that despite several requests, the applicant had failed to provide passcodes for mobile phones that was required as part of the ongoing investigation.

Following further discussion, the Solicitor provided legal advice in relation to the case, following which the Sub-Committee came to their conclusion and the Chair of the Committee outlined the decision.

Resolved

That following careful consideration of the information contained in the report submitted, the application for the grant of a new premises licence in respect of the premises known as Sedgley Mini Market, Unit 1-3 High Street, Sedgley, be refused.

Mr M Hejrandoost would be informed of his right to appeal the decision of the Sub-Committee.

42. **Application for Grant of Consent to Engage in Street Trading – Stourbridge Town Centre**

A report of the Director of Environment was submitted in respect of an application made by Mr B Davies for the grant of a consent to engage in street trading in Stourbridge Town Centre.

Mr B Davies (Applicant) was in attendance at the meeting with his wife, Mrs J Davies.

Following introductions, the Assistant Team Manager (Licensing and Waste Enforcement) presented the report on behalf of the Council, advising that an application had been received from Mr B Davies on 15th December, 2023 for the grant of a consent to engage in street trading in Foster Street, Stourbridge to sell Hot and Cold Coffee, Teas, Sandwiches and Cakes on the following days and times:

Monday to Friday – 7.00am until 3.00pm

Saturday – 8.00am until 2.00pm.

The application together with details of the proposed site and photographs of the trading vehicle had been circulated to the Committee and interested parties.

It was reported that mediation had been undertaken with Mr Davies following comments received from Transport and Highways Services, and all concerns had now been addressed regarding the positioning of the trailer. It was noted that confirmation had been received from the Transport and Highways Department that they no longer had objections to the application following the response by Mr Davies.

In support of his application, Mr Davies considered the business to be a good opportunity for Stourbridge High Street which would help increase footfall within the Town Centre.

In responding to questions by the Sub-Committee, Mr Davies confirmed that he had now proposed an alternative location on Foster Street, which had been used by a previous trader. This would reduce the width of the footpath, which would be taken up by the trailer allowing access for delivery and emergency vehicles. He also confirmed that the products would be sold through the trailer only and that he had traded at a number of market events previously.

Reference was made to Mr Davies e-mail outlining his response to all concerns raised, and the Solicitor sought clarification as to whether Mr Davies would be in agreement to attach points 1-5 as conditions to the consent should the Sub-Committee be minded to grant the application. Mr Davies confirmed that he would be in agreement.

The Solicitor provided legal advice in relation to the case, following which all parties withdrew from the meeting to enable the Sub-Committee to determine the application.

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

Resolved

That, following careful consideration of the information contained in the report submitted and presented at the meeting, the application made by Mr B Davies for the grant of a consent to engage in street trading in Stourbridge Town Centre be approved, with the following conditions:

1. The trailer will be positioned to allow access to Foster Street for emergency vehicles. The positioning of the trailer will be as per the green trailer shown in the image attached to this consent.
2. The towing vehicle will be parked on a nearby car park and will not be left with the trailer during trading hours.
3. All rubbish generated by the operation of the trailer will be taken away from Foster Street to be disposed of and not left at the trading location. A litter collection of the immediate area will take place at the end of every trading day to correctly dispose of any litter left by customers.
4. The trailer will be removed from site at the end of each trading day and not left in Foster Street overnight.
5. The towing vehicle will not enter Foster Street until 4pm in order to remove the trailer at the end of each trading day.

43. **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 10.53am

CHAIR

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