

## **Licensing Sub-Committee 2**

**Tuesday, 23<sup>rd</sup> September, 2014 at 10.00am  
in Committee Room 2 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 meeting held on 19<sup>th</sup> August, 2014 as a correct record.
5. Application for a Premises Licence – Russells Hall Supermarket, 5 Middlepark Road, Russells Hall, Dudley (Pages 1 – 4)
6. Halesowen Farmers and Craft Market (Pages 5 – 10)
7. 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).



**Director of Corporate Resources**

**Dated: 11<sup>th</sup> September, 2014**

**Distribution:**

Councillors K Finch (Chair), S Etheridge and E Taylor

**Please note the following important information concerning meetings at Dudley Council House:**

- In the event of the alarms sounding, please leave the building by the nearest exit. There are Officers who will assist you in the event of this happening, please follow their instructions.
- There is no smoking on the premises in line with national legislation. It is an offence to smoke in or on these premises.
- The use of mobile devices or electronic facilities is permitted for the purposes of recording/reporting during the public session of the meeting. The use of any such devices must not disrupt the meeting – Please turn off any ringtones or set your devices to silent.
- If you (or anyone you know) is attending the meeting and requires assistance to access the venue and/or its facilities, please contact the contact officer below in advance and we will do our best to help you.
- Information about the Council and our meetings can be viewed on the website [www.dudley.gov.uk](http://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](mailto:karen.taylor@dudley.gov.uk)

## **Minutes of Licensing Sub-Committee 2**

**Tuesday 19<sup>th</sup> August, 2014 at 10.00 am**  
**in Committee Room 2, The Council House, Dudley**

### **Present:-**

Councillor K Finch (Chair)  
Councillors S Etheridge and E Taylor

### **Officers: -**

T Holder (Legal Advisor), L Rouse (Licensing Clerk) and K Buckle  
– All Directorate of Corporate Resources.

### 1 **Apology for Absence**

An Apology for absence from the meeting was submitted on behalf of Councillor R James.

---

### 2 **Declarations of Interest**

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

---

### 3 **Appointment of Substitute Member**

It was noted that Councillor E Taylor was serving as a substitute member for Councillor R James for this meeting of the Sub-Committee only.

---

### 4 **Minutes**

Resolved

That the minutes of the meeting of the Sub-Committee held on 3rd June, 2014, be approved as a correct record and signed.

5

**Review of Street Trading Consent/Prohibited Streets – Dudley Town Centre**

A report of the Director of Corporate Resources was submitted on an application for the revision of the consent/prohibited streets in Dudley Borough to include Castle Street, New Street, Union Street and the Junction of Stone Street/High Street, Dudley as consent streets in respect of Street Trading.

During the consideration of this matter there was a brief adjournment so as to obtain a hard copy of the Street Trading Notice published in the Express and Star on 24<sup>th</sup> June, 2014 and referred to as Appendix 2 to the report.

The meeting was reconvened and following consideration of the notice it was

Resolved

That, in the light of the information contained in the report submitted, the application on behalf of Mr P Coyne for the revision of the consent/prohibited streets in the Dudley Borough to include Castle Street, New Street, Union Street and the junction of Stone Street/High Street, Dudley as consent streets in respect of Street Trading, be approved.

---

6

**Review of Street Trading Consent/Prohibited Streets – Market Street, Stourbridge**

A report of the Director of Corporate Resources was submitted on an application for the revision of the consent/prohibited streets in the Dudley Borough to include Market Street, Stourbridge as a consent street in respect of Street Trading.

Following consideration of the Notice setting out the proposals and noting that no objections had been received, it was

Resolved

That, in the light of the information contained in the report submitted, the application on behalf of Ms Newell for the revision of the consent/prohibited streets in the Dudley Borough to include Market Street, Stourbridge as a consent street in respect of Street Trading, be approved.

**Application for a Premises Licence – Lovi’s, 164 High Street, Quarry Bank.**

A report of the Director of Corporate Resources was submitted on an application for a premises licence in respect of Lovi’s, 164 High Street, Quarry Bank.

The Applicant Mr Singh Lakra was in attendance at the meeting.

Also in attendance and objecting to the application was Councillor Cotterill, Ward Member, on behalf of his constituents.

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

Councillor Cotterill then presented representations on behalf of residents making particular reference to the number of licensed premises already in the local vicinity, expressing concerns relating to possible competition as far as prices were concerned, and the likely increase in alcohol consumption resulting in possible anti social behaviour.

Councillor Cotterill referred to the adjacent primary school to the premises and raised concerns for the safety of those accessing the school due to parking problems that would result when loading and unloading occurred.

Mr Singh Lakra then presented his case and provided reassurances that in view of a change in legislation a price war in relation to alcohol would no longer be possible. He referred to previous trading at the premises and outlined his good relationship with the police.

Mr Singh Lakra referred to specific space to the rear of the premises for parking which could be accessed via a right of way over the premises next door with the owner’s permission.

In responding to a question from the Legal Advisor the Applicant confirmed that he had received and considered the five letters objecting to the applications, together with a Petition from residents of the wider area and a letter from the Reverend D Hoskin also objecting to the Application

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 Chair outlined the decision.

Resolved

That the grant of a premises licence in respect of Lovi's, 164 High Street, Quarry Bank, be refused.

Reasons for Decision

The Sub-Committee has heard the application brought by Mr Singh Lakra. We have also heard the representations made by Councillor Bryan Cotterill. We have read five letters of complaint provided by residents of adjacent and adjoining properties. We have considered the Petition provided by Councillor Cotterill and read a further letter from the Reverend Hoskin. We are minded to refuse this application on the grounds of the Protection of Children from harm. This is because the premises are located opposite to a school. The Sub-Committee is further concerned that the premises are on a very busy road and that the increase in traffic and loading and unloading vehicles outside the premises will increase the danger posed to children and parents using the school premises.

Mr Singh Lakra was informed of his right to appeal the decision of the Sub-Committee.

The meeting ended at 11.10 am

CHAIR

**Licensing Sub-Committee 2 – 23<sup>rd</sup> September 2014.**

**Report of the Director of Corporate Resources**

**Application for a Premises Licence**

**Purpose of Report**

1. To consider the application for the grant of a premises licence in respect of Russells Hall Supermarket, 5 Middlepark Road, Russells Hall, Dudley, West Midlands, DY1 2LW.

**Background**

2. On the 31<sup>st</sup> July 2014 an application was received from Mr Ajit Singh Malhi and Mrs Balbiro Kaur, in respect of the premises to be known as Russells Hall Supermarket, 5 Middlepark Road, Russells Hall, Dudley, West Midlands, for the grant of a new premises licence. A copy of that application has been forwarded to the Committee Members and interested parties in accordance with the Licensing Act 2003.
3. The application had the following documents enclosed:-
  - Plan of the premises
  - Correct Fee of £190.00
  - Consent of proposed premises supervisor

4. The application for a premises licence is as follows:

**Sale of Alcohol.**

|                        |                   |
|------------------------|-------------------|
| Monday to Saturday inc | 08.00 until 22.00 |
| Sundays                | 10.00 until 22.00 |

5. Confirmation that copies of the application form and supporting documentation have been served on the relevant authorities has been received.
6. Letters making representations have been received from 5 individual Local Residents. Representations have also been received from local residents in the form of two petitions. Copies of which have been Forwarded to the applicant, Committee Members and Interested parties in accordance with the Licensing Act 2003.

7. This applications falls within the Council's recent responsibility for liquor licensing which has a direct link to the Council's key corporate priority that safety matters.

## **Finance**

8. There are no financial implications.

## **Law**

9. The law relating to the determination of applications for the grant of a premises licence is governed by the Licensing Act 2003, Part 3, Section 18.
10. Pursuant to Section 18(3) of the Licensing Act 2003, where a relevant authority has made representations, the Licensing Authority must:-
- (a) hold a hearing to consider them, unless the authority, the applicant each person who has made such representations agree that a hearing is unnecessary, and
  - (b) having regard to the representations, take such of the steps mentioned in subsection (4) (if any) as it considers appropriate for the promotion of the Licensing objectives.
11. Pursuant to Section 18 (4) the steps are:-
- (a) to grant the licence subject to:-
    - (i) conditions that are consistent with the operating schedule accompanying the application modified to such an extent as the authority considers appropriate for the promotion of the licensing objectives, and
    - (ii) any condition which must under section 19, 20 or 21 included in the licence;
  - (b) to exclude from the scope of the licence any of the licensable activities to which the application relates;
  - (c) to refuse to specify a person in the licence as the premises supervisor;
  - (d) to reject the application
12. Pursuant to Section 23(1) of the Licensing Act 2003 where an application (or any part of an application) is granted under section 18 of the Licensing Act 2003, the Licensing Authority must immediately give notice to that effect to:-
- 1 (a) (i) the applicant
  - 1 (a) (ii) any person who made relevant representations in respect of the application and



- 1 (a) (iii) the Chief Officer of Police for the police area in which the premises are situated and
  - 1 (b) issue the application with the licence and a summary of it
13. Pursuant to section 23(2) where relevant representations were made in respect of the application, the notice under subsection (1)(a) must state the authorities reasons for its decisions as to the steps (if any) to take under section 18(3)(b).
14. Pursuant to section 23(3) where an application is rejected under section 18, the licensing authority must immediately give a notice to that effect stating its reasons for the decision, to
- (a) the applicant
  - (b) any person who made relevant representations in respect of the application, and
  - (c) the Chief of Police area in which the premises are situated

Where a Local Authority grant a licence under section 18 pursuant to schedule 5 of the Licensing Act, section 2 the holder of the licence may appeal against any decision:-

- (a) to impose conditions on the licence under subsection (2)(a) or 3(b) of that section, or
  - (b) to take any step mentioned in subsection (4)(b) or (c) of that section (exclusion of licensable activity or refusal to specify person as premises supervisor)
15. Where a person who made relevant representations in relation to the application desires to contend:-
- (a) that the licence ought not to have been granted, or
  - (b) that, on granting the licence, the licensing authority ought to have imposed different or additional conditions, or to have taken a step mentioned in subsection (4)(b) or (c) of that section, he may appeal against the decision.
16. In pursuance of regulation 26(1) of the Licensing Act 2003 (Hearing Regulations 2005) the Licensing Authority must make its determination at the conclusion of the hearing.
17. If the Licensing Authority refuse to grant the application, there is a right of appeal to the Magistrates' Court pursuant to schedule 5 section 18 part 1(a).

### **Equality Impact**

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

19. The licensing of premises and individuals will impact on children and young people through their attendance at licensed premises.
20. There has been no consultation or involvement of children and young people in developing these proposals.

**Recommendation**

21. That the Sub-Committee determine the application.



.....  
DIRECTOR OF CORPORATE RESOURCES

Contact Officer: Mrs. L Rouse  
Telephone: 01384 815377  
Email: [liz.rouse@dudley.gov.uk](mailto:liz.rouse@dudley.gov.uk)

**List of Background Papers**

**Licensing Sub Committee 2 – 23<sup>rd</sup> September 2014**

**Report of the Director of Corporate Resources**

**Halesowen Farmers and Craft Market**

**Purpose of Report**

1. To consider the application made by Mr. Stephen Evans on behalf of Bescott Promotions for the renewal of the consent to engage in street trading in Halesowen Town Centre, issued to the Halesowen Farmers and Craft Market.

**Background**

2. The Halesowen Farmers and Craft Market (formerly run by LSD Promotions) was first issued with a consent to engage in street trading on the 23<sup>rd</sup> November, 2002, for each second Saturday of each month.
3. On the 5<sup>th</sup> November, 2003 an application for renewal of the consent to engage in street trading in Halesowen Town Centre with effect from the 8<sup>th</sup> November, 2003 and the increase in trading days from one Saturday to two Saturdays per month was received along with an application for the variation of the goods to be sold.
4. This application was circulated to the West Midlands Police, Directorate of the Urban Environment and the Halesowen Town Centre Manager and Halesowen Chamber of Trade.
5. None of the agencies raised any objections to the application.
6. This matter was considered by the Licensing and Safety Committee on the 28<sup>th</sup> April 2004. The Committee resolved that the consent be issued and extended. They further resolved that the application for variation be deferred.
7. Following that hearing on the 28<sup>th</sup> April 2004, various letters were received by the Licensing Office, making objections to the variation of the street trading consent.
8. This application was considered by the Committee on the 29<sup>th</sup> July 2004. The Committee resolved that the application for variation be refused. That licence was subsequently renewed.

9. On the 24<sup>th</sup> August 2006, LSD Promotions made application for a further variation of the consent to engage in street trading to include crafts, hobbies, art, antiques, ceramic, fair-trade and unusual items.
10. This application was circulated as in paragraph 4 above.
11. The Town Centre Manager made comments which were brought to the attention of the Committee.
12. Various letters of objection were also received and brought to the attention of the Committee.
13. This matter was considered by the Committee on the 5<sup>th</sup> December 2006. The Committee resolved that the application for variation be granted for a period of 6 months and that it be reviewed after that period of time. The Committee further resolved that the samosa stall be removed from outside Dancers and be situated in a more convenient site.
14. On the 25<sup>th</sup> April 2007, LSD Promotions made application for the variation of the consent to include the 5<sup>th</sup> Saturday of the month when they occur.
15. This application was circulated as in paragraph 4 above. None of the agencies raised objections.
16. On 7<sup>th</sup> June 2007, LSD Promotions made application for the renewal of the consent to engage in street trading, that application was circulated to the relevant agencies. None of the agencies raised objections.
17. This matter was considered by the Sub-Committee on the 26<sup>th</sup> June 2007. The Committee resolved that the application be granted.
18. On the 2<sup>nd</sup> July 2009, LSD Promotions made application for the renewal of that licence for the 2<sup>nd</sup>, 4<sup>th</sup> and 5<sup>th</sup> Saturday of every month in Halesowen Town Centre.
19. That application was circulated as in paragraph 4 above.
20. The Town Centre Manager, Highways Department, Curatorial Services and Commercial Operations Manager and Local Traders all made representations which were brought to the attention of the Committee.
21. This matter was considered by the Committee on 29<sup>th</sup> September 2009. The Committee resolved that the application be granted with the following condition:-  
  
No seating shall be provided for food and drink in the market.
22. That licence was subsequently renewed and bore the expiry date of the 30<sup>th</sup> July 2011.
23. On the 8<sup>th</sup> July 2011, LSD Promotions made application for the renewal and variation of the consent to engage in street trading. The variation was to change the format of the market from a Farmer's/Craft Market every second, fourth and

fifth Saturday of the month to a General Market on every Saturday between the hours of 9.00am and 4.00pm.

24. That application was also circulated as in paragraph 4 above.
25. Letters of objection were received from Community Groups and Local Traders along with a petition.
26. Representations were also received from Curatorial Services, Corporate Property, and the Halesowen Town Centre Manager.
27. This matter was considered by the Licensing Sub-Committee on the 11<sup>th</sup> October 2011. The Committee resolved as follows:-
  - The format shall remain the same – every second, fourth and fifth Saturday of the month.
  - The market shall still be deemed a Farmer's and Craft Market.
  - The consent shall be varied to allow an extra 10 stalls, to a maximum of 35 stalls in total which may be of general format, but must be sympathetic to the established local trade.
  - The Committee will entertain a review of these modifications in 6 months if the applicant so desires.
28. That consent was transferred on the 20<sup>th</sup> January 2012 into the name of Mr Stephen Evans, Bescott Promotions and bore the expiry date of 30<sup>th</sup> July 2012.
29. On the 20<sup>th</sup> February 2012, Mr Evans made application for the variation of the consent to engage in street trading to enable the street market to operate every Saturday.
30. That application was circulated as in paragraph 4 above. In accordance with policy, the Town Centre Manager contacted Halesowen Chamber of Commerce and on the 27<sup>th</sup> February 2012, objections to the proposed variation of the consent to engage in street trading was received on behalf of the Cornbow Shopping Centre and the Halesowen Chamber of trade.
31. Objections to the proposed variation were also received from a local trader, the Halesowen Town Centre Manager and Councillor K Turner.
32. This matter was considered by the Licensing Sub-Committee on the 17<sup>th</sup> April 2012. The Committee resolved that the application to vary the consent to engage in street trading be refused. The reason for that decision was that the Committee finds the current frequency of market days achieves a reasonable balance between the interests of local shops, the market and its stall holders and the shoppers.
33. The Committee noted that the Sub-Committee of the 11<sup>th</sup> October 2011, stated that the market should be deemed a farmers and craft market and this is how the market should be referred to.

34. On the 13<sup>th</sup> July 2012, Mr Evans made applications for the renewal of the consent to engage in street trading. A letter was also received from Mr Evans confirming that they no longer require the use of Peckingham Street but still require the use of Great Cornbow Street for flexibility when necessary. Mr Evans also submitted a site plan.
35. That application, letter and site plan was circulated as in paragraph 4 above.
36. The Halesowen Chamber of Trade together with a local trader made representations.
37. None of the other agencies raised objections.
38. On the 5<sup>th</sup> October 2012, Mr Evans of Bescot Promotions made application for the variation of his street traders permit to enable him to run a Farmers and Craft Market in Halesowen Town Centre from Tuesday 18<sup>th</sup> December 2012 to Saturday 22<sup>nd</sup> December 2012 in the same format and to dress the stalls with a Christmas theme. This application was circulated as in paragraph 4 above.
39. On the 18<sup>th</sup> October 2012, Councillor K Turner made representations.
40. On Saturday 27<sup>th</sup> October 2012, the Licensing Enforcement Officer visited the market and noted the type of stalls appear to be within the terms of the consent.
41. On the 30<sup>th</sup> October 2012, the Cornbow Shopping Centre and members of the Halesowen Chamber of Trade made objections to the variation application.
42. This matter was considered by the Licensing Sub-Committee on the 27<sup>th</sup> November 2012, the Committee resolved that the renewal of the consent to engage in street trading in Halesowen Town Centre issued to the Halesowen Farmers and Craft Market be approved together with the following variation.  
  
The Halesowen Farmers and Craft Market be permitted to trade on Friday 21<sup>st</sup> December 2012 and Saturday 22 December 2012.
43. On the 10<sup>th</sup> July 2013 Mr Evan's made application for the renewal of the Street Trading Consent in respect of the Halesowen Farmer's and Craft Market, that application was circulated as in paragraph 4 above.
44. On the 17<sup>th</sup> July 2013, the Halesowen Chamber of Trade and The Cornbow Centre made representation.
45. This matter was due to be considered by the Licensing Sub-Committee on the 24<sup>th</sup> September 2013, the Committee resolved at the request of the applicant that the matter be deferred.
46. This matter was considered by the Licensing Sub-Committee on the 29<sup>th</sup> October 2013, the Committee resolved that the application for the renewal of the consent to engage in street trading in Halesowen Town Centre be approved together with the following modifications:

- 1) The format shall remain the same – every 2<sup>nd</sup>, 4<sup>th</sup> & 5<sup>th</sup> Saturday of the month.
  - 2) The Market shall be deemed a Farmers and Craft Market only with no general format stalls.
  - 3) The consent for 35 stalls remain.
  - 4) Vehicle access to stalls is denied between the area of High Street between Great Cornbow and Peckingham Street between 9.00 a.m. and 5.30 p.m.
47. On the 17<sup>th</sup> July 2014, Mr Evan's made a further application for the renewal of his consent to engage in street trading in Halesowen Town Centre, that application was circulated as in paragraph 4 above.
48. On the 15<sup>th</sup> August 2014, the Cornbow Shopping Centre representing 50 traders in Halesowen Town Centre along with 3 individual traders from Halesowen Town Centre made representations.
49. On the 19<sup>th</sup> August 2014, the Halesowen Chamber of Trade also made representations. All representations have been circulated to Committee Members and the Applicant.
50. None of the other agencies raised objections.
51. This application falls within the Council's responsibilities for licensing which has a direct link to the Council's key corporate priority that safety matters.

## **Finance**

52. There are no financial implications.

## **Law**

53. 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 a consent is an offence.
54. 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.
55. 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.
56. Where the consent allows the holder to trade from a cart, barrow, or other vehicle, then the consent must specify the location from which the trader may trade and the times between which or periods for which he may trade.

57. There is no right of appeal against the Council's decision to vary a condition upon which a consent is issued, or refusal to grant or renew a street trader's consent.

**Equality Impact**

58. The report takes account of the Council's policy on equal opportunities.

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

**Recommendation**

60. That the Committee consider Mr Evans' application.



.....  
DIRECTOR OF CORPORATE RESOURCES

Contact Officer: Mrs. E Rouse 5377  
Telephone: 01384 815377  
Email: [liz.rouse@dudley.gov.uk](mailto:liz.rouse@dudley.gov.uk)

**List of Background Papers**