

## **Licensing Sub-Committee 2**

**Tuesday, 3<sup>rd</sup> June, 2014 at 10.00am  
in the Council Chamber at the Council House, Priory Road, Dudley**

### **Agenda - Public Session (Meeting open to the public and press)**

1. Apologies for absence.
2. To receive any declarations of interest under the Members' Code of Conduct.
3. To report the appointment of any substitute Members for this meeting of the Sub-Committee.
4. To confirm and sign the minutes of the meeting held on 29<sup>th</sup> April, 2014 as a correct record.
5. Application for Review of a Premises Licence - Booze Corner, 10 Howley Grange Road, Halesowen.
6. Application for a Premises Licence - SSK Convenience Store, 35 Church Street, Pensnett, Brierley Hill.
7. Application for Consent to Engage in Street Trading - Forget Me Nots - Gornal Crematorium, Chase Road, Gornal Wood, Dudley.
8. 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: 21<sup>st</sup> May, 2014**

**Distribution:**

Councillors Russell (Chair), Cowell and Taylor

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## **LICENSING SUB-COMMITTEE 2**

Tuesday 29<sup>th</sup> April, 2014 at 10.00 am  
in the Council Chamber, The Council House, Dudley

### **PRESENT:-**

Councillor Russell (Chair)  
Councillors Cowell and Taylor

### **Officers:-**

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

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### 22      **DECLARATIONS OF INTEREST**

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

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### 23      **MINUTES**

#### **RESOLVED**

That the minutes of the meeting of the Sub-Committee held on 25<sup>th</sup> March, 2014, be approved as a correct record and signed.

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### 24      **APPLICATION FOR REVIEW OF PREMISES LICENCE – SUPERSAVE, 79 RUSSELLS HALL ROAD, DUDLEY**

A report of the Director of Corporate Resources was submitted on an application for the review of the premises licence in respect of Supersave, 79 Russells Hall Road, Dudley.

Mr G Wintrip, Age Restricted Products Enforcement Officer, Directorate of the Urban Environment, Ms D McNulty, Office of Public Health and Ms K Turley, Planning and Licensing Officer, West Midlands Police were in attendance at the meeting.

Following introductions, it was noted that representatives from Supersave were not in attendance at the meeting.

The Licensing Clerk reminded the Sub-Committee that the application had been adjourned at a previous meeting held on 25<sup>th</sup> March, 2014 due to the non-attendance of Mr Khan, the Designated Premises Supervisor at the time of the incident.

The Licensing Clerk confirmed that all relevant paperwork, in relation to the hearing today, had been hand delivered to the premises and that the onus was on the Premises Licence Holder to ensure the Designated Premises Supervisor was present at the meeting.

The Sub-Committee was satisfied that appropriate notice had been given and determined that the meeting proceed in the absence of representatives of Supersave.

The Licensing Clerk presented the report on behalf of the Council and in doing so informed the Sub-Committee that as from 24<sup>th</sup> April, 2014, the Designated Premises Supervisor had been transferred to Mr Nameed Khan.

Mr Wintrip then presented the representations of Trading Standards and in doing so highlighted that the grounds for the review had been based on the serious undermining of the two licensing objectives, namely, the prevention of crime and disorder and the protection of children from harm due to the poor management of the premises following the sale of alcohol to a person under the age of eighteen.

Mr Wintrip informed the Sub-Committee that on 10<sup>th</sup> January, 2014, a sixteen year old female child test purchaser was sold alcohol, namely a 700ml bottle of WKD Original with 4% alcohol, from the premises contrary to section 146(1) of the Licensing Act 2003 and in direct contravention of the licensing objectives.

It was reported that the current premises licence was granted to Mr Kamran Khan on 10<sup>th</sup> October, 2013 after the previous Designated Premises Supervisor was removed following two seizures of illicit alcohol from the premises. It was also reported that Mr Khan was the Designated Premises Supervisor and held a personal licence issued by Sandwell Metropolitan Borough Council.

It was noted that on 11<sup>th</sup> October 2006, a sale of alcohol was made to an underage test purchase volunteer. The Designated Premises Supervisor at that time was a Mrs Safina Akhtar, however, following the incident, Ms Akhtar was removed and replaced by Mr Kamran Khan. It was reported that the seller, which had been confirmed not to be Ms Akhtar, had been prosecuted, however, no review of the premises licence was undertaken.

It was also noted that on 20<sup>th</sup> January, 2012, intelligence had been received from West Midlands Police that underage sales of alcohol had been taking place at the premises.

It was further noted that on 17<sup>th</sup> February, 2012, a test purchase for alcohol was conducted at the premises with no sale being made.

Mr Wintrip stated that on 24<sup>th</sup> July 2012, an advisory visit was conducted at the premises. It was reported that the purpose of the visit had been to provide advice to help prevent the underage sale of restricted products. Mr Kamran Khan, who had been present at the time, was given detailed advice, including information in respect of acceptable proof of age and the importance of keeping a refusals register. Mr Khan was also provided with an advice pack relating to the sale of restricted products, an advice booklet, a challenge 25 poster, a refusals register, a poster regarding proof of age and a sample Proof of Age Standards Scheme card and was asked to ensure that it was brought to the attention of all staff to ensure that they were aware of their obligations under the Licensing Act 2003. During the course of the visit, Mr Khan signed a form to acknowledge receipt of the information pack.

On 26<sup>th</sup> September, 2012 during an inspection, an officer had found 6 x 1 litre and 11 x 70cl bottles of High Commissioner whisky together with 1 x 1 litre and 5 x 70cl bottles of Glens Vodka offered for sale at the premises. The bottles were seized as it was suspected they were counterfeit. It was reported that Mr Khan, the Premises Licence Holder at the time, had been present during the inspection and was issued with Trader's Notice 0372 as a receipt for the seized alcohol.

It was noted that a further inspection of the premises had taken place on 4<sup>th</sup> July, 2013, together with officers from West Midlands Police. During the inspection, officers had found 3 x 1 litre and 5 x 70cl bottles of High Commissioner whisky together with 2 x 1 litre and 2 x 70cl bottles of Glens Vodka offered for sale at the premises. The bottles were seized as it was suspected they were counterfeit. It was reported that Mr Hammed Khan, a relative of Mr Kamran Khan, had been present at the premises at the time and was issued with Trader's Notice 0435 as receipt for the seized alcohol. Mr Hammed was also given advice to help prevent the sale of age restricted products and signed a form to acknowledge receipt of the information.

It was reported that the manufacturer of the spirits, Glen Catrine stated "I can confirm from our records that all of the bottles are genuine but were produced with export back labels attached, i.e. the labels did not incorporate a UK Duty Stamp, as per our customer's instruction". It was further reported that the bottles had been despatched "under bond", i.e. without payment of excise duty and with the required HMRC removal warrants to their customer's bonded warehouse. The export labels had therefore been removed at some point by the counterfeiters and counterfeit UK Duty Stamp back labels applied to avoid payment of excise duty. It was noted that the cases and bottles would not have been available through the normal secure supply chain and reputable Cash and Carry outlets and indicated that such products would only have been obtained on the black market.

Mr Wintrip further informed the Sub-Committee that on 10<sup>th</sup> January, 2014, Trading Standards officers, together with the local Police Team, carried out a test purchase at the premises to determine compliance with the law on the sale of alcohol to persons under the age of eighteen. It was reported that a sixteen year old female child test purchase volunteer had purchased a 700ml bottle of WKD Blue with a 4% alcohol by volume. The seller made no attempt to ask the age of the volunteer and did not request any identification.

On returning to the premises, the individual who had sold the alcohol to the test purchase volunteer was identified as Mr Razak Khan who had stated that he was a relative of the Licensee, Mr Khan. It was believed that Mr Razak Khan was the proprietor of the business at that time.

It was reported that various age restricted posters had been seen on display, however, Mr Khan had been unable to produce a Refusals Register when asked to do so. Prior to the officer leaving the premises, a fixed Penalty Notice 00207217 was issued to Mr Khan by PC 5246 Browne.

In concluding, Mr Wintrip stated that should the Sub-Committee be minded not to revoke or suspend the premises licence, they could consider including additional conditions to the licence. A full list of proposed additional conditions had been circulated to all parties prior to the meeting.

Ms McNulty then presented the representations of Public Health, which had been circulated to all parties in accordance with the Licensing Act 2003. She made particular reference to the number of well-documented impacts on the health of adolescents as a consequence of alcohol consumption.

It was noted that in the opinion of Ms McNulty, the sale of alcohol to underage young people was considered to be very serious and supported the recommendations made by Trading Standards.

Ms Turley then presented the representations of West Midlands Police and in doing so informed the Sub-Committee that the Police had made enquiries on relevant police systems and had also liaised with the local neighbourhood team. She reported that youths regularly congregated outside the premises and had received intelligence regarding underage sales of alcohol. She stated that, although there had been no direct evidence of anti-social behaviour linked to the location, she suspected, however, that local youths were aware that they may be able to purchase alcohol underage at the premises. She indicated that the West Midlands Police also fully supported the recommendations made by Trading Standards.

General concerns were made by the Sub-Committee regarding the current management, Mr Naseer Hussain's and Mr Nameed Khan's relationship to the previous management (if any) and their involvement in the business in the past.

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 then outlined the decision.

## RESOLVED

That, subject to the following conditions being applied to the premises licence, no further action to be taken in relation to the review of the premises licence in respect of Supersave, 79 Russells Hall Road, Dudley:-

### CONDITIONS

- (1) A written Proof of Age Policy (Challenge 25) is to be put in force, which all staff authorised to sell alcohol will be trained in and adhered to. Valid proof of identification will only include passport, photographic driving licence or a Proof of Age Standard Scheme (PASS) proof of age card such as Citizen Card. No other form of identification shall be accepted.
- (2) A4 notices to be displayed on the door of the premises and near the point of sale stating that it is an offence to buy alcohol for persons under the age of 18.

- (3) A Register of Refusals of Sale of Alcohol which indicates the date, time and reason for refusal will be operated and maintained at the premises. The Premises Licence Holder shall review the book once a week ensuring it is completed and up-to-date. The Premises Licence Holder will sign the book each time it is checked. This book shall be made available for inspection by an officer of any responsible authority.
- (4) CCTV to be in place at the premises and to be recording at all times when the premises are open for licensable activity, to the specifications of the West Midlands Police Crime Reduction Officer so that the alcohol display area and the point of sale area can be viewed. All images are to be recorded and kept for a minimum of 28 days and made available to any responsible authority upon request immediately, and all staff are to be trained and able to operate and download CCTV. The hard drive is to be locked but readily accessible to staff.
- (5) The Premises Licence Holder will take proportionate steps to review the premises CCTV on a weekly basis in order to identify persons under the age of 18 who are attempting to buy alcohol or persons over the age of 18 buying on their behalf. A record of these checks shall be maintained and be available for inspection upon request by an officer of any responsible authority.
- (6) All persons engaged to sell alcohol must complete a training programme, which includes a written test to verify the competency of that person prior to them being authorised to sell alcohol.
- (7) The Premises Licence Holder shall ensure that monthly reviews are conducted with any persons authorised to sell alcohol in order to reinforce training, promote best practice and policy. The monthly reviews will be recorded in writing.
- (8) A file shall be maintained at the premises for each person authorised to sell alcohol (with proof of identity which will be a copy of passport and/or driving licence). This file shall contain all training records for each person along with copies of monthly reviews as stated in point (7). This file shall be made available for inspection by any officer from a responsible authority upon request.
- (9) Any person who is suspected of purchasing alcohol for any person underage, shall be refused service.



## REASONS FOR DECISION

This is an application for review of the premises licence in respect of Supersave, 79 Russells Hall Road Dudley. The application was brought by Trading Standards after a test purchase was conducted on 10<sup>th</sup> January, 2014, when a 16 year old female test purchaser was sold a bottle of WKD Blue.

The member of staff who sold the alcohol was a Mr Razak Khan and he had made no attempt to ask the age of the purchaser and he was unable to produce a refusals register when asked to do so. He was issued with a Fixed Penalty Notice.

Mr Razak Khan informed officers that he was a relative of the Premises Licence Holder, Mr Kamran Khan. He was also believed to be the owner of the business. Mr Kamran Khan has only had the premises since 19<sup>th</sup> September, 2013, when it was transferred to him after a Licensing Sub-Committee removed the Designated Premises Supervisor and suspended the licence for four weeks on 10<sup>th</sup> September, 2013. This action was taken as a result of the seizure of counterfeit alcohol on 26<sup>th</sup> September, 2012.

The Premises Licence was subsequently transferred to Mr Naseer Hussain on 14<sup>th</sup> February, 2014. The current Designated Premises Supervisor is Mr Nameed Khan and he has been the Designated Premises Supervisor since 24<sup>th</sup> April, 2014.

The Premises Licence Holder, Mr Naseer Hussain and the Designated Premises Supervisor, Mr Nameed Khan did not attend the Licensing Sub-Committee today. The Sub-Committee has good reason to have concerns about the management of these premises since 2006. Today, it has not been possible to ask the Premises Licence Holder or the Designated Premises Supervisor about their relationship to previous management (if any), their involvement in the business in the past (if any) and the current ownership of the business. The Premises Licence Holder attended the hearing on 27<sup>th</sup> March, 2014 and is aware of the adjourned hearing today. Formal notice of this Sub-Committee was also hand delivered to the Premises Licence Holder. The Sub-Committee is extremely disappointed that the Designated Premises Supervisor and the Premises Licence Holder have not attended today to explain how they intend to manage the premises and remedy the failures of the past-management. In order to ensure that the licensing objectives are met, the Sub-Committee attaches the conditions recommended by Trading Standards, as set out above, to the premises licence.

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The meeting ended at 11.00 am.

CHAIR

**Licensing Sub-Committee 2 – 3<sup>rd</sup> June, 2014**

**Report of the Director of Corporate Resources**

**Application for Review of a Premises Licence**

**Purpose of Report**

1. To consider the application for the review of the premises licence in respect of Booze Corner, 10 Howley Grange Road, Halesowen, B62 0HN

**Background**

2. Booze Corner, formerly known as (Howley Grange Convenience Store) was first issued with premises licence on the 4<sup>th</sup> October 2010, that licence was transferred on the 9<sup>th</sup> October 2012.
3. The current premises licence is issued for the following:-

Sale of Alcohol	Monday to Sunday	06.00 – 23.00
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4. On the 15<sup>th</sup> January 2014, an application for the review of the premises licence was received from the Trading Regulation and Enforcement Manager. A copy of that application has been circulated to Committee Members and interested parties in accordance with the Licensing Act 2003.
5. The Council has advertised the application for review of the premises licence in accordance with Licensing Regulation S1, 2004, No. 42, Section 38. A copy of that notice is attached to this report as Appendix 1.
6. Confirmation that the application has been served on the premises licence holder and relevant authorities has been received.
7. On the 28<sup>th</sup> January 2014, the West Midlands Police made representations. A copy of that report has been circulated to Committee Members, interested parties and the premises licence holder.
8. On the 10<sup>th</sup> February 2014 the Director of Public Health made representations. A copy of that report has been circulated to Committee Members, interested parties and the Premises Licence Holder.
9. The current premises licence holder is Mr A Singh.

10. This matter was due to be considered by Sub-Committee on the 11<sup>th</sup> March, 2014, the Committee resolved that the matter be deferred to a future hearing. The Committee further resolved that both Mr. A. Singh and Mrs. K. Kaur be in attendance at the hearing.
11. This matter was again due to be considered by the Licensing Sub-Committee on the 6<sup>th</sup> May, 2014, the matter was again adjourned due to the applicant's Solicitors' failure to attend due to an error on their part
12. This application 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**

13. There are no financial implications.

### **Law**

14. The law relating to the review of licences is governed by the Licensing Act 2003 Section 52(1).

Determination of application for review

52(1) This section applies where:-

- a) The relevant licensing authority receives an application made in accordance with section 51,
  - b) the applicant has complied with any requirement imposed on him under subsection (3)(a) or (d) of that section, and
  - c) the authority has complied with any requirement imposed on it under subsection (3)(b) or (d) of that section
15. Before determining the application, the authority must hold a hearing to consider it and any relevant representations.
  16. The authority must, having regard to the application and any relevant representations, take such of the steps mentioned in subsection (4) (if any) as it considers appropriate for the promotion of the licensing objectives.
  17. The steps are -
    - a) to modify the conditions of the licence;
    - b) to exclude a licensable activity from the scope of the licence;
    - c) to remove the designated premises supervisor;

- d) to suspend the licence for a period not exceeding three months;
- e) to revoke the licence;

and for this purpose the conditions of the licence are modified if any of them is altered or omitted or any new condition is added.

18. Subsection (3) is subject to sections 19,20 and 21 (requirement to include certain conditions in premises licences).
19. Where the authority takes a step mentioned in subsection (4) (a) or (b) it may provide that the modification or exclusion is to have effect for only such period (not exceeding three months) as it may specify,
20. In this section “relevant representations” means representations which -
  - a) are relevant to one or more of the licensing objectives, and
  - b) meet the requirements of subsection (8).
21. The requirements are -
  - a) that the representations are made –
    - (i) by the holder of the premises licence, a responsible authority or an interested party, and
    - (ii) within the period prescribed under section 51(3)(c)
  - b) that they have not been withdrawn, and
  - c) if they are made by an interested party (who is not also a responsible authority), that they are not, in the opinion of the relevant licensing authority, frivolous or vexatious.
22. Where the relevant licensing authority determines that any representations are frivolous or vexatious, it must notify the person who made them of the reasons for that determination.
23. Where a licensing authority determines an application for review under this section it must notify the determination and its reasons for making it to -
  - a) the holder of the licence
  - b) the applicant
  - c) any person who made relevant representations, and
  - d) the chief officer of police for the police area (or each police area) in which the premises are situated.
24. A determination under this section does not have effect -

- a) until the end of the period given for appealing against the decision, or
  - b) if the decision is appealed against, until the appeal is disposed of
25. Pursuant to schedule 5 part 1, section 8(2)
26. An appeal may be made against the decision of the committee by –
- a) the applicant for the review
  - b) the holder of the premises licence or
  - c) any other person who made relevant representations in relation to the application for review.

### **Equality Impact**

27. This report takes into account the Council's policy on equality and diversity.
28. The licensing of premises and individuals will impact on children and young people through their attendance at licensed premises.
29. There has been no consultation or involvement of children and young people in developing these proposals.

### **Recommendation**

30. That the Sub-Committee determine the review of the premises licence in respect of Booze Corner, 10 Howley Grange Road, Halesowen.



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DIRECTOR OF CORPORATE RESOURCES

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### **List of Background Papers**

## DUDLEY METROPOLITAN BOROUGH COUNCIL

[www.dudley.gov.uk](http://www.dudley.gov.uk)REVIEW OF PREMISES LICENCE  
UNDER THE LICENSING ACT 2003

Notice of Review of the Premises Licence issued to  
Booze Corner, 10 Howley Grange Road, Halesowen, B62 0HN.

Interested parties and relevant authorities may make representations in writing to the Licensing Office, Law and Governance, 5 Ednam Road, Dudley, West Midlands, DY1 1HL between 16<sup>th</sup> January 2014 and 12<sup>th</sup> February 2014

The Review of Licence has been requested by a relevant authority on the grounds of

- Prevention of crime and disorder
- Protection of children from harm

The details of the grounds for review may be inspected at the Licensing Offices (address as above) between the hours of 9.00 am and 4.30pm (Monday to Friday except Public Holidays).

It is an offence knowingly or recklessly to make a false statement in connection with an application and the maximum fine for which a person is liable on summary conviction for the offence is £5,000.



**Dudley**  
Metropolitan Borough Council

P J Tart  
Director of Corporate Resources

**Licensing Sub-Committee 2 - 3<sup>rd</sup> June, 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 SSK Convenience Store, 35 Church Street, Pensnett, Brierley Hill, West Midlands, DY5 4HB.

**Background**

2. On the 17<sup>th</sup> April 2014 an application was received from Licensing Trade Legal Services Ltd, on behalf of Thanikan Packiyathan in respect of the premises known as SSK Convenience Store, 35 Church Street, Pensnett, Brierley Hill, West Midlands. 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 – Sunday inc 08.00 – 22.00

5. Confirmation that copies of the application form and supporting documentation have been served on the relevant authorities has been received.
6. Representations have been received from two local residents, copies of which have been forwarded to the applicant, Committee Members and Interested parties in accordance with the Licensing Act 2003.
7. On the 29<sup>th</sup> April 2014, representations were received from the Trading Standards Department, a copy of those representations have also been forwarded to the applicant, Committee Members and interested parties in accordance with the Licensing Act 2003.



8. 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**

9. There are no financial implications.

### **Law**

10. 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.
11. 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.
12. 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
13. 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
14. 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).
15. 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)
16. 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.
17. 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.
18. 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**

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

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

**Recommendation**

22. That the Sub-Committee determine the application.



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DIRECTOR OF CORPORATE RESOURCES

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**List of Background Papers**

**Licensing Sub-Committee 2 - 3<sup>rd</sup> June, 2014**

**Report of the Director of Corporate Resources**

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

**Mrs. J. Watton (Forget Me Nots) - Gornal Crematorium**

**Purpose of Report**

1. To consider the application made by Mrs. Julie Watton for the grant of a consent to engage in street trading at Gornal Crematorium, Chase Road, Gornal Wood, Dudley, West Midlands.

**Background**

2. For many years there have been flower sellers outside both the Crematoria at Gornal Wood and Stourbridge. This was by agreement with Bereavement Services.
3. The agreements concluded in March and May 2012, respectively.
4. In order to be fair to all, Bereavement Services decided to request the formalisation of these pitches to allow street trading consents to be issued to the traders.
5. Accordingly, on the 14<sup>th</sup> December, 2011, Mr. Ian Bailey, Principal Bereavement Services Officer made application for the revision of the consent/prohibited streets in the Dudley Borough.
6. This matter was considered by the licensing Sub-Committee on the 17<sup>th</sup> January, 2012. The Committee resolved that the application to include Chase Road, Gornal Wood and South Road, Stourbridge, as consent streets for the purpose of Street Trading be approved in principal.
7. The Committee further resolved that the Licensing Officer publish a notice in a local newspaper setting out the proposed resolution and requesting that any objections be received within 28 days of the date of publication. That notice was published in the Express and Star on the 20<sup>th</sup> January, 2012.
8. A copy of that notice was also served on the West Midlands Police and the Director of the Urban Environment (Highways).

9. On the 25<sup>th</sup> January, 2012, a letter of objection was received from a local resident and was forwarded to the Committee Members.
10. This matter was considered by the Sub-Committee on the 13<sup>th</sup> March, 2012, the Committee resolved to approve the resolution. However, prior to the streets becoming consent sites the prescribed legal notices containing the resolution were published in the Express and Star newspaper for two consecutive weeks, the first notice also contained the application criteria drawn up by Bereavement Services.
11. Following that notice on the 18<sup>th</sup> May, 2012, Mrs. Julie Watton made application for the grant of a Street Trader's Consent to sell flowers at Gornal Crematorium, Chase Road, Gornal on weekends and bank holidays between the hours of 9.00 a.m. to 1.00 p.m. A copy of that application was circulated to the Committee Members and interested parties.
12. This application was also circulated to the West Midlands Police, Director of the Urban Environment, Head of Economic Development and the Commercial Operations Manager, Corporate Estates.
13. This matter was due to be considered by the Licensing Sub-Committee on the 31<sup>st</sup> July, 2012, that application was, however, subsequently withdrawn.
14. On the 21<sup>st</sup> March, 2014, Mrs. Watton made a further application for the grant of a street trader's consent to sell flowers at Gornal Crematorium, Chase Road, Gornal, on Saturdays and Sundays between the hours of 9.00 a.m. and 1.00 p.m.
15. That application was circulated as in paragraph 12 above, none of the agencies made objections.
16. This application falls within the Council's recent responsibility for licensing which has direct link to the Council's key corporate priority that safety matters.

## **Finance**

17. There are no financial implications.

## **Law**

18. 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, Chase Road is a consent street designated as such by a resolution of the Council. To trade without such a consent is an offence.
19. 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.
20. 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.

21. 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 trade/may trade and the times between which or periods for which he may trade.
22. 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**

23. This report takes into account the Council's policy on equality and diversity.
24. There has been no consultation or involvement of children and young people in developing these proposals.

### **Recommendation**

25. That the Committee consider Mrs. Watton's application for the grant of a street trading consent at Gornal Crematorium.



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DIRECTOR OF CORPORATE RESOURCES

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### **List of Background Papers**