

Licensing Sub-Committee 1

**Wednesday, 28th May, 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 11th March, 2014 as a correct record.
5. Application to Vary a Premises Licence - McDonald's Restaurant Limited, Dudley Road, Kingswinford.
6. Application for a Premises Licence - Waggon and Horses - 31 Worcester Street, Stourbridge.
7. Application for Consent to Engage in Street Trading - LSD Promotions Ltd – Food/Craft Market.
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: 15th May, 2014

Distribution:

Councillor Bills (Chair); Councillors Blood and Sykes

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LICENSING SUB-COMMITTEE 1

Tuesday 11th March, 2014 at 10.00 am
in the Council Chamber, The Council House, Dudley

PRESENT:-

Councillor Bills (Chair)
Councillors Blood and Sykes

Officers: -

Mr R Clark (Legal Advisor), Mr B Hughes (Licensing Enforcement Officer) and Mrs K Taylor – All Directorate of Corporate Resources.

47 DECLARATIONS OF INTEREST

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

48 MINUTES

RESOLVED

That the minutes of the meeting of the Sub-Committee held on 11th February, 2014, be approved as a correct record and signed.

49 APPLICATION FOR REVIEW OF PREMISES LICENCE - LONDIS, 202 HIGH STREET, LYE

A report of the Director of Corporate Resources was submitted on an application for the review of the premises licence in respect of Londis, 202 High Street, Lye.

Mr K R Rafi, Premises Licence Holder and Designated Premises Supervisor was in attendance at the meeting, together with his business partner, Mr R Singh.

Also in attendance were Mr C King, Trading Standards Officer, and Mr G Wintrip, Age Restricted Products Enforcement Officer, both from the Directorate of the Urban Environment, Ms D McNulty, Office of Public Health and Ms K Turley, Planning and Licensing Officer, West Midlands Police.

Following introductions by the Chair, the Licensing Enforcement Officer then presented the report on behalf of the Council.

Mr King then presented the representations of Trading Standards and in doing so highlighted that the grounds of 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 King informed the Sub-Committee that on 29th November, 2013, a fifteen year old male child test purchaser had been sold alcohol from the premises contrary to section 146(1) of the Licensing Act 2003 and in direct contravention to the licensing objectives.

It was noted that an application to transfer the premises licence from Blakemore Retail Ltd to K.A.S Convenience Stores Ltd, with immediate effect, was made on 6th December, 2013. The application submitted by Trading Standards related to the new premises licence holders, K.A.S Convenience Stores Ltd, even though it appeared that transfer of the licence had not been completed by the date of the sale to the test purchaser.

Mr King reported that there had been no advisory visits to the premises under the new regime, as they had not been notified of the change in ownership of the business. He further stated that under the previous owners, there was a sale of alcohol to a test purchase volunteer on 18th July, 2012, and a sale of tobacco to another test purchase volunteer on 15th May, 2013.

On 29th November, 2013, Trading Standards together with West Midlands Police, carried out a test purchase exercise to determine compliance with the law on the sale of alcohol to children. On that occasion, a fifteen year old male child test purchase volunteer purchased a bottle of Koppaburg cider with 4% alcohol by volume. The seller made no attempt to ask the age of the volunteer or proof of identification.

Following the sale, and having returned to the premises, it was discovered that the individual who sold the alcohol to the test purchaser had been a Miss L Hyde. When cautioned, Miss Hyde made no reply.

On inspection of the premises, it was noted that there were several Age Restricted Products displayed but no age verification policy such as "challenge 25" in place. It was noted that there was a till prompt in operation that required the seller to check the purchaser's age if buying alcohol, which Miss Hyde would have had to override to complete the sale. Miss Hyde was then issued with a Fixed Penalty Notice.

In concluding, Mr King 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 the proposed 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 K Turley then presented the representations of West Midlands Police and in doing so informed the Sub-Committee that the Police had carried out checks on the police systems and there was no recent intelligence in relation to counterfeit goods at the premises or any issues such as anti-social behaviour or crime in the area.

Ms Turley further stated that the sale of alcohol to a minor was a serious matter and supported the recommendations made by Trading Standards.

Mr Rafi then presented his case and in doing so informed the Sub-Committee that he had purchased the business on 4th November, 2013, and closed the premises for one week for refurbishment, and then reopened as K.A.S. Convenience Stores Ltd.

He further stated that he had taken on all of the Blakemore staff as part of the purchase of the business, who then had to learn how to work under Londis as the registers and practices were different to the previous regime.

Reference was made to the comments made by Trading Standards in respect of Miss Hyde, and Mr Rafi agreed that Miss Hyde would have had to override the register in order to sell alcohol to the underaged volunteer, and confirmed that following the sale on 29th November, 2013, she had received additional training.

Mr Rafi further stated that there was a "Challenge 25" policy in place, and that along with his other business in Birmingham, the sale on 29th November, 2013 had been the first underaged sale. He informed the Sub-Committee that managers would brief staff members on Monday mornings to enforce their responsibility for requesting proof of identification.

Following a question by the Chair, Mr Rafi confirmed that there was no connection between K.A.S Convenience Stores Ltd and Blakemore, who operated as Spar, and that the process for the sale of the business took over two years to complete.

Mr Rafi further stated that there was no explanation to excuse the sale of alcohol to a child by Miss Hyde, however he had decided not to terminate her contract as she had family commitments. He further stated that he had previously undertaken test purchasing exercises to determine compliance from his members of staff, which had been very positive and no sales were made.

In responding to a question by a member, Mr Rafi confirmed that he was a franchise owner and all stock at the premises was branded to Londis.

In responding to a question by Mr King as to why Mr Rafi was trading on Blakemore's premises licence during the time of the sale on 29th November, 2013; Mr Rafi responded that there had been delays in his application to transfer the licence, and that he had informed Blakemore that he would be trading under their licence until the transfer had been completed.

Reference was made in respect of the Refusals Register, and Mr Rafi informed the Sub-Committee that the register was logged electronically and backed up by a USB. At this juncture, Mr Rafi circulated copies of the Refusals Register and photographs highlighting the posters displayed at the premises.

In responding to a question by Mr King in relation to the CCTV footage of the sale on 29th November, 2013, Mr Rafi agreed that he could re-position the cameras in order to view customers more clearly.

In responding to a question by the Legal Advisor, Mr Rafi confirmed that he was in agreement with the conditions suggested by Trading Standards, subject to some minor amendments to the wording in relation to the Refusals Register to enable Mr Rafi to continue logging refusals electronically.

In responding to a question by a member, Mr Rafi confirmed that he was unable to override the refusals register system, and that the information was held for a period of five years.

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 Londis, 202 High Street, Lye: -

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 adhere to. Valid proof of identification will only include passport, photographic driving licence or a Proof of Age standards 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 to 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 record once a week ensuring it is completed and up-to-date. The Premises Licence Holder will sign the record each time it is checked. This record 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 under the age of 18, shall be refused service.

REASONS FOR DECISION

This is a review of a premises licence of Londis, 202 High Street, Lye, brought by Trading Standards as a result of a failed test purchase on 29th November, 2013.

At the time of the test purchase, the premises licence was held by Blakemore Retail Ltd, and an application for transfer was made on 6th December, 2013. However, the premises were being run by a new business, K.A.S Convenience Stores Ltd as at 29th November, 2013, and the person who sold the alcohol was a Ms Hyde, an employee of Londis but previously Blakemore, and she was issued with a fixed penalty notice. Age restricted posters were on display and a till prompt was in operation. This however must have been ignored as a sale was made to a 15 year old test purchaser, no age check was made.

The Manager of the business has now provided Ms Hyde with further training. The new Designated Premises Supervisor Mr Kashif Razwan Rafi also stated that there was a single Challenge 25 poster near the red wine section, but admitted that further posters should have been displayed. The business had been bought on 4th November, 2013, closed for one week for refurbishment, and then reopened and was therefore operating as K.A.S. rather than Blakemore's at the time of the test purchase. K.A.S took on all of the Blakemore staff as part of the purchase of the business, and Ms Hyde was previously employed by Blakemore's.

The Sub-Committee does not take any steps to revoke or suspend the premises licence but does attach the conditions proposed by Trading Standards, to the premises licence. This step will ensure that training of staff is adequate, that CCTV records appropriate information and that all attempts to purchase age restricted products are both recorded and reviewed by management.

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

50 APPLICATION FOR REVIEW OF PREMISES LICENCE – BOOZE CORNER, 10 HOWLEY GRANGE ROAD, HALESOWEN

A report of the Director of Corporate Resources was submitted on an application for the review of the premises licence in respect of Booze Corner, 10 Howley Grange Road, Halesowen.

Mr A Bahia (Premises Licence Holder) was in attendance together with his Solicitor, Mr M Banahan and his son, Mr S Bhopal.

Also in attendance were Mr C King, Trading Standards Officer, and Mr G Wintrip, Age Restricted Products Enforcement Officer, both from the Directorate of the Urban Environment, Ms D McNulty, Office of Public Health and Ms K Turley, Planning and Licensing Officer, West Midlands Police.

Following introductions, it was noted that Mrs K Kaur, Designated Premises Supervisor, was not in attendance at the meeting due to work commitments at the premises.

Following further discussion, the parties withdrew from the meeting in order to enable the Sub-Committee to consider whether the meeting could continue without the presence of Mrs Kaur.

RESOLVED

That consideration of the application made for the review of the premises licence in respect of Booze Corner, 10 Howley Grange Road, Halesowen be adjourned to a re-convened meeting to be held in April, 2014.

The Sub-Committee requested that both Mr A Singh and Mrs K Kaur attend the re-convened hearing.

51 APPLICATION FOR CONSENT TO ENGAGE IN STREET TRADING – MR S TEZGEL- RYEMARKET, STOURBRIDGE

A report of the Director of the Corporate Resources was submitted on an application made by Mr S Tezgel for the grant of consent to engage in street trading to sell American Burgers, Chips and Salad, Monday to Sunday, 9pm to midnight inclusive in Ryemarket, Stourbridge.

Mr S Tezgel, Applicant, was in attendance at the meeting together with his Barrister, Mr J Philips, and his wife, Mrs Tezgel.

Following introductions, Mr B Hughes, Licensing Enforcement Officer, Directorate of Corporate Resources, presented the report on behalf of the Council.

Mr J Philips then presented the case on behalf of Mr S Tezgel, and in doing so apologised to the Sub-Committee for Mr Tezgel's non-attendance at the previous hearing, as there had been some misunderstanding in the wording of the letter that was sent to Mr Tezgel.

Mr Philips stated that the application was for a burger van to be sited in a central location, which was used by a Jacket Potato van in the day. He stated that Mr Tezgel had ten years experience in the catering trade, and that he owned a pizza business, and employed four members of staff, in Stourbridge for the past four years.

It was noted that Mr Tezgel would undertake a litter sweep each night surrounding the area and anticipated that there would be no impact to the area should the consent be granted.

Reference was made to Mr Tezgel's failure to register the business with the Environmental Health Department; Mrs Tezgel stated that they had received advice from a third party that informed them that they did not need to register the business until after consent had been granted. She further stated that the pizza business had been registered.

In responding to a question by a member as to how Mr Tezgel envisaged accessing the location, as there were bollards at the site, which were removed by the Ryemarket Manager only, Mrs Tezgel confirmed that she had spoken to the Ryemarket Manager who agreed access to the location.

In responding to a question by the Chair in relation to the days requested, Mrs Tezgel confirmed that although the application requested all week, the business may not trade during the quieter days in the week.

Following a brief discussion, it was

RESOLVED

That the application made by Mr S Tezgel for the grant of consent to engage in street trading in Ryemarket, Stourbridge, be approved for a period of twelve months.

The meeting ended at 11.35 am

CHAIR

Licensing Sub-Committee 1 - 28th May, 2014

Report of the Director of Corporate Resources

Application to Vary a Premises Licence

PURPOSE

1. To consider the application for variation of the premises licence in respect of the premises known as McDonald's Restaurant Limited, Dudley Road, Kingswinford, West Midlands, DY6 8WT.

BACKGROUND

2. McDonald's Restaurant Limited, Dudley Road, Kingswinford was first issued with a premises licence on the 19th September 2005, for the following:

Late Night Refreshment

Sunday – Thursday 23.00 – 23.30
Friday & Saturday 23.00 – 00.00.

3. On the 8th January 2008, an application was received from Shoosmiths in respect of McDonalds Restaurant Limited, Dudley Road, Kingswinford, for the variation of that premises licence for the following hours:

Late Night Refreshments

Monday – Sunday inc 23.00 until 05.00

4. Representations were received from 2 local residents on the grounds of public nuisance.
5. This matter was considered by the Licensing Sub-Committee 5 on the 26th February 2008, the Committee resolved that the application be refused.
6. This matter was subsequently appealed at the magistrates Court on the 25th and 26th November 2008, the Magistrates Court found in favour of the Local Authority.

7. A further application for variation of the premises licence was received and approved on the 26th June 2013, the current licence is issued as follows:

Late Night Refreshments

Monday – Sunday inc 23.00 until 01.00

8. On the 3rd April 2014, Shoosmiths, made application for a further variation of the premises licence in respect of McDonalds Restaurants Limited, Dudley Road, Kingswinford, West Midlands as follows:

Late Night Refreshment

Monday – Sunday 23.00 until 05.00

9. Confirmation that copies of the application form and supporting documentation have been served on the relevant authorities has been received.
10. On the 9th April 2014, representations were received from Food & Occupational Safety, a copy of that report has been forwarded to Committee Members, the premises licence holder and interested parties in accordance with the Licensing Act 2003.
11. Letters of objections have been received from 6 local residents, copies of those letters have also been forwarded to Committee Members, the premises licence holder and interested parties in accordance with the Licensing Act 2003.
12. The Current premises licence is in the name of McDonald's Restaurant Ltd.
13. 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

14. There are no financial implications.

LAW

15. The law relating to the granting of applications to vary premises licences is governed by the Licensing Act 2003, part 3, section 34.
16. Pursuant to section 35(3)(a) of the Licensing Act 2003, where a relevant authority has made representations, the Licensing Authority must:-
 - Hold a hearing to consider item, unless the authority, the applicant and each person who has made such representations agree that a hearing is unnecessary, and,

- Having regard to the representations, take such of steps mentioned in subsection (4) (if any) as it considers appropriate for the promotion of the licensing objectives.
 - The steps are:-
 - To modify the conditions of licence;
 - To reject the whole or part of the application.
17. Pursuant to Section 36(1) and (4) of the Licensing Act 2003 where an application (or any part of an application) is granted or rejected under Section 35 of the Licensing Act 2003, the Licensing Authority must immediately give notice to that effect to :-
- the applicant;
 - any person who made relevant representations in respect of the application and
 - the Chief Officer of Police for the police area in which the premises are situated.
18. 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.
19. In pursuance of schedule 5, section 4 if the Licensing Authority refuse to grant the application vary the premises licence, there is a right of appeal to the Magistrates' Court.
20. In pursuance of schedule 5, section 4(2) where the Licensing Authority grant an application to vary a premises licence in whole or in part. The applicant may appeal against any decision to modify the conditions of the licence under subsection 4(a) of section 35 of the Licensing Act 2003.
21. In pursuance of schedule 5 section 4(3) where a person who made relevant representations to the application desires to contend:-
- a) that any variation made ought not to have been made, or
 - b) that, when varying the licence, the Licensing Authority ought not to have modified the conditions of the licence, or ought to have modified item in a different way, under subsection 4(a) of section 35 of the Licensing Act.

They have the right of appeal to the Magistrates' Court.

EQUALITY IMPACT

22. This report complies with the Council's policy on equal opportunities.

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

RECOMMENDATION

25. 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 1 - 28th May 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 Waggon and Horses, 31, Worcester Street, Stourbridge, West Midlands.

Background

2. On the 31st March 2014 an application was received from Quality Solicitors, Talbots, on behalf of Joint applicants Mr J J R Hedges and Mr O L Lawson in respect of the premises known as The Waggon and Horses, 31, Worcester Street, Stourbridge, 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 /Recorded Music

Sunday until Wednesday	10.00 – 00.00
Thursday until Saturday	10.00 - 01.00

Live Music/Indoor Sporting Events

Sunday until Wednesday	10.00 – 23.00
Thursday until Saturday	10.00 – 00.00

Late Night Refreshments

Sunday until Wednesday	23.00 – 00.00
Thursday until Saturday	23.00 – 01.00

A further additional hour every Christmas Eve and Boxing Day. From start of permitted hours on New Year's Eve to close of permitted hours New Year's Day.

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 a Local Resident, a copy of which has 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.



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DIRECTOR OF CORPORATE RESOURCES

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List of Background Papers

Licensing Sub-Committee 1 - 28th May, 2014

Report of the Director of Corporate Resources

Application for Consent to Engage in Street Trading

LSD Promotions Ltd - Food/Craft Market

Purpose of Report

1. To consider the application on behalf of Mr. Dermot McGillicuddy of LSD Promotions, for the grant of a consent to engage in street trading at a site in Ryemarket (High Street to a point 30 metres from High Street), Stourbridge, West Midlands.

Background

2. On the 14th March, 2014, LSD Promotions made application for the grant of a consent to engage in street trading for a Food/Craft Market on the 1st & 3rd Saturday of each month from 9.00 a.m. until 4.00 p.m. at a site in Ryemarket, (High Street to a point 30 metres from High Street), Stourbridge, to replace the previous Farmers and Craft Market, which ceased trading in Stourbridge on the 4th March, 2014.
3. A copy of the application together with the proposed site plan of the stall layout has been forwarded to Committee Members, various agencies and interested parties. Details of the application have also been placed on the Licensing Web Page. No objections have been received in respect of the application.
4. This report has a direct link to the Council's priority for safety as the principal reason for submission is safeguarding the public.

Finance

5. There are no financial implications.

Law

6. 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. Ryemarket (High Street to a point 30 metres from High Street) Stourbridge is a

consent street designated as such by a resolution of the Council. To trade without such a consent is an offence.

7. 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.
8. 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.
9. Where the consent allows the holder to trade from 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.
10. There is no right of appeal against the Council's decision to vary a condition upon which consent is issued, or refusals to grant or renew a street trader's consent.

Equality Impact

11. This report takes into account the Council's policy on equal opportunities.
12. There has been no consultation or involvement of children and young people in developing these proposals.

Recommendation

13. That the Committee determine LSD's application for the grant of a street trading consent in Stourbridge Town Centre.



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DIRECTOR OF CORPORATE RESOURCES

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