



Licensing Sub-Committee 3

**Tuesday, 1st November, 2016 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 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 23rd August, 2016 as a correct record
5. Application for the Renewal and Variation of Consent to Engage in Street Trading LSD Promotions Ltd – Food/Craft Market in Stourbridge (Pages 1 – 5)
6. Application for Grant of Consent to Engage in Street Trading – Mr Richard Lee Anthony Palethorpe – Halesowen Town Centre (Pages 6 – 7)

A handwritten signature in black ink, appearing to read "Sarah Noun".

Chief Executive

Dated: 19th October, 2016

Distribution:

Councillor M Evans (Chair); Councillor K Finch and G Simms

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- Elected Members can submit apologies by contacting Democratic Services. The appointment of any Substitute Member(s) should be notified to Democratic Services at least one hour before the meeting starts.
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Minutes of the Licensing Sub-Committee 3

Tuesday 23rd August, 2016 at 10.05 am
in Committee Room 2, The Council House, Dudley

Present:-

Councillor M Evans (Chair)
Councillors C Perks and G Simms

Officers:-

R Clark – Principal Solicitor – Chief Executive's Directorate, S Smith – Interim Licensing Manager – Place Directorate and K Buckle, Democratic Services Officer – Chief Executive's Directorate.

13. **Apology for Absence**

An apology for absence from the meeting was received on behalf of Councillor J Cowell.

14. **Appointment of Substitute Member**

It was reported that Councillor C Perks had been appointed as a substitute Member for Councillor J Cowell for this meeting of the Sub-Committee only.

15. **Declarations of Interest**

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

16. **Minutes**

Resolved

That the minutes of the meeting of the Sub-Committee held on 19th July, 2016, be approved as a correct record and signed.

17. **Application for a Licensed Premises Gaming Machine Permit**

A report of the Strategic Director Place was submitted on an application for a Licensed Premises Gaming Machine Permit for three Category C machines and one Category D machine, in respect of the premises known as The Lutley Oak, 327 Stourbridge Road, Halesowen.

The Licensing Clerk referred to the report submitted and the supporting documentation that had been forwarded to Members only for their consideration.

As the applicant was not in attendance at the meeting the Sub-Committee agreed to hear the matter in their absence.

Resolved

That, following consideration of the information contained in the report submitted, the grant of a Licensed Premises Gaming Machine Permit for three Category C machines and one Category D machine, in respect of the premises known as The Lutley Oak, 327 Stourbridge Road, Halesowen, be approved.

18. **Application for a Licensed Premises Gaming Machine Permit**

A report of the Strategic Director Place was submitted on an application for a Licensed Premises Gaming Machine Permit for five Category C machines and one Category D machine, in respect of the premises known as The Corn Exchange, Amblecote Road, Brierley Hill.

The Licensing Clerk referred to the report submitted and the supporting documentation that had been forwarded to Members only for their consideration and clarified that no objections had been received to the application.

Resolved

That, following consideration of the information contained in the report submitted, the grant of a Licensed Premises Gaming Machine Permit for five Category C machines and one Category D machine, in respect of the premises known as The Corn Exchange, Amblecote Road, Brierley Hill, be approved.

19. **Application for a Licensed Premises Gaming Machine Permit**

A report of the Strategic Director Place was submitted on an application For a Licensed Premises Gaming Machine Permit for four Category C

machines, in respect of the premises known as The Lawnswood, Lawnswood Road, Wordsley, Stourbridge.

The following persons attended the meeting in respect of the application:-

Mr J Baldaro – Area Manager – Stonegate Pub Company Limited
Mr O Lowther – General Manager – The Lawnswood.

Following introductions Mr Baldaro responded to queries from Members and in doing so confirmed that the purpose of the application was to promote growth investment and that staff received online training in relation to monitoring and awareness of those using the machines. Mr Baldaro also confirmed the location of the machines which were within the view of members of staff.

The parties then withdrew from the meeting to enable the Sub-Committee to determine the application.

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

Resolved

That, following consideration of the information contained in the report submitted, the grant of a Licensed Premises Gaming Machine Permit for four Category C machines, in respect of the premises known as The Lawnswood, Lawnswood Road, Wordsley, Stourbridge, be approved.

20. Application for a Licensed Premises Gaming Machine Permit.

A report of the Strategic Director Place was submitted on an application for a Licensed Premises Gaming Machine Permit for four Category C machines and one Category D machine, in respect of the premises known as The Stag & Three Horseshoes, Halsowen Road, Halesowen.

Mr D Taylor – Designated Premises Supervisor was in attendance at the meeting.

Following introductions, Mr Taylor responded to questions from Members and in doing so advised that there were Gambling Awareness Policies in place with camera footage of current machines being viewed from the bar area at the premises.

The parties then withdrew from the meeting to enable the Sub-Committee to determine the application.

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

Resolved

That, following consideration of the information contained in the report submitted, the grant of a Licensed Premises Gaming Machine Permit for four Category C machines and one Category D machine, in respect of the premises known as The Stag & Three Horseshoes, Halesowen Road, Halesowen, be approved.

21. **Application for a Licensed Premises Gaming Machine Permit**

A report of the Strategic Director Place was submitted on an application for a Licensed Premises Gaming Machine Permit for three Category C machines, in respect of the premises known as The Crabmill, Hagley Road, Stourbridge.

As the applicant was not in attendance at the meeting the Sub-Committee agreed to hear the matter in their absence.

Resolved

That, following consideration of the information contained in the report submitted, the grant of a Licensed Premises Gaming Machine Permit for three Category C machines, in respect of the premises known as The Crabmill, Hagley Road, Stourbridge, be approved.

The meeting ended at 10.50am

CHAIR

Licensing Sub-Committee 3 – 1st November 2016

Report of the Strategic Director Place

Application for the Renewal and Variation of 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 renewal and variation of the consent to engage in street trading at a site in Stourbridge.

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 was forwarded to Committee Members, various agencies and interested parties. Details of the application were also posted on the Licensing Web Page. No objections were received in respect of the application.
4. This matter was considered by the Licensing Sub-Committee on the 28th May 2014, the Committee resolved that the application be approved.
5. On the 8th June 2015, Mr McGillicuddy made application for the renewal of the consent to engage in street trading.
6. On the 1st June 2015, (Prior to the application for renewal of consent to engage in street trading) a letter of objection was received from a local trader.
7. This application was considered by the Licensing Sub-Committee on the 15th September 2015, the Committee resolved that the application for renewal of the Street Trading Consent be approved.
8. On the 26th July 2016, Mr McGillicuddy made a further application for the renewal and variation of the Street Trading Consent. The application for variation is to include every Saturday to trade from Lower High Street, Coventry Street and the

area around the Clock. A site plan/stall plan is attached to this report as Appendix 1.

9. A copy of that application has been forwarded to Committee Members and Interested Parties and details of the application have been posted on the licensing web pages.
10. Representations have been received from the Communications Department, Street and Green Care Department, Traffic Highways and Transportation Department, Dudley Market Traders and the Stourbridge Chamber of Trade. Copies of which have been forwarded to Committee Members and the Applicant prior to the hearing.
11. This report has a direct link to the Council's priority for safety as the principal reason for submission is safeguarding the public.

Finance

12. There are no financial implications.

Law

13. 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. High Street/Coventry Street Stourbridge is a consent street designated by a resolution of the Council. To trade without such a consent is an offence.
14. 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.
15. 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.
16. 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.
17. 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

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

Recommendation

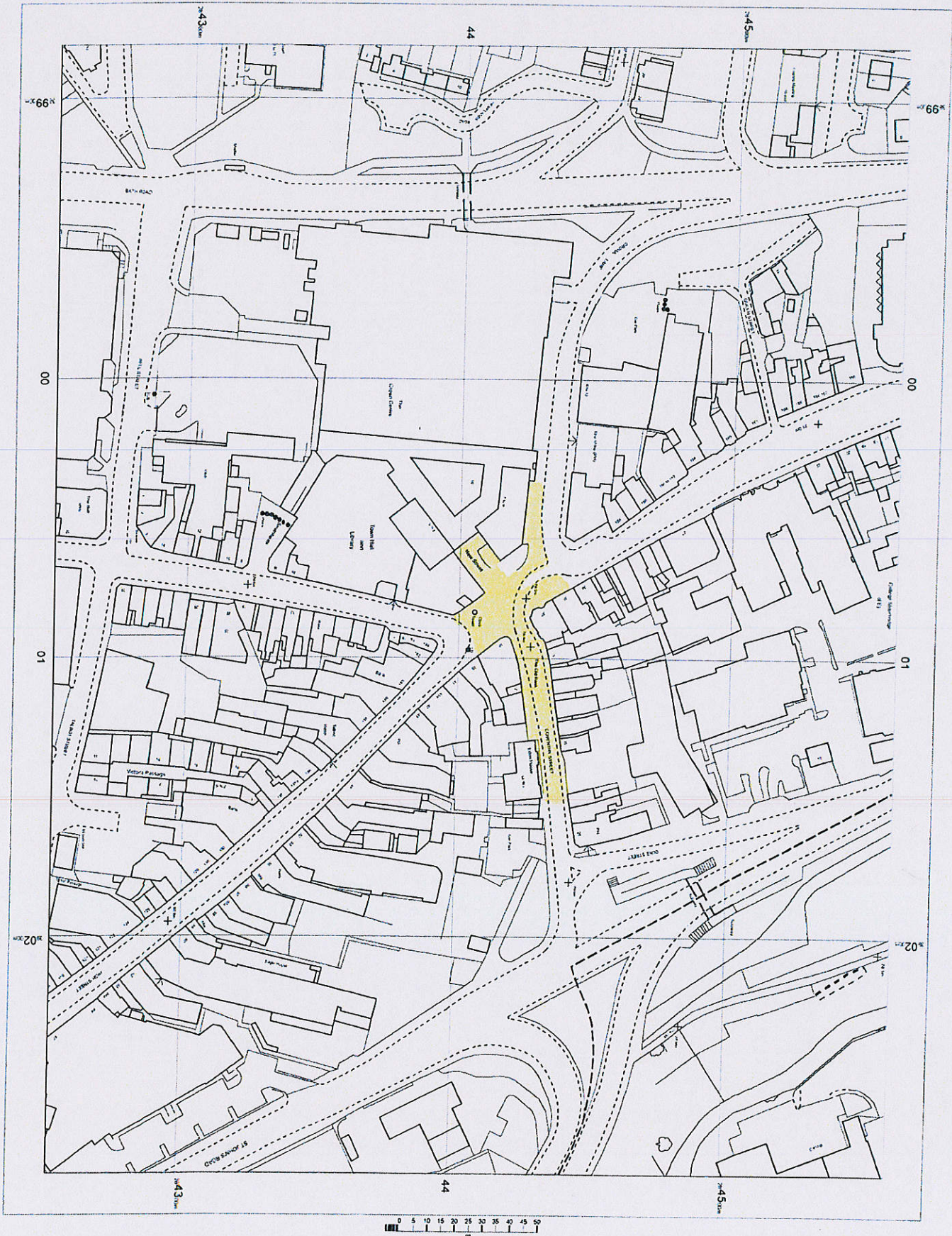
20. That the Committee consider the application for the renewal and variation of the street trading consent issued to LSD Promotions.



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Strategic Director Place.

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List of Background Papers

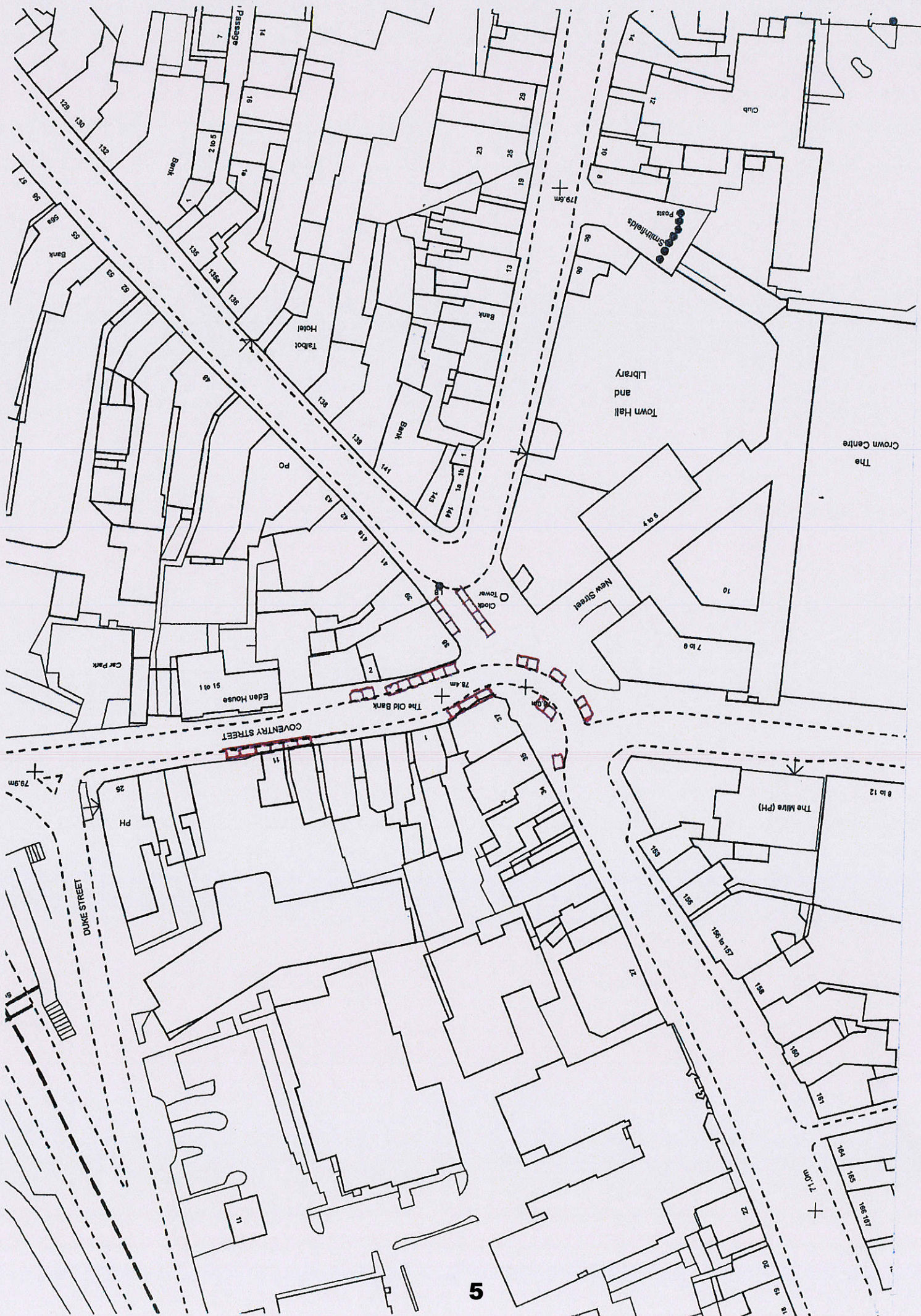


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Licensing Sub-Committee 3 – 1st November 2016

Report of the Strategic Director Place

Application for Grant of Consent to Engage in Street Trading

Mr Richard Lee Anthony Palethorpe – Halesowen Town Centre.

Purpose of Report

1. To consider the application made by Mr Richard Palethorpe for the grant of a consent to engage in street trading at a site in HighStreet /Hagley Street,Halesowen.

Background

2. On the 23rd June 2016, Mr Palethorpe made application for the grant of a Street Trader's Consent to sell Jacket Potatoes Speciality Tea and Coffee and in the winter months additional Soups, between the hours of 10.30 and 15.00 Monday to Friday inclusive, in High Street Dudley.
3. On the 23rd June 2016, representations were received from the Communication and Public Affairs Office, Visitor Economy and Culture Department, Street and Green Care (Highways) and Building Control (Planning) .
4. Due to the redevelopment of the Market and the limited space available Mr Palethorpe was asked to look at alternative sites within the Borough.
5. On the 7th September 2016, Mr Palethorpe submitted a further site plan for an alternative site in High Street/Hagley Street, Halesowen a copy of that site plan has been forwarded to all interested parties and details of the application posted on the licensing web page.
6. On the 7th September 2016, representations were received from the Halesowen Chamber of Trade and on the 16th September 2016, representations were also received from the Street and Green Care (Highways) Department.
7. A copy of the application form with supporting documentation and site plans along with all representations have been forwarded to Committee Members prior to the hearing.
8. This application falls within the Council's responsibility for 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 grant of consents to engage in street trading is governed by Part III of Schedule IV to the Local Government (Miscellaneous Provisions) Act 1982. High Street/Hagley Street Halesowen is a consent street designated as such by a resolution of the Council. To trade without such consent is an offence.
11. 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.
12. 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.
13. 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.
14. There is no right of appeal against the Council's decision to vary a condition upon which consent is issued, or refusal to grant or renew a street trader's consent.

Equality Impact

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

Recommendation

17. That the Committee consider Mr Palethorpe's application for the grant of a street trading consent in High Street/ Hagley Street, Halesowen.



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STRATEGIC DIRECTOR PLACE

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List of Background Papers