

Meeting of the Licensing Sub-Committee 2

Tuesday 5th November, 2019 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 serving for this meeting of the Committee.
3. To receive any declarations of interest under the Members' Code of Conduct.
4. To confirm and sign the minutes of the meetings held on 1st October, 2019 as a correct record.

The following application is to be considered under the provisions of the Licensing Act 2003:-

5. Application to Vary a Premises Licence – Lye Service Station, Pedmore Road, Stourbridge (Pages 1 - 4)
6. To consider any questions from Members to the Chair where two clear days notice has been given to the Monitoring Officer (Council Procedure Rule 11.8).



Chief Executive

Dated: 28th October, 2019

**Distribution:
Members of Licensing Sub-Committee 2**

Councillor M Evans (Chair)
Councillors J Baines and P Drake

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Elected Members

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- 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 2

Tuesday 1st October, 2019 at 10.08 am
in the Council Chamber, The Council House, Dudley

Present:-

Councillor M Evans (Chair)
Councillors J Baines and P Drake

Officers:-

B Hughes – Assistant Team Manager (Waste and Fleet Care) (Place Directorate),
R Clark – Principal Solicitor and K Taylor – Democratic Services Officer (Chief Executive's Directorate).

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 Licensing Sub-Committee 2 meeting held on 27th August, 2019, be approved as a correct record and signed.

17 **Application to Vary a Premises Licence - Lye Service Station, Pedmore Road, Stourbridge**

A report of the Strategic Director Place was submitted on an application for variation of the premises licence in respect of Lye Service Station, Pedmore Road, Stourbridge.

It was noted that the applicant was not in attendance and had requested that the matter be deferred to enable him sufficient time to appoint a legal representative.

Resolved

That the application for variation of the premises licence in respect of Lye Service Station, Pedmore Road, Stourbridge be deferred to a future meeting of Licensing Sub-Committee 2.

The meeting ended at 10.10 am.

CHAIR
LSBC2/17

Minutes of the Licensing Sub-Committee 2

Tuesday 1st October, 2019 at 10.15 am
in the Council Chamber, The Council House, Dudley

Present:-

Councillor M Evans (Chair)
Councillors J Baines and P Drake

Officers:-

B Hughes – Assistant Team Manager (Waste and Fleet Care) (Place Directorate),
R Clark – Principal Solicitor and K Taylor – Democratic Services Officer (Chief Executive's Directorate).

18 **Declarations of Interest**

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

19 **Application for Renewal of Consent to Engage in Street Trading – Halesowen Farmers and Craft Market**

A report of the Strategic Director Place was submitted in respect of an application made by Mr S Evans on behalf of Bescot Promotions Ltd, for the renewal of the consent to engage in street trading in respect of the Halesowen Farmers and Craft Market.

The following persons were in attendance at the meeting:

Mr S Cox – Marketing Manager (Bescot Promotions Ltd)
Mr S Evans – Director (Bescot Promotions Ltd)
Ms V Rogers – Halesowen Business Improvement District (BID) Town Manager (Objector)

Following introductions, the Assistant Team Manager (Waste and Fleet Care) presented the report on behalf of the Council.

Ms Rogers presented her representations and in doing so stated that the Halesowen BID had received a number of complaints from retailers, in particular, that the products sold at the market were not categorised as farmers or craft produce. An inventory created by Cornbow Security staff outlined the stalls that were in operation since 2017, however it was noted that the evidence had not been submitted to the Sub-Committee or applicant prior to the hearing.

In responding to concerns raised by the Sub-Committee and applicant regarding the late submission of documents, Ms Rogers accepted that the inventory would not be a consideration for the Sub-Committee.

Ms Rogers stated that retailers had reported that footfall in the Town Centre had not increased and as traders were selling produce at a discounted price, this was considered unreasonable and affected business profits.

In responding to the comments made by Ms Rogers, Mr Cox commented that the market had vastly improved over the past twelve months and that Bescot Promotions had fulfilled their commitment as discussed at a previous Sub-Committee in October, 2018, including investment on advertising. Feedback from traders had suggested an increase in footfall on Saturdays, therefore he had difficulty in accepting that the market had had a negative impact on local business given that the market was in operation for only twelve occasions during a year.

In responding to a question by the Chair, Ms Rogers confirmed that there was no evidence to support the statement that there had been a reduction in footfall or the impact the market had on retailers.

Mr Cox then presented his representations and in doing so stated that the reduction to monthly markets had greatly improved the market and brought additional footfall to the Town Centre together with a variety of products.

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

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

Following the decision and a suggestion made by the Sub-Committee, Ms Rogers and Mr Cox confirmed that Halesowen BID would work alongside Bescot Promotions Ltd to address any concerns raised.

Resolved

That the application for the renewal of the consent to engage in street trading in respect of the Halesowen Farmers and Craft Market be approved.

The meeting ended at 10.45 am.

CHAIR

Licensing Sub-Committee 2 – 5th November, 2019

Report of the Strategic Director Place

Application to Vary a Premises Licence

Lye Service Station, Pedmore Road, Stourbridge, DY9 8DG.

Purpose

- 1 To consider the application for variation of the premises licence in respect of the premises known as Lye Service Station, Pedmore Road, Stourbridge, DY9 8DG.

Recommendation

- 2 That the Sub-Committee determine the application for variation of the premises licence in respect of the premises known as Lye Service Station as set out in paragraph 5 below.

Background

- 3 The Lye Service Station was first issued with a premises licence on the 20th January, 2009, that licence was transferred into the name of Highway Stops Retail Limited on the 16th November, 2015.
4. The current premises licence is issued for the following:

The times the licence authorises the carrying out of licensable activities: -			
I: Late Night Refreshment	Monday – Sunday	23:00	05:00
J: Supply of Alcohol	Monday - Sunday	00:00	00:00

5. On the 7th August 2019, RB Retail & Licensing Services Limited, made application for the variation of the premises licence on behalf of Highway Stops Retail Limited, in respect of the premises known as Lye Service Station for the following:
 - 1) Vary Condition 12 which referred to the steps taken to promote the licensing objectives as a result of the variation granted 1st January 2016.
 - A) To permit the entrance door to remain open to customers after 22.00 hours until 01.00 hours on all Thursdays through to Saturdays (ie Until 01.00 Sunday Morning)

- B) And also permission for the entrance door to remain open to customers from 22.00 hours until 23.00 hours on all Sundays to Wednesdays.

Condition 12 on the current licence reads as follows

12. Between 22.00hrs and 06.00hrs all sales will be made via the night pay window

6. A copy of the application has been forwarded to Committee Members in accordance with the Licensing Act 2003.
7. Confirmation that copies of the application form and supporting documentation have been served on the relevant authorities has been received.
8. Representations have been received from Development Control, West Midlands Police and a Local Ward Councillor, copies of all representations have been circulated to the applicant, interested parties and Committee Members in accordance with the Licensing Act 2003.
9. The current premises licence holder is Highway Stops Retail Limited.
10. This matter was due to be considered by the Sub Committee on the 1st October 2019 the Committee resolved that the matter be deferred at the request of the applicant.

Finance

11. There are no financial implications.

Law

12. The law relating to the granting of applications to vary premises licences is governed by the Licensing Act 2003, part 3, section 34.
13. 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 necessary 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.

14. 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.
15. 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.
16. 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.
17. 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.
18. 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

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.

Organisational Development/Transformation

22. There are no organisational development/transformation implications.

Commercial/Procurement

23. There are no commercial/procurement implications.

Health, Wellbeing and Safety

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



Strategic Director Place

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