

LICENSING SUB-COMMITTEE 2

TUESDAY 27th NOVEMBER, 2012

AT 10.00 AM
COUNCIL CHAMBER
COUNCIL HOUSE
PRIORY ROAD
DUDLEY

If you (or anyone you know) is attending the meeting and requires assistance to access the venue and/or its facilities, could you please contact Democratic Services in advance and we will do our best to help you

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www.dudley.gov.uk


Dudley
Metropolitan Borough Council

IMPORTANT NOTICE

MEETINGS IN DUDLEY COUNCIL HOUSE

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Your ref: Our ref: Please ask for: Telephone No.
KT Karen Taylor 01384 818116

14th November 2012

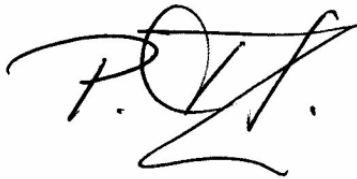
Dear Member

Meeting of the Licensing Sub-Committee 2 – Tuesday 27th November 2012

You are requested to attend a meeting of the Licensing Sub-Committee 2 to be held on Tuesday 27th November 2012 at 10.00 am in the Council Chamber, Council House, Priory Road to consider the business set out in the Agenda below.

The agenda and reports for this meeting can be viewed on the Council's internet site www.dudley.gov.uk and follow the links to Meetings and Decisions.

Yours sincerely



Director of Corporate Resources

A G E N D A

- 1 APOLOGIES FOR ABSENCE
To receive apologies for absence from the meeting.
2. APPOINTMENT OF SUBSTITUTE MEMBERS
To report the appointment of any substitutes for this meeting of the Committee.
3. DECLARATIONS OF INTEREST
To receive declarations of interest in accordance with the Members' code of conduct

4. MINUTES

To approve as a correct record and sign the minutes of the meeting held on 18th September, 2012 (copy attached).

5. APPLICATION FOR VARIATION OF A LICENSED PREMISES GAMING MACHINE PERMIT – STAG AND THREE HORSESHOES, HALESOWEN (PAGES 1 – 5)

To consider a report of the Director of Corporate Resources.

6. APPLICATION FOR RENEWAL AND VARIATION OF THE CONSENT TO ENGAGE IN STREET TRADING – BESCOTT PROMOTIONS – HALESOWEN FARMERS AND CRAFT MARKET (PAGES 6 – 11)

To consider a report of the Director of Corporate Resources.

7. TO ANSWER QUESTIONS UNDER COUNCIL PROCEDURE RULE 11.8 (IF ANY)

To: All Members of Licensing Sub-Committee 2, namely:

Councillor Cowell Councillor Mrs Ameson Councillor Russell
(Chair)

LICENSING SUB-COMMITTEE 2

Tuesday 18th September, 2012 at 10.05 am
in The Council Chamber, The Council House, Dudley

PRESENT:-

Councillor Cowell (Chair)
Councillors Bills and Russell

Officers

Mr R Clarke (Legal Advisor), Mrs J Elliott (Licensing Officer) and Mrs K Taylor (Directorate of Corporate Resources)

7 APOLOGY FOR ABSENCE

An apology for absence from the meeting was submitted on behalf of Councillor Mrs Ameson.

8 APPOINTMENT OF SUBSTITUTE MEMBER

It was noted that Councillor Bills had been appointed as a substitute member for Councillor Mrs Ameson, for this meeting of the Sub-Committee only.

9 DECLARATIONS OF INTEREST

No member declared an interest in accordance with the Members' Code of Conduct.

10 MINUTES

RESOLVED

That the Minutes of the Meeting of the Sub-Committee held on 29th May, 2012, be approved as a correct record and signed.

11 APPLICATION FOR A CLUB PREMISES CERTIFICATE – COOMBS WOOD SPORTS AND SOCIAL CLUB

A report of the Director of Corporate Resources was submitted on an application for the grant of a club premises certificate in respect of Coombs Wood Sports and Social Club, Stewarts and Lloyds House, Stewarts Road, Halesowen.

Mr N Jones, Chairman, and Mr K Barrat, Supporter and Member of the premises Committee were in attendance at the meeting.

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

Mrs J Elliott, Licensing Officer, Directorate of Corporate Resources, presented the report on behalf of the Council.

Councillor Hill then presented the representations on behalf of Councillor Shakespeare and the residents, which had been circulated to all parties in accordance with the Licensing Act 2003. He made particular reference to the concerns raised in respect of the intended opening hours and the impact this would have on local residents given that the premises was located within a residential area, and in doing so requested that the hours be reduced.

The Licensing Officer informed the Sub-Committee that it was common for an applicant to apply for a licence with hours that may not necessarily be used, in order to provide flexibility.

In responding to comments made, Mr Jones stated that the purpose for the longer hours was to achieve more flexibility, and confirmed that the premises would not stay open late in the weekday, but that the hours would likely be extended on a Friday, Saturday and Sunday to accommodate the busy periods.

Mr Barratt informed the Sub-Committee that the premises would not be hiring the facilities for events such as birthday parties, but that it would be open to members only.

Further to comments received from Councillor Shakespeare in relation to car parking, Mr Barratt stated that at the new premises, there would be specified parking in a residential area.

In responding to a question by a member, Mr Barratt confirmed that members would be asked to leave the premises quietly when leaving, and that they hope to involve the neighbours as much as possible, and would be willing to discuss any problems directly with them.

He further stated that the premises was predominately a sports and social club and very family orientated.

In responding to a question from the Licensing Officer in respect of the sound proofing of the building, Mr Barratt confirmed that as the premises had recently been built the building had been sound proofed, and a noise limit machine installed.

In summing up, Mr Barratt wished to reiterate that the opening hours requested was to provide flexibility, and not to allow the premises to be open late in the evening.

Councillor Hill commented that the applicant had given him the reassurance in respect of the opening hours, and that the applicant would make the effort to be a good neighbour.

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 the application for the grant of a club premises certificate in respect of Coombs Wood Sports and Social Club, Stewarts and Lloyds House, Stewarts Road, Halesowen be approved, in the following terms :-

Sale of Alcohol / Indoor Sporting Events

Monday – Sunday 10.00 – 01.00

New Years Eve – 36 hours. To extend the hours to cover big sporting events such as the world cup giving the police licensing officer 7 days prior notice in writing of the event and times.

Live Music / Recorded Music / Performance of Dance

Monday – Thursday 18.00 – 23.30
Friday and Saturday 18.00 – 00.00
Sunday 18.00 – 23.30

Christmas Eve until 01.00
New Years Eve until 02.00
Bank Holiday Sundays until 00.00

REASON FOR DECISION

The application for a premises licence is granted.

The Sub-Committee is satisfied that the club will work with the local community to allay any concerns that local residents may have, in particular around the proposed licensing hours to 1.00 am.

A report of the Director of Corporate Resources was submitted on an application for the grant of a premises licence in respect of Dudley Stores, 28 High Street (Market Place), Dudley.

Mr M Kandeepan, Applicant, and Mr R Jordan, Representative, were in attendance at the meeting.

Also in attendance and objecting to the application was Ms D McNulty, Dudley Primary Care Trust (PCT).

Mrs J Elliott, Licensing Officer, Directorate of Corporate Resources, presented the report on behalf of the Council.

Ms McNulty then presented the representations on behalf of Ms V Little, Director of Public Health, Dudley PCT, which had been circulated to all parties in accordance with the Licensing Act 2003. She made particular reference to the number of recorded attendances at the hospital for assaults in 2011/12 from the Dudley High Street area.

It was noted that four out of six attendances at the hospital had been a result of drinking in the daytime.

Arising from comments made, it was noted that the representations made by Dudley PCT were general comments for that specific area and not directly linked to the premises.

Mr Jordan then presented his case on behalf of the applicant and in doing so provided a brief background of Mr Kandeepan's experience in the alcohol trading industry.

Mr Jordan informed the Sub-Committee of the procedures that would be implemented such as a training programme for all staff members; identification procedures; a copy of the home office guidance in respect of fake identification badges would be displayed by the registers to guide staff members; advice given on proxy sales; that the refusals register would be approved by the Designated Premises Supervisor on a daily basis; and the consequences of selling alcohol to underaged customers to be explained to all.

It was also noted that staff would be reminded to request identification from all customers who appeared to be under twenty-five if they entered the premises in a group.

It was noted that every staff member would sign a training log to confirm that they had received training, and that refresher training would be provided on a six monthly basis.

Reference was made to the representations received from Public Health, Dudley PCT, and Mr Jordan stated that the concerns raised were not directly linked to the premises and that the majority of alcohol related disturbances occurred between the hours of 10.30 pm and 3.00 am, therefore he considered that the hours requested were reasonable.

In responding to a question by a member, Mr Kandeepan confirmed that he would be happy to discuss any problems with customers in order to resolve any issues.

In responding to a question by the Legal Advisor in respect of CCTV, Mr Kandeepan confirmed that there six cameras installed inside the premises with an additional one at the front and two at the back of the premises. He further confirmed that he would retain the footage for a period of twenty-eight days.

Further to comments made in regard to the refresher training provided to staff, Mr Kandeepan confirmed that he would be happy to provide the training on a four monthly basis.

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 the application for the grant of a premises licence in respect of Dudley Stores, 28 High Street (Market Place), Dudley be approved, in the following terms :-

Sale of Alcohol

| | |
|-------------------|---------------|
| Monday – Saturday | 08.00 – 20.00 |
| Sunday | 10.00 – 17.00 |

REASON FOR DECISION

The application for a premises licence is granted.

The concerns raised by Dudley Director of Public Health have been noted by the Sub-Committee but do not amount to representations upon which the Sub-Committee would not grant the application as made.

The applicant has consented to conditions in the operating schedule being amended to state : -

- 1) Staff training at four monthly intervals, which will be recorded.
- 2) CCTV footage will be retained for a minimum of twenty-eight days for inspection by the Police.

A report of the Director of Corporate Resources was submitted on an application for the grant of a premises licence in respect of Tesco Stores Limited, 142 Bromley Lane, Kingswinford.

Mr J Bark, Solicitor, Mr M Herbett, Store Manager and Ms A Haslow, Area Manager, were in attendance at the meeting.

Mrs J Elliott, Licensing Officer, Directorate of Corporate Resources, presented the report on behalf of the Council.

Mr Bark then presented the representations on behalf of Tesco Stores, and in doing so informed the Sub-Committee that the premises would open on 26th October, 2012. It was noted that the alcohol products stored in a Tesco express store was significantly lower than other products.

Mr Bark further stated that the challenge 25 policy was operated through the till register, and explained that when an alcohol product had been scanned a message would be displayed prompting the employee to request identification if the customer appeared to be under the age of 25. It was noted that the register was updated on a daily basis to highlight date of births that were within the legal remit to sell alcohol.

It was further noted that an audit was regularly undertaken on a quarterly basis which also included a mystery shopping exercise.

Mr Bark stated that the company provided a comprehensive training programme that had seen members of staff progress into senior management, which demonstrated the company's commitment to training. A legal refresher training course was also provided on a two yearly basis.

It was noted that there were ten CCTV cameras installed in the premises overlooking areas such as the registers and entrance. Mr Bark stated that all alcohol spirits were stocked behind the register, and half bottle sizes were not sold, therefore it would deter underaged customers as the full size alcohol product would have to be purchased.

It was confirmed that there would be four managers and sixteen members of staff at the premises on a daily basis.

Reference was made to representations received from local residents in relation to anti-social behaviour. Mr Bark stated that should customers misbehave in the premises then they would be asked to leave, and that if a customer refused to leave or continued to be disruptive then the employee would be expected to refer the matter to the Police.

Mr Bark referred to the 'rogues gallery' that had been implemented, which displayed CCTV images of customers who had been barred from the premises, and also referred to the good working relationship with the local police.

It was also noted that promotional offers, particularly alcohol related products, were not available in Tesco Express stores, Mr Bark then stated that Tesco was a responsible operator and had maintained a good record in the Dudley area.

In responding to a question by a member in relation to the self service areas and the possibility of thefts, Mr Bark stated that when an alcohol related product was scanned it alerted the member of staff to enter a date of birth if the customer appeared to be under the age of twenty-five. Referring to the comments made in relation to thefts, he stated that scales were installed on the self-service registers to weigh the goods, and if any were removed in order to steal them, then the alarm alerted the employees.

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 the application for the grant of a premises licence in respect of Tesco Stores Limited, 142 Bromley Lane, Kingswinford be approved, in the following terms :-

Sale of Alcohol

Monday – Sunday 06.00 – 23.00

REASON FOR DECISION

The application for a premises licence is granted.

The Sub-Committee has considered the written representations from local residents, and notes their concerns, but does not consider that there are sufficient grounds to refuse the application.

The meeting ended at 12.05 pm

CHAIR

Licensing Sub-Committee 2 – 27th November 2012

Report of the Director of Corporate Resources

Application for Variation of a Licensed Premises Gaming Machine Permit

Purpose of Report

1. To consider the application for the variation of a Licensed Premises Gaming Machine permit for 3 category C machines and 1 category D machine in respect of the Stag & Three Horseshoes, Halesowen, West Midlands, B62 9BB.

Background

2. The Stag & Three Horseshoes holds a current premises licence for the following:

Late Night Refreshment

Monday to Sunday 23.00 – 00.00

Sale of Alcohol

Monday to Sunday 10.00 – 00.00

End of permitted hours on New Years Eve to commencement of permitted hours on New Years Day.

Regulated Entertainment (Films, Indoor Sporting Events, Live Music)

Monday to Sunday 10.00 – 00.00

Playing of Recorded Music

24 hours a day pursuant to Section 182 Licensing Act 1964

Plus non standard timings as for the supply of alcohol -

In the event of the transmission of any recognised international event which falls outside the current permitted hours on the premises licence to permit the activity commencing one hour before the start of the event and ending one hour after the end of the event, the details of the activity to be notified to the police 14 days

beforehand. The event will now proceed if the police serve 7 days prior to the event, written notice upon the designated premises supervisor.

On the days/dates listed below the additional hours are to be permitted for the licensable activity (not including drinking up time) – 1st January 1hr, Valentines Night 1hr, Burns Night 1hr, 1st March (St David's) 1hr, 17th March (St Patrick's) 1 hr, Good Friday 1 hr, Easter Saturday 1hr, Easter Sunday 1hr, Easter Monday 1 hr, May Bank Holiday (1st) Friday prior 1hr, May Bank Holiday (1st) Saturday prior 1hr, May Bank Holiday (1st) Sunday prior 1hr, May Bank Holiday (1st) Bank Holiday Monday 1hr, May Bank Holiday (2nd) Friday prior 1hr, May Bank Holiday (2nd) Saturday prior 1hr, May Bank Holiday (2nd) Sunday prior 1hr, May Bank Holiday (2nd) Bank Holiday Monday 1hr, August Bank Holiday Friday prior 1hr, August Bank Holiday Sat prior 1hr, August Bank holiday Sunday prior 1hr, August Bank Holiday Monday 1hr, Halloween 1hr, Christmas Eve 2 hrs, Boxing Day 1hr, 27th December 1hr, 28th December 1 hr, 30th December 1hr.

3. The Local Authority Licensing policy states as follows:-

- If authorisation is sought for more than two category C or D machines the applicant will be required to attend a hearing to support the application. All plans submitted with applications for premises licences must set out the siting of each category C or D machine.
- Parliament has placed no restrictions on the age at which such machines may be played (other than those in amusement arcades). It is, therefore a matter for the discretion of the premises licence holder and any adult accompanying the children concerned whether they are entitled to play such machines. In the case of premises used exclusively or primarily for the consumption of alcohol, all children under the age of 16 will only be permitted entry to the premises if accompanied by adults. All such machines must be sited in accordance with the Gaming Act. Further advice will be given on receipt of application.
- There is unlikely to be the need for a hearing where the application is for renewal of the existing permit for more than two machines or where the application is for the grant of a Licensed Premises Gaming Machine Permit at premises which already have an existing permit for more than two machines and where that number is not increased.

4. On the 29th January 2010, an application was received from Poppleston Allen in respect of the Stag & Three Horseshoes for the grant of three gaming machine permits. That permit was issued with effect from 29th January 2010.

5. On the 22nd September 2010, an application was received from Poppleston Allen in respect of the Stag & Three Horseshoes for the variation of the gaming machine permit for two category C machines and 1 category D machine. That permit was issued with effect from 27th September 2010.

6. On the 17th October 2012, an application was received from Poppleston Allen in respect of the Stag & Three Horseshoes for the variation of the gaming machine permit for three category C machines and one category D machine. A copy of that application together with a plan of the premises showing the

position/proposed position of the machines has been circulated to the Committee Members and interested parties.

7. The current licence holder of the premises is Mitchells & Butlers Leisure Retail Limited. The premises currently have a licensed premises gaming machine permit which entitles them to have two category C machines and one category D machine.
8. 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

9. There are no financial implications.

Law

10. Pursuant to schedule 13, section 283 of the Gaming Act 2005 the Council can grant a licensed premise gaming machine permits.
11. Pursuant to schedule 13, section 283 4 (2) on considering an application for a permit the Licensing Authority shall:-
 - (a) grant an application
 - (b) refuse the application, or
 - (c) grant it in respect of-
 - (i) a smaller number of machines than that specified in the application
 - (ii) a different category of machines from that specified in the application, or
 - (iii) both
12. Pursuant to schedule 13, section 283 5
 - (1) A Licensing Authority may not attach conditions to a permit
 - (2) As soon as is reasonably practicable after granting an application a Licensing Authority shall issue a permit to the applicant
13. Pursuant to schedule 13, section 283 5(3) as soon as it reasonably practicable after refusing an application a Licensing Authority shall notify the applicant of:-
 - (a) the refusal, and
 - (b) the reasons for it


14. In pursuance of schedule 13, section 283 6 (2) a Licensing Authority may not refuse an application, or grant an application in respect of a different category or smaller number of gaming machines than that specified in the application, unless they have
- (a) notified the applicant of their intention to refuse or grant the application in respect of
 - (i) a smaller number of machines than that specified in the application
 - (ii) a different category of machines than that specified in the application or
 - (iii) both, and
 - (b) given the application an opportunity to make representations
15. In pursuance of schedule 13 section 283 6 (3) a Licensing Authority can satisfy the opportunity to make representations by giving the applicant an opportunity to make:-
- (a) oral representations
 - (b) written representations, or
 - (c) both
16. In pursuance of schedule 13 section 283 21 (1) the applicant for a holder of a permit may appeal to the Magistrates Court if the Licensing Authority:-
- (a) reject an application for a permit
 - (b) grant an application for a permit in respect of a smaller number of machines than that specified in the application or a different category of machines from that specified in the application

Equality Impact

17. This report takes into account the Council's policy on equal opportunities.
18. The licensing of premises and individuals will impact on children and young people through their attendance at licensed premises.
19. There has been no consultation or involvement of children and young people in developing these proposals.

Recommendation

20. That the Sub-Committee give consideration to this application.



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DIRECTOR OF CORPORATE RESOURCES

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List of Background Papers

Licensing Sub Committee 2 – 27th November 2012

Report of the Director of Corporate Resources

Halesowen Farmers and Craft Market

Purpose of Report

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

Background

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

8. This application was considered by the Committee on the 29th July 2004. The Committee resolved that the application for variation be refused. That licence was subsequently renewed.
9. On the 24th August 2006, LSD Promotions made application for a further variation of the consent to engage in street trading to include crafts, hobbies, art, antiques, ceramic, fair-trade and unusual items.
10. This application was circulated as in paragraph 4 above.
11. The Town Centre Manager made comments which were brought to the attention of the Committee.
12. Various letters of objection were also received and brought to the attention of the Committee.
13. This matter was considered by the Committee on the 5th December 2006. The Committee resolved that the application for variation be granted for a period of 6 months and that it be reviewed after that period of time. The Committee further resolved that the samosa stall be removed from outside Dancers and be situated in a more convenient site.
14. On the 25th April 2007, LSD Promotions made application for the variation of the consent to include the three 5th Saturdays of the months of March, June and September when they occur.
15. This application was circulated as in paragraph 4 above. None of the agencies raised objections.
16. On 7th June 2007, LSD Promotions made application for the renewal of the consent to engage in street trading, that application was circulated to the relevant agencies. None of the agencies raised objections.
17. This matter was considered by the Sub-Committee on the 26th June 2007. The Committee resolved that the application be granted.
18. On the 2nd July 2009, LSD Promotions made application for the renewal of that licence for the 2nd, 4th and 5th Saturday of every month in Halesowen Town Centre.
19. That application was circulated as in paragraph 4 above.
20. The Town Centre Manager, Highways Department, Curatorial Services and Commercial Operations Manager and Local Traders all made representations which were brought to the attention of the Committee.
21. This matter was considered by the Committee on 29th September 2009. The Committee resolved that the application be granted with the following condition:-

No seating shall be provided for food and drink in the market.

22. That licence was subsequently renewed and bore the expiry date of the 30th July 2011.
23. On the 8th July 2011, LSD Promotions made application for the renewal and variation of the consent to engage in street trading. The variation was to change the format of the market from a Farmer's/Craft Market every second, fourth and fifth Saturday of the month to a General Market on every Saturday between the hours of 9.00am and 4.00pm. A copy of that application was circulated to Committee members and interested parties.
24. That application was also circulated as in paragraph 4 above.
25. Letters of objection were received from Community Groups and Local Traders along with a petition, copies of which were circulated to the applicant, Committee members and interested parties.
26. Representations were also received from Curatorial Services, Corporate Property, and the Halesowen Town Centre Manager which were also circulated to Committee members, the applicant and interested parties.
27. This matter was considered by the Licensing Sub-Committee on the 11th October 2011. The Committee resolved as follows:-
 - The format shall remain the same – every second, fourth and fifth Saturday of the month.
 - The market shall still be deemed a Farmer's and Craft Market.
 - The consent shall be varied to allow an extra 10 stalls, to a maximum of 35 stalls in total which may be of general format, but must be sympathetic to the established local trade.
 - The Committee will entertain a review of these modifications in 6 months if the applicant so desires.
28. That consent was transferred on the 20th January 2012 into the name of Mr Steven Evans, Bescott Promotions and bore the expiry date of 30th July 2012.
29. On the 20th February 2012, Mr Evans made application for the variation of the consent to engage in street trading to enable the street market to operate every Saturday. A copy of that application was circulated to Committee Members and interested parties.
30. That application was also circulated as in paragraph 4 above. In accordance with policy, the Town Centre Manager contacted Halesowen Chamber of Commerce and on the 27th February 2012, objections to the proposed variation of the consent to engage in street trading was received on behalf of the Cornbow Shopping Centre and the Halesowen Chamber of trade. A copy of those representations were circulated to the applicant, Committee Members and interested parties.

31. Objections to the proposed variation were also received from a local trader, the Halesowen Town Centre Manager and Councillor K Turner.
32. Also, on the 13th March 2012, the Licensing Officer wrote to Mr Evans in respect of a number of concerns in relation to the electricity usage by the stall holders. A copy of that letter together with Mr Evans' response was circulated to the Committee Members and interested parties.
33. This matter was considered by the Licensing Sub-Committee on the 17th April 2012. The Committee resolved that the application to vary the consent to engage in street trading be refused. The reason for that decision was that the Committee finds the current frequency of market days achieves a reasonable balance between the interests of local shops, the market and its stall holders and the shoppers.
34. The Committee noted that the Sub-Committee of the 11th October 2011, stated that the market should be deemed a farmers and craft market and this is how the market should be referred to.
35. On the 13th July 2012, Mr Evans made applications for the renewal of the consent to engage in street trading. A letter was also received from Mr Evans confirming that they no longer require the use of Peckingham Street but still require the use of Great Cornbow Street for flexibility when necessary. Mr Evans also submitted a site plan. That application, letter and site plan have been circulated to Committee members and interested parties.
36. That application, letter and site plan was also circulated as in paragraph 4 above.
37. The Halesowen Chamber of Trade together with a local trader made representations which have been circulated to the Committee members, the applicant and interested parties.
38. None of the other agencies raised objections.
39. On the 5th October 2012, Mr Evans of Bescot Promotions made application for the variation of his street traders permit to enable him to run a Farmers and Craft Market in Halesowen Town Centre from Tuesday 18th December 2012 to Saturday 22nd December 2012 in the same format and to dress the stalls with a Christmas theme. This application was circulated as in paragraph 4 above.
40. On the 18th October 2012, Councillor Kenneth Turner made representations. A copy of those representations have been forwarded to the applicant, Committee members and interested parties.
41. On Saturday 27th October 2012, the Licensing Enforcement Officer visited the market and noted the type of stalls appear to be within the terms of the consent.

42. On the 30th October 2012, the Cornbow Shopping Centre and members of the Halesowen Chamber of Trade made objections to the variation application. A copy of that e-mail has been circulated to the applicant, Committee members and interested parties.
43. This application falls within the Council's responsibilities for licensing which has a direct link to the Council's key corporate priority that safety matters.

Finance

44. There are no financial implications.

Law

45. The grant of consents to engage in street trading is governed by Part III of Schedule IV to the Local Government (Miscellaneous Provisions) Act 1982. To trade without such a consent is an offence.
46. 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.
47. 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.
48. Where the consent allows the holder to trade from a cart, barrow, or other vehicle, then the consent must specify the location from which the trader may trade and the times between which or periods for which he may trade.
49. 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

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

Recommendation

52. That the Committee consider Mr Evans' application.

A handwritten signature in black ink, appearing to be 'J. Elliott', written in a cursive style.

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DIRECTOR OF CORPORATE RESOURCES

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List of Background Papers