

LICENSING SUB-COMMITTEE 3

TUESDAY 30TH OCTOBER, 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

KAREN TAYLOR
DEMOCRATIC SERVICES OFFICER
Internal Ext – 8116
External – 01384 818116
E-mail – Karen.taylor@dudley.gov.uk

You can view information about Dudley MBC on
www.dudley.gov.uk


Dudley
Metropolitan Borough Council

IMPORTANT NOTICE

MEETINGS IN DUDLEY COUNCIL HOUSE

Welcome to Dudley Council House

In the event of the alarm sounding, please leave the building by the nearest exit. There are Officers who will assist you in the event of this happening, please follow their instructions.

There is to be no smoking on the premises in line with national legislation. It is an offence to smoke in or on these premises.

Please turn off your mobile phones and mobile communication devices during the meeting.

Thank you for your co-operation.

Your ref:

Our ref:
KT

Please ask for:
Karen Taylor

Telephone No.
01384 818116

17th October 2012

Dear Member

Meeting of Licensing Sub-Committee 3 – Tuesday 30th October, 2012

You are requested to attend a meeting of Licensing Sub-Committee 3 to be held on Tuesday 30th October, 2012 at 10.00 am in the Council Chamber at the Council House, Priory Road, Dudley, West Midlands, DY1 1HF 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 25th September, 2012 (copy attached).

5. APPLICATION FOR REVIEW OF PREMISES LICENCE – 135 PRIORY ROAD, DUDLEY (PAGES 1 – 6)

To consider a report of the Director of Corporate Resources.

6. APPLICATION FOR REVIEW OF PREMISES LICENCE – 24 PRIORY ROAD, DUDLEY (PAGES 7 - 13)

To consider a report of the Director of Corporate Resources.

7. APPLICATION FOR CONSENT TO ENGAGE IN STREET TRADING – MR AND MRS BRIDGEWATER – HIGH STREET / PECKINGHAM STREET, HALESOWEN (PAGES 14 - 15)

To consider a report of the Director of Corporate Resources.

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

Distribution

Councillors: K. Finch M. Aston James
 (Chair)

LICENSING SUB-COMMITTEE 3

Tuesday 25th September, 2012 at 10.45 am
in The Council Chamber, The Council House, Dudley

PRESENT:-

Councillor K Finch (Chair)
Councillors M Aston and James

Officers

Mr T Holder (Legal Advisor), Mrs J Elliott (Licensing Officer) and Miss H Shepherd (Directorate of Corporate Resources).

Also in attendance

One member of the public

10. DECLARATIONS OF INTEREST

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

11. MINUTES

RESOLVED

That, the minutes of the meeting held on 21st August 2012, be approved as a correct record and signed.

12. APPLICATION FOR REVIEW OF PREMISES LICENCE – KAL AND BROTHERS NEWS, 35 CHURCH STREET, PENNETT, BRIERLEY HILL

A report of the Director of Corporate Resources was submitted to consider an application for the review of a premises licence in respect of Kal and Brothers News, 35 Church Street, Pensnett, Brierley Hill.

It was noted that the applicant was not in attendance at the meeting.

The Licensing Officer confirmed that the applicant had requested a deferment.

RESOLVED

That the application for review of a premises licence in respect of Kal and Brothers News, 35 Church Street, Brierley Hill be deferred to a future Sub-Committee meeting.

13. APPLICATION TO VARY A PREMISES LICENCE – KATIE FITZGERALD'S, 187 ENVILLE STREET, STOURBRIDGE

A report of the Director of the Corporate Resources was submitted to consider the application for variation of the premises licence in respect of the premises known as Katie Fitzgerald's, 187 Enville Street, Stourbridge, West Midlands.

Mrs P Keane, the current premises licence holder, was in attendance at the meeting, together with her colleague Mr D Morton.

Also in attendance and objecting to the application was Mr L Hanna, a petition organiser and a representative from Dudley Public Health.

Also in attendance and making representations was Ms D Nellany on behalf of Food and Occupational Safety, Directorate of the Urban Environment together with three members of the public.

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

Ms Nellany then made her representations on behalf of Food and Occupational Safety, and in doing so informed the Sub-Committee that a noise complaint from a resident had been received in May and again in August 2012. She stated that the noise nuisance reported by the complainant had mainly been in relation to customers using the marquee bar, however the volume of music in the cellar bar had also been raised. She confirmed that letters had been sent to Katie Fitzgerald's on both occasions informing them of the complaints received and that log sheets had been provided to the complainant to complete, however none had been returned to date as it was recommended that they were recorded over a two month period.

She made reference to the difficulty of soundproofing a marquee especially if used as a smoking area as it needed to be open 50%, which enabled noise to escape.

She suggested that if the Sub-Committee were to agree to the granting of the variation, it was recommended that the conditions, included in the report circulated to Members and interested parties prior to the meeting, be taken into consideration and attached to the licence.

In response to a question raised by a Member, Ms Nellany confirmed that the complainant had been a resident in close proximity to the property and that both complaints had been received from the same person.

Mr Hanna then presented his reasons for organising the petition that had been circulated to Members and interested parties prior to the meeting and his objections to the application.

He stated that he was concerned about the noise levels currently in the area not just from Katie Fitzgerald's, but from other public houses in the vicinity and the effect it was having on the local residents, some of which had families with children under the age of 16. He stated that he had witnessed customers leaving Katie Fitzgerald's premises with glasses and bottles and that on occasions had felt intimidated by people's behaviour. He also informed the Sub-Committee that he experienced shouting and swearing on a regular basis and that he had witnessed people urinating against the side of the property as well as people destroying the advertising board and littering it across the street and setting it on fire. He believed that the 'leave quietly' signage displayed was blatantly ignored.

The Dudley Public Health representative then presented the case on behalf of the Dudley Primary Care Trust and in doing so informed the Sub-Committee that there had been twenty attendances at Accident and Emergency for assaults, but it had been difficult to relate them to a specific venue, however, one incident had been identified as a result of violence outside of Katie Fitzgerald's.

A Member raised concerns as to why the one incident relating to Katie Fitzgerald's had not been indicated in the report submitted prior to the meeting and it was therefore considered to only take the written evidence into consideration.

Mrs P Keane then presented her case and informed the Sub-Committee that the sides of the Marquee bar had been removed, however following the receipt of the complaints they had all been replaced and a smaller smoking area had now been designated at the furthest possible location away from the residents in Mamble Road. She stated that trees had been planted along the marquee walls to try to dull out noise, windows downstairs had been filled and bricked up and signage asking customers to be quiet displayed. She stated that the application was not asking for music till late, as she herself considered that not to be fair to residents and that there was no intention for music to be played in the marquee bar.

In response to a question raised it was confirmed that the maximum capacity for the upstairs bar was 80 and for the downstairs bar it was 50.

Mrs Keane stated that noise and vandalism in the area was considered to be a problem, but they too were victims of it. Mr Morton stated that on several occasions neighbours had contacted the public house complaining of noise when the premises had not even been open.

In response to a question asked by the Legal Advisor in relation to what Mrs Keane would do to prevent the noise nuisance, she stated that she would ask all customer to vacate the marquee bar no later than 23:30 and that anyone wishing to use the smoking area after that time would have to leave the premises.

Mr Morton stated that the intention was not to extend the time of the music and it would continue to finish at 23:00 but to enable people to wind down following and help stagger people leaving.

The Licensing Officer referred to the conditions stipulated by the applicant in their application and stated that if the application were to be granted that the marquee bar and terraced area would have to be cleared by 23:30 as stipulated, else they would be in breach of their licence.

Mr Hanna raised concerns on the impact the noise was having on the residents making particular reference to taxis arriving and leaving at an array of times and the several phone calls made complaining to the public house with regard to the noise.

Mrs Keane reiterated that on occasions when receiving phone calls complaining of the noise levels, the premises had been closed or completely empty.

Ms Nellany asked questions in relation to the structure of the marquee bar and reiterated that it would be almost impossible and extremely expensive to sound control a tent like structure.

In response to a question raised in relation to how she would clear the marquee bar if the upstairs bar was full to capacity and how she would deal with rowdy customers who did not want to move inside, Mrs Keane stated that the premises was no longer full too capacity and that customers would be told to move, which they normally did once the music had ended as it was already part of their current practise.

It was reiterated to Mrs Keane that it would be a condition on her licence that the marquee and terrace area would have to be clear by 23:30 and she would be in breach of that said licence if it were not.

Following a question raised by a Member it was confirmed that there was ventilation extractors and air conditioning on the premises.

In response to a question raised Mrs Keane stated that all staff are trained and would monitor the exits to ensure that no customers would use the marquee bar, terrace area or smoking area after 23:30 as well as herself or Mr Morton being on the premises.

In response to a further question Mrs Keane stated that she did use a particular taxi firm and had previously stopped using a company due to noise disturbance.

Mrs Keane confirmed that the rear entrance was generally closed, but opened for bands to manoeuvre their equipment in and out of the premises.

The Legal Advisor raised a question with regard to how they would prevent and monitor people entering the premises after 22:50 and reiterated that it would be a condition on the licence and if anyone other than those stipulated in the application were to enter the premises after that time, it would be a breach of the conditions of the licence and would be brought back to the Sub-Committee for a review and possible prosecution. She stated that all staff would be trained and the doors would be monitored.

In summing up Mr Hanna reiterated his comments on the effects the noise nuisance was having on the residents.

In summing up Mrs Keane stated that she very much hoped that the application would be granted as she needed to compete with other businesses in the area and that she would make every effort to eliminate noise nuisance. Mr Morton added that they had been in business for twelve years and in that time had never experienced any serious problems. He considered Katie Fitzgerald's to be one of the best and most responsible public houses in Stourbridge.

Before the parties withdrew from the sub-committee to consider the application and the information presented to them at the meeting, the Legal Advisor reiterated to Mrs Keane and Mr Morton the importance of adhering to the conditions on a licence and explained if they were to be in breach of any of the conditions it would be a criminal offence.

Following all comments, the Legal Advisor stated that the Sub-Committee would determine the application made on behalf of Katie Fitzgerald's on the information and representations made at the meeting.

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

RESOLVED

That the application for variation of the premises licence in respect of the premises known as Katie Fitzgerald's, 187 Enville Street, Stourbridge, be approved, subject to the following conditions:-

Sale of Alcohol

Monday – Saturday	10:00 - 00:30
Sunday	12:00 – 00:30

Conditions

- (1) No regulated entertainment to take place in the marquee or other outdoor areas.
- (2) Doors and windows of the premises will be closed during regulated entertainment except for access and egress.

- (3) Signs will be prominently displayed requesting customers to leave in a quiet manner.
- (4) Marquee bar to close at 23:15
- (5) Live music to finish throughout the premises at 23:00
- (6) Patio area to be cleared by 23:30
- (7) Cellar Bar to close at 00:00
- (8) No admission to new customers after 23:30
- (9) New fence to be erected at the rear of the premises
- (10) Continue to liaise with customers

The meeting ended at 1.05pm

CHAIR

Licensing Sub-Committee 3 – 30th October 2012

Report of the Director of Corporate Resources

Review of a Premises Licence

Purpose of Report

1. To consider the application for the review of a premises licence in respect of 135 Priory Road, Dudley, West Midlands.

Background

2. On the 18th December 2008, an application was received from Kenyon Son & Craddock Solicitors in respect of the premises known as 135 Priory Road, Dudley, West Midlands.

3. The application had the following documents enclosed:-

- Plan of the premises
- Correct fee of £100.00
- DPS Consent form

4. The application for a premises licence was as follows:-

To allow the sale of alcohol

Monday – Sunday 07.00 - 23.00

Copies of the application form and supporting documentation were served on the relevant authorities.

5. Following receipt of the application on the 18th December 2008, the premises licence was granted on the 14th January 2009, this being the closing date for objections.
6. The Licensing office contacted the Applicant's Solicitors as a copy of the newspaper advertisement had not been received and therefore the licence could not be issued.

7. On the 27th January 2009, a petition was received from local residents. On receipt of the petition the Applicant's Solicitor was again contacted by the Licensing office, as it was imperative that the Licensing office had sight of the advert, as that was proof of the closing date for objections.
8. The Applicant's Solicitors informed the Licensing office that they had mistakenly put the closing date on the newspaper advertisement as the 28th January 2009 therefore the premises licence was cancelled and the matter referred to the sub-committee as objections had been received to the application by local residents.
9. A copy of the petition received from local resident concerning public nuisance was circulated to the Committee Members, interested parties and the Applicant in accordance with the Licensing Act 2003.
10. This matter was considered by the Licensing Sub-Committee on the 17th February 2009. The Committee resolved that the application be granted as follows:-

Sale of Alcohol

Monday – Sunday 07.00 – 23.00

All conditions set out as in the operating schedule only
11. That licence was subsequently transferred on the 25th January 2011 into the name of Mr Tilak Raj.
12. On the 13th September 2012, the Trading Regulation & Enforcement Manger made application for the review of the premises licence in respect of 135 Priory Road, Dudley, West Midlands. A copy of that application has been circulated to the Committee Members and interested parties.
13. The Council has advertised the application for review of the premises licence in respect of 135 Priory Road, Dudley in accordance with Licensing Regulation S1, 2004, No 42, Section 38. A copy of that notice is attached to this report as Appendix 1.
14. Confirmation that the application has been served on the relevant authorities and the premises licence holder has been received.
15. 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

16. There are no financial implications.

Law

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

Determination of application for review

52(1) This section applies where:-

- a) The relevant licensing authority receives an application made in accordance with section 51,
 - b) the applicant has complied with any requirement imposed on him under subsection (3)(a) or (d) of that section, and
 - c) the authority has complied with any requirement imposed on it under subsection (3)(b) or (d) of that section
18. Before determining the application, the authority must hold a hearing to consider it and any relevant representations.
19. The authority must, having regard to the application and any relevant representations, take such of the steps mentioned in subsection (4) (if any) as it considers necessary for the promotion of the licensing objectives.
20. The steps are -
- a) to modify the conditions of the licence;
 - b) to exclude a licensable activity from the scope of the licence;
 - c) to remove the designated premises supervisor;
 - d) to suspend the licence for a period not exceeding three months;
 - e) to revoke the licence;

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

21. Subsection (3) is subject to sections 19,20 and 21 (requirement to include certain conditions in premises licences).
22. Where the authority takes a step mentioned in subsection (4) (a) or (b) it may provide that the modification or exclusion is to have effect for only such period (not exceeding three months) as it may specify,
23. In this section “relevant representations” means representations which -
- (a) are relevant to one or more of the licensing objectives, and
 - (b) meet the requirements of subsection (8).

24. The requirements are -
- (a) that the representations are made –
 - (i) by the holder of the premises licence, a responsible authority or an interested party, and
 - (ii) within the period prescribed under section 51(3)(c)
 - (b) that they have not been withdrawn, and
 - (c) if they are made by an interested party (who is not also a responsible authority), that they are not, in the opinion of the relevant licensing authority, frivolous or vexatious.
25. Where the relevant licensing authority determines that any representations are frivolous or vexatious, it must notify the person who made them of the reasons for that determination.
26. Where a licensing authority determines an application for review under this section it must notify the determination and its reasons for making it to -
- a) the holder of the licence
 - b) the applicant
 - c) any person who made relevant representations, and
 - d) the chief officer of police for the police area (or each police area) in which the premises are situated.
27. A determination under this section does not have effect -
- a) until the end of the period given for appealing against the decision, or
 - b) if the decision is appealed against, until the appeal is disposed of

Pursuant to schedule 5 part 1, section 8(2)

An appeal may be made against the decision of the committee by –

- a) the applicant for the review
- b) the holder of the premises licence or
- c) any other person who made relevant representations in relation to the application for review.

Equality Impact

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

Recommendation

31. That the Sub-Committee determine the application.



.....
DIRECTOR OF CORPORATE RESOURCES

Contact Officer: Mrs. J. Elliott 5377
Telephone: 01384 815377
Email: janetelliott@dudley.gov.uk

List of Background Papers

DUDLEY METROPOLITAN BOROUGH COUNCIL

www.dudley.gov.ukREVIEW OF PREMISES LICENCE
UNDER THE LICENSING ACT 2003

Notice of Review of the Premises Licence issued to Superstop,
135, Priory Road, Dudley, West Midlands. DY1 4EH.

Interested parties and relevant authorities may make representations in writing to the Licensing Officer, Law and Governance, 5 Ednam Road, Dudley, West Midlands, DY1 1HL between 14th September 2012 and 11th October 2012.

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

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

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

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



P.J Tart
Director of Corporate Resources

Licensing Sub-Committee 3 – 30th October 2012

Report of the Director of Corporate Resources

Application for a review of Premises Licence

Purpose of Report

1. To consider the application for the review of the premises licence in respect of 24 Priory Road, Dudley, West Midlands.

Background

2. On the 13th February 2007, an application was received from Dean & Co Solicitors in respect of the premises known as 24 Priory Road, Dudley, West Midlands for the grant of a premises licence.
3. That application had the following documents enclosed:-
 - Plan of the premises
 - Correct fee of £137.00
 - DPS consent form
4. The application for a premises licence was as follows:-

To allow the sale of alcohol

Monday – Sunday 05.00 – 22.00
5. Confirmation that copies of the application form and supporting documentation were served on the relevant authorities was received.
6. Letters of objection from local residents concerning anti-social behaviour were received. Copies of those letters were sent to the Committee Members and the Applicant in accordance with the Licensing Act 2003.
7. This application was considered by the Licensing Sub-Committee on the 10th April 2007. The Sub-Committee resolved that the application for the grant of a premises licence be refused on the following grounds.

These premises are situated in an area that is plagued by alcohol related anti-social behaviour involving young people. For this reason there is an alcohol

banning order in place locally. In addition, the Duncan Edwards Public House situated opposite the premises had been subject to repeated acts of vandalism and arson attacks.

Given these significant alcohol related problems it was felt that there was a major risk that another off licence facility was likely to lead to alcohol finding its way to young people through its purchase by adults, of which the Applicant would have little control.

8. That decision of the Committee was appealed at the Magistrates Court at Dudley on the 1st August 2007. The Magistrates upheld the appeal and the premises licence was issued for the following days and times:

Sale of alcohol – Monday to Sunday 5.00 until 22.00

9. On the 10th January 2008, the premises licence holder signed up to the Off Licences Social Responsibility Protocol Scheme in conjunction with the West Midlands Police, Neighbourhood Management and Trading Standards.
10. On the 31st March 2010, the Principal Trading Standards Officer made application for the review of the premises licence in respect of 24 Priory Road, Dudley. A copy of that application was circulated to Committee Members and interested parties.
11. The Council advertised the application for review of the premises licence in respect of 24 Priory Road in accordance with Licensing Regulation S1, 2004, No 42, Section 38.
12. Confirmation that the application had been served on the relevant authorities was received.
13. On the 27th April 2010 copies of the relevant documentation in support of the application made by Trading Standards was received by the Licensing Office and was circulated to the premises licence holder, interested parties and Committee Members in accordance with the Licensing Act 2003.
14. This matter was considered by the Licensing Sub-Committee on the 14th May 2010. The Committee resolved that the following conditions be attached to the premises licence.
 - Premises to operate a Challenge 25 proof of age scheme when selling alcohol whereby if a person appears to be under the age of 25 they MUST be asked to provide a valid proof of identification that they are 18 years old or above.
 - Valid proof of identification only to include Passport, Driving Licence (picture card) and Proof of Age Standards Scheme (PASS) proof of age card such as Citizen card.
 - A4 notice must be displayed on the door to the premises, where the alcohol is being offered for sale and near the point of sale stating 'if you look under 25 please do not be offended if we ask for proof of age when you buy alcohol'.

- 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.
 - Premises to use a refusals book which is to be completed when a refusal takes place by the refuser, this to be checked and signed regularly by the DPS and to be made available to any responsible authority upon request.
 - CCTV to be in place at the premises 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 within 24 hours.
 - The DPS shall review the premises' CCTV on a daily 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 on these checks shall be maintained and be available for inspection upon request by a responsible authority.
 - The DPS shall ensure that all persons authorised to sell alcohol have completed a training programme, which includes a written test to verify the competency of that person.
 - The DPS shall conduct monthly reviews with any persons authorised to sell alcohol in order to reinforce training, promote best practice and policy.
 - The DPS shall maintain a file at the shop premises for each person authorised to sell alcohol. This file shall contain all training records for each person along with copies of monthly reviews as stated in point 9. This file shall be available for inspection by any responsible authority upon request.
 - All alcohol sold must be clearly labelled with the name of the premises.
15. That licence was subsequently transferred on the 24th March 2011 and again on the 4th May 2012.
16. The current premises licence holder is Mrs T Raguvannan, and the premises licence is issued for the following days and times:-
- Sale of Alcohol
- | | |
|---------------------|---------------|
| Monday – Sunday inc | 05.00 – 22.00 |
|---------------------|---------------|
17. On the 13th September 2012, the Trading Regulation & Enforcement Manager made application for the review of the premises licence in respect of 24 Priory Road, Dudley, West Midlands. A copy of that application has been circulated to the Committee Members and interested parties.
18. The Council has advertised the application for review of the premises licence in respect of 24 Priory Road, Dudley in accordance with Licensing Regulation S1, 2004, No 42, Section 38. A copy of that notice is attached to this report as Appendix 1.

19. Confirmation that the application has been served on the relevant authorities and the premises licence holder has been received.
20. This application falls within the Council recent responsibility for liquor licensing which has a direct link to the Council's key corporate priority that safety matters.

Finance

21. There are no financial implications.

Law

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

Determination of application for review

52(1) This section applies where:-

- a) The relevant licensing authority receives an application made in accordance with section 51,
 - b) the applicant has complied with any requirement imposed on him under subsection (3)(a) or (d) of that section, and
 - c) the authority has complied with any requirement imposed on it under subsection (3)(b) or (d) of that section
23. Before determining the application, the authority must hold a hearing to consider it and any relevant representations.
 24. The authority must, having regard to the application and any relevant representations, take such of the steps mentioned in subsection (4) (if any) as it considers necessary for the promotion of the licensing objectives.
 25. The steps are -
 - a) to modify the conditions of the licence;
 - b) to exclude a licensable activity from the scope of the licence;
 - c) to remove the designated premises supervisor;
 - d) to suspend the licence for a period not exceeding three months;
 - e) to revoke the licence;

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

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

Pursuant to schedule 5 part 1, section 8(2)

An appeal may be made against the decision of the committee by –

- a) the applicant for the review

- b) the holder of the premises licence or
- c) any other person who made relevant representations in relation to the application for review.

Equality Impact

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

Recommendation

- 36. That the Sub-Committee determine the application for review of the premises licence in respect of 24 Priory Road, Dudley.



.....
DIRECTOR OF CORPORATE RESOURCES

Contact Officer: Mrs. J. Elliott 5377
Telephone: 01384 815377
Email: janetelliott@dudley.gov.uk

List of Background Papers

DUDLEY METROPOLITAN BOROUGH COUNCIL

www.dudley.gov.uk

REVIEW OF PREMISES LICENCE
UNDER THE LICENSING ACT 2003

Notice of Review of the Premises Licence issued to Watsons News, 24, Priory Road, Dudley, West Midlands. DY1 4ET.

Interested parties and relevant authorities may make representations in writing to the Licensing Officer, Law and Governance, 5 Ednam Road, Dudley, West Midlands, DY1 1HL between 14th September 2012 and 11th October 2012.

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

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

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

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



P J Tart
Director of Corporate Resources

Licensing Sub-Committee 3 – 30th October 2012

Report of the Director of Corporate Resources

Application for Consent to Engage in Street Trading

Purpose of Report

1. To consider the application made by Mr and Mrs Bridgewater for the grant of a consent to engage in street trading in High Street/Peckingham Street, Halesowen.

Background

2. On 7th August 2012, Mr and Mrs Bridgewater made application for the grant of a consent to engage in street trading in High Street/Peckingham Street, Halesowen to sell baked potatoes, hot and cold drinks, Monday to Saturday inclusive between the hours of 9.00am and 5.00pm.
3. This application was circulated to the West Midlands Police, Director of the Urban Environment, Head of Economic Development, Commercial Operations Manager, Corporate Estates and the Halesowen Chamber of Trade.
4. The Directorate of the Urban Environment (Highways) made comments which have been circulated to Committee Members and interested parties. None of the other agencies raised objections.
5. Mr and Mrs Bridgewater currently hold a consent to engage in street trading for the Ryemarket, Stourbridge to sell hot baked potatoes and hot and cold drinks Monday to Saturday inclusive between the hours of 9.00 am and 5.00 pm. That consent bears the expiry date of the 5th February 2013. Mr and Mrs Bridgewater wish to trade in both Stourbridge and the new proposed site in Halesowen.
6. This matter was due to be considered by the Licensing Sub-Committee on 2nd October 2012. The Committee resolved at the request of the applicant that the matter be deferred to a future hearing.
7. 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

8. There are no financial implications.

Law

9. 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. is a consent street designated as such by a resolution of the Council. To trade without such a consent is an offence.
10. 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.
11. 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.
12. 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.
13. 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

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

Recommendation

16. That the Committee consider Mr and Mrs Bridgewater's application for the grant of a consent to engage in street trading.



.....
DIRECTOR OF CORPORATE RESOURCES

Contact Officer: Mrs. J. Elliott 5377
Telephone: 01384 815377
Email: janet.elliott@dudley.gov.uk

List of Background Papers