

Licensing Sub-Committee 2
Tuesday, 30th March, 2021 at 10.00am
On Microsoft Teams

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Agenda - Public Session
(Meeting open to the public and press)

1. Chair's Announcement

Welcome to this virtual meeting. This is a formal Council Sub-Committee. The public proceedings will take place live on the Internet. The public proceedings will be recorded for future viewing.

It will assist with the conduct of business if participants speak only when invited. I shall adjourn the meeting if necessary if protocol is not observed.

Members of the public are welcome to view the proceedings but should not make contributions until they are invited in line with our procedure.

All Members of the Sub-Committee have received the reports and associated documents in advance and had the opportunity to read them. The public reports are published on the Internet.

All participants should mute their microphones and video feed when they are not speaking.

Please remember to unmute your microphone and switch on your video feed when it is your turn to speak. Speak clearly and slowly into your microphone.

Anyone wishing to speak should indicate using the 'raise your hand' button on Microsoft Teams. I will invite people to speak at the appropriate time.

If you do not have the hand button, please type your request to speak in the chat function. Please note that the 'chat' function is monitored and has a full audit trail and anyone found to be misusing this function will be removed from the meeting.



Please note that when the Sub-Committee adjourns to make a decision, all participants except our Legal Advisor and Democratic Support Officers will be asked to leave the meeting. Our decision and the reasons for it will be communicated to all parties as soon as possible after the hearing.

Finally I ask for everyone's patience with the use of the technology. I apologise in advance if we experience any unforeseen difficulties which we shall try to resolve expediently.

I shall now follow the agenda items.

2. Apologies for absence.
3. To report the appointment of any substitute Members for this meeting of the Sub-Committee.
4. To receive any declarations of interest under the Members' Code of Conduct.
5. To confirm and sign the minutes of the meeting held on 15th December, 2020 as a correct record.

The following application is to be considered under the provisions of the Local Government (Miscellaneous Provisions) Act 1982:-

6. Application for Grant of Consent to Engage in Street Trading (Pages 1 to 2)
7. 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: 22nd March, 2021



Distribution:

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

CC – Councillor E Taylor (Substitute Member for Councillor J Baines)

Please note:

- This meeting will be held virtually by using Microsoft Teams. The meeting will be held live via the Internet link.
- This is a formal Council Sub-Committee and it will assist the conduct of business if participants speak only when invited by the Chair.
- The Chair reserves the right to adjourn the meeting, as necessary, if there is any disruption or technical issues.
- All participants should mute their microphones and video feed when they are not speaking.
- Please remember to unmute your microphone and switch on your video feed when it is your turn to speak. Speak clearly and slowly into your microphone.
- Members of the public can view the proceedings by clicking on the link provided on the agenda.
- The public proceedings may be recorded by the Council to view on our website. Recording/reporting is only permitted during the public session of the meeting.
- Information about the Council and our meetings can be viewed on the website [**www.dudley.gov.uk**](http://www.dudley.gov.uk)
- Any agendas containing reports with exempt information should be treated as private and confidential. It is your responsibility to ensure that information containing private and personal data is kept safe and secure at all times. Confidential papers should be securely disposed of. If you choose to retain the documents you should ensure that the information is securely stored and destroyed within six months.
- Elected Members can submit apologies by contacting Democratic Services: Telephone 01384 815238 or E-mail [**Democratic.Services@dudley.gov.uk**](mailto:Democratic.Services@dudley.gov.uk)



**Minutes of the Licensing Sub-Committee 2
Tuesday, 15th December, 2020 at 10.00 am
on Microsoft Teams**

Present:

Councillors P Drake, P Miller and E Taylor

Officers:-

S Smith – Team Manager - Licensing and Waste Enforcement (Directorate of Public Realm),
R Clark – Principal Solicitor, K Taylor – Democratic Services Officer and G Gray - Assistant
Democratic Services Officer (Directorate of Finance and Legal).

4 Election of Chair

In the absence of the Chair (Councillor Evans) it was

Resolved

That Councillor Miller be elected Chair for this meeting of the Sub-Committee only.

(Councillor Miller in the Chair)

5 Apologies for absence

Apologies for absence from the meeting were submitted on behalf of Councillors J Baines and M Evans.

6 Appointment of Substitute Members

It was noted that Councillors E Taylor and P Miller had been appointed as substitutes for Councillors J Baines and M Evans, respectively, for this meeting of the Sub-Committee only.

7 **Declarations of Interest**

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

8 **Minutes**

Resolved

That the minutes of the meeting held on 20th October, 2020, be approved as a correct record and signed.

9 **Application for Grant of a New Premises Licence – 16 Gorge Road, Sedgley**

A report of the Acting Director of Public Realm was submitted on an application for the grant of a new premises licence in respect of the premises known as 16 Gorge Road, Sedgley, DY3 1LA.

The following persons were in attendance at the meeting in respect of the application:

Mr T Lafferty – Applicant

Councillor T Westwood – Ward Councillor and Objector

Following introductions, the Team Manager – Licensing and Waste Enforcement presented the report on behalf of the Council.

Councillor T Westwood then presented her case and outlined the reason for the objection to the application, in view of the premises being a residential property located on a main road and the potential impact to neighbours from deliveries to and from the premises. She stated that although the objection raised was not in relation to the business itself, the uncertainty of the nature of the business and potential impact to neighbours was a concern.

Mr Rafferty then presented his case and in doing so confirmed that the business model was to deliver alcohol products purchased online or by telephone from the premises to customers and the Sub-Committee were assured that orders would not be collected at the premises directly. In responding to the objections raised, Mr Rafferty stated that large quantities of alcohol would not be stored at the property in view of the length of time a product may be stored without becoming unsuitable for use or consumption.

It was intended that relationships with breweries would be established to purchase and deliver their alcohol, which would be collected by Mr Rafferty and organised at the premises prior to delivery to customers at an allocated time.

In responding to concerns raised by a Member in relation to the proposed licensing hours of 8.00am and 3.00am seven days a week, Mr Rafferty confirmed that the hours sought was to provide some flexibility to receive orders and commented on shops that were located within the vicinity that operated similarly. He also stated that neighbours had welcomed the proposed business, and that the alcohol would not be stored in the van but indoors and not visible to the public, including young persons.

Mr Rafferty anticipated that his customers would be members of the public and that he would be undertaking one delivery per day during the evening, and that he had operated a similar business as a sole trader in Southampton to students.

It was noted that the business would operate a Challenge 25 policy, and during deliveries, customers would be requested identification if they appeared under 25, with no delivery being made to persons unable to produce valid identification on request or appeared intoxicated. It was further noted that payment for the alcohol would be requested in advance.

In responding to a question by the Chair, Mr Rafferty confirmed that the products would be delivered by himself initially, however third party contractors would be sought if needed, and that all parking would be on the premises drive only.

All parties were given the opportunity to sum up their cases and the legal advisor to the Sub-Committee outlined the law relating to the determination of applications for the grant of a premises licence.

All parties then withdrew from the meeting to enable the Sub-Committee to determine the application, the decision of which would be conveyed to both parties after the meeting had concluded.

Resolved

That, following careful consideration of the information contained in the report submitted and presented at the meeting, the application for a new premises licence in respect of the premises known as 16 Gorge Road, Sedgley, DY3 1LA, be granted, subject to the addition of the following condition, in order to prevent public nuisance:-

- (1) There shall be no loading or unloading of vans on the premises after midnight seven days a week.

The meeting ended at 10.58am.

CHAIR

Licensing Sub-Committee 2 - 30th March, 2021

Report of the Acting Director of Public Realm

Application for Grant of Consent to Engage in Street Trading

Mr T A Lawson – Stourbridge Town Centre

Purpose

1. To consider the application made by Mr T A Lawson for the grant of a consent to engage in street trading in Stourbridge Town Centre.

Recommendation

2. That the Committee consider Mr Lawson's application for the grant of a consent to engage in street trading for the sale of Crepes and Sweet and Savoury Waffles in High Street adjacent to Coventry Street, Stourbridge.

Background

3. On the 9th February 2021, an application was received by the Licensing Office from Mr Lawson for the grant of a consent to engage in street trading in High Street, adjacent to Coventry Street, Stourbridge to sell Crepes and Sweet and Savoury Waffles, Monday to Sunday inclusive between the hours of 8.00 am and 8.00 pm.
4. That application together with photographs of the proposed site and trading cart/vehicle have been circulated to Committee Members and interested parties, details of the application have also been posted on the Council Web Site.
5. Representations in respect of the application have been received from Street and Green Care and also the Communications and Public Affairs Office. Copies of all representations have been circulated to the Applicant and Committee Members.

Finance

6. There are no financial implications.

Law

7. 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 consent is an offence.
8. 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.
9. 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.
10. Where the consent allows the holder to trade from a cart, barrow, or other vehicle, then the consent must specify the location from which they may trade and the times between which or periods for which they may trade.
11. 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

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

Human Resources/Organisational Development

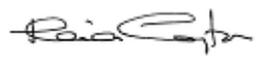
14. There are no organisational development/transformation implications.

Commercial/Procurement

15. There are no commercial/procurement implications.

Health, Wellbeing and Safety

16. This applications falls within the Council's responsibility for street trading which has a direct link to the Council's key corporate priority that safety matters.



Heidi Marsh-Geyton
Acting Director of Public Realm

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