



# Licensing Committee

29 January 2014

**Time** 10.00am      **Public meeting?** YES      **Type of meeting** Regulatory

**Venue** Civic Centre, St Peter's Square, Wolverhampton WV1 1SH

**Room** Committee Room 1 (3<sup>rd</sup> floor)

## Membership

**Chair** Cllr Bishan Dass (Lab)  
**Vice-chair** Cllr Alan Bolshaw (Lab)  
**Shadow-Chair** Cllr Mark Evans (Con)

**Labour**  
Cllr Harman Banger  
Cllr Ian Claymore  
Cllr Craig Collingswood  
Cllr Susan Constable  
Cllr Keith Inston  
Cllr Rita Potter  
Cllr John Rowley

**Conservative**  
Cllr Neville Patten  
Cllr Patricia Patten

**Liberal Democrat**

Quorum for this meeting is 3 Councillors.

## Information for the Public

If you have any queries about this meeting, please contact the democratic support team:

**Contact** Linda Banbury  
**Tel** 01902 555040  
**Email** [linda.banbury@wolverhampton.gov.uk](mailto:linda.banbury@wolverhampton.gov.uk)  
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Wolverhampton WV1 1RL

Copies of other agendas and reports are available from:

**Website** <http://wolverhampton.cmis.uk.com/decisionmaking>  
**Email** [democratic.support@wolverhampton.gov.uk](mailto:democratic.support@wolverhampton.gov.uk)  
**Tel** 01902 555043

Some items are discussed in private because of their confidential or commercial nature. These reports are not available to the public.

# Agenda

## Part 1 – items open to the press and public

*Item No.*      *Title*

### **BUSINESS ITEMS**

1.            **Apologies for absence**
2.            **Declarations of interest**
3.            **Minutes**  
              **(a) Meeting, 18 December 2013**  
              [for approval]  
              **(b) Sub-Committee – meetings, 12 and 18 December 2013 and 15**  
              **January 2014**  
              [for approval and adoption]
4.            **Matters arising**  
              [To consider any matters arising from the minutes]

### **DECISION ITEMS**

5.            **Schedule of outstanding minutes**  
              [To receive a schedule indicating when reports on individual items will be  
              submitted for consideration]
6.            **City centre street trading review**  
              [To receive findings on the data gathering exercise and subsequent  
              consultation, and to agree policy changes to the city centre street trading  
              function]

## Part 2 – exempt items, closed to the press and public

### **Nil**



# Licensing Committee

## Minutes – 18 December 2013

### Attendance

#### Members of the Committee

Cllr Bishan Dass (chair)  
Cllr Alan Bolshaw  
Cllr Craig Collingswood  
Cllr Keith Inston  
Cllr Rita Potter

Cllr Harman Banger  
Cllr Ian Claymore  
Cllr Mark Evans  
Cllr Neville Patten  
Cllr John Rowley

#### Employees

Sarah Hardwick	Senior Solicitor (Delivery)
Ros Jervis	Director of Public Health
Colin Parr	Licensing Manager (Education and Enterprise)
Linda Banbury	Democratic Support Officer (Delivery)

#### Other Attendees

Inspector P Rogers	West Midlands Police
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## Part 1 – items open to the press and public

Item No.	Title	Action
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### BUSINESS ITEMS

- |    |  |   |
|----|--|---|
| 1. | <b>Apologies for absence</b><br>An apology for absence was submitted on behalf of Cllr Patricia Patten.  | - |
| 2. | <b>Declarations of interest</b><br>No interests were declared.   | - |
| 3. | <b>Minutes</b><br>Resolved:<br>(a) That the minutes of the meeting held on 20 November 2013 be approved as a correct record.<br>(b) That the minutes of the meetings of the Licensing Sub-Committee held on 2, 7, 21 and 27 (x 2) November | - |

2013 be approved as a correct record and adopted.

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4. **Matters arising**

Proposed revisions to hackney carriage and private hire criteria – Pursuant to resolution 7(d) of the Committee meeting on 20 November 2013, Colin Parr advised that meetings would be held with the hackney carriage and private hire trades in January at which the implementation of the proposed drug policy would be discussed. Revenue funding would be utilised to purchase the equipment and the draft policy would be considered by the Licensing Committee in April.

Colin Parr/  
Linda  
Banbury

Licensing Act 2013 – Expedited review of Premises Licence (Edda Lounge) – Pursuant to the hearing held on 2 November 2013, Colin Parr advised that the Premises Licence had been surrendered and would cease to exist unless a register of interest was made. The full review hearing had been provisionally arranged for 15 January 2013.

Rob Edge/  
Linda  
Banbury

5. **Schedule of outstanding minutes**

A report was presented, which set out a schedule of outstanding minutes, together with an indication of when individual reports would be submitted for consideration.

Linda  
Banbury

Resolved:

That the report be received.

**DECISION ITEMS**

6. **Update on Wolverhampton Alcohol Strategy 2011-2015**

A report was presented which provided an update in relation to the implementation of the Strategy, with a particular focus on Goal 3 (Combating alcohol related crime and disorder, and increasing community safety due to alcohol abuse). The report also outlined the new reporting systems agreed by the Joint Health and Wellbeing Board and advised that the Wolverhampton Alcohol Strategy was now the key implementation plan for the Joint Health and Wellbeing Strategy priority for drugs and alcohol.

Responding to questions, Inspector Phil Rogers and Ros Jervis advised the Committee that:

- the Police were now working closely with the National Association for the Care and Resettlement of Offenders (NACRO) and were hopeful of their presence in the City

- centre on critical nights up to Christmas;
- the use of Lapel CAMs by Police Officers was currently being trialled in Wolverhampton for evidential purposes;
- with regard to A & E incident locations, consultation was taking place with the Accident and Emergency Department at New Cross Hospital regarding the commencement of a 'Patient First' system to assist in capturing accurate information. It was acknowledged that such information only provided partial information in relation to the bigger picture, and
- the next six monthly report would include a breakdown of age, gender and ethnicity.

Resolved:

Ros Jervis

That the report be received and that a further update be presented in six months.

**7. Feedback from Night-time Economy Visit**

Colin Parr

Colin Parr advised that five Members of the Licensing Committee and one Cabinet Member had participated in the recent visit to the night-time economy in the City Centre, which was undertaken when the 'Keep it Safe' campaign was in operation and Taxi Marshalls were present. The tour included the Safe Haven, located at the Epic Youth Café and four licensed premises (FACES, The Prince Albert, Pop World and Yates).

Colin Parr undertook to relay the comments regarding the unclean and littered state of the frontage to the FACES building to Environmental Health and the premises. With regard to the enforcement visit to the Wheatsheaf in Market Street, it was noted that the premises would be discussed at the Responsible Authorities Forum the following week.

## **Part 2 – exempt items**

### **Nil**



# Licensing Sub-Committee

## Minutes – 12 December 2013

### Attendance

#### Members of the Sub-Committee

Cllr Bishan Dass (chair)

Cllr Keith Inston

Cllr Patricia Patten

#### Employees

Sarah Hardwick

Senior Solicitor (for agenda item 13)

Robert Marshall

Solicitor (for agenda items 3 and 8)

Linda Banbury

Democratic Support Officer

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## Part 1 – items open to the press and public

<i>Item No.</i>	<i>Title</i>	<i>Action</i>
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### BUSINESS ITEMS

- |    |  |   |
|----|--|---|
| 1. | <b>Apologies for Absence</b><br>There were no apologies for absence.       | - |
| 2. | <b>Declarations of interest</b><br>There were no declarations of interest. | - |

### DECISION ITEMS

- |    |  |  |
|----|--|--|
| 3. | <b>Licensing Act 2003 – Application for a premises licence in respect of High Street Post Office, Bilston, Wolverhampton</b><br><u>In attendance</u><br><u>For the premises</u><br>Mrs Giyan Kaur Power<br>Miss Navdeep Kaur |  |
|----|--|--|

Objectors

Peter Boulonois - Planning Authority  
WPC Lisa Davies - West Midlands Police  
Elaine Moreton - Licensing Authority

The chair introduced the parties and outlined the procedure to be followed at the meeting.

The Section Leader (Licensing) outlined the report circulated to all parties in advance of the meeting and, in so doing, advised that the petition attached at Appendix 6 was not deemed to be a relevant representation.

The Democratic Support Officer circulated proposed conditions from the West Midlands Police and Licensing Authority which had been signed by the applicant.

At this juncture, Miss Kaur outlined the application for the premises licence. She advised that all post office contracts had been changed, that staff were no longer salaried and had to combine them with a convenience store in order to survive. The reason for including the sale of alcohol was in order to compete with the supermarkets in the locality.

Following a period of questioning, Peter Boulonois outlined the objections on behalf of the Planning Authority. He advised that these related to historical building regulations contraventions on behalf of the landlord. It was acknowledged that the applicant was a tenant and had no involvement with any alterations, with the exception of the internal retail/post office area. Mr Boulonois indicated that he had been unable to contact the landlord and could not at this stage confirm whether or not the alterations to the premises were satisfactory.

It was noted that the premises would be able to open on 3 January 2014 as planned, without the provision to sell alcohol, and it was suggested that the hearing could be deferred to enable Peter Boulonois to pursue the Planning Issues.

WPC Lisa Davies and Elaine Moreton advised that they would be content for the premises licence to be granted, subject to the inclusion of the proposed conditions on the operating schedule.

Resolved:

Linda  
Banbury

That the hearing be adjourned and reconvened at 9am on 15 January 2014 to enable the parties to consult with a view to ensuring that there are no public safety issues arising from the alterations to the premises.

8. **Licensing Act 2003 – Application for a Premises Licence in respect of Idea, 8 Fold Street, Wolverhampton**

In attendance

For the premises

Mr Ladislav Kusnir

Objectors

Elaine Moreton - Licensing Authority

Sarah Stiles - Environmental Health (Commercial)

The chair introduced the parties and outlined the procedure to be followed at the meeting.

The Section Leader (Licensing) outlined the report circulated to all parties in advance of the meeting. It was noted that there was an omission in the application and that the sale of alcohol would take place as follows:

10am to 8pm – Monday to Saturday

10am to 6pm – Sunday

At this juncture, Ladislav Kusnir outlined the application for the premises licence and, in so doing, advised that customers had requested that he sell alcohol since the business had opened.

The Responsible Authorities outlined their representations at this point. Sarah Stiles advised that Environmental Health were content for premises licence to be granted, subject to the conditions agreed with the applicant. Elaine Moreton advised that her concerns had been raised by the Police and were included in conditions agreed by them with the applicant.

**EXCLUSION OF PRESS AND PUBLIC**

9. **Exclusion of press and public**

Resolved:

That in accordance with Section 100A(4) of the Local Government Act 1972, the press and public be excluded



from the meeting for the following item of business as it involves the likely disclosure of exempt information falling within paragraph 3 of Schedule 12A of the Act.

All parties, with the exception of the Council's Solicitor and Democratic Support Officer, withdrew from the meeting at this point.

## **Part 2 – exempt items, closed to the press and public**

### **10. Deliberations and decisions**

The solicitor advised them of the options open to them on the decision to be made in regard to the application.

### **11. Re-Admission of Press and Public**

Resolved:

That the press and public be readmitted to the meeting.

## **Part 1 – items open to the press and public**

12. The parties returned to the meeting and the chair advised the parties of the decision of the Sub-Committee as follows, which would be circulated to all parties within five working days:

The Sub-Committee have taken note of all the written concerns raised in respect of the application for a premises licence for Idea, 8 Fold Street, Wolverhampton. They have listened to the arguments of those who have spoken at the hearing, both for and against the application.

Having considered the views of all concerned, the Sub-Committee have decided that the application be granted, subject to the following conditions, which have been agreed between the applicant and responsible authorities:

1.
  - A CCTV system with recording equipment shall be installed and maintained at the premises.
  - CCTV shall cover entry and exit points of the premises and all areas to where public have access, and the immediate vicinity outside the premises.
  - Images/recordings to be downloaded in a suitable format and provided to any member of a responsible authority upon request and without undue delay.
  - Images and recordings must be of evidential quality, indicate the correct time and date and be kept for at least 31 days.

- All staff shall be trained to use the CCTV system and at least one member of staff shall be on duty who is trained to download the systems images should any member of a responsible authority make a request.
2. An incident log must be maintained at the premises and a written record of any incident that occurs at the premises must be appropriately recorded. Where it is deemed appropriate the incident must be reported to the West Midlands Police. The incident log book shall be produced to a member of a responsible authority upon request.
  3. To ensure compliance with 'Challenge 25', a refusals book shall be kept to detail where any sale of alcohol is refused to persons who present themselves to be under age.
  4. All staff to receive training and refresher training every 6 months on their responsibilities with regard to licensing legislation, in particular to underage and proxy sales. This training to be documented and shown to a member of a responsible authority upon request.
  5. A Designated Public Place Order (DPPO) notice, provided by the Licensing Authority, shall be displayed prominently on the premises, visible from the outside of the store, advising that the Police have powers to seize alcohol.
  6. No single sales of cans/bottles of beer, lager or cider with an ABV above 6.5% to be permitted for sale from the premises.
  7. All staff to be trained in 'Challenge 25' and all appropriate ID checks shall be undertaken by all staff to ensure no sale of alcohol is made to underage persons.
  8. Daily checks shall be undertaken to ensure that litter does not accumulate at the front, rear and sides of the premises.

It is considered by the Sub-Committee that the above conditions be attached in support of the prevention of crime and disorder and prevention of public nuisance licensing objectives.

Finally, such conditions as are specified on/or are consistent with the operating schedule will be attached to the licence, together with any mandatory conditions required by the Act.

All parties have a right of appeal to the Magistrates' Court within 21 days of receipt of this decision.

13. **Licensing Act 2003 – Temporary Event Notice in respect of  
Gorgeous, 34-36 School Street, Wolverhampton**

The barrister acting on behalf of the West Midlands Police advised that the objections to this Temporary Event Notice had been withdrawn; the hearing was therefore cancelled.



# Licensing Sub-Committee

## Minutes – 18 December 2013

### Attendance

#### Members of the Sub-Committee

Cllr Bishan Dass (chair)  
Cllr Alan Bolshaw  
Cllr Mark Evans

#### Employees

Sarah Hardwick	Senior Solicitor
Elaine Moreton	Section Leader (Licensing)
Linda Banbury	Democratic Support Officer

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## Part 1 – items open to the press and public

Item No.	Title	Action
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### BUSINESS ITEMS

- Apologies for Absence**  
There were no apologies for absence.
- Declarations of interest**  
No interests were declared.

### DECISION ITEMS

### EXCLUSION OF PRESS AND PUBLIC

- Exclusion of press and public**  
Resolved:  
That in accordance with Section 100A(4) of the Local Government Act 1972, the press and public be excluded from the meeting for the following items of business as it involves the likely disclosure of exempt information falling within paragraph 3 of Schedule 12A of the Act.

4. **Application for a Private Hire Vehicle Driver's Licence**

The Section Leader (Licensing) advised that the applicant had recently changed address and had not therefore received the invitation to the meeting. It was therefore:

Resolved:

That consideration of this item be deferred and considered by the Sub-Committee on 29 January 2013.

5. **Review prior to renewal of a Private Hire Vehicle Operator's Licence**

Elaine  
Moreton/  
Linda  
Banbury

The chair welcomed everyone to the meeting, introductions were made and he outlined the procedure to be followed.

Mr Hussain was in attendance at the meeting in connection with the renewal application for his Private Hire Vehicle Operator's Licence, accompanied by his father and his representative Mr Nolan.

The Section Leader (Licensing) then outlined the report, which had been circulated to all parties in advance of the meeting. It was noted that the appeal hearing in regard to the revocation of the licence was due to be heard on 7 February 2014; however the Licence expired on 28 December 2013 and the Sub-Committee were therefore asked to consider the renewal application

Mr Nolan submitted that the issue of non-insurance was not the fault of the applicant, that there had been miscommunication both internally and externally and that the decision to revoke had been disproportionate. He added that Mr Hussain had been a licence holder for some ten years and that lack of insurance was a genuine mistake on behalf of the operator.

Mr Hussain and Mr Nolan answered questions raised by the Sub-Committee in respect of information contained at Appendix A of the Licensing Officer's report. Mr Hussain accepted that there was a phone call to the base on 12 July 2013 and that it was his responsibility to ensure that the cars were insured.

At this juncture the Section Leader (Licensing), the applicant and his father and representative withdrew from the meeting and the Sub-Committee discussed the issues which had been raised during consideration of the licence review. The Solicitor advised them of the options open to them in determining the application.

The parties returned and the Solicitor advised Mr Hussain of the

decision of the Sub-Committee, which would be communicated in writing to the applicant within five working days, as follows.

Resolved:

That, having considered all the information presented, the Licensing Sub-Committee do not find Mr T Hussain to be a fit and proper person to hold a Private Hire Vehicle Operator's Licence. Therefore, in accordance with Section 62 of the Local Government (Miscellaneous Provisions) Act 1976 and paragraph 5.1.19 or in the alternative paragraph 4.6 of the Council's guidelines the Sub-Committee have therefore decided that your renewal application is refused.

The reasons for the refusal are:

1. The conditions of the Licence provide 'the holder of this licence shall ensure at all times that every private hire vehicle so operated shall be covered by a Certificate of Insurance or cover note indemnifying the proprietor of the said vehicle within the provisions of Part VI of the Road Traffic Act 1988.'
2. You accept that you are responsible for ensuring vehicles operated are insured.
3. You accept that the insurance cover for private hire vehicle, PH5, owned by Penn Radio Cars, provides that the vehicle should only be driven by drivers employed by Penn Radio cars.
4. You accept that Licensing Services made you aware of issues with Moto Accident Claim Ltd vehicles and of certain private hire vehicle licences being suspended.
5. You accept that on 12 July 2013, Mr C Parr telephoned the base to advise of the revocation of seven private hire vehicle licences to include the licences previously suspended
6. The Sub- Committee are satisfied that you allowed private hire vehicles, PH534, PH578 and PH 645 to operate despite being told by the Licensing Authority that the private hire vehicle licences had been revoked and the vehicles were not insured.
7. Therefore, the Licensing Authority are satisfied that you failed to ensure that private hire vehicles operated by you were insured even though this is your responsibility.
8. The Sub-Committee have a duty to ensure the safety of the public and therefore have no choice but to refuse to renew your licence.

The applicant has a right of appeal to the Magistrates' Court, in accordance with Section 62(3) of the local Government Act (Miscellaneous Provisions) Act 1976.



# Licensing Sub-Committee

## Minutes – 15 January 2014

### Attendance

#### Members of the Sub-Committee

Cllr Alan Bolshaw (chair)

Cllr Keith Inston

Cllr Neville Patten

#### Employees

Rob Edge

Section Leader (Licensing)

Sarah Hardwick

Senior Solicitor

Linda Banbury

Democratic Support Officer

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## Part 1 – items open to the press and public

<i>Item No.</i>	<i>Title</i>	<i>Action</i>
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### BUSINESS ITEMS

- |    |  |   |
|----|--|---|
| 1. | <b>Apologies for Absence</b><br>There were no apologies for absence.       | - |
| 2. | <b>Declarations of interest</b><br>There were no declarations of interest. | - |

### DECISION ITEMS

- |    |  |  |
|----|--|--|
| 3. | <b>Licensing Act 2003 – Application for a premises licence in respect of High Street Post Office, Bilston, Wolverhampton</b><br><u>In attendance</u><br><u>For the premises</u><br>Mrs Giyan Kaur Power<br>Miss Navdeep Kaur |  |
|----|--|--|

Objectors

Peter Boulonois - Planning Authority  
WPC Lisa Davies - West Midlands Police  
Elaine Moreton - Licensing Authority

The chair introduced the parties and outlined the procedure to be followed at the meeting.

The Section Leader (Licensing) outlined the report circulated to all parties in advance of the meeting. The hearing had been deferred from 12 December 2013 to enable the building control issues to be clarified.

At this juncture, Miss Kaur outlined the application for the premises licence. She advised that all post office contracts had been changed, that staff were no longer salaried and had to combine them with a convenience store in order to survive. The reason for including the sale of alcohol was in order to compete with the supermarkets in the locality.

Following a period of questioning, Peter Boulonois outlined the objections on behalf of the Planning Authority. He advised that these related to historical building regulations contraventions on behalf of the landlord. An inspection had been carried out prior to the last hearing when it had been ascertained that work was being undertaken without the knowledge of Building Control. A meeting had subsequently been held with the applicant's agent and a building regulations application was awaited.

Responding to questions, Mr Boulonois advised that some work had been carried out and there were aspects that required further work. It was acknowledged that the post office and retail unit had been operating since 3 January 2014, albeit without the facility to sell alcohol. The Solicitor advised that the Licensing Sub-Committee could only consider the sale of alcohol and that the Planning Authority had alternative powers to take action in regard to building control issues.

At this juncture, WPC Davies outlined the representations made on behalf of the West Midlands Police. She advised that the applicant had agreed and signed up to a number of conditions on 24 October 2013 and that the Police would withdraw their objections if the Sub-Committee were minded to add them to the licence.



Elaine Moreton had made representations on behalf of the Licensing Authority, two of which were included in the conditions proposed by the Police. However, she wished to add the word 'bottles' to the proposed condition in regard to single sales. The additional condition related to the timing of sale and she had proposed that the sale of alcohol take place Monday to Saturday – 1000 to 1900 hours. The applicant had signed up to the conditions on 4 December 2013. She advised that she would withdraw the objections if the Sub-Committee were minded to add the proposed conditions to the licence.

It was noted that the petition attached at appendix 6 was not deemed to be a relevant representation, as it did not cite any licensing objectives.

The applicant and responsible authorities were afforded the opportunity to make closing statements.

**4. Exclusion of press and public**

Resolved:

That in accordance with Section 100A(4) of the Local Government Act 1972, the press and public be excluded from the meeting for the following item of business as it involves the likely disclosure of exempt information falling within paragraph 3 of Schedule 12A of the Act.

All parties, with the exception of the Council's Solicitor and Democratic Support Officer, withdrew from the meeting at this point.

## **Part 2 – exempt items, closed to the press and public**

**5. Deliberations and decisions**

The solicitor advised them of the options open to them on the decision to be made in regard to the application.

**6. Re-Admission of Press and Public**

Resolved:

That the press and public be readmitted to the meeting.

## **Part 1 – items open to the press and public**

**7. The parties returned to the meeting and the Solicitor read out the**

the decision of the Sub-Committee as follows:

The Sub-Committee have taken note of all the written concerns raised in respect of the High Street Post Office, Bilston. They have listened to the arguments of those who spoke at the hearing, both for and against the application.

Having considered the views of all concerned, the Sub-Committee have decided that the application for a premises licence be granted, as applied for but subject to the following conditions agreed between the West Midlands Police and the applicant on 24 October 2013:

1. A CCTV system with recording equipment shall be installed and maintained at the premises.
  - CCTV should cover entry and exit points of the premises and all areas where alcohol/money is served/taken and all areas where public have access and the immediate vicinity outside the premises.
  - Images and recordings to be downloaded in a suitable format and provided to any member of a responsible authority upon request and without any undue delay.
  - Images and recordings must be of evidential quality, indicate the correct date and time and be kept for at least 31 days.
  - All staff to be trained to use the CCTV system and at least one member of staff to be on duty who is trained to download the systems images, should any member of a responsible authority make a request.
2. An incident log must be maintained at the premises and a written record of any incident that occurs at the premises must be appropriately recorded. Where it is deemed appropriate, the incident must be reported to the West Midlands Police. The incident log book must be produced to a member of a responsible authority upon request.
3. To ensure compliance with 'Challenge 25', a refusals book shall be maintained in respect of refusal of any sale of alcohol to persons who present themselves to be underage.
4. At all times when the premises are open for licensable activities, there must be at least one personal licence holder on duty.
5. All staff to receive training and refresher training every six months on their responsibilities with regard to licensing

legislation, in particular to underage and proxy sales. This training shall be documented and shown to a member of a responsible authority upon request.

6. A Designated Public Place Order (DPPO) notice, provided by the Licensing Authority, shall be displayed prominently within the premises, visible from outside the store advising that the Police have powers to seize alcohol.
7. There shall be no sale of single cans or bottles of beer, lager or cider with an ABV above 6.5% permitted from the premises. *(This condition has been amended in accordance with conditions agreed between the Licensing Authority and the applicant)*
8. All staff shall be trained in respect of 'Challenge 25' and all appropriate ID checks shall be undertaken by all staff to ensure no sale of alcohol is made to underage persons.

The granting of the premises licence application is also subject to the following conditions agreed between the Licensing Authority and the applicant on 4 December 2013.

1. Sale of alcohol to take place Monday to Saturday – 1000 to 1900 hours.

It is considered by the Sub-Committee that the above conditions should be attached in support of the prevention of crime and disorder licensing objective.

Finally, such conditions as are specified on/or are consistent with the operating schedule will be attached to the licence, together with any mandatory conditions required by the Act.

All parties have a right of appeal to the Magistrates' Court within twenty one days of receipt of this decision.



# Licensing Committee

## 29 January 2014

**Report Title**

Schedule of Outstanding Minutes

**Originating service**

Delivery/Democratic Support

**Accountable employee**

Linda Banbury  
Tel  
Email

Democratic Support Officer  
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**Recommendation for noting:**

The Committee is asked to note the report

	Subject	Date of Meeting and Minute No.	Decision	Comments
1.	Future of Hackney Carriage Services	13.02.13 38(c)	Further review of Hackney Carriage provision to take place in 2016	Report to July 2016 meeting
2.	Hackney Carriage and Private Hire Vehicle Testing at VOSA Registered Garages	17.04.13 61(f)	Report to be presented in twelve months on impact of proposals in regard to vehicle testing	Report to April 2014 meeting
3.	City Centre Pubwatch Scheme	22.05.13 2	Update to be presented on outcome of customer research	Report to future meeting
4.	Review of Decision Making	22.05.13 6(d)	Annual delegation report to be presented	Report to May 2014 meeting
5.	Scrap Metal Dealers Act	25.09.13 8	Progress report to be presented in six months	Report to March 2014 meeting
6.	Wolverhampton Alcohol Strategy 2011-2015	18.12.13 6	Further update to be presented in six months	Report to June 2014 meeting



# Licensing Committee

## 29 January 2014

<b>Report title</b>	City Centre Street Trading Review	
<b>Wards affected</b>	St Peters	
<b>Accountable director</b>	Tim Johnson, Education and Enterprise	
<b>Originating service</b>	Licensing Services	
<b>Accountable employee(s)</b>	Colin Parr	Licensing Manager
	Tel	01902 550105
	Email	colin.parr@wolverhampton.gov.uk
<b>Report has been considered by</b>	City Centre Officer Working Group, 28 January 2013	

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### Recommendation(s) for action or decision:

The Committee is recommended to:

1. Agree the following policy revisions to the city centre street trading function:
  - A net increase of one additional unit in the city centre, but replace repetitive trade lines with a more diverse offer.
  - Remove existing unit conditions to ensure units are of a higher quality.
  - Use licensing controls to ensure that the offer from each trader is of an appropriate quality; branded packaging, staff presentation, display of goods, etc...
  - A reduction in the total number of traders on Dudley Street
  - Concentrate traders in high footfall areas.
  - Commence the statutory process to designate the city centre as a licensed rather than a consented street trading area (this would allow traders a three year licence with a right to appeal any failure to offer renewal and provide traders with more security to invest in their businesses).

## **1.0 Purpose**

- 1.1 This report details the findings of a data gathering exercise and subsequent consultation on proposals relating to the city centre street trading function. Following the outcome of this work Councillors are recommended to endorse the street trading policy revisions detailed at Section 5 of the report.

## **2.0 Background**

- 2.1 There are currently fourteen daytime and four night time street trading consents in the city centre. Of these only nine are currently occupied, primarily by units offering hot food trade lines.
- 2.2 Fees vary from £2,675 to £3,075 for consents within the ring road. Income generated is used to support the delivery of the street trading function including compliance with consent conditions.
- 2.3 In November 2008 an options appraisal paper was presented to the then Cabinet Member regarding the city centre street trading function, the options presented ranged from maintaining the status quo to the incremental removal of all consents over a 12 month period. The Cabinet Member at the time resolved to maintain the existing arrangements.
- 2.4 In 2011 following agreement from the current Cabinet Member consultation proposals were developed by an officer working group consisting of employees from Regeneration, Legal Services and WV One. The proposals, which put forward some minor revisions to the existing trader locations and trade lines, focused primarily on an increased fee structure with income being shared between the Council and WV One.
- 2.5 Following the consultation process the Cabinet Member advised not to progress the proposals in relation to fee increases, income sharing or changes to the management of the function. However, it was requested that the issue of an appropriate city centre street trading offer be considered as part of a broader review of the city centre public realm that would complement the city centre regeneration programme.
- 2.6 To progress this work, an initial data gathering exercise was agreed by the previous City Centre Officer Working Group on 28 January 2013. A team of employees from Licensing Services, Physical Regeneration, Environmental Health (Commercial) and Highways were tasked to complete this exercise. This work took place between April and June 2013. This paper summarises the findings of this piece of work and puts forward formal proposals based on the group's findings and subsequent consultation.

## **3.0 Data gathering exercise for city centre street trading**

- 3.1 It was agreed that in order to identify the best solution to enhance the regeneration of Wolverhampton city centre the data gathering exercise should seek to answer three questions, these were as follows:

- What level of street trading is appropriate for the city centre, if any?

- What should this offer consist of?
- In what locations should the offer be based?

3.2 The exercise followed a Systems Thinking methodology and involved face to face interviews with over 500 visitors to the city centre, 300 responses from the Council's Wolverhampton Today Facebook page, 22 detailed interviews with expert stakeholders and a meeting with all current city centre street traders.

3.3 Each of these questions and the findings identified through the data gathering exercise are detailed below:

#### 3.3.1 **What level of street trading is appropriate for the city centre, if any?**

The data gathering exercise initially sought to identify if street trading of any type is appropriate in the city centre and if not - is there an appropriate alternative e.g. Licensing Services offering fixed trading units, rather than locations for mobile traders.

##### **Summary of findings**

There was a general consensus that a street trading offer was considered a necessary component of a vibrant retail offer.

Of those that were spoken to approximately 40% regularly used the existing street traders. The most common reasons given for choosing street traders over other retailers are detailed below:

- Convenient
- No queues/quick
- Cheap
- Friendly staff

#### 3.3.2 **What should this offer consist of?**

Subject to the above, if a street trading offer is deemed suitable in the city centre the appropriate components of this offer need to be identified; this included consideration of issues such as trade lines, product quality, unit type and appearance.

The findings have been grouped into three areas; trade lines, quality of offer and trading units.

##### **Summary of findings**

###### **Trade lines:**

Of those that used the existing street traders the following units were identified as the most popular:

- Green's Doughnuts (doughnuts) on Dudley Street (70%)
- Spudley Street (jacket potatoes) on Dudley Street (60%)
- Sachin's (Asian food) on Dudley Street (40%)



No particular hot dog/burger trader was highlighted as being more popular than the others and 5% of those that were spoken to believed that there were too many traders offering these products, however a similar number felt that the balance of traders was about right.

There was a broad consensus that the existing offer is too narrow, this was across both those that currently do and do not use the existing traders. The following trade lines were the most popular suggested additions:

- Healthier eating options (40%)
- Vegetarian food (20%)
- Florist stalls (15%)
- Oriental food (10%)
- Mexican food (10%)
- Caribbean food (5%)
- Smoothies/juice bar (5%, all respondents that proposed this option were university students)

#### **Quality of offer:**

No specific conclusions can be drawn from the exercise regarding the perceived quality of the existing traders. However a number of factors, outside the trade lines offered, that are currently deterring people from using street traders did emerge. Of the group that didn't use street traders currently (approximately 60%) the following reasons were most frequently given:

- Prefer to sit down and eat
- Prefer to eat inside or undercover
- Prefer to buy branded products
- Concerns of the cleanliness of the units

#### **Unit type and appearance**

The most common comments in relation to the trading units were that they should be more eye catching and that the existing units were 'tatty' in appearance.

When discussions took place with the traders they said that their existing units complied with the Council's restrictions and that if there was more flexibility they would like to have more attractive units.

Another issue raised by the traders was that the current consent system only allowed them a single year's security and there was no requirement on the Council to renew the consent and no appeal if the Council chose to delete their pitches. Traders said that given this it was difficult for them to justify the capital outlay in superior units, establishing local brands or introducing branded packaging.

#### **3.3.3 In what locations should the offer be based?**

Finally the exercise considered the locations where street trading should be based within the city centre. This not only included consideration of the appropriateness of existing

locations, but also new areas and areas that are scheduled to change as part of the city centre transportation review.

## **Summary of findings**

Of the entire sample nobody spoken to said that any particular street trader was the sole reason for their visit to the city centre. As such street trading is ancillary to other activities and the locations of traders must reflect this.

The traders did not believe that any area that was not already experiencing high footfall would be viable for street trading.

## **4.0 Consultation proposals**

- 4.1 The learning identified above was used to establish a series of consultation questions for the future of the city centre street trading function. These questions were the basis of a formal public consultation took place between 7 October and 15 November 2013.
- 4.2 The consultation process generated four formal written responses and an additional 17 Facebook comments, none of these responses contradicted the findings established in the initial data gathering exercise. A complete set of all responses and the accompanying consultation document has been made available in the Councillor's area or is available to the public from Licensing Services (Civic Centre, Reception 14).

## **5.0 Policy Proposals**

- 5.1 Following the data gathering exercise and the consultation process Councillors are recommended to agree the following policy revisions to the city centre street trading function:
  - A net increase of one additional unit in the city centre, but replace repetitive trade lines with a more diverse offer.
  - Remove existing unit conditions to ensure units are of a higher quality and each has its own identity and allow the Licensing Manager in consultation with any other relevant agency/person to agree a unit's livery.
  - Use licensing controls to ensure that the offer from each trader is of an appropriate quality; branded packaging, staff presentation, display of goods, etc...
  - A reduction in the total number of traders on Dudley Street
  - Concentrate traders in high footfall areas.
  - Commence the statutory process to designate the city centre as a licensed rather than a consented street trading area (this would allow traders a three year licence with a right to appeal any failure to offer renewal and provide traders with more security to invest in their businesses).

## **6.0 Financial implications**

- 6.1 Recent case law has provided new guidance to licensing authorities on how licensing fees should be calculated and how the related income can be expended. In order to accord with this guidance, it is proposed that the Council establishes a specific reserve to 'smooth' the impact of in year surpluses and deficits across its various licensing functions over a three year period. This proposal will be the subject of a separate report to Cabinet (Resources) Panel in March 2014. Ordinarily, the street trading function is self-financing. This reserve, however, will provide the facility for any in year surpluses or deficits to be returned or recovered to licensed traders through changes to fees over this three year cycle. [TK/20012014/U].

## **7.0 Legal implications**

- 7.1 Paragraph 2 of Schedule 4 of The Local Government (Miscellaneous Provisions) Act 1982 sets out the procedure for the re-designation of the city centre as a licensed street trading area. Briefly, the steps to be followed are:
- 7.2 The publication of a notice of intention to pass a resolution designating a particular street. The notice must contain a draft resolution to be passed and must be published in a local newspaper. A copy is then served on the Chief of Police and any highway authority responsible for a particular street. The consent of the highway authority is required were a street is to be designated a licence street. Where the land is owned by one of the bodies specified in the Act, for example the British Railway Board, consent from that body is also required.
- 7.3 A period of at least 28 days must elapse from the time of initial publication of the notice to the time when the Council passes a resolution confirming the proposed designation. This is to allow for objections to be made to the Council, which must be considered before a resolution is passed to designate a particular street.
- 7.4 Once a resolution has been passed, the Council are obliged to publish the fact for two consecutive weeks in a local newspaper.
- 7.5 The Council will also be required to rescind the designation relating to consent streets. The same procedure as outlined above must be followed (paragraph 9 (13) of Schedule 4). [SH/16012014/D]

## **8.0 Equalities implications**

- 8.1 The process for the re-designation of the city centre will require an equalities analysis and this will incorporated into the statutory consultation process.

## **9.0 Environmental implications**

- 9.1 This report will have environmental implications. The revisions to the city centre street trading function will have a positive impact on the city centre's public realm.

## **10.0 Schedule of background papers**

- 10.1 Street Trading Report – Various Issues, Licensing Committee, 26 September 2007