

WYRE FOREST DISTRICT COUNCIL

LICENSING AND ENVIRONMENTAL COMMITTEE

COUNCIL CHAMBER, WYRE FOREST HOUSE, FINEPOINT WAY, KIDDERMINSTER

6TH DECEMBER 2021 (10.30AM)

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**Present:**

Councillors: P Dyke (Chairman), A Coleman (Vice-Chairman), J F Byng, R H Coleman, B S Dawes, C Edginton-White, K Henderson, F M Oborski MBE, M Rayner, L Whitehouse and P W M Young.

**Observers:**

There were no members present as observers.

**LIC.21 Apologies for Absence**

Apologies for absence were received from Councillor I Hardiman.

**LIC.22 Appointment of Substitutes**

No substitutes were appointed.

**LIC.23 Declaration of Interests**

Councillor B S Dawes declared an Other Disclosable Interest (ODI) in the application being considered at Agenda Item 7 as she is a Member of Stourport Town Council and would leave the meeting for the entirety of this item.

Councillor K Henderson declared an Other Disclosable Interest (ODI) in the application being considered at Agenda Item 7 as he is a Member of Stourport Town Council and would leave the meeting for the entirety of this item.

Councillor M Rayner declared that she knew the applicant of the application being considered at Agenda Item 8 and would leave the meeting for the entirety of this item.

**LIC.24 Minutes**

**Decision: The minutes of the meeting held on 4th October 2021 be confirmed as a correct record and signed by the Chairman.**

**LIC. 25 Review of The Gambling Act 2005**

The Committee received a report from the Head of Worcestershire Regulatory Services on behalf of Wyre Forest District Council on the responses received during the recent consultation on the revised Gambling Statement of Principles

2022–25, as part of the statutory triennial review in accordance with Section 349 of the Gambling Act 2005.

The Senior Practitioner – Licensing took Members through the report informing them of the responses that had been received and any amendments that had been proposed as a result of the consultation. He invited questions on the information provided and Members took the opportunity to comment on the consultation results.

**DECISION:**

- 2.1 Considered all responses received during the recent consultation on the revised Gambling Act 2005 Statement of principles.**
- 2.2 Recommended to Council that the revised Statement of Principles 2022–25 attached at “Appendix 3” of the report be approved and published.**

**LIC. 26 Review of Fees and Charges for the Council’s Licensing and Regulatory Services Function 2022/23.**

Members received a report from the Head of Worcestershire Regulatory Services on behalf of Wyre Forest District Council informing them of the recent review of the Council’s Licensing and Regulatory Services Function fees and charges for the financial year 2022/23.

The Senior Practitioner – Licensing reminded Members that the Licensing fee structures are set with cost recovery in mind and not for making a profit. This was the second year that no increase in the majority of charges had been recommended however the control of dogs charges had been subject to a slight increase. Members took the opportunity to discuss the information in the report.

**DECISION:**

- 1.1 Noted the contents of the report, in particular the draft Licensing & Environmental Health fees and charges for 2022/23 at Appendix 1 of the report, and**
- 1.2 Resolved to recommend to Council that the proposals for fees and charges within the Council’s Licensing, Food, Health, Safety and Pollution Control functions for 2022/23, as detailed in the report, be included in the Council’s 2022/23 budget strategy.**

Councillors B S Dawes and K Henderson left the meeting at this point (10:44am).

**LIC. 27 Consideration of the Grant of a Street Trading Consent**

The Committee received a report from the Head of Worcestershire Regulatory Services which asked the Committee to consider and determine an application for street trading consent for the Toll House Car Park, Dunley

Road, Stourport-on-Severn, Worcestershire, DY13 0AA.

The Senior Practitioner – Licensing led Members through the report giving details including the location of the proposed site and an objection received. He reminded Members of the Street Trading in Wyre Forest District guidance notes and the Street Trading Policy Statement included in the agenda pack. Members asked the Senior Practitioner – Licensing for clarification around any response received from Worcestershire County Council Highways.

The applicant, James Shakespeare on behalf of The Bridge Catering Company Ltd, addressed the committee remotely and explained to Members the background to the proposed business and the situation with the proposed site currently. He detailed the menu on offer and answered Members questions.

The Senior Practitioner – Licensing, left the room at this point and the applicant's remote connection was suspended (11:07am) for Members to deliberate their decision. The Solicitor and Assistant Committee Services Officer stayed in the meeting whilst the Committee reached their decision.

The Senior Practitioner – Licensing returned to the room and the applicant re-joined remotely at 11:55am and the Solicitor read out the decision of the Committee.

**DECISION: Having carefully considered an application on behalf of The Bridge Catering Company Ltd to grant a street trading consent to trade from the Toll House Car Park, Dunley Road, Stourport On Severn, Worcestershire, DY13 0AA, this being a site that has not been designated a prohibited street for the purposes of street trading consent, ("the Application"), the Committee has, having regard to the Local Government (Miscellaneous Provisions) Act 1982, the Wyre Forest District Council's Street Trading Policy Statement and its criteria for Considering Applications for Street Trading Consents and the representations raised during the consultation decided to:**

**Grant a street trading consent to sell hot and cold refreshments from a trailer at the above mentioned site, Monday to Saturday between the hours of 08:00 and 17:00 for 12 months from the date of this decision.**

**And the reasons for the Committee's decision are as follows:**

**The Committee consider that the street trading consent will enhance the vitality of the area within the immediate vicinity.**

**The Committee do not consider, on the basis of the fact that no objections were received from the Police and Highways, that the street trading consent is likely to have a significant impact on the road safety due to increased traffic.**

**However, due to the strict reading of the policy the consent would expire on 31 March 2022. Therefore in line with custom and practice it considers that it will depart from the policy on this occasion and grant the consent for 12 months to allow for a full assessment of the full impact the consent may or may not have on the local traffic at the time**

of renewal.

The Chairman thanked Mr Shakespeare for joining remotely and the connection was terminated.

Councillors B S Dawes and K Henderson re-joined the meeting and Councillor M Rayner left the meeting at this point (12:01pm)

**LIC. 28 Consideration of the Grant of a Street Trading Consent**

The Committee received a report from the Head of Worcestershire Regulatory Services which asked the Committee to consider and determine an application for street trading consent for a site adjacent to lower entrance, Swan Centre, Kidderminster, Worcestershire.

The Senior Practitioner – Licensing led Members through the report giving details of the application including a history of the trader and details of both the objections and letter of support received. He reminded Members of the Street Trading in Wyre Forest District guidance notes and the Street Trading Policy Statement included in the agenda pack. Members asked for clarification around any complaints received about the applicant.

The applicant, Mr Searle, addressed the committee and answered Members questions. The Committee accepted a petition provided by the applicant in support of his application.

The Senior Practitioner – Licensing and the applicant left the room at this point (12:20pm) for Members to deliberate their decision. The Solicitor and Assistant Committee Services Officer stayed in the meeting whilst the Committee reached their decision.

The Senior Practitioner – Licensing and applicant returned to the room at 12:52pm and the Solicitor read out the decision of the Committee.

**DECISION: Having carefully considered an application by John Searle to grant a street trading consent to trade from a site adjacent to Lower Entrance Swan Centre Kidderminster Worcestershire, this being a site that has not been designated a prohibited street for the purposes of street trading consent, (“the Application”), the Committee has, having regard to the Local Government (Miscellaneous Provisions) Act 1982, the Wyre Forest District Council’s Street Trading Policy Statement and its criteria for Considering Applications for Street Trading Consents and the representations raised during the consultation decided to:**

**Grant a street trading consent to sell fresh flowers, plants & sundries from a stall, Monday to Saturday between the hours of 08:30 and 17:30 for 12 months from the date of the decision subject to the following conditions.**

**That the applicant ensures that his display complies at all times with all the relevant disability and health and safety legislation.  
And the reasons for the Committee’s decision are as follows:**

**The potential for obstruction to the free flow of pedestrians, especially those visually impaired, due to the arrangement of the wares in the photographs presented to the Committee.**

**The Committee considers that the street trading consent will enhance the vitality of the shopping area within the immediate vicinity, with the flowers brightening that part of the town.**

**The strict wording of the policy would result in the consent expiring on 31 March 2022. The Committee therefore considers that in line with custom and practice the consent should be granted for 12 months from the date of this decision.**

There being no further business the meeting ended 12:55pm.