

LICENSING SUB-COMMITTEE 3

Tuesday, 7th September, 2010 at 10.20 am
in the Council Chamber, The Council House, Dudley

PRESENT:-

Councillors Mrs Ameson, Mottram and Ryder

Officers

Mr R Clark (Legal Advisor), Mrs J Elliott (Licensing Officer) and Mrs K Taylor (Directorate of Law, Property and Human Resources).

9 **ELECTION OF CHAIRMAN**

In the absence of the Chairman, it was

RESOLVED

That Councillor Ryder be elected Chairman for this meeting of the Sub-Committee only.

(Councillor Ryder in the Chair)

10 **APOLOGY FOR ABSENCE**

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

11 **APPOINTMENT OF SUBSTITUTE MEMBER**

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

12 **DECLARATIONS OF INTEREST**

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

13 **MINUTES**

RESOLVED

That the minutes of the meeting of the Sub-Committee held on 29th June, 2010 be approved as a correct record and signed.

14

LICENSING OF SEX ESTABLISHMENTS

A report of the Director of Corporate Resources was submitted on the decisions made, in principle, in relation to the licensing of sex establishments by the Licensing and Safety Committee on 5th July, 2010.

Following the presentation of the report by the Licensing Officer, it was

RESOLVED

That the Sub-Committee confirm that:

- (a) there shall be no more than one sex establishment in Dudley town centre and one in Stourbridge town centre; and
 - (b) any new applications for a sex establishment Licence be determined by a Licensing Sub-Committee and that the Licensing Sub-Committee consider amongst other issues the issue of proximity of sex establishments to schools, nurseries, youth clubs and religious establishments when determining an application.
-

15

EXCLUSION OF THE PUBLIC

That the public be excluded from the meeting for the following item of business on the grounds that it involves the likely disclosure of exempt information as defined in Part 1 of Schedule 12A to the Local Government Act, 1972, as indicated below; and that in all the circumstances, the public interest in disclosing the information is outweighed by the public interest in maintaining the exemption from disclosure.

<u>Item</u>	<u>Paragraph Numbers</u>
Application for a Personal Licence – Mr RLO	1

16

APPLICATION FOR A PERSONAL LICENCE – MR RLO

A report of the Director of Corporate Resources was submitted on an application for the grant of a personal licence made on behalf of Mr RLO.

In attendance and objecting to the application was PC D Smith.

It was noted that the Sub-Committee had agreed to delay the consideration of this application until 10.25am, to allow Mr RLO to arrive. Mrs Elliott informed the Sub-Committee that a letter of invitation to the hearing on 7th September, 2010 had been sent to Mr RLO on 20th August, 2010, to his address provided on the application.

In view of Mr RLO not attending the hearing, the Sub-Committee decided to hear the matter in Mr RLO's absence.

Mrs J Elliott, Licensing Officer, Directorate of Law, Property and Human Resources, presented the report on behalf of the Council.

PC D Smith presented the representations of West Midlands Police as indicated in Appendix 2 of the report submitted.

Following further discussion, the parties then withdrew from the meeting in order to enable the Sub - Committee to determine the application.

RESOLVED

This is an application by Mr RLO for a personal licence, dated 7th May, 2010.

In considering the application, Mr RLO was given proper notice of today's hearing by letter, to the address given on his application, dated 20th August, 2010, and did not attend today.

The Sub-Committee has considered Section 120 of the Licensing Act 2003, the specific licensing objectives under Section 4, and the Guidance made under Section 182, and considered the application of Mr RLO, as a whole.

The Sub-committee has heard representations from West Midlands Police, to confirm the convictions disclosed by Mr RLO in his application, of driving a motor vehicle with excess alcohol dated 13th September, 2005 and wounding/grievous bodily harm on 18th December, 2001. The Sub-Committee also finds that he was further convicted on 20th January, 2006 for driving whilst disqualified (he was given 3 years disqualification on 13th September, 2005) and uninsured. The Sub-Committee does note that the 2001 offence is spent but has been disclosed by Mr RLO in his application.

The Sub-Committee rejects the application as it considers it necessary for the promotion of the crime prevention objective.

The meeting ended at 10:48 am

CHAIRMAN

LSBC3/7