

LICENSING SUB-COMMITTEE 1

TUESDAY 16th APRIL, 2013

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

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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.

4. MINUTES

To approve as a correct record and sign the minutes of the meeting held on 12th March, 2013.
5. APPLICATION FOR A PREMISES LICENCE – 175, 176 AND 177 HIGH STREET, LYE, STOURBRIDGE (PAGES 1 – 4)

To consider a report of the Director of Corporate Resources.
6. APPLICATION FOR REVIEW OF PREMISES LICENCE – DUDLEY MINI MART, 106 STOURBRIDGE ROAD, DUDLEY (PAGES 5 – 9)

To consider a report of the Director of Corporate Resources.
7. APPLICATION FOR HOUSE TO HOUSE COLLECTIONS LICENCE – UNICARE LTD (NATIONAL KIDNEY FEDERATION) (PAGES 10 – 12)

To consider a report of the Director of Corporate Resources.
8. TO ANSWER QUESTIONS UNDER COUNCIL PROCEDURE RULE 11.8 (IF ANY)

To: All Members of the Licensing Sub-Committee 1, namely:

Councillor Bills Councillor Blood Councillor Woodall
(Chair)

LICENSING SUB-COMMITTEE 1

Tuesday 12th March, 2013 at 10.00am
in The Council Chamber, The Council House, Dudley

PRESENT:-

Councillor Bills (Chair)
Councillors Blood and Taylor

Officers

Mr R Clark (Legal Advisor), Mrs L Rouse (Licensing Officer) and Miss L Mason (Directorate of Corporate Resources).

54. APOLOGY FOR ABSENCE

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

55. APPOINTMENT OF SUBSTITUTE MEMBER

It was noted that Councillor Taylor had been appointed as a substitute member for Councillor Woodall, for this meeting of the Sub-Committee only.

56. DECLARATIONS OF INTEREST

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

57. MINUTES

RESOLVED

That the minutes of the meeting held on 5th February, 2013, be approved as a correct record and signed.

58. APPLICATON FOR A LICENSED PREMISES GAMING MACHINE PERMIT – THE CORN EXCHANGE, AMBLECOTE ROAD, BRIERLEY HILL

A report of the Director of Corporate Resources was submitted on an application for the grant for a gaming permit in respect of The Corn Exchange, Amblecote Road, Brierley Hill.

Ms Lorraine Bayliss, Gamestec and Miss Caroline Henson, Designated Premises Supervisor were in attendance.

Following introductions, Mrs L Rouse, Licensing Officer, Directorate of Corporate Resources, presented the report on behalf of the Council.

It was noted there had been no objections to the application. Miss Henson made her own representations and in doing so outlined the recent refurbishments of the premises.

After a short discussion, it was

RESOLVED

That the application made for the grant of a licensed premises gaming machine permit for four gaming machines in respect of The Corn Exchange, Amblecote Road, Brierley Hill, be granted.

59. APPLICATION FOR HOUSE TO HOUSE COLLECTIONS LICENCE – COBRA GROUP T/A APPCO GROUP SUPPORT VSO UK

A report of the Director of Corporate Resources was submitted on an application for a house to house collections licence in respect of Cobra Group T/A APPCO Group Support VSO UK.

Miss Becky Trodden, Head of Services and Miss Renalda Ruginiene, Licensing Officer were both in attendance.

Following introductions, Mrs L Rouse, Licensing Officer, Directorate of Corporate Resources, presented the report on behalf of the Council.

It was noted that there had been no objections to this application.

Miss Trodden made representations and in doing so outlined the aims of the company and working procedures.

After further discussion it was

RESOLVED

That the application for a House to House Collections licence in respect of Cobra Group T/A APPCO Group Support be deferred to a future meeting of a Sub-Committee pending receipt of relevant accounts and other relevant information specific to the applicant.

60. APPLICATION FOR GRANT OF STREET COLLECTION PERMIT – GREENPEACE AND FRIENDS OF THE EARTH

A report of the Director of Corporate Resources was submitted on an application for a street collections permit in relation to Greenpeace and Friends of the Earth.

It was noted that the applicant was not in attendance.

Following consideration, it was

RESOLVED

That the application made for a street collection permit in respect of Greenpeace and Friends of the Earth be deferred to a future meeting of a Sub-Committee.

The meeting ended at 11.00am

CHAIR

Licensing Sub-Committee 1 – 16th April 2013

Report of the Director of Corporate Resources

Application for a Premises Licence

Purpose of Report

1. To consider the application for the grant of a premises licence in respect of 175, 176 and 177 High Street, Lye, Stourbridge, West Midlands.

Background

2. On the 15th February 2013, an application was received from Athi Law LLP, Solicitors on behalf of Ghulam Nabi Namdar in respect of the premises known as 175, 176 and 177 High Street, Lye, Stourbridge, West Midlands, DY9 8LN. A copy of that application has been forwarded to the Committee Members and interested parties in accordance with the Licensing Act 2003.
3. The application had the following documents enclosed:-
 - Plan of the premises
 - Correct fee of £190.00
 - Consent of proposed premises supervisor
4. The application for a premises licence is as follows:-

Sale of Alcohol

Monday – Saturday	11.00 – 22.00
Sunday	14.00 – 22.00

Recorded Music

Monday – Saturday	11.00 – 23.00
Sunday	14.00 – 22.00

5. Confirmation that copies of the application form and supporting documentation have been served on the relevant authorities has been received.
6. Representatives have been received from local residents, copies of which have been sent to the applicant, Committee Members and interested parties in accordance with the Licensing Act 2003.

7. 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

8. There are no financial implications.

Law

9. The law relating to the determination of applications for the grant of a premises licence is governed by the Licensing Act 2003, part 3, section 18.
10. Pursuant to Section 18(3) of the Licensing Act 2003, where a relevant authority has made representations, the Licensing Authority must:-
- (a) hold a hearing to consider them, unless the authority, the applicant each person who has made such representations agree that a hearing is unnecessary, and
 - (b) having regard to the representations, take such of the steps mentioned in subsection (4) (if any) as it considers appropriate for the promotion of the Licensing objectives.
11. Pursuant to Section 18 (4) the steps are:-
- (a) to grant the licence subject to:-
 - (i) conditions that are consistent with the operating schedule accompanying the application modified to such an extent as the authority considers appropriate for the promotion of the licensing objectives, and
 - (ii) any condition which must under section 19, 20 or 21 included in the licence;
 - (b) to exclude from the scope of the licence any of the licensable activities to which the application relates;
 - (c) to refuse to specify a person in the licence as the premises supervisor;
 - (d) to reject the application
12. Pursuant to Section 23(1) of the Licensing Act 2003 where an application (or any part of an application) is granted under section 18 of the Licensing Act 2003, the Licensing Authority must immediately give notice to that effect to:-
- 1 (a) (i) the applicant
 - 1 (a) (ii) any person who made relevant representations in respect of the application and
 - 1 (a) (iii) the Chief Officer of Police for the police area in which the premises are situated and
 - 1 (b) issue the application with the licence and a summary of it

13. Pursuant to section 23(2) where relevant representations were made in respect of the application, the notice under subsection (1)(a) must state the authorities reasons for its decisions as to the steps (if any) to take under section 18(3)(b).
14. Pursuant to section 23(3) where an application is rejected under section 18, the licensing authority must immediately give a notice to that effect stating its reasons for the decision, to
 - (a) the applicant
 - (b) any person who made relevant representations in respect of the application, and
 - (c) the Chief of Police area in which the premises are situated

Where a Local Authority grant a licence under section 18 pursuant to schedule 5 of the Licensing Act, section 2 the holder of the licence may appeal against any decision:-

 - (a) to impose conditions on the licence under subsection (2)(a) or 3(b) of that section, or
 - (b) to take any step mentioned in subsection (4)(b) or (c) of that section (exclusion of licensable activity or refusal to specify person as premises supervisor)
15. Where a person who made relevant representations in relation to the application desires to contend:-
 - (a) that the licence ought not to have been granted, or
 - (b) that, on granting the licence, the licensing authority ought to have imposed different or additional conditions, or to have taken a step mentioned in subsection (4)(b) or (c) of that section, he may appeal against the decision.
16. In pursuance of regulation 26(1) of the Licensing Act 2003 (Hearing Regulations 2005) the Licensing Authority must make its determination at the conclusion of the hearing.
17. If the Licensing Authority refuse to grant the application, there is a right of appeal to the Magistrates' Court pursuant to schedule 5 section 18 part 1(a).

Equality Impact

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

Recommendation

21. That the Sub-Committee determine the application.



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DIRECTOR OF CORPORATE RESOURCES

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List of Background Papers

Licensing Sub-Committee 1 – 16th April 2013

Report of the Director of Corporate Resources

Application for Review of a Premises Licence

Purpose of Report

1. To consider the application for the review of the premises licence in respect of Dudley Mini Mart, 106 Stourbridge Road, Dudley, West Midlands, DY1 2DW.

Background

2. Dudley Mini Mart, 106 Stourbridge Road, Dudley, West Midlands, DY1 2DW was first issued with a premises licence on the 19th September 2005, that licence was subsequently transferred on the 30th June 2006.
3. The current premises licence is issued for the following:-

Sale of Alcohol	Monday to Saturday	08.00 – 23.00
	Sundays	10.00 – 22.30
	Good Friday	08.00 – 22.30
	Christmas Day	12.00 – 15.00
	Christmas Day	19.00 – 22.30

4. On the 18th February 2013, an application for the review of the premises licence was received from the Trading Regulation and Enforcement Manager. A copy of that application has been circulated to Committee Members and interested parties in accordance with the Licensing Act 2003.
5. The Council has advertised the application for review of the premises licence in accordance with Licensing Regulation S1, 2004, No 42, Section 38. A copy of that notice is attached to this report as Appendix 1.
6. Confirmation that the application has been served on the premises licence holder and relevant authorities has been received.
7. On the 26th February 2013, Dudley Public Health submitted representations which have been forwarded to Committee members, the premises licence holder and interested parties in accordance with the Licensing Act 2003.
8. The current premises licence holder is Ms N Ramzan.

9. This application falls within the Council's responsibility for liquor licensing which has a direct link to the Council's key corporate priority that safety matters.

Finance

10. There are no financial implications.

Law

11. 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
12. Before determining the application, the authority must hold a hearing to consider it and any relevant representations.
13. 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 appropriate for the promotion of the licensing objectives.
14. 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.
15. Subsection (3) is subject to sections 19,20 and 21 (requirement to include certain conditions in premises licences).

16. 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,
17. 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).
18. 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.
19. 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.
20. 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.
21. 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
22. Pursuant to schedule 5 part 1, section 8(2)
23. 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

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

Recommendation

- 27. That the Sub-Committee determine the review of the premises licence in respect of Dudley Mini Mart, 106 Stourbridge Road, Dudley, West Midlands.



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DIRECTOR OF CORPORATE RESOURCES

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List of Background Papers

DUDLEY METROPOLITAN BOROUGH COUNCIL

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REVIEW OF PREMISES LICENCE
UNDER THE LICENSING ACT 2003

Notice of Review of the Premises Licence issued to Dudley Mini Market, 106 Stourbridge Road, Dudley, DY1 2DW.

Interested parties and relevant authorities may make representations in writing to the Licensing Office, Law and Governance, 5 Ednam Road, Dudley, West Midlands, DY1 1HL between 19th February 2013 and 18th March 2013.

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 1 – 16th April, 2013

Report of the Director of Corporate Resources

Application for House to House Collections Licence

National Kidney Federation

Purpose of Report

1. To consider the application for the grant of a House to House Collections Licence to be conducted by Unicare Ltd on behalf of the National Kidney Federation.

Background

2. On the 22nd February 2013, Pete Revell of the National Kidney Federation made application for a House to House Collections Licence. A copy of that application has been circulated to Committee members and interested parties.
3. In January 1999, the Licensing Section in accordance with the Neighbouring Authorities Working Group introduced a policy requiring all House to House Collection applicants to submit income and expenditure accounts for the previous financial year.
4. In recent years applications for House to House Collections have been received from independent commercial companies undertaking collections on behalf of specific charities. Therefore in November 2009, the Council introduced a further policy that all applicants for House to House Collection Licences be required to submit with the application income and expenditure accounts for the previous financial year of the charity for which the collection is being made and also for the company or organisation making the collection. This is to ensure that a substantial amount of the monies collected are used for charitable purposes.
5. Copies of those accounts have been circulated to Committee members and interested parties.
6. Copies of the application were circulated to the West Midlands Police and the Directorate of the Urban Environment (Highways). These agencies raised no objections to the application.
7. A previous application for the grant of a house to house collections permit was received from Mr Revell in June 2012 on behalf of the National Kidney Federation. However as this application was incomplete the matter was not processed.

8. This report has a direct link to the Council's policy for safety as the principal reason for submission is safeguarding the public.

Finance

9. There are no financial implications.

Law

10. House to house collection permits are governed by Section 2 of the House-to-House Collections Act 1939.
11. The Council may refuse to grant a licence or where a licence has been granted may revoke it if it appears to the Authority:-
- (a) that the total amount likely to be applied for charitable purposes as the result of the collection (including any amount already so applied) is inadequate in proportion to the value of the proceeds likely to be received (including any proceeds already received).
 - (b) that remuneration which is excessive in relation to the total amount aforesaid is likely to be, or has been, retained or received out of the proceeds of the collection by any person.
 - (c) that the grant of a licence would be likely to facilitate the commission of any offence under section three of the Vagrancy Act 1824, or that an offence under that section has been committed in connection with the collection.
 - (d) that the applicant or the holder of the licence is not a fit and proper person to hold a licence by reason of the fact that he has been convicted in the United Kingdom of any offences specified in the Schedule to this Act, or has been convicted in any part of His Majesty's dominions of any offence conviction for which necessarily involved a finding that he acted fraudulently or dishonestly, or of any offence of a kind the commission of which would be likely to be facilitated by the grant of a licence.
 - (e) that the applicant or the holder of the licence, in promoting a collection in respect of which a licence has been granted to him, has failed to exercise due diligence to secure that persons authorised by him to act as collectors for the purposes of the collection were fit and proper persons, to secure compliance on the part of persons so authorised with the provisions of regulations made under this Act, or to prevent prescribed badges or prescribed certificate of authority being obtained by persons other than persons so authorised.
 - (f) that the applicant or holder of the licence has refused or neglected by furnish to the authority such information as they may have reasonably required for the purpose of informing themselves as to any of the matters specified in the fore-going paragraphs.

12. If the Committee refuse to grant a licence or revoke a licence which has been granted. There is a right of appeal within 14 days to the Secretary of State against the refusal or revocation of licence.

Equality Impact

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

Recommendation

15. That the Committee consider the applications for House to House Collections Licence.



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DIRECTOR OF CORPORATE RESOURCES

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