

## Meeting of the Licensing Sub-Committee 2

**Tuesday 3<sup>rd</sup> March, 2020 at 10.00am**

**In the Council Chamber at the Council House, Priory Road, Dudley**

### **Agenda - Public Session**

**(Meeting open to the public and press)**

1. Apologies for absence.
2. To report the appointment of any substitute members serving for this meeting of the Committee.
3. To receive any declarations of interest under the Members' Code of Conduct.
4. To confirm and sign the minutes of the meetings held on 28<sup>th</sup> January, 2020, as a correct record.

***The following application is to be considered under the provisions of the Licensing Act 2003:-***

5. [Variation of Designated Premises Supervisor – Darby End Convenience Store, 63B Northfield Road, Dudley \(Pages 1 - 4\)](#)
6. 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: 21<sup>st</sup> February, 2020**

#### **Distribution:**

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



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**Minutes of the Licensing Sub-Committee 2  
Tuesday, 28<sup>th</sup> January, 2020 at 10.00 am  
In the Council Chamber, the Council House, Dudley**

**Present:**

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

**Officers:-**

B Hughes – Assistant Team Manager (Directorate of Public Realm), R Clark – Principal Solicitor and H Shepherd – Democratic Services Officer (Directorate of Finance and Legal).

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28 **Declarations of Interest**

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

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29 **Minutes**

**Resolved**

That the minutes of the meeting held on 10<sup>th</sup> December, 2019, be approved as a correct record and signed.

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30 **Application for House to House Collections Licence – Your Donation Ltd (Boot out Breast Cancer)**

A report of the Director of Public Realm was submitted for the grant of a House to House Collections Licence in respect of Your Donation Ltd (Boot out Breast Cancer).

Mr P Nazarov, Company Director, was in attendance at the meeting.

Following introductions the Assistant Team Manager presented the report on behalf of the Council and in doing so stated that the application had been deferred by Licensing Sub-Committee 2 on 10<sup>th</sup> December, 2019 for additional information on a breakdown of profits to be provided, which had subsequently been circulated to Members in advance of the meeting, together with additional supporting information.

Mr Nazarov confirmed that he had nothing further to add to his presentation, but would accept questions from the Sub-Committee.

In response to a question raised, Mr Nazarov confirmed that a local charity provision within the Dudley Borough had not been engaged. The company had house to house collection licences issued from various authorities around the country, and financial support was provided to a number of hospitals and charities.

Arising from a further question from a Member in relation to the costs paid to the collections team, it was stated that an extensive process was undertaken prior to the items collected being dispatched/sold and that a lot of effort and resource was required to achieve a high quality product. It was further confirmed that local companies and sub-contractors were appointed to undertake the collections.

In considering how the Borough of Dudley would benefit from the house to house collections, Mr Nazarov stated that it would take time for the charity to expand, however a plan would be devised to incorporate the West Midlands.

In response to a question raised, Mr Nazarov outlined in detail the percentage of each different type of material collected and grading of each material type. It was stated that the charity would receive a percentage of the cost for each tonne of materials collected and that the company had profited approximately £6000 in the last financial year. Although it was recognised that this was not a significant amount of income, Mr Nazarov confirmed that the company was a fairly new organisation and it was hoped that different projects would be developed in the future.

Mr Nazarov commented that the application submitted in 2017 had previously been refused as the Sub-Committee had insufficient financial information available to make a decision. He provided comparable information of other licence holders that had been granted by Dudley and who offered a similar service as Your Donation Ltd, and confirmed that the amount donated to charity was in line with all other organisations.

The parties then withdrew from the meeting to enable the Sub-Committee to determine the application.

**Resolved**

That, the application for a House to House Collection Licence in respect of Your Donation Ltd on behalf of Boot Out Breast Cancer, be approved for a period of twelve months, at the end of which the Sub-Committee be provided with full income and expenditure accounts, detailing gross figures; the amount granted to charity and what local partnerships had been identified and the benefits provided to the local area.

The meeting ended at 11.57 pm

CHAIR

## **Licensing Sub-Committee 2 – 3<sup>rd</sup> March, 2020**

### **Report of the Director of Public Realm**

### **Variation of Designated Premises Supervisor**

### **Darby End Convenience Store, 63B Northfield Road, Dudley, DY2 9JQ**

#### **Purpose**

1. To consider the application for variation of designated premises supervisor in respect of the Darby End Convenience Store, 63B Northfield Road, Dudley, DY2 9JQ.

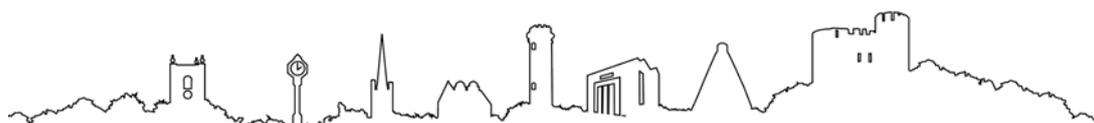
#### **Recommendation**

2. That the Sub-Committee determine the application for the variation of the Designated Premises Supervisor in respect of the premises known as the Darby End Convenience Store, 63B Northfield Road, Dudley, DY2 9JQ, following the receipt of representations from the West Midlands Police.

#### **Background**

3. The Darby End Stores was first issued with a premises licence on the 26<sup>th</sup> September 2005, the current premises licence holder is Mr Harjinder Singh. That license is for the sale of alcohol on the following days and times:

<b>Supply of Alcohol</b>	<b>Monday to Saturday</b>	<b>08:00</b>	<b>23:00</b>
	<b>Sunday</b>	<b>10.00</b>	<b>22.30</b>
	<b>Good Friday</b>	<b>08.00</b>	<b>22.30</b>
	<b>Christmas Day</b>	<b>12.00</b>	<b>15.00</b>
	<b>Christmas Day</b>	<b>19.00</b>	<b>22.30</b>



4. On the 5<sup>th</sup> July 2019, an application for the review of the premises licence was received from the Public Protection Manager (Food & Consumer Safety) the grounds for the review related to the prevention of crime and disorder and the protection of children from harm.
5. Representations in support of the application for review were received from the HM Immigration Department, Chief Officer Health and Wellbeing and the West Midlands Police.
6. This matter was considered by the Sub-Committee on the 27<sup>th</sup> August 2019, the Committee resolved that the licence be revoked. A copy of the minutes from that meeting are attached to this report as appendix 1. The Committee should be aware that the premises are currently operating under appeal. The appeal is due to be heard at the Magistrates Court on 23<sup>rd</sup> April 2020.
7. On the 27<sup>th</sup> January 2020, an application was received from Personal Licence Courses UK Ltd on behalf of Mr Harjinder Singh (Premises licence holder) for the variation of the premises licence to specify an individual as a Designated Premises Supervisor a copy of the application form has been forwarded to Committee Members in accordance with the Licensing Act 2003.
8. Confirmation that the application has been served on the relevant authorities has been received.
9. On the 7<sup>th</sup> February 2020, the West Midlands Police raised objections to the application for variation of Designated Premises Supervisor, a copy of the representations have been forwarded to the Applicant, Committee Members and Interested parties in accordance with the Licensing Act 2003.

## **Finance**

10. There are no financial implications.

## **Law**

11. The law relating to the granting of applications to vary a licence to specify individual as premises supervisor is governed by the Licensing Act 2003, part 3, section 37.
12. Pursuant to part 3, section 37(5) where a Chief Officer of Police is satisfied that the exceptional circumstances of the case are such that granting the application would undermine the crime prevention objective, he must give the relevant licensing authority a notice stating the reasons why he is so satisfied.



13. Pursuant to part 3, section 37(6) the Chief Officer of Police must give that notice within the period of 14 days beginning with the day he his notified of the application.
14. Pursuant to section 39(3), the Licensing Authority must:-
  - (a) hold a hearing to consider it, unless the authority, the applicant, and the Chief Officer of the Police who gave notice agree that a hearing is unnecessary, and
  - (b) having regard to the notice reject the application if it considers it appropriate for the promotion of the crime prevention objective to do so.
15. Pursuant to regulation 26(1) of the Licensing Act 2003 (Hearing Regulations 2005), the Licensing Authority must make its determination at the conclusion of the hearing.
16. Where an application under section 37 is granted or rejected pursuant to section 39(4), the Licensing Authority must give a notice to that effect to:-
  - (a) the applicant
  - (b) the proposed individual, and
  - (c) the Chief Officer of Police for police area in which the premises are situated.
17. Pursuant to section 39(5) the notice must state the authority's reasons for granting or rejecting the application.
18. Pursuant to section 39(6) where the application is granted, the notice must specify the time when the variation takes effect.
19. Pursuant to schedule 5, part 1 1(c) if the Licensing Committee refuse to grant the application to vary a licence to specify individual as premises supervisor there is a right of appeal to the Magistrate's Court.
20. Pursuant to schedule 5, part 1 5(1) and (2) if the licensing Committee grants the application to vary a licence to specify individual as premises supervisor in a case where the Chief Officer of the Police gave notice under section 37(5) the Chief Officer of the Police may appeal against the decision to grant the application.

### **Equality Impact**

22. This report takes into account the Council's policy on equal opportunities.



23. The licensing of premises and individuals will impact on children and young people through their attendance at licensed premises.
24. There has been no consultation or involvement of children and young people in developing these proposals.

### **Human Resources/Organisational Development**

25. There are no human resources/organisational development implications.

### **Commercial/Procurement**

26. There are no commercial/procurement implications.

### **Health, Wellbeing and Safety**

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

*Matt Williams*

### **Director of Public Realm**

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### **Appendices**

None

### **List of Background Documents**

None

