



## **Licensing Sub-Committee 2**

**Tuesday, 22<sup>nd</sup> September, 2015 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 for this meeting of the Sub-Committee.
3. To receive any declarations of interest under the Members' Code of Conduct.
4. To confirm and sign the minutes of the meeting held on 9<sup>th</sup> June, 2015 as a correct record.
5. Application for a Licensed Premises Gaming Machine Permit – The Top Bell, Belmont Road, Stourbridge (Pages 1 – 4)
6. Application for House to House Collections Permit – N & A Recycling Ltd (Leukaemia & Myeloma Research UK) (Pages 5 – 7)

Under the provisions of Part I of Schedule 12A to the Local Government Act 1972, the Strategic Director of Resources and Transformation has decided that there will be no advance disclosure of the following reports because the public interest in disclosing the information is outweighed by the public interest in maintaining the exemption from disclosure

The submission of these reports complies with the Local Authorities (Executive Arrangements)(Meetings and Access to Information)(England) Regulations 2012

7. Resolution to exclude the public and press

Chair to move:

“That the public and press be excluded from the meeting for the following item of business on the grounds that it involves the likely disclosure of

exempt information under Part I of Schedule 12A to the Local Government Act 1972, as amended, for the reasons stated on the agenda.”

## **Agenda - Private Session**

**(Meeting not open to the public and press)**

8. Application for a Personal Licence – Ms LME (Pages 8 – 11)



**Strategic Director (Resources and Transformation)**

**Dated: 9<sup>th</sup> September, 2015**

**Distribution:**

Councillors K Finch (Chair), M Evans and S Henley

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- Elected Members can submit apologies by contacting the officer named below. The appointment of any Substitute Member(s) should be notified to Democratic Services at least one hour before the meeting starts.
- The Democratic Services contact officer for this meeting is Karen Taylor, Telephone 01384 818116 or E-mail [karen.taylor@dudley.gov.uk](mailto:karen.taylor@dudley.gov.uk)

## **Minutes of Licensing Sub-Committee 2**

**Tuesday 9<sup>th</sup> June, 2015 at 10.00 am**  
**in the Council Chamber, The Council House, Dudley**

### **Present:-**

Councillor K Finch (Chair)  
Councillors M Evans and S Henley

### **Officers: -**

R Clark (Legal Advisor), L Rouse (Licensing Clerk) and M Johal (Democratic Services Officer) – All Directorate of Resources and Transformation.

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1            **Declarations of Interest**

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

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2            **Minutes**

Resolved

That the minutes of the meeting of the Sub-Committee held on 10<sup>th</sup> February, 2015, be approved as a correct record and signed.

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3            **Application for a Premises Licence – Lake Discount Store**

A report of the Strategic Director (Resources and Transformation) was submitted on an application for a premises licence in respect of Lake Discount Store, Lake Street, Lower Gornal, Dudley.

The following persons attended the meeting in respect of this application:-

Mr M Rashad – Applicant  
Mrs C Begum – Applicant's spouse  
Mr Craig – (Quality Solicitors Talbots – representing the applicant)  
Mr B Hughes – Licensing Enforcement Officer  
Mr C King – Trading Standards  
Mr G Wintrip – Trading Standards  
PC Baldwin – West Midlands Police  
Sergeant Cruickshank – West Midlands Police

Also in attendance:-

Representatives from Ellowes Hall and Area Tenants and Residents Association

Councillor D Perks – Observer

Following introductions by the Chair, the Licensing Clerk presented the report on behalf of the Council.

Mr Hughes then presented the representations of the Licensing Authority and in doing so referred to the history and criminal convictions relating to the present owners which had resulted in their premises licence being revoked. Mr Hughes sought clarification from the applicant on whether there was any association or connection with the present owner or his family as he was concerned that should the licence be granted the present owners could potentially still be involved in running the business.

PC Baldwin commented on behalf of the police and stated that they did not have any objection to the licence being granted to the applicants as they had conducted their checks and had not found any connection with them to the current owner. However they had serious concerns about the anti social behaviour and crime disorder relating to the premises arising from the conduct of the current owners. It was also reported that complaints to the police had dramatically reduced since the licence had been revoked and it was confirmed that issues were connected to this particular premise as there were no complaints about other shops in the vicinity.

Representatives from Trading Standards echoed these concerns and stated that they had received numerous complaints about the premises over a number of years relating to the present owners selling tobacco and alcohol to young people under the legal age. It was commented that because of the character of the area strong and firm management was required at these premises so that local under aged children were not able to access these supplies. Reference was also made to the person named as the designated premises supervisor on the application and on their concerns regarding this and clarification was sought on the link or connection between that person and the applicant.

Representatives from Ellowes Hall and Area Tenants and Residents Association also informed the meeting on residents' concerns, particularly from the elderly, about anti social behaviour in the area arising from the lack of control and alcohol being sold to the under aged by the present owners. That since the licence had been revoked there had been a positive impact on the area and it was queried what stringent measures the proposed owners would implement to prevent previous problems from reoccurring. Also concerns were expressed about the selling of alcohol from 6.00 am to 10.00 pm and the need to place a restriction on these hours.

Mr Craig, Talbots Solicitors, then presented the case on behalf of the applicant and in doing so referred to the mismanagement and catalogue of criminal issues relating to the current owner and the associated premises which had a significant impact on the residents and surrounding area. It was stated that, although there was no evidence, there was a strong possibility that alcohol continued to be sold to the under aged by the current owner even though he did not have a premises licence. Mr Craig commented that this application was an opportunity to alleviate problems being experienced and it was further stated that the applicant would not proceed with purchasing the business should a licence not be granted as it was not deemed to be viable.

Mr Craig, the applicant and his spouse responded to queries and it was confirmed that they had no association, connection, friendship or business relationship with the previous licence holder and that they were from different ethnic backgrounds, namely Muslim and Sikh. The applicant and his spouse had reputable backgrounds, the applicant being a taxi driver with no convictions and his spouse a driving instructor and that they had previous experience of managing shops with no issues or complaints. With regard to the name on the application for the designated premises supervisor it was clarified that the person was a close friend but would not have any involvement in the business. The applicant would be the designated premises supervisor and would manage the premises with his son, following relevant training. It was confirmed that following acquisition of the business the applicant would retire from being a taxi driver to enable him to manage the business on a full time basis. Closed circuit television recording and other associated documents would be kept and made available for inspection and an electronic machine would be used to scan age restricted products with a view to prompting the staff to confirm the age of the buyer. Should the application be granted the applicant would be willing to accept and abide by the ten conditions imposed

by trading standards, to include the change to the premises licence to apply from 12 noon until 10.00 pm instead of from 6.00 am to 10.00 pm, together with additional conditions relating to engaging the services of a reputable training organisation for staff, the premises licence to only take effect upon the legal transfer of the business to the applicant and that the current owners of the business shall not be employed in the business under the new premises licence.

The parties then withdrew from the meeting in order to enable the Sub-Committee to determine the application. During their deliberations the Sub-Committee were of the view that further questions relating to the landlord of the premise should be answered to enable them to make an informed decision. Therefore all parties were invited to return. In responding to further queries the applicant and his spouse confirmed the name of the landlord and further that they did not have any association or connection with the landlord of the premises and that they were not aware there was any relationship between the landlord or current owner either.

The parties again withdrew from the meeting in order to enable the Sub-Committee to determine the application.

The Sub-Committee having made their decision invited the parties to return and the Chair outlined the decision.

Resolved

That the grant of a premises licence in respect of Lake Discount Store, Lake Street, Lower Gornal, Dudley, be approved, subject to the following amendment and conditions, as follows:-

**Amendment:-**

Sale of Alcohol

Monday to Sunday inc 12.00 until 22.00

**Conditions Imposed by Trading Standards:-**

1. A written proof of Age Policy (Challenge 25) is to be put in force, which all staff authorised to sell alcohol will be trained in and adhere to. Valid proof of identification will only include passport, photographic driving licence or a Proof of Age Standards Scheme (PASS) proof of age card such as Citizen Card. No other form of identification shall be accepted. A4 notices will be displayed on the door and near to the point of sale advertising this policy.

2. A4 notices to be displayed on the door to the premises and near the point of sale stating that it is an offence to buy alcohol for persons under the age of 18.
3. A Register of Refusals of Sale of Alcohol which indicates the date, time and reason for refusal will be operated and maintained at the premises. The Premises Licence Holder shall review the book once a week ensuring it is completed and up-to-date. The Premises Licence Holder will sign the book each time it is checked. This book shall be made available for inspection by an officer of any responsible authority.
4. CCTV to be in place at the premises and to be recording at all times when the premises are open for licensable activity to the specifications of the West Midlands Police Crime Reduction Officer so that the alcohol display area and the point of sale area can be viewed. All images are to be recorded and kept for a minimum of 28 days and made available to any responsible authority upon request immediately, and all staff are to be trained and able to operate and download CCTV. The hard drive is to be locked but readily accessible to staff.
5. The premises licence holder will take proportionate steps to review the premises CCTV on a weekly basis in order to identify persons under the age of 18 who are attempting to buy alcohol or persons over the age of 18 buying on their behalf. A record of these checks shall be maintained and be available for inspection upon request by an officer of any responsible authority.
6. All persons engaged to sell alcohol must complete a training programme, which includes a written test to verify the competence of that person prior to them being authorised to sell alcohol.
7. The premises licence holder shall ensure that monthly reviews are conducted with any persons authorised to sell alcohol in order to reinforce training, promote best practice and policy. The monthly reviews will be recorded in writing.

8. A file shall be maintained at the premises for each person authorised to sell alcohol (with proof of identity which will be a copy of passport and/or driving licence). This file shall contain all training records for each person along with copies of monthly reviews as stated in point 7. This file shall be made available for inspection by any officer from a responsible authority upon request.
9. Any person who is suspected of purchasing alcohol for any person under age, shall be refused service.
10. An Electronic Point of Sale (EPOS) system will be installed and used at the premises. The system will be used to scan all Age Restricted Products and prompt the staff to confirm that the buyer of any such product is over the age of 18 years before any sale of such goods can be completed.

**Additional Conditions:-**

1. The applicant will engage the services of a reputable training organisation for staff to ensure that the licensing objectives are upheld.
2. The grant of the premises licence shall only take effect upon the legal transfer of the business to the applicant and his spouse, and should they not proceed with the transfer, the licence shall not be granted. The transfer must be evidenced in writing and a signed copy of the signed transfer of business be provided to the Licensing Authority prior to the business opening.
3. The previous owners of the business and holder of the premises licence shall not be employed in the business under the new premises licence.

Reasons for Decision

This is an application for a premises licence in respect of premises known as Lake Discount Store, Lower Gornal. The licensed hours sought were 6.00am to 10.00pm seven days a week, which are also the proposed opening hours of the store.

The previous premises licence for this premise was revoked by the Licensing Committee on 2<sup>nd</sup> September, 2014. The decision was appealed to the Magistrates Court and the revocation was upheld in December 2014.

A number of representations have been received in response to the application, five from local residents (including the secretary to the local residents association), one from a ward councillor together with representations from the Licensing Authority, the police and Trading Standards.

The police stated that they had no objections to the new applicants, and the Licensing Authority also did not, provided that there was no connection between the new applicants and the previous premises licence holder (and indeed current owner of the premises). Trading Standards had these same concerns, but also had a concern regarding the proposed Designated Premises Supervisor. Local residents were concerned about a repeat of the previous anti social behaviour and under age sales of alcohol and tobacco from this store. The police evidence was that since the licence had been revoked the number of calls to the police had reduced dramatically.

The applicant accepted the “horrific” history of management which led to prosecutions and the eventual revocation of the premises licence in September 2014. The applicants stated that they had no connection with the previous license holders, were not related to them and had no friendship or business relationship. They also stated they had paid a deposit of £5000 and presented a draft agreement for sale of the business. The applicants planned to complete the transfer of the business as soon as possible, if the application is granted.

The landlord is J and G Investments and the applicants stated that they had no relationship with the landlord whatsoever. The applicants were prepared to alter the time for the sale of alcohol from 12.00 noon until 10.00pm. They also confirmed that that the applicant would be the Designated Premises Supervisor and not the person named on the application form, despite him being a close friend, and that the applicant would reside in the premises with his adult son. Finally, they agreed to accept the ten conditions proposed by Trading Standards, and three others discussed this morning, as detailed above.

The Sub-Committee is satisfied that there is no connection between the applicants and the current owners of the business or the premises landlord. The Sub-Committee has some concerns about whether the applicants, with their relative inexperience, have the skills to manage these particular premises in the light of their “horrific” history. It also has concerns that the transfer of the business may not proceed, despite the best intentions of the applicants. However, on balance, the Sub-Committee finds that

there are no grounds to refuse the application, but finds that the imposition of the ten conditions proposed by trading standards, together with the three conditions, as outlined above, are necessary to uphold the licensing objectives. These must be strictly adhered to in this location. The premises license shall also reflect the new hours of 12.00 noon until 10.00pm, seven days a week.

The application is therefore granted.

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**Application for Consent to Engage in Street Trading, Hagley Street, Halesowen**

A report of the Strategic Director (Resources and Transformation) was submitted on an application for consent to engage in street trading in respect of a site in Hagley Street, Halesowen.

Following introductions by the Chair, the Licensing Clerk presented the report on behalf of the Council and it was noted that there were no objections.

The applicant, Mr P Guy was in attendance at the meeting and following the presentation of his case responded to queries from Members and in doing so stated that staff would be fully trained and that his spouse was qualified and experienced in catering.

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

The Sub-Committee having made their decision invited the parties to return and the Chair then outlined the decision.

Resolved

That the application for the grant of Consent to Engage in Street Trading in respect of a site in Hagley Street, Halesowen, be approved from 9<sup>th</sup> June, 2015 to 31<sup>st</sup> October, 2015 and 1<sup>st</sup> April, 2016 to 8<sup>th</sup> June, 2016, Monday to Friday between the hours of 10.30 am to 17.00.

The meeting ended at 12.25 pm

CHAIR

**Licensing Sub-Committee 2 – 22nd September 2015**

**Report of the Strategic Director Resources and Transformation**

**Application for a Licensed Premises Gaming Machine Permit**

**Purpose of Report**

- To consider the application for the grant of a Licensed Premise Gaming Machine Permit for 3, Category C machines, in respect of the premises known as The Top Bell, Belmont Road, Stourbridge, DY9 8AS.

**Background**

- The Top Bell holds a current premises licence for the following:-

<b>Performance of Live Music</b>	<b>Monday to Saturday</b>	<b>11:00</b>	<b>23:00</b>
<b>Performance of Live Music</b>	<b>Sundays</b>	<b>12:00</b>	<b>22:30</b>
<b>Playing of Recorded Music</b>	<b>Monday to Saturday</b>	<b>11:00</b>	<b>23:00</b>
<b>Playing of Recorded Music</b>	<b>Sunday</b>	<b>12:00</b>	<b>22:30</b>
<b>Supply of Alcohol</b>	<b>Mondays to Wednesdays</b>	<b>10:00</b>	<b>23:00</b>
<b>Supply of Alcohol</b>	<b>Thursdays to Saturdays</b>	<b>10:00</b>	<b>00:30</b>
<b>Supply of Alcohol</b>	<b>Sundays</b>	<b>12:00</b>	<b>23:00</b>
<b>Supply of Alcohol</b>	<b>Non-standard timings - A further additional hour into the morning following every Sunday and Monday for each May Bank Holiday, Spring/Whitsun Bank Holiday and every August Bank Holiday weekend. A further additional hour into the morning following every Sunday and Monday for the Easter Bank Holiday weekend. A further additional hour</b>		

	<p><b>every Christmas Eve and Boxing Day.</b></p> <p><b>From the start of permitted hours New Years Eve to the close of permitted hours New Years Day</b></p>		
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3. The Local Authority licensing policy states as follows:-

- If authorisation is sought for more than two category C or D machines the applicant will be required to attend a hearing to support the application. All plans submitted with applications for premises licences must set out the siting of each Category C or D machine.
- Parliament has placed no restrictions on the age at which such machines may be played (other than those in amusements arcades). It is, therefore, a matter for the discretion of the premises licence holder and any adults accompanying the children concerned whether they are entitled to play such machines. In the case of premises used exclusively or primarily for the consumption of alcohol, all children under the age of 16 will only be permitted entry to the premises if accompanied by adults. All such machines must be sited in accordance with the Gaming Act, further advice will be given on receipt of application.
- There is unlikely to be the need for a hearing where the application is for renewal of the existing permit for more than two machines or where the application is for the grant of a Licensed Premises Gaming Machine Permit at premises which already have an existing permit for more than two machines, and where that number is not increased.

4. On 18<sup>th</sup> August 2015, Town & County Leisure Ltd, made application on behalf of Punch Taverns for the grant of a licensed premises Gaming Machine Permit for 3, Category C machines. A site plan was also received highlighting the proposed position of all 3 machines. The application together with the site plan has been circulated to Committee members and interested parties.

5. The current licence holder of the premises licence is Punch Taverns, the premises currently holds a notification for up to 2 machines.

6. 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**

7. There are no financial implications.

## Law

8. Pursuant to schedule 13, section 283 of the Gaming Act 2005 the Council can grant a licensed premises gaming machine permits.
9. Pursuant to schedule 13, section 283 4(2) on considering an application for a permit the Licensing Authority shall:-
  - (a) grant an application
  - (b) refuse the application, or
  - (c) grant it in respect of:-
    - (i) a smaller number of machines than that specified in the application
    - (ii) a different category of machines from that specified in the application, or
    - (iii) both
10. Pursuant to schedule 13, section 283 5
  - (1) A Licensing Authority may not attach conditions to a permit
  - (2) As soon as is reasonably practicable after granting an application a Licensing Authority shall issue a permit to the applicant.
11. Pursuant to schedule 13, section 283 5(3) as soon as it reasonably practicable after refusing an application a Licensing Authority shall notify the applicant of:-
  - (a) the refusal, and
  - (b) the reasons for it
12. In pursuance of schedule 13, section 283 6 (2) a Licensing Authority may not refuse an application, or grant an application in respect of a different category or smaller number of gaming than that specified in the application, unless they have
  - (a) notified the applicant of their intention to refuse or grant the application in respect of
    - (i) a smaller number of machines than that specified in the application
    - (ii) a different category of machines than that specified in the application or
    - (iii) both, and
  - (b) given the applicant an opportunity to make representations

13. In pursuance of schedule 13 section 283 6 (3) a Licensing Authority can satisfy the opportunity to make representations by giving the applicant an opportunity to make:-
  - (a) oral representations
  - (b) written representations, or
  - (c) both
14. In pursuance of schedule 13 section 283 21 (1) the applicant for a holder of a permit may appeal to the Magistrates Court if the Licensing Authority:-
  - (a) reject an application for a permit
  - (b) grant an application for a permit in respect of a smaller number of machines than that specified in the application or a different category of machines from that specified in the application.

### **Equality Impact**

15. This report complies with the Council's policy on equal opportunities.
16. The licensing of premises and individuals will impact on children and young people through their attendance at licensed premises.
17. There has been no consultation or involvement of children and young people in developing these proposals.

### **Recommendation**

18. That the Sub-Committee give consideration to this application.



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### **Strategic Director Resources and Transformation**

Contact Officer: Mrs L Rouse  
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### **List of Background Papers**

None

**Licensing Sub-Committee 2 – 22<sup>nd</sup> September 2015.**

**Report of the Strategic Director Resources and Transformation**

**Application for House to House Collections Permit**

**N & A Recycling Ltd (Leukaemia & Myeloma Research UK)**

**Purpose of Report**

1. To consider the application for the grant of a House to House Collections permit in respect of N & A Recycling Ltd on behalf of the charity known as Leukaemia & Myeloma Research UK.

**Background**

2. On 7<sup>th</sup> August 2015, Mrs Alma Dovydaityene of N & A Recycling Ltd made application for a House to House Collections permit in respect of the charity Leukaemia & Myeloma Research UK. A copy of that application has been forwarded 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 applicants for House to House Collection permits 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 the application have also been circulated to the West Midlands Police and the Directorate of the Urban Environment (Highways). Those agencies raised no objections to the application.

6. A copy of the accounts in respect for N & A Recycling has also been circulated to Committee Members, however Leukaemia & Myeloma Research UK have confirmed that they are unable to supply accounts as the Charity has only been established since 12<sup>th</sup> May 2015.
7. This report has a direct link to the Council's policy for safety as the principal reason for submission is safeguarding the public.

### **Finance**

8. There are no financial implications.

### **Law**

9. House to house collection permits are governed by Section 2 of the House-to-House Collections Act 1939.
10. 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.
11. 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**

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

### **Recommendation**

14. That the Committee consider the application for the grant of a House to House Collections permit in respect of N & A Recycling Ltd on behalf of the charity known as Leukaemia & Myeloma Research UK.



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STRATEGIC DIRECTOR RESOURCES AND TRANSFORMATION

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**List of Background Papers**



**Agenda Item No. 8**

**Licensing Sub-Committee 2 – 22nd September 2015**

**Report of the Strategic Director Resources and Transformation**

**Application for a Personal Licence**

**Purpose of Report**

1. To consider the application for the grant of a personal licence in respect of Lisa Marie Evans.

**Background**

2. On the 28th May, 2015 an application was received from Lisa Marie Evans for the grant of a personal licence.
3. The application had the following requisite certified copies of documents enclosed:-
  - Correct Fee (£37.00)
  - Disclosure of Convictions and Declarations
  - National Certificate for Personal Licence Holders
  - Two Photographs

4. The Disclosure of convictions and declarations showed the following convictions:-

<u>Date of Conviction</u>	<u>Conviction</u>	<u>Penalty</u>
18/03/2013 Warley Magistrates' Court	Driving a motor vehicle with excess alcohol Using vehicle with no test certificate	Fine: £110.0 Costs: £85.00 Disqualified from driving for 3 years Victim Surcharge: £20.00

5. Confirmation that copies of the application form and supporting documentation were served on the West Midlands Police was received.

6. The West Midlands Police raised objections to the application.
7. This matter was considered by the Licensing Sub-Committee on the 30<sup>th</sup> June 2015, the Committee resolved in the absence of Ms Evans that the application be refused on the basis that Ms Evan’s failed to declare all relevant convictions/cautions, and also the pattern of conduct evidenced by those convictions.
8. On the 12<sup>th</sup> August 2015, Ms Evans made a further application for the grant of a personal licence.
9. The application had the following requisite certified copies of documents enclosed:-
  - Correct Fee (£37.00)
  - Disclosure of Convictions and Declarations
  - National Certificate for Personal Licence Holders
  - Two Photographs
10. The Disclosure of convictions and declarations at this time showed the following convictions:-

<u>Date of Conviction</u>	<u>Conviction</u>	<u>Penalty</u>
02/03/2010 West Bromwich Magistrates	Driving a motor vehicle with excess alcohol	Fine £120.00 Driving licence endorsed Costs £85.00 Victim Surcharge £15.00 Disqualification from driving reduced if course completed Disqualified from driving – obligatory 18 months
18/03/2013 Warley Magistrates' Court	Driving a motor vehicle with excess alcohol Using vehicle with no test certificate	Fine: £110.0 Costs: £85.00 Disqualified from driving for 3 years Victim Surcharge: £20.00 No separate penalty
22/03/2013 Aldridge and Brownhills Magistrates	Racially/religiously aggravated harassment/alarm/distress – words/writing	Supervision requirement community order 21/03/14 Compensation £50.00

11. Ms Evans also declared on her application form the following convictions which did not appear on her DBS Disclosure.

<u>Date</u>	<u>Offence</u>
15.03.2008	Caution for criminal damage
20.09.2012	Conviction for assault on Police

12. Confirmation that copies of the application form and supporting documentation has been served on the West Midlands Police has been received.
13. On the 12<sup>th</sup> August 2015, the West Midlands Police raised further objections a copy of that report has been circulated to the Applicant and Committee Members.
14. 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**

15. There are no financial implications.

### **Law**

16. The law relating to the determination of application for grant of Personal Licences is governed by the Licensing Act 2003, part 6, section 120.
17. Pursuant to section 120 (4) if it appears to the authority that the applicant fails to meet condition 2(d) in that he/she has been convicted of any relevant offence or any foreign offence the authority must give the Chief Officer of Police a notice to that effect.
18. Pursuant to section 120 (5) where, having regard to:-
- (a) any conviction of the applicant for a relevant offence and
  - (b) any conviction of his/her for a foreign offence which the Chief Officer of Police is satisfied that granting the licence would undermine the crime prevention objective, he must within the period of 14 days beginning with the day he received notice under subsection (4), give the authority a notice stating the reasons why he is so satisfied.
19. Pursuant to section 120 (7) where objections have been received and not withdrawn the Licensing Authority:-

- (a) must hold a hearing to consider the objection notice, unless the applicant, the Chief Officer of Police and the authority agree that it is unnecessary, and having regard to the notice, must:-
  - (i) reject the application if it considers it appropriate for the promotion of the crime prevention objective to do so, and
  - (ii) grant the application in every other case
- 20. In 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.
- 21. If the Licensing Authority refuse to grant the application for a personal licence, there is a right of appeal to the Magistrate's Court pursuant to section 17(1), schedule 5 of the Licensing Act 2003.
- 22. If the Licensing Authority grant the application for a personal licence, the Police have a right of appeal to the Magistrate's Court pursuant to Section 17 (2) schedule 5 of the Licensing Act 2003.

**Equality Impact**

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

**Recommendation**

- 26. That the Sub-Committee determine the application.



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**Strategic Director Resources and Transformation**

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**List of Background Papers**

None