

# LICENSING SUB-COMMITTEE 4

TUESDAY 2<sup>ND</sup> OCTOBER, 2012

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.

Your ref:

Our ref:  
KT

Please ask for:  
Karen Taylor

Telephone No.  
01384 818116

20<sup>th</sup> September, 2012

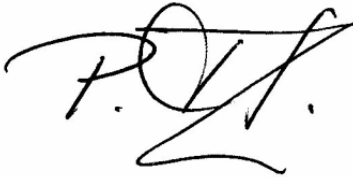
Dear Member

**Meeting of Licensing Sub-Committee 4 – Tuesday 2<sup>nd</sup> October, 2012**

You are requested to attend a meeting of Licensing Sub-Committee 4 to be held on Tuesday 2<sup>nd</sup> October, 2012 at 10.00 am in the Council Chamber at the Council House, Priory Road, Dudley, West Midlands, DY1 1HF to consider the business set out in the Agenda below.

The agenda and reports for this meeting can be viewed on the Council's internet site [www.dudley.gov.uk](http://www.dudley.gov.uk) and follow the links to Meetings and Decisions.

Yours sincerely



Director of Corporate Resources

**A G E N D A**

1. APOLOGIES FOR ABSENCE

To receive apologies for absence from the meeting.

2. APPOINTMENT OF SUBSTITUTE MEMBERS

To report the appointment of any substitutes for this meeting of the Committee.

3. DECLARATIONS OF INTEREST

To receive declarations of interest in accordance with the Members' code of conduct.

4. MINUTES

To approve as a correct record and sign the minutes of the meeting held on 28<sup>th</sup> August, 2012 (copy attached).

5. APPLICATION FOR CONSENT TO ENGAGE IN STREET TRADING – MS S SINNETT – GORNAL WOOD CREMATORIUM (PAGES 1 – 3)

To consider a report of the Director of Corporate Resources.

6. APPLICATION FOR CONSENT TO ENGAGE IN STREET TRADING – MR AND MRS BRIDGEWATER – HIGH STREET / PECKINGHAM STREET, HALESOWEN (PAGES 4 – 5)

To consider a report of the Director of Corporate Resources.

7. APPLICATION FOR HOUSE TO HOUSE COLLECTIONS LICENCE – RAINBOW DOG RESCUE (PAGES 6 – 8)

To consider a report of the Director of Corporate Resources.

8. APPLICATION FOR REVIEW OF PREMISES LICENCE – KAL AND BROTHERS NEWS, 35 CHURCH STREET, PENNETT BRIERLEY HILL (PAGES 9 – 13)

To consider a report of the Director of Corporate Resources.

9. TO ANSWER QUESTIONS UNDER COUNCIL PROCEDURE RULE 11.8 (IF ANY).

**Distribution**

Councillors:     Roberts (Chair)             Hanif                             Taylor

## **LICENSING SUB-COMMITTEE 4**

Tuesday 28<sup>th</sup> August, 2012 at 10.05 am  
in the Council Chamber, The Council House, Dudley

### **PRESENT:-**

Councillors M. Aston, Bills and Taylor

### **Officers: -**

Miss E Kerrigan (Legal Advisor), Mrs J Elliott (Licensing Officer) and Mrs K Taylor – All Directorate of Corporate Resources.

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### 11. **ELECTION OF CHAIR**

In the absence of the chair (Councillor Roberts) it was

RESOLVED

That Councillor Bills be elected chair for this meeting of the Sub-Committee only.

(Councillor Bills in the Chair)

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### 12 **APOLOGIES FOR ABSENCE**

Apologies for absence from the meeting were received on behalf of Councillors Hanif and Roberts.

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### 13 **APPOINTMENT OF SUBSTITUTE MEMBERS**

It was reported that Councillors Mrs Aston and Bills had been appointed as substitute Members for Councillors Hanif and Roberts respectively for this meeting of the Sub-Committee only.

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### 14 **DECLARATIONS OF INTEREST**

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

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### 15 **MINUTES**

RESOLVED

That the minutes of the meeting of the Sub-Committee held on 19<sup>th</sup> June, 2012, be approved as a correct record and signed.

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16

APPLICATION FOR A LICENSED PREMISES GAMING MACHINE PERMIT – THE ABRAHAM DARBY, MERRY HILL CENTRE, BRIERLEY HILL

A report of the Director of Corporate Resources was submitted on an application for the grant of a licensed premises gaming machine permit for six category C machines in respect of The Abraham Darby, Merry Hill Centre, Brierley Hill.

Ms E Crehan, Designated Premises Supervisor, was in attendance at the meeting.

Following introductions, the Licensing Officer presented the report on behalf of the Council.

Clarification was sought with regard to the siting of the machines, and Ms Crehan informed the Sub-Committee that it was the intention that a 'Skills with Prizes' machine would be replaced by an 'Amusement with Prizes' machine.

In responding to a question by a member, Ms Crehan confirmed that no under 18s were permitted to use the machines, and that families do visit the premises.

RESOLVED

That the application received from JD Wetherspoon, for the grant of a Licensed Premises Gaming Machine Permit for six category C machines in respect of The Abraham Darby, Merry Hill Centre, Brierley Hill be approved on the grounds that the Sub-Committee were satisfied with the positioning of the six machines.

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APPLICATION FOR CONSENT TO ENGAGE IN STREET TRADING – MR D WHITESIDE (DAN TEAS) – LOWER HIGH STREET, STOURBRIDGE

A report of the Director of Corporate Resources was submitted on an application made by Mr D Whiteside for the grant of consent to engage in street trading at the site of Lower High Street, Stourbridge.

Mr D Whiteside, Applicant, together with his wife were in attendance at the meeting.

Following introductions the Licensing Officer presented the report on behalf of the Council.

Mr Whiteside then presented his representations, and in doing so informed the Sub-Committee that since he had submitted the application, he had successfully undertaken a food handling course, following advice given by Environmental Health.

It was noted that the Directorate of the Urban Environment (Highways) had recommended that Mr Whiteside traded on position one, as highlighted on a map, which had been circulated to Committee Members prior to the meeting. Mr Whiteside confirmed that he was happy with this recommendation.

Following a brief discussion it was

RESOLVED

That the application for the grant of consent to engage in street trading at the site of Lower High Street, Stourbridge (position one), be approved.

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18

APPLICATION FOR RENEWAL AND VARIATION OF STREET TRADING CONSENT – MR F A SMITH

A report of the Director of Corporate Resources was submitted on an application made by Mr F A Smith for the renewal and variation of his street trading consent to sell hot dogs, burgers, fried, bacon, sausage, eggs, tomatoes, beans, mushrooms, hot and cold drinks and ice cream in Market Place, Dudley; Birmingham Street, Dudley; Upper High Street, Dudley; and Junction of Foster Street/High Street, Stourbridge.

It was noted that the applicant was not in attendance at the meeting.

The Licensing Officer confirmed that the applicant had requested a deferment.

RESOLVED

That the application for the renewal and variation of the street trading consent issued to Mr F A Smith be deferred to a future Sub-Committee meeting.

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APPLICATION FOR CONSENT TO ENGAGE IN STREET TRADING – MR C M DAVIS, RYEMARKET, STOURBRIDGE

A report of the Director of Corporate Resources was submitted on an application made on behalf of Mr C M Davis for the grant of consent to engage in street trading at a site in the Ryemarket, Stourbridge.

Mr C M Davis, Applicant, was in attendance at the meeting.

Following introductions, the Licensing Officer presented the report on behalf of the Council.

Mr Davis then presented his representations, and in doing so informed the Sub-Committee that he had traded in Coventry Street, Stourbridge for three years but was relocated due to developments in the area. He also stated that the site in Foster Street did not bring enough trade and that he did not own a permit for that site.

Reference was made to the comments made by interested parties that had been circulated to the Sub-Committee prior to the meeting, in particular of the lack of space surrounding the unit, Mr Davis responded that he had been trading on the site for a couple of weeks and there had been no problems.

In responding to comments made, Mr Davis stated that his intention was to trade one day a week, either a Wednesday or Friday, but that he had applied for both days as an option to trade on a different day in the future.

It was also noted that Mr Davis did not trade on the same day as the Farmer's Market.

Following a brief discussion it was

**RESOLVED**

That the application for the grant of consent to engage in street trading at a site in the Ryemarket, Stourbridge, be approved.

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20

**CHANGE IN ORDER OF BUSINESS**

Pursuant to Council Procedure Rule 13(c) it was:-

**RESOLVED**

That the remaining items of business be considered in the following order:-

Agenda Item No's 10 and 9.

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APPLICATION FOR HOUSE TO HOUSE COLLECTIONS LICENCE – UK EXPORT TRADE LIMITED (CANCER RECOVERY FOUNDATION)

A report of the Director of Corporate Resources was submitted on an application for the grant of a House to House Collections Licence in respect of UK Export Trade Limited on behalf of the charity known as Cancer Recovery Foundation.

Mrs I Martin, Director, and Mr M Martin, Administrator, both of UK Export Trade Limited were in attendance at the meeting.

Following introductions the Licensing Officer presented the report on behalf of the Council.

Mr Martin then explained the background to the organisation and submitted a letter of support from the founder of the company, and a copy of the accounts to the Sub-Committee.

It was noted that the company had in excess of one hundred licences including surrounding areas such as Walsall and Wolverhampton.

Clarification was sought with regard to the percentage that would be paid to the charity, Mrs Martin responded by stating that the percentage would be 55%, and that £110 for each tonnage of clothing sold would be donated to the charity.

It was also noted that the charity bags which were distributed contained promotional material for the charity, including the services given and events taking place.

In responding to a question by a member in regard to the collection of the charity bags, Mrs Martin responded by stating that employees would collect the bags using company vehicles, whilst wearing uniforms and identification badges. She further stated that training was provided every month, and staff meetings were held on a weekly basis.

In responding to a question by a member, Mrs Martin confirmed that there were currently ten vans in operation, and that the company operates a call centre service, which highlights any missed collections or concerns requiring investigation.

Further discussions took place with regard to the travel costs as outlined in the accounts submitted, Mrs Martin confirmed that the amount spent on travel was due to the charity bags being produced in Bulgaria, which they deemed to be the cheapest.

In responding to a question by the Licensing Officer in regard to the monitoring of the bags collected, Mrs Martin responded by stating that she had employed managers in each area to monitor the collections that are delivered to the depot to be weighed.

Mrs Martin further stated that she believed that she had good members of staff and that she was not concerned as the salary paid was more than what the employees would receive if they sold the bags elsewhere, therefore it would not be financially viable.

In summing up, Mrs Martin stated that she was the sole director, and Mr Martin was employed on a part-time basis. She stated that she and Mr Martin did not receive a salary as the profits were currently being invested into the charity.

Following a brief discussion, Mr and Mrs Martin was informed that they would receive a written letter informing them of the decision.

Mr and Mrs Martin then withdrew from the meeting in order to enable the Sub-Committee to determine the application.

RESOLVED

That the application for the grant of a House-to-House Collections Licence in respect of UK Export Trade Limited on behalf of the charity known as Cancer Recovery Foundation, be approved for a period of six months to allow the company to produce financial accounts.

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22

APPLICATION FOR HOUSE TO HOUSE COLLECTIONS LICENCE –  
TREATING CHILDREN WITH CANCER

A report of the Director of Corporate Resources was submitted on an application for the grant of a House to House Collections Licence in respect of Treating Children with Cancer.

It was noted that the applicant was not in attendance at the meeting, and that he had been informed that should he fail to attend the Sub-Committee the application would be heard in his absence

Having decided to hear the matter in the applicants absence, the Licensing Officer presented the report on behalf of the Council.

Following a brief discussion it was

RESOLVED

That, in view of the applicant's non-attendance at the meeting and that further account information contained in Section 2 (f) of the House to House Collections Act, 1939, had still not been provided, the application for the grant of a House to House Collections Licence in respect of Treating Children with Cancer be refused.

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The meeting ended at 11.10 am

CHAIR

**Licensing Sub-Committee 4 – 2<sup>nd</sup> October 2012**

**Report of the Director of Corporate Resources**

**Application for Consent to Engage in Street Trading**

**Sarah Sinnett – Gornal Wood Crematorium**

**Purpose of Report**

1. To consider the application made by Ms Sarah Sinnett for the grant of a consent to engage in street trading at Gornal Crematorium, Chase Road, Gornal Wood, Dudley, West Midlands.

**Background**

2. For many years there have been flower sellers outside both the Crematoria at Gornal Wood and Stourbridge. This has been by agreement with Bereavement Services.
3. The agreements concluded in March and May this year respectively.
4. In order to be fair to all, Bereavement Services decided to request the formalisation of these pitches to allow street trading consents to be issued to the traders.
5. Accordingly on the 14<sup>th</sup> December 2011, Mr Ian Bailey, Principal Bereavement Services Officer made application for the revision of the consent/prohibited streets in the Dudley Borough.
6. This matter was considered by the Licensing Sub-Committee on the 17<sup>th</sup> January 2012. The Committee resolved that the application to include Chase Road, Gornal Wood and South Road, Stourbridge, as consent streets for the purpose of Street Trading be approved in principal.
7. The Committee further resolved that the Licensing Officer publish a notice in a local newspaper setting out the proposed resolution and requesting that any objections be received within 28 days of the date of publication. That notice was published in the Express and Star on the 20<sup>th</sup> January 2012.
8. A copy of that notice was also served on the West Midlands Police and the Director of the Urban Environment (Highways).

9. On the 25<sup>th</sup> January 2012, a letter of objection was received from a local resident and was forwarded to the Committee Members.
10. This matter was considered by the Sub-Committee on the 13<sup>th</sup> March 2012, the Committee resolved to approve the resolution. However prior to the streets becoming consent sites the prescribed Legal notices containing the resolution were published in the Express and Star Newspaper for two consecutive weeks, the first notice also contained the application criteria drawn up by Bereavement services.
11. On the 16<sup>th</sup> August 2012, Ms Sarah Sinnett made application for the grant of a Street Trader's Consent to sell flowers at Gornal Crematorium, Chase Road, Gornal on weekends and bank holidays between the hours of 9.30 am – 2.00 pm. A copy of that application has been circulated to the Committee Members and interested parties.
12. This application was circulated to the West Midlands Police, Director of the Urban Environment, Head of Economic Development and Julie Jones Commercial Operations Manager, Corporate Estates.
13. None of the agencies raised any objection to the application.
14. This application falls within the Council's recent responsibility for licensing which has direct link to the Council's key corporate priority that safety matters.

### **Finance**

15. There are no financial implications.

### **Law**

16. The grant of consents to engage in street trading is governed by Part III of Schedule IV to the Local Government (Miscellaneous Provisions) Act 1982. is a consent street designated as such by a resolution of the Council. To trade without such a consent is an offence.
17. Paragraph 7(2) of Schedule IV of the 1982 Act, states that the Council may grant a consent if it thinks fit and, when granting or renewing a consent, the Council may attach such conditions as it considers necessary.
18. Paragraph 10 of Schedule IV of the 1982 Act, states that a street trading consent may be granted for one period not exceeding 12 months but may be revoked at any time.
19. Where the consent allows the holder to trade from a cart, barrow, or other vehicle, then the consent must specify the location from which the trade/may trade and the times between which or periods for which he may trade.
20. There is no right of appeal against the Council's decision to vary a condition upon which a consent is issued, or refusal to grant or renew a street trader's consent.

## **Equality Impact**

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

## **Recommendation**

23. That the Committee consider Ms Sinnett's application for the grant of a street trading consent at Gornal Crematorium.



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DIRECTOR OF CORPORATE RESOURCES

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## **List of Background Papers**

**Licensing Sub-Committee 4 – 2<sup>nd</sup> October 2012**

**Report of the Director of Corporate Resources**

**Application for Consent to Engage in Street Trading**

**Purpose of Report**

1. To consider the application made by Mr and Mrs Bridgewater for the grant of a consent to engage in street trading in High Street/Peckingham Street, Halesowen.

**Background**

2. On 7<sup>th</sup> August 2012, Mr and Mrs Bridgewater made application for the grant of a consent to engage in street trading in High Street/Peckingham Street, Halesowen to sell baked potatoes, hot and cold drinks, Monday to Saturday inclusive between the hours of 9.00am and 5.00pm.
3. This application was circulated to the West Midlands Police, Director of the Urban Environment, Head of Economic Development, Commercial Operations Manager, Corporate Estates and the Halesowen Chamber of Trade.
4. The Directorate of the Urban Environment (Highways) made comments which have been circulated to Committee Members and interested parties. None of the other agencies raised objections.
5. Mr and Mrs Bridgewater currently hold a consent to engage in street trading for the Ryemarket, Stourbridge to sell hot baked potatoes and hot and cold drinks Monday to Saturday inclusive between the hours of 9.00 am and 5.00 pm. That consent bears the expiry date of the 5<sup>th</sup> February 2013.
6. This application falls within the Council's responsibility for 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. The grant of consents to engage in street trading is governed by Part III of Schedule IV to the Local Government (Miscellaneous Provisions) Act 1982. is a consent street designated as such by a resolution of the Council. To trade without such a consent is an offence.
9. Paragraph 7(2) of Schedule IV of the 1982 Act, states that the Council may grant a consent if it thinks fit and, when granting or renewing a consent, the Council may attach such conditions as it considers necessary.
10. Paragraph 10 of Schedule IV of the 1982 Act, states that a street trading consent may be granted for one period not exceeding 12 months but may be revoked at any time.
11. Where the consent allows the holder to trade from a cart, barrow, or other vehicle, then the consent must specify the location from which the trade/may trade and the times between which or periods for which he may trade.
12. There is no right of appeal against the Council's decision to vary a condition upon which a consent is issued, or refusal to grant or renew a street trader's consent.

## **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 Mr and Mrs Bridgewater's application for the grant of a consent to engage in street trading.



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DIRECTOR OF CORPORATE RESOURCES

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## **List of Background Papers**



**Licensing Sub-Committee 4 – 2<sup>nd</sup> October 2012**

**Report of the Director of Corporate Resources**

**Application for House to House Collections Licence**

**Rainbow Dog Rescue**

**Purpose of Report**

1. To consider the application for the grant of a House to House Collections Licence in respect of Rainbow Dog Rescue.

**Background**

2. On the 16<sup>th</sup> August 2012, Mrs Angela Patel of Rainbow Dogs rescue made application for a House to House Collections Licence. 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 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. Mrs Patel states that Rainbow Dog Rescue are a recently registered charity and are unable to supply annual accounts since the current year end is not until February 2013.
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. 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. 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 applications for House to House Collections Licence in respect of Rainbow Dog Rescue.



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DIRECTOR OF CORPORATE RESOURCES

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### **List of Background Papers**

**Licensing Sub-Committee 4 – 2<sup>nd</sup> October 2012**

**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 Kal and Brothers News, 35 Church Street, Pensnett, Brierley Hill, West Midlands, DY5 4HB.

**Background**

2. Kal and Brothers News (formerly known as The Stores) was first issued with a premises licence on the 19<sup>th</sup> September 2005. That licence was subsequently transferred on the 29<sup>th</sup> December 2005, and from that date was known as Sameer and Saviara News. The Premises is currently known as Kal and Brothers News.
3. The current premises licence is issued for the following:-  
  
Sale of Alcohol  

Monday to Saturdays	08.00 – 23.00
Sundays	10.00 – 22.30
Good Fridays	08.00 – 22.30
Christmas Day	12.00 – 15.00 19.00 – 22.30
4. The current premises licence holder is Mr N Hussain.
5. On the 6<sup>th</sup> August 2011, an application for the review of the premises licence was received from the Trading Regulation and Enforcement Manager of the Directorate of the Urban Environment. A copy of that application has been circulated to Committee Members and interested parties in accordance with the Licensing Act 2003.

6. 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.
7. Confirmation that the application has been served on the premises licence holder and relevant authorities have been received.
8. Representations have been received from the West Midlands Police. A copy of that report has been circulated to Committee Members, the premises licence holder, the applicant and interested parties.
9. Representations have also been received from Dudley Public Health Authority. A copy of that report has also been circulated to Committee Members, the premises licence holder, the applicant and interested parties.
10. This matter was due to be considered by the Licensing Sub-Committee on the 25<sup>th</sup> September 2012. That matter was however deferred at the request of the Solicitor representing the premises licence holder until 2<sup>nd</sup> October 2012.
11. 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**

12. There are no financial implications.

### **Law**

13. 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
14. Before determining the application, the authority must hold a hearing to consider it and any relevant representations.
  15. 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 necessary for the promotion of the licensing objectives.

16. 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.
17. Subsection (3) is subject to sections 19,20 and 21 (requirement to include certain conditions in premises licences).
18. 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,
19. 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).
20. 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.
21. 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.
22. 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.
23. 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
24. Pursuant to schedule 5 part 1, section 8(2)
25. 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**

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

### **Recommendation**

29. That the Sub-Committee determine the review of the premises licence in respect of Kal and Brothers News, 35 Church Street, Pensnett, Brierley Hill, West Midlands, DY5 4HB.



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DIRECTOR OF CORPORATE RESOURCES

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**List of Background Papers**

## DUDLEY METROPOLITAN BOROUGH COUNCIL

[www.dudley.gov.uk](http://www.dudley.gov.uk)

REVIEW OF PREMISES LICENCE  
UNDER THE LICENSING ACT 2003

Notice of Review of the Premises Licence issued to Kal and Brothers News, 35 Church Street, Pensnett, DY5 4HB.

Interested parties and relevant authorities may make representations in writing to the Licensing Officer, Law and Governance, 5 Ednam Road, Dudley, West Midlands, DY1 1HL between 6<sup>th</sup> August 2012 and 2<sup>nd</sup> September 2012.

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