

**Minutes of Licensing Sub-Committee 2**

**Tuesday 22<sup>nd</sup> September, 2015 at 10.00 am**  
**in Committee Room 1, 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 K Taylor (Democratic Services Officer) – All Directorate of Resources and Transformation.

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5      **Declarations of Interest**

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

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6      **Minutes**

Resolved

That the minutes of the meeting of the Sub-Committee held on 9<sup>th</sup> June, 2015, be approved as a correct record and signed.

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7      **Application for a Licensed Premises Gaming Machine Permit –  
The Top Bell, Belmont Road, Stourbridge**

A report of the Strategic Director (Resources and Transformation) was submitted on an application for the grant of a licensed premises gaming machine permit for three category C machines in respect of The Top Bell, Belmont Road, Stourbridge.

It was noted that the applicant was not in attendance at the meeting, and notification of the non-attendance had not been received.

Having decided to hear the matter in the applicant's absence, it was

Resolved

That the application made for the grant of a licensed premises gaming machine permit for three category C machines in respect of The Top Bell, Belmont Road, Stourbridge be deferred to a future meeting of the Sub-Committee, and that the Licensing Officer be requested to write to the applicants to inform them that should they fail to attend the Sub-Committee the application would be heard in their absence.

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8      **Change in Order of Business**

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

Resolved

That agenda item Nos 7(Resolution to exclude the public and press) and 8 (Application for a Personal Licence – Ms LME) be considered as the next items of business.

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9      **Exclusion of the Public**

Resolved

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 relating to an individual as defined under Part I of Schedule 12A to the Local Government Act 1972, as amended.

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10     **Application for a Personal Licence – Ms LME**

A report of the Strategic Director (Resources and Transformation) was submitted on an application for the grant of a personal licence in respect of Ms LME.

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

Ms LME – Applicant  
Mr JB – Employer  
PC Murphy – West Midlands Police  
K Turley – Licensing Officer, West Midlands Police

Following introductions by the Chair, the Licensing Clerk presented the report on behalf of the Council, and it was noted that the application was previously considered at a Sub-Committee on 30<sup>th</sup> June, 2015, and it was resolved in the absence of Ms LME that the application be refused.

PC Murphy presented the representations of West Midlands Police, and in doing so stated that the objection to the application was primarily following Ms LME's failure to disclose her convictions in her original application dated 28<sup>th</sup> May, 2015.

Mr JB, in support of Ms LME, stated that he had mistakenly advised Ms LME to not disclose any convictions that were not on her DBS, and that Ms LME was unable to attend the first hearing due to work commitments. He reported that Ms LME had been employed at his premises for twelve months with no concerns and had previously managed the premises in his absence for a short period of time.

Ms LME then presented her case and in doing so stated that she had learned her lesson, and apologised for not disclosing her convictions in the original application. She stated that she had nothing to hide as West Midlands Police were aware of all her convictions.

In responding to a question by a Member, Mr JB confirmed that he was aware of Ms LME's conviction during her interview, however he gave her an opportunity as he had already witnessed her working at another premises and was impressed.

Reference was made to Ms LME's convictions, in particular those that were alcohol related, and Ms LME confirmed that she no longer drunk alcohol and fully understood the consequences of excessive alcohol consumption.

In responding to a question by a Member in relation to whether there were any concerns by West Midlands Police should the application be granted; PC Murphy confirmed that there were no concerns personally, however the convictions were alcohol related and the application submitted was for the provision of alcohol.

Following a request by the Legal Advisor, PC Murphy outlined the nature of the convictions relating to Ms LME, and all confirmed that there was nothing further to add.

In responding to the Chair, all parties confirmed that they had had a fair hearing.

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, following careful consideration of the information contained in the report submitted, and as reported at the meeting, the application for the grant of a personal licence to Ms LME, be granted.

### Reasons for Decision

This is an application for the grant of a personal licence by Ms LME, who attended the Committee today with Mr JB, Employer.

A previous application made on 28<sup>th</sup> May, 2015 was dismissed as Ms LME did not attend the Committee on 30<sup>th</sup> June, 2015, and failed to disclose all relevant convictions.

Upon submitting this application, the DBS discloses convictions in March, 2010 and March, 2013 for driving with excess alcohol, and convictions for violence.

Mr JB is employed by Amber Taverns, Ms LME's employer. He gave evidence that it was he who advised her not to disclose any convictions except those on her DBS. On this second application, she has now disclosed convictions that were not on her DBS. He had employed her in the pub for 12 months, and had had no incidents. He highly commended her as an employee.

Ms LME stated that she was sorry for driving with excess alcohol, that she had learned her lesson and that it had cost her her career in the NHS. She stated that she no longer drinks alcohol, and had not drunk for twelve months.

The Police concerns related to the alcohol convictions. The conviction for racially aggravated assault took place in a night club, when it was found that Ms LME swore at a door bouncer. She denied the verbal abuse, but stated she was found guilty in the Magistrates Court. The assault on a police officer occurred at the same time. Ms LME stated that she was grabbed from behind by an officer, and turned and kicked the officer in the testicles not realising it was an officer. She states that she pleaded guilty. She also confirmed that these two incidents took place before her second excess alcohol conviction and that she had learned her lesson from the second suspension of her driving lesson.

The Sub-Committee grants the application for a personal licence. It is satisfied from the evidence of her employer that Ms LME is a good employee and that there have been no incidents of concern in the last twelve months of her employment. She states that she had not drunk alcohol for twelve months, and the Sub-Committee accepts this, but recognises that it only has her word for this. She has had no further convictions since 2013, and the Sub-Committee decides that she be given a chance to put her offending behind her.

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11      **Application for House to House Collections Permit – N & A Recycling Ltd (Leukaemia & Myeloma Research UK)**

A report of the Strategic Director (Resources and Transformation) was submitted to consider an 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.

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

Having decided to hear the matter in the applicant's absence, there followed a discussion in respect of the accounts submitted to the Sub-Committee by the applicant, in particular in relation to the percentage of income donated to the charity.

Following a brief discussion it was

Resolved

That, the grant of a House to House Collections Permit in respect of N & A Recycling Ltd be deferred to a future meeting of the Sub-Committee when the applicant shall attend the meeting and prior to that meeting supply the information contained in Section 2 (a) of the House to House Collections Act, 1939

The meeting ended at 11.05 am

CHAIR