

LICENSING SUB-COMMITTEE 2

TUESDAY 17th SEPTEMBER, 2013

**AT 10.00 AM
COMMITTEE ROOM 2
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

**KAREN TAYLOR
DEMOCRATIC SERVICES OFFICER
Internal Ext – 8116
External – 01384 818116
E-mail – Karen.taylor@dudley.gov.uk**

**You can view information about Dudley MBC on
www.dudley.gov.uk**

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:	Please ask for:	Telephone No.
	KT	Karen Taylor	01384 818116

4th September, 2013

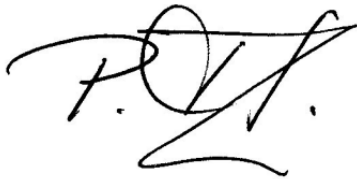
Dear Member

Meeting of the Licensing Sub-Committee 2 – Tuesday 17th September 2013

You are requested to attend a meeting of the Licensing Sub-Committee 2 to be held on Tuesday 17th September 2013 at 10.00 am in **Committee Room 2**, Council House, Priory Road 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 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 27th November, 2012 (copy attached).

5. APPLICATION FOR REVIEW OF PREMISES LICENCE – SANDHARS SUPERMARKET, 69 WELLINGTON ROAD, DUDLEY (PAGES 1 - 5)

To consider a report of the Director of Corporate Resources.

6. APPLICATION FOR REVIEW OF PREMISES LICENCE – SUPERSTOP, 135 PRIORY ROAD, DUDLEY (PAGES 6 - 12)

To consider a report of the Director of Corporate Resources.

7. APPLICATION FOR HOUSE TO HOUSE COLLECTIONS LICENCE – HEART UK (INTERSECOND LTD) (PAGES 13 - 15)

To consider a report of the Director of Corporate Resources.

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

To: All Members of Licensing Sub-Committee 2, namely:

Councillor Russell
(Chair)

Councillor Cowell

Councillor Taylor

LICENSING SUB-COMMITTEE 2

Tuesday 27th November, 2012 at 10.10 am
in The Council Chamber, The Council House, Dudley

PRESENT:-

Councillor Cowell (Chair)
Councillors Mrs Ameson and Russell

Officers

Mr R Clark (Legal Advisor), Mrs J Elliott (Licensing Officer) and Mrs K Taylor (Directorate of Corporate Resources)

14 DECLARATIONS OF INTEREST

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

15 MINUTES

RESOLVED

That the Minutes of the Meeting of the Sub-Committee held on 18th September, 2012, be approved as a correct record and signed.

16 APPLICATION FOR VARIATION OF A LICENSED PREMISES GAMING MACHINE PERMIT – STAG AND THREE HORSESHOES, HALESOWEN

A report of the Director of Corporate Resources was submitted on an application for the variation of a Licensed Premises Gaming Machine permit for three category C machines and one category D machine in respect of the Stag and Three Horseshoes, Halesowen.

Mr D Taylor, Applicant, was in attendance at the meeting together with a member of the press.

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

Clarification was sought with regard to the current siting of the machines, and the proposed locations for the machines requested. Mr Taylor identified the locations on a map displayed to the Sub-Committee and stated that all machines were visible from the bar area.

Following a brief discussion it was

RESOLVED

That the application received from Poppleston Allen, for the variation of a Licensing Premises Gaming Machine permit for three category C machines and one category D machine in respect of the Stag and Three Horseshoes be approved on the grounds that the Sub-Committee were satisfied with the positioning of the four machines.

17

APPLICATION FOR RENEWAL AND VARIATION OF THE CONSENT TO ENGAGE IN STREET TRADING – BESCOTT PROMOTIONS – HALESOWEN FARMERS AND CRAFT MARKET

A report of the Director of Corporate Resources was submitted on an application received from Mr S Evans on behalf of Bescott Promotions for the renewal and variation of the consent to engage in street trading in Halesowen Town Centre, issued to the Halesowen Farmers and Craft Market.

Mr Evans together with his son Mr S Evans, both Bescott Promotions, were in attendance at the meeting.

Also in attendance and objecting to the application were Councillor K Turner, Mr S Fitzpatrick (Chamber of Trade), Ms E O'Connor (Vale Retail) and a member of the press.

Following introductions, the Licensing Officer presented the report on behalf of the Council, and in doing so listed the nature of items sold by market traders.

Mr Fitzpatrick then made his representation and in doing so stated that should the variation be granted to allow the market to trade in the week leading up to Christmas, this would be taking trade from retailers within the town that was already experiencing difficulties during the current economic climate.

Mr Fitzpatrick further commented that when the market was operational on every second, fourth and fifth Saturday of the month, it did not increase trade and did not benefit existing retailers.

Concerns were raised regarding the obstructions caused by the market to shop frontages between the Cornbow Centre and Peckingham Street.

Reference was made to a previous Licensing Sub-Committee on 11th October, 2011 where the Sub-Committee agreed that the consent be varied to allow an extra ten stalls, to a maximum of thirty-five stalls in total that may be of general format. Mr Fitzpatrick stated that concerns were raised in respect of the large number of stalls that were currently being used, and identified that one stall measured 32ft in total.

Councillor K Turner then presented his objections to the application and in doing so informed the Sub-Committee that he had been approached by retailers in Peckingham Street, due to the detrimental effect the market had caused to their business.

Councillor Turner then made reference to Mr Fitzpatrick's comments in respect of the size of the stalls, and raised concerns that some stalls were measuring 32ft, but classed as one stall. He stated that he had no objection to the proposal to dress the stalls with a Christmas theme, however should the market be granted to trade between 18th December and Saturday 22nd December, 2012, it could have a damaging effect on existing traders.

In responding to comments made in respect of the size of the stalls, Mr Evans stated that there were thirty-five stalls in total, with each stall measuring 8ft, and that should market stall traders arrange additional furniture then the matter would be addressed. He also stated that the market had been at Halesowen for ten years, in particular that it had been in the current format for a couple of years, and that he had not personally received any objections from traders.

Mr Evans then submitted letters from a number of retailers including Warwick Butchers, who stated that their business had not suffered a loss on the days when the market operated, but did comment that the stalls did block the shop frontage. Mr Evans informed the Sub-Committee that he had intended to decrease the size of the stalls to 5ft in January, 2013 in the area by the butchers to allow members of the public to walk along the pathway.

In responding to a question by Councillor Turner, Mr Evans confirmed that the size of the stalls was 8ft by 8ft, with a counter size of 8ft by 4ft.

Ms O'Connor then made her representation and informed the Sub-Committee that she had concerns over the viability of existing businesses and that the market had obliterated trade on Saturdays, when the market was in operation.

In responding to Ms O'Connor's representations, Mr Evans stated that he had not received any objections from the traders, and that should any concerns be raised to him, he would be willing to discuss further in order to resolve any issues.

In responding to Mr Fitzpatrick's comments in respect of the consequences should the market trade between 18th December and Saturday 22nd December, 2012, Mr Evans stated that a number of other Town Centres such as Wolverhampton, Oldbury and Merry Hill had operated a successful market on the dates requested.

Councillor Turner suggested that Mr Evans arrange to meet with the traders who had approached Councillor Turner to discuss their concerns.

In responding to a question by a member following comments made in respect of businesses suffering a loss, Ms O'Connor stated that she could identify trends of patterns of customers, and that it was apparent that trade did not increase when the market was in operation.

Mr Fitzpatrick further stated that in his opinion the market did not attract additional customers.

In responding to a question by a member, the Licensing Officer informed the Sub-Committee that the market had initially operated as a Farmers Market, and in 2006 the previous owners, LSD Promotions, were granted a variation of licence in order to sell general items. Ms O'Connor stated that the Farmers Market was welcomed by shop-owners, but following a number of variations of licence it had since evolved into a general market.

In responding to a question by the Legal Advisor, Ms O'Connor confirmed that her evidence presented had been in respect of the Cornbow Centre, and that Halesowen had received four to six thousand visitors on a Saturday, and that the figures did not vary whether the market was operational or not.

In responding to a question by the Legal Advisor following the submission of letters from retailers such as Warwick Butchers, Mr Fitzpatrick stated that he had spoken to a previous manager of the butchers who had stated that the market had affected business.

In summing up, Mr Fitzpatrick stated that he strongly opposed the application to trade in the week before Christmas; due to the damaging affect it would have on existing traders.

In summing up, Councillor K Turner asked that the Sub-Committee consider the representations made on behalf of traders.

In summing up, Mr Evans stated that he considered that by extending the market to trade in the week leading up to Christmas, it would benefit the town centre.

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 Chairman outlined the decision.

RESOLVED

That the application for the renewal of the consent to engage in street trading in Halesowen Town Centre, issued to Halesowen Farmers and Craft Market be approved together with the following variation:-

- (1) The Halesowen Farmers and Craft Market to trade on Friday 21st December, 2012 and Saturday 22nd December, 2012.

Reasons for Decision

The Sub-Committee are happy to renew the consent to engage in street trading in Halesowen Town Centre for the next twelve months.

In regard to the Christmas extension, the Sub-Committee have heard evidence from both parties.

The Sub-Committee are aware of the need to balance the interests of market traders, the shops and shoppers, therefore the Sub-Committee are happy to allow trading on Friday 21st December, 2012 and Saturday 22nd December, 2012.

Both parties have said that they are happy with the definition of a stall size of 8ft by 8ft with a counter size of 8ft by 4ft.

Bescott Promotions have also agreed to reduce the stall size to 5 ft wide between the Cornbow Centre and Peckingham Street.

The meeting ended at 11.40 am

CHAIR

Licensing Sub-Committee 2 - 17th September, 2013

Report of the Director of Corporate Resources

Review of a Premises Licence

Purpose of Report

1. To consider the application for the review of a premises licence in respect of Sandhars Supermarket, 69 Wellington Road, Dudley, DY1 1RE.

Background

2. Sandhars Supermarket was first issued with a premises licence on the 19th October 2005.
3. The current premises licence is issued for the following:-

Sale of Alcohol	Monday to Saturday	08.00 – 23.00
	Sundays	10.00 – 22.30
	Good Friday	08.00 – 22.30
	Christmas Day	12.00 – 15.00
	Christmas Day	19.00 – 22.30
4. On the 27th June 2013, an application for the review of the premises licence was received from the Trading Regulation and Enforcement Manager. A copy of that application has been circulated to Committee Members and interested parties in accordance with the Licensing Act 2003.
5. The Council has advertised the application for review of the premises licence in accordance with the Licensing Regulation S1, 2004, No 42, Section 38. A copy of that notice is attached to this report as Appendix 1.
6. Confirmation that the application has been served on the premises licence holder and relevant authorities has been received.
7. On the 9th July 2013, the West Midlands Police made representations. A copy of that report has been circulated to Committee members, interested parties and the premises licence holder.

8. The current premises licence holder is Sandhars Supermarket Ltd.
9. This matter was considered by Licensing Sub-Committee 3 on the 20th August, 2013. The Committee resolved at the request of Sandhars Supermarket Ltd. that the matter be deferred to a meeting in September.
10. 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

11. There are no financial implications.

Law

12. 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
13. Before determining the application, the authority must hold a hearing to consider it and any relevant representations.
 14. The authority must, having regard to the application and any relevant representations, take such of the steps mentioned in subsection (4) (if any) as it considers appropriate for the promotion of the licensing objectives.
 15. 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.

16. Subsection (3) is subject to sections 19,20 and 21 (requirement to include certain conditions in premises licences).
17. 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,
18. 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).
19. 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.
20. 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.
21. 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.
22. 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

23. Pursuant to schedule 5 part 1, section 8(2)

An appeal may be made against the decision of the committee by –

- a) the applicant for the review
- b) the holder of the premises licence or
- c) any other person who made relevant representations in relation to the application for review.

Equality Impact

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

25. The licensing of premises and individuals will impact on children and young people through their attendance at licensed premises.

26. There has been no consultation or involvement of children and young people in developing these proposals.

Recommendation

27. That the Sub-Committee determine the review of the premises licence in respect of Sandhars Supermarket, 69 Wellington Road, Dudley.



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DIRECTOR OF CORPORATE RESOURCES

Contact Officer: Mrs. L Rouse
Telephone: 01384 815377
Email: liz.rouse@dudley.gov.uk

List of Background Papers

DUDLEY METROPOLITAN BOROUGH COUNCIL

www.dudley.gov.ukREVIEW OF PREMISES LICENCE
UNDER THE LICENSING ACT 2003

Notice of Review of the Premises Licence issued to Sandhars Supermarket, 69 Wellington Road, Dudley, DY1 1RE.

Interested parties and relevant authorities may make representations in writing to the Licensing Office, Law and Governance, 5 Ednam Road, Dudley, West Midlands, DY1 1HL between 28th June 2013 and 25th July 2013.

The Review of Licence has been requested by a relevant authority on the grounds of

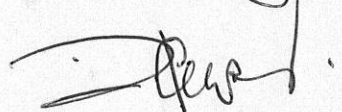
- Prevention of crime and disorder

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.

Dudley
Metropolitan Borough Council

P J Tart
Director of Corporate Resources

3 NOTICES POSTED
ON BUILDING

28/6/2013

Licensing Sub-Committee 2 - 17th September, 2013

Report of the Director of Corporate Resources

Review of a Premises Licence

Purpose of Report

1. To consider the application for the review of a premises licence in respect of Super Stop, 135 Priory Road, Dudley, West Midlands.

Background

2. On the 18th December 2008, an application was received from Kenyon Son & Craddock Solicitors in respect of the premises known as 135 Priory Road, Dudley, West Midlands.
3. The application had the following documents enclosed:-
 - Plan of the premises
 - Correct fee of £100.00
 - DPS Consent form
4. The application for a premises licence was as follows:-

To allow the sale of alcohol

Monday – Sunday 07.00 - 23.00

Copies of the application form and supporting documentation were served on the relevant authorities.
5. Following receipt of the application on the 18th December 2008, the premises licence was granted on the 14th January 2009, this being the closing date for objections.
6. The Licensing office contacted the Applicant's Solicitors as a copy of the newspaper advertisement had not been received and therefore the licence could not be issued.

7. On the 27th January 2009, a petition was received from local residents. On receipt of the petition the Applicant's Solicitor was again contacted by the Licensing office, as it was imperative that the Licensing office had sight of the advert, as that was proof of the closing date for objections.
8. The Applicant's Solicitors informed the Licensing office that they had mistakenly put the closing date on the newspaper advertisement as the 28th January 2009 therefore the premises licence was cancelled and the matter referred to the sub-committee as objections had been received to the application by local residents.
9. A copy of the petition received from local residents concerning public nuisance was circulated to the Committee Members, interested parties and the Applicant in accordance with the Licensing Act 2003.
10. This matter was considered by the Licensing Sub-Committee on the 17th February 2009. The Committee resolved that the application be granted as follows:-

Sale of Alcohol

Monday – Sunday 07.00 – 23.00

All conditions set out as in the operating schedule only

11. That licence was subsequently transferred on the 25th January 2011 into the name of Mr Tilak Raj.
12. On the 13th September 2012, the Trading Regulation & Enforcement Manger made application for the review of the premises licence in respect of 135 Priory Road, Dudley, West Midlands. A copy of that application was circulated to the Committee Members and interested parties.
13. The Council advertised the application for review of the premises licence in accordance with Licensing Regulation S1, 2004, No 42, Section 38.
14. Confirmation that the application had been served on the relevant authorities and the premises licence holder was received.
15. This matter was considered by the Licensing & Safety Sub-Committee on the 30th October 2012. The Committee resolved that subject to the following conditions being applied to the premises licence that no further action be taken in relation to the review of the premises licence.

A Challenge 25 policy will be operated at the premises whereby any individual attempting to purchase alcohol who appears to be under 25 years of age will be asked to provide valid identification to prove they are 18 years or older. All staff must be made aware of this policy.

Valid proof of identification only to 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.

Publicity materials notifying customers of the operation of the “Challenge 25” scheme shall be displayed at the premises, including a “Challenge 25” sign of at least A4 size at each point of sale.

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.

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 check 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 the Trading Standards Department and/or the Police.

CCTV to be in place at the premises 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 within 24 hours.

The premises CCTV shall be reviewed 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 the Trading Standards Department and/or Police. All staff are to be trained to work the CCTV and are able to download when required to do so and the cameras are to be operational during working hours.

No supply of alcohol may be made under the premises licence at a time when the Designated Premises Supervisor does not hold the Level 2 Award for Designated Premises Supervisors. Proof of qualification shall be provided to the Police and/or an Officer of the Trading Standards Department upon request.

All persons engaged to sell alcohol will have completed a training programme which included a written test to verify the competency of that person prior to them being authorised to sell alcohol.

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.

A file shall be maintained at the premises for each person authorised to sell alcohol. This file shall contain all training records for each person along with copies of monthly reviews as stated in point 10. This file shall be available for inspection to an Officer of the Trading Standards Department and/or Police upon request.

16. On the 3rd July 2013, an application for a further review of the premises licence was received from the Trading Regulation and Enforcement Manager. A copy of that application has been circulated to Committee Members and interested parties in accordance with the Licensing Act 2003.

17. The Council has advertised the application for review of the premises licence in accordance with the Licensing Regulation S1, 2004, No 42, Section 38. A copy of that notice is attached to this report as Appendix 1.
18. Confirmation that the application has been served on the premises licence holder and relevant authorities has been received.
19. On the 23rd July, 2013 the West Midlands Police made representations. A copy of that report has been circulated to Committee members, interested parties, the applicant and premises licence holder.
20. This matter was considered by Sub-Committee 4 on 27th August, 2013, the Committee resolved at the request of the premises licence holder that the matter be deferred to a hearing in September.
21. 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

22. There are no financial implications.

Law

23. 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
24. Before determining the application, the authority must hold a hearing to consider it and any relevant representations.
 25. The authority must, having regard to the application and any relevant representations, take such of the steps mentioned in subsection (4) (if any) as it considers appropriate for the promotion of the licensing objectives.
 26. 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.

27. Subsection (3) is subject to sections 19, 20 and 21 (requirement to include certain conditions in premises licences).
28. 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,
29. 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).
30. 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.
31. 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.
32. 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.

33. 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

Pursuant to schedule 5 part 1, section 8(2)

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

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

Recommendation

- 37. That the Sub-Committee determine the review of the premises licence in respect of Super Stop, 135 Priory Road, Dudley, West Midlands.



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DIRECTOR OF CORPORATE RESOURCES

Contact Officer: Mrs. L Rouse
Telephone: 01384 815377
Email: liz.rouse@dudley.gov.uk

List of Background Papers

DUDLEY METROPOLITAN BOROUGH COUNCIL

www.dudley.gov.ukREVIEW OF PREMISES LICENCE
UNDER THE LICENSING ACT 2003

Notice of Review of the Premises Licence issued to Superstop,
135, Priory Road, Dudley, DY1 4EH.

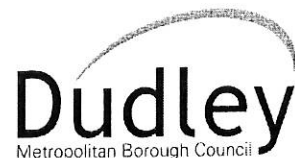
Interested parties and relevant authorities may make representations in writing to the Licensing Office, Law and Governance, 5 Ednam Road, Dudley, West Midlands, DY1 1HL between 4th July 2013 and 31st July 2013.

The Review of Licence has been requested by a relevant authority on the grounds of

- Prevention of crime and disorder

The details of the grounds for review may be inspected at the Licensing Offices (address as above) between the hours of 9.00 am and 4.30pm (Monday to Friday except Public Holidays).

It is an offence knowingly or recklessly to make a false statement in connection with an application and the maximum fine for which a person is liable on summary conviction for the offence is £5,000.



P J Tart
Director of Corporate Resources

Licensing Sub-Committee 2 – 17th September, 2013

Report of the Director of Corporate Resources

Application for House to House Collections Licence

Heart UK (Intersecond Ltd.)

Purpose of Report

1. To consider the application for the grant of a House to House Collections Licence in respect of Intersecond Ltd on behalf of the charity known as Heart UK.

Background

2. On the 24th April, 2013, Mr Raimondas Biguzas of Intersecond Ltd made application for a House to House Collections Licence in respect of the charity known as Heart UK. A copy of that application was 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. 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.
6. This application was delayed due to the Licensing Office awaiting receipt of the requisite accounts.
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 Intersecond Ltd on behalf of the charity known as Heart UK.



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List of Background Papers