

LICENSING SUB-COMMITTEE 4

Tuesday 28th 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.

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)

12 APOLOGIES FOR ABSENCE

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

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.

14 DECLARATIONS OF INTEREST

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

15 MINUTES

RESOLVED

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

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.

17 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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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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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.

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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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.

The meeting ended at 11.10 am

CHAIR