

## LICENSING SUB-COMMITTEE 5

Tuesday, 4<sup>th</sup> December, 2007 at 10.30am  
in the Council Chamber, The Council House, Dudley

### PRESENT:-

Councillor Taylor (Chairman)  
Councillors Ms Craigie and Tomkinson

### Officers

Assistant Director Legal and Democratic Services (Legal Advisor), Mrs J Elliott, Licensing Officer and Mrs K Farrington (Directorate of Law and Property).

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15. APOLOGY FOR ABSENCE

An apology for absence from the meeting was submitted on behalf of Councillor J Martin.

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16. APPOINTMENT OF SUBSTITUTE MEMBER

It was noted that Councillor Tomkinson had been appointed as a substitute member for Councillor J Martin for this meeting of the Sub-Committee only.

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17. DECLARATIONS OF INTEREST

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

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18. MINUTES

### RESOLVED

That the minutes of the meeting of the Sub-Committee held on 30<sup>th</sup> October, 2007 be approved as a correct record and signed.

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19. APPLICATION TO VARY A PREMISES LICENCE, THE PICTURE HOUSE NIGHT CLUB COMPLEX, 27-29 HAGLEY ROAD, STOURBRIDGE

It was reported that the application received from Young & Pearce Solicitors on behalf of Enteramma Limited, for the variation of the premises licence, in respect of The Picture House Night Club Complex, First Floor, 27-29 Hagley Road, Stourbridge had been withdrawn from consideration by the Committee.

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20. APPLICATION FOR A HOUSE TO HOUSE COLLECTIONS PERMIT, BETEL OF BRITAIN, WINDMILL HOUSE, WEATHEROAK HILL, ALVECHURCH

A report of the Director of Law and Property was submitted on an application received on behalf of Betel of Britain, Windmill House, Weatheroak, Alvechurch, for the grant of a house-to-house collections permit.

Mr M Marriott, Business Leader of Betel of Britain was in attendance at the meeting, together with Mr M Ward, Manager of the Betel of Britain office based in Alvechurch.

Also in attendance, objecting to the application, was PC Turley, West Midlands Police.

Following introductions, the Legal Advisor outlined the procedure to be followed.

Mrs J Elliott, Licensing Officer, Directorate of Law and Property, presented the report on behalf of the Council.

PC Turley then expanded on the representations made in Appendix 3 to the report submitted and on further written representations, which he had circulated to the Sub-Committee. He referred in particular, to Section 5(a) of the House-to-House Collections Regulations 1947, which clearly states that the promoter of the collection shall exercise due diligence to ensure that the persons authorised to act as collectors for the purposes of the collection must be fit and proper persons. He informed the Sub-Committee that the original details of the proposed collectors, which were forwarded to him from Betel of Britain, were inaccurate. After contacting the Charity for a second time informing them of their inaccuracies, the correct information was submitted. PC Turley then reported that he would normally conduct an interview with each proposed collector, but due to the timescales involved, this did not happen. He further reported that, having conducted CRB checks on the proposed collectors, he did not believe them to be fit and proper persons.

PC Turley continued by outlining the purpose of the Charity, as indicated in appendix 1 to the report submitted, and in conclusion, based on the evidence given, he recommended that the application be refused.

Mr Marriott then stated his case and in doing so, informed the Sub-Committee that Betel of Britain hold permits in a number of other areas, including Birmingham, South Derbyshire, Burton and Solihull and have done so for approximately 10 years.

He briefly explained the structure of the Charity and why such a Charity was needed.

He stated that an experienced leading collector would be present at all times when collections were being carried out in the Borough to ensure the collection ran smoothly. He acknowledged the concerns raised by PC Turley and emphasised that he had received no concerns or complaints with the proposed collectors from any other areas, which they collected in. He reported that the proposed collectors had been collecting for the Charity for a long time and gave his assurances that they would take proper care and caution. He further reported that most of the collecting occurred during the day, occasionally, collection would take place early evening. At this juncture, Mr Marriott circulated extra correspondence, which included further information about Betel of Britain to the Sub-Committee for perusal.

In responding to questions from the Sub-Committee, Mr Marriott confirmed that all donations were securely sealed to avoid any persons tampering with the monies and in exchange for a donation a calendar would be given. He stated that the money would be spent on the day to day running of the Charity and informed the Sub-Committee that no profit was made as a result of the collections.

Mr Marriott also stated that it was difficult to monitor the success rate of the Charity, as they did not supervise persons once they leave the establishment. He reported that most persons enter the Charity voluntarily and do not have to stay if they choose not to. Betel of Britain do recommend that a stay of twelve months is required, as in their opinion, the longer a person stays with the Charity, the increased chance of full recovery.

In responding to further questions, he confirmed that around 50% of residents reside within the establishment for a minimum of six months. In some cases, Betel of Britain do help former residents to find employment.

A question was asked by the Sub-Committee of Mr Marriott as to how would he guarantee that the proposed collectors would not become aggressive. In responding, he confirmed that an experienced leader would also be collecting on the same street and would be able to rectify any problems if any occurred.

The Legal Advisor then sought clarification from Mr Marriott as to how many proposed collectors would be collecting in any one area as the application states ten collectors and the Police were only aware of six collectors. Mr Marriott confirmed that only six proposed collectors would be collecting, which included the Leader and, out of these proposed collectors, only one person had been with the Charity for less than six months. He also informed the Sub-Committee that all collectors lived in the same house.

In responding to question asked by the Sub-Committee, Mr Marriott reported that each person was required to complete an interview before being offered entrance to the Charity to ascertain whether residence at the establishment would be beneficial to that particular person. He further reported that most people enter the Charity voluntarily but some do arrive resulting from a court order.

The Legal Advisor sought clarification from PC Turley as to what the inaccuracies in the original correspondence referred to early were. PC Turley confirmed that when the original information was submitted, names and dates of births were incorrect, which resulted in him having to contact the Charity for a second time to request the correct information. In responding, Mr Marriott confirmed that he was away when the information was requested and had no idea that there had been a problem.

Concerns were raised from the Sub-Committee in relation to the length of time the permit had been requested for and queried what happened if one or more of the original collectors left the Charity; would replacements be found and if so, would they be CRB checked? In response, the Licensing Officer reported that if the application was approved, it would be granted on the length of time the Sub-Committee agreed, not the persons collecting. It would be the Charity's responsibility to decide who the collectors would be.

In response to a question from the Legal Advisor, Mr Marriott confirmed that the Charity did not have to know all background information relating to criminal activities from people who entered the Charity, unless anything relating to children or arson were included in those activities.

The Legal Advisor then invited Mr Ward to speak on the application. Mr Ward stated that the persons residing with the Charity wanted to chance to improve their lifestyles and Betel of Britain provide them with that chance.

In conclusion, Mr Marriott thanked the Sub-Committee for allowing them the opportunity put their case forward.

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

Following a lengthy discussion, the Sub-Committee, having made its decision, the respective parties were invited to return and the Chairman then outlined the decision.

## RESOLVED

That the application received on behalf of Betel of Britain, Windmill House, Weatheroak, Alvechurch, for the grant of a house-to-house collections permit be refused on the basis of the Police objections, and in particular the inaccuracy of the names and dates of birth of the proposed collectors provided to the Police. We therefore feel that the applicant has failed to exercise due diligence to ensure that the collectors are fit and proper persons.

We would like to commend Mr Ward and Mr Marriott for the presentation to us and indeed the work of the Charity. We do feel however, that there are better ways of collecting for this worthwhile Charity other than the risks posed by house-to-house collections.

The organisation was also informed that they had a right of appeal to the Secretary of State against this decision.

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The meeting ended at 11.40am

CHAIRMAN