

LICENSING SUB-COMMITTEE 3

TUESDAY 6TH MAY, 2014

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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DEMOCRATIC SERVICES OFFICER
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www.dudley.gov.uk


Dudley
Metropolitan Borough Council

IMPORTANT NOTICE

MEETINGS IN DUDLEY COUNCIL HOUSE

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Thank you for your co-operation.

Your ref:

Our ref:
KT

Please ask for:
Karen Taylor

Telephone No.
01384 818116

24th April 2014


Dear Member

Meeting of Licensing Sub-Committee 3 – Tuesday 6th May, 2014

You are requested to attend a meeting of Licensing Sub-Committee 3 to be held on Tuesday 6th May, 2014 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 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 21st January, 2014 (copy attached).

5. APPLICATION FOR REVIEW OF PREMISES LICENCE – BOOZE CORNER, 10 HOWLEY GRANGE ROAD, HALESOWEN (PAGES 1 – 5)

To consider a report of the Director of Corporate Resources.

6. APPLICATION FOR HOUSE TO HOUSE COLLECTIONS LICENCE – AUDOSTA LTD – MARGARET GREEN ANIMAL RESCUE, KIDS OUT, CHILDRENS HEARTS AND WOODLANDS CANCER CARE (PAGES 6 – 8)

To consider a report of the Director of Corporate Resources.

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

Distribution

Councillors: K. Finch Mrs Ameson Mrs H Turner
 (Chair)

LICENSING SUB-COMMITTEE 3

Tuesday 21st January, 2014 at 10.05 am
in the Council Chamber, The Council House, Dudley

PRESENT:-

Councillors Bills, Sykes and Taylor

Officers

Mr R Clark (Legal Advisor), Mrs L Rouse (Licensing Clerk) and Mrs K Taylor (Directorate of Corporate Resources).

30. **ELECTION OF CHAIR**

In the absence of the chair (Councillor K. Finch) it was

RESOLVED

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

(Councillor Bills in the Chair)

31. **APOLOGIES FOR ABSENCE**

Apologies for absence from the meeting was submitted on behalf of Councillors Mrs Ameson and K. Finch.

32. **APPOINTMENT OF SUBSTITUTE MEMBERS**

It was noted that Councillors Bills and Taylor were serving as substitute members for Councillors K. Finch and Mrs Ameson, respectively, for this meeting of the Sub-Committee only.

33. **DECLARATIONS OF INTEREST**

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

34. **MINUTES**

RESOLVED

That the minutes of the meeting held on 3rd December, 2013, be approved as a correct record and signed.

35. 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 Nos 6 and 5.

36. APPLICATION FOR REVIEW OF PREMISES LICENCE – BROADSTONE CONVENIENCE STORE, TWO GATES, HALESOWEN

A report of the Director of Corporate Resources was submitted on an application for the review of the premises licence in respect of Broadstone Convenience Store, Two Gates, Halesowen.

Mr J Iqbal, Premises Licence Holder and Designated Premises Supervisor was in attendance at the meeting together with his representative, Mrs G Sharratt, Licensing Matters; Mr N Iqbal, Son; and Ms D Cashmore, supporter.

Also in attendance were Mr C King, Principal Trading Standards Officer, Directorate of the Urban Environment; and Ms D McNulty, Office of Public Health.

Following introductions by the Chair, the Licensing Clerk presented the report on behalf of the Council.

Mr King then presented the representations of Trading Standards and in doing so highlighted that the grounds for the review had been based on the serious undermining of the licensing objective, namely, the prevention of crime and disorder due to the poor management of the premises following the seizure of illicit alcohol on 22nd April, 2013 and 4th September, 2013 in direct contravention of the licensing objectives.

It was noted that on 26th October, 2011 an alcohol test purchase was conducted at the premises, with no sale being made.

It was further noted that following a complaint received on 12th March, 2012 by a member of the public that they had witnessed the sale of alcohol to a child at the premises, a further test purchase exercise was carried out on 16th March, 2012, with no sale being made.

Mr King further stated that on 22nd April, 2013, during an advisory visit to the premises, an officer checked the stock on display and found fifteen 70cl and six 1ltr bottles of Glens vodka, which he suspected of having counterfeit duty paid labels on the rear. The bottles were seized and a Trader's Notice 0414 was issued as a receipt.

The manufacturer of the vodka, Glen Catrine Ltd, confirmed that although the bottles contained genuine vodka, the bottles were originally made for the black market and had counterfeit duty paid labels attached to evade the excise duty payable to HMRC.

A second inspection of the premises on 4th September, 2013 found three 70cl bottles of Glens vodka for sale on the shelving behind the shop counter. An examination of the bottles suggested that they were counterfeit. It was noted that in a basement store room, the officer present found an open box containing four 70cl and four boxes containing forty-eight 70cl bottles of Glens vodka. All of the bottles were seized as it was suspected that they were counterfeit, and a report No. IR 2879 issued as receipt for the seizure.

Prior to leaving the premises, the officer present requested that Mr Iqbal submit receipts relating to the purchase of the seized vodka by 13th September, 2013, however to date this had not been actioned and Mr Iqbal had not contacted Trading Standings to discuss the matter further.

Mr King stated that one of the bottles seized on 4th September, 2013 had been analysed, and it was found to contain substances such as propan-2-ol and t-butanol, and therefore did not contain genuine vodka.

Another bottle was then sent to Glen Catrine Ltd for examination, and it was concluded that the bottles of vodka were not genuine and counterfeit and therefore breached trademarks owned by the manufacturer.

In concluding, Mr King stated that should the Sub-Committee be minded not to revoke or suspend the premises licence, they could consider including additional conditions to the licence. A full list of the proposed conditions had been circulated to all parties prior to the meeting.

Ms McNulty then presented the representations of Public Health, which had been circulated to all parties in accordance with the Licensing Act 2003. She made particular reference to the potential health risks to members of the public following the discovery of two components that there were normally found in industrial processes.

In concluding, Ms McNulty stated that she would support any actions that prevented Mr Iqbal from making counterfeit alcohol available to the public.

In responding to a question by the Legal Advisor, Mr King stated that although only two bottles were analysed, all bottles that had been seized were counterfeit. He further stated that the bottles seized on 4th September, 2013 were counterfeit in respect of duty labels and content.

Mrs Sharratt then presented the case on behalf of Mr Iqbal, and in doing so stated that Mr Iqbal had accepted responsibility and agreed with the facts presented. She also stated that Mr Iqbal had owned the general convenience store since 2011 and there had not been any issues or problems therefore Mr Iqbal had been compliant in other areas. It was further noted that eight members of staff and family members worked at the premises.

Mrs Sharratt further stated that Mr Iqbal, due to ill health, had taken a step back from management of the store, which was supported by a letter from Mr Iqbal's Doctor submitted prior to the meeting. It was noted that during Mr Iqbal's ill health he had trusted his manager, Mr Purwell, to manage the store however during Mr Iqbal's visit to Pakistan in April, 2013, Mr Purwell purchased counterfeit alcohol over the counter. Mr Purwell resigned following the purchase due to the problems caused to Mr Iqbal.

It was noted that following the resignation of Mr Purwell, Mr Iqbal's younger son, Fahim, was promoted and in September, 2013 purchased alcohol from over the counter not knowing that the alcohol could cause harm or that they may have counterfeit duty labels attached to the bottles. Mr Iqbal removed his son from his duties and re-evaluated the operation of the premises.

It was noted that Mr Iqbal's elder son, Naheem, who was in attendance at the meeting, would take over responsibility of the premises and become the Designated Premises Supervisor in the near future, and that he was taking appropriate steps into applying for his personal licence.

Mrs Sharratt stated that Mr Iqbal did not deny the purchases in the premises and acknowledged that alcohol should be purchased from cash and carry's that issued receipts, and requested the Sub-Committee to consider the previous test purchase exercises undertaken at the premises that resulted in no sale being made.

Mrs Sharratt made reference to the conditions suggested by Trading Standards, in particular, that Mr Iqbal was in agreement and suggested that the Sub-Committee may wish to include a further condition that prohibited Mr Iqbal purchasing alcohol over the counter and a poster displayed. She further stated that the Sub-Committee may wish, if deemed necessary, to remove Mr Iqbal as the Designated Premises Supervisor.

Mr Iqbal stated that he understood that the purchasing of alcohol over the counter should have not taken place and that he was let down by two people who he had trusted. He stated that there were no other issues and apologised.

In responding to a question by a member, Mr Iqbal confirmed that he was responsible for the accounts of the premises, and that he was only aware of the purchasing of the counterfeit alcohol after the inspections undertaken by Trading Standards in April and September, 2013.

In responding to the comments made by Mrs Sharratt, Mr King thanked Mr Iqbal for his honesty and that it was apparent that the poor management of the premises reflected the deteriorating health of Mr Iqbal. He also stated that Mr Iqbal had failed to provide Trading Standards with receipts or information in respect of who had sold the alcohol, and that he did not attend two interviews, due to ill health. Mr Iqbal responded that he would be handing responsibility of the premises to Naheem and that he had informed all staff members not to purchase alcohol over the counter. He further stated that he invested a large amount of money into the business and that he always purchased alcohol from cash and carry's.

In responding to a question by Mr King relating in particular to Mr Iqbal's son Fahim purchasing alcohol in September, 2013; Mr Iqbal stated that although Fahim purchased the alcohol from a person he could trust, he would be unable to contact him for further information. It was noted that Fahim purchased the alcohol the day before the Trading Standards inspection took place on 4th September, 2013.

In responding to a question by the Chair, Mrs Sharratt confirmed that all members of staff including family members had been trained and only the store manager and family members were permitted to purchase alcohol for the premises.

Reference was made to the lack of receipts for the two purchases, in particular that Mr Iqbal should have noticed that the accounts did not appear correct. In responding, Mr Iqbal stated that due to other commitments and work patterns, he would sometimes be delayed in checking the accounts.

It was noted that some companies such as Cadbury's occasionally sold their products to Mr Iqbal in the premises.

Ms Cashmore, in support of Mr Iqbal, stated that she had previously worked at the premises and was present at the premises when the counterfeit goods were seized. She further stated that the training programme provided by Mr Iqbal was very good and that given that she had known Mr Iqbal for over twenty years she had not known him to be involved with anything illegal.

Ms Cashmore further stated that although she understood the seriousness of the case, she requested the Sub-Committee to consider the potential financial impact that could be caused to Mr Iqbal and the members of staff.

Reference was made by the Legal Advisor in respect of the alcohol purchased (in a twelve bottle box) by Mr Iqbal's son the day before the Trading Standards inspection took place on 4th September, 2013, in particular, that there were seven bottles accounted, therefore five bottles missing and assumed sold during the day. In response, Mr Iqbal stated that the only facts that he knew were what his son had explained to him, in that he had purchased the alcohol the night before.

In responding to a question by the Legal Advisor, Mrs Sharratt confirmed that three weeks would be a realistic time to appoint Naheem Iqbal as the Designated Premises Supervisor.

In summing up, Mr King, on behalf of Trading Standards, stated that Mr Iqbal had accepted the facts presented in relation to the two seizures on 22nd April, 2013 and 4th September, 2013, and that although Mr Iqbal had been requested to submit information in respect of where the alcohol had been purchased, it had been confirmed today that Mr Iqbal's son had purchased the alcohol over the counter. He further stated that it was evident that the management of the premises had reflected Mr Iqbal's bad health and that his concerns of the premises remained.

In summing up, Ms McNulty, on behalf of Public Health, urged Mr Iqbal to inform Trading Standards of the location of the counterfeit alcohol in order to prevent any harm to members of the public.

In summing up, Mrs Sharratt on behalf of Mr Iqbal, stated that the business, in the long-term, would be transferred to Naheem Iqbal, and the process for appointing Naheem as the Designated Premises Supervisor could be completed quickly. She further stated that she considered a suspension would not be proportionate and suggested adding additional conditions in relation to purchasing alcohol over the counter.

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, Mr J Iqbal be removed as the Designated Premises Supervisor in respect of the premises known as Broadstone Convenience Store, Two Gates, Halesowen.

The conditions listed below will also be attached to the premises licence.

REASONS FOR DECISION

This is a review of a premises licence, brought by Trading Standards in respect of Broadstone Convenience Store. The review was brought as a result of two specific incidents. The first was the seizure of twenty-one bottles of vodka on 22nd April, 2013, which were suspected, and later found, to have counterfeit duty paid labels. The vodka was genuine but the counterfeit labels were added to evade duty. The bottles were seized, found to be counterfeit, and therefore not returned to the store. No further action was taken.

On 4th September, 2013, Trading Standards conducted a further visit to the premises. 3 bottles of vodka were found for sale on the shelves which were believed to be counterfeit. A search of the shop store room revealed four twelve-bottle boxes of vodka and an open box with just four bottles of vodka inside. These too were suspected as counterfeit. Tests revealed that the bottles contained counterfeit alcohol, probably of industrial origin.

Mr Iqbal, the Premises Licence Holder and Designated Premises Supervisor, attended today. He accepted full responsibility for the two purchases of alcohol. Mr Iqbal has, due to ill health, taken a step back from management of the store day to day. In April, 2013, the store manager purchased counterfeit alcohol over the counter. He resigned as a result of this purchase. Mr Iqbal accepted that alcohol should not be bought over the counter, but should be bought from a cash and carry.

In September, Mr Iqbal's son Fahim, who had been promoted, bought alcohol from over the counter again and not from a cash and carry. Mr Iqbal accepts that this alcohol was counterfeit and does not dispute the test analysis.

Mr Iqbal did not attend for two interviews with Trading Standards, he says, due to ill health. Mr Iqbal stated that he cannot trace the person who sold the alcohol to his son, and that his son cannot identify the person who sold the alcohol on the second occasion. Mr Iqbal stated that his son stated he purchased the alcohol the day before the Trading Standards inspection took place on 4th September, 2013. If this is true, it appears that as many as five bottles of vodka were sold in a day. The Sub-Committee finds that Mr Iqbal's son has probably not told the truth about the purchase. No receipts appear to have been taken. The Sub-Committee is extremely disappointed that Mr Iqbal and his son have not presented information about the seller to Trading Standards, particularly as the son is stated to have purchased the alcohol from a person he could trust. It is clear that the whole truth is not being told.

Mr Iqbal accepts that he has not managed the premises as well as he ought to have done, and has taken some steps toward appointing his son, Nahim, as Designated Premises Supervisor. The Sub-Committee finds that Mr Iqbal has not managed the premises as he should, and therefore removes him as the Designated Premises Supervisor.

The Sub-Committee takes the further step of imposing the two conditions proposed by Trading Standards listed below, on the premises licence, and also add the following condition :-

- (1) All alcohol purchased for sale on the premises must only be purchased from a recognised, reputable and traceable wholesaler.
- (2) All alcohol purchased for sale on the premises must be covered by a receipt. The receipt will be on headed notepaper bearing the name, address and contact number of the supplier together with their VAT and company registration number where appropriate. These receipts will be kept in a file for a minimum of 2 years and must be made available for inspection, on demand, by an officer of a responsible authority.
- (3) The premises shall display a clear notice in the front shop window stating, that alcohol is only purchased by these premises from a recognised, reputable and traceable wholesaler.

Mr Iqbal was informed of his right to appeal the decision of the Sub-Committee.

A report of the Director of Corporate Resources was submitted on an application for the review of the premises licence in respect of Best Wine Off Licence, 4 Castle Street, Coseley be deferred.

It was noted that the Premises Licence Holder, Mr B Limachiya was not in attendance at the meeting, and that a letter and phone call inviting him to the Sub-Committee had been delivered in sufficient time.

Mr C King, Principal Trading Standards Officer, Directorate of the Urban Environment; and Ms D McNulty, Office of Public Health were in attendance at the meeting.

Following a brief discussion it was

RESOLVED

- (1) That, in view of the Premises Licence Holder's non-attendance, the application for the review of the premises licence in respect of Best Wine Off Licence, 4 Castle Street, Coseley.
- (2) That the Licensing Clerk be requested to write to the Premises Licence Holder to request his attendance at a re-convened meeting, and to inform him that should he fail to attend the Sub-Committee the application would be heard in his absence.

Meeting ended at 12.05 pm.

CHAIR

Licensing Sub-Committee 3 – 6th May 2014

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 Booze Corner, 10 Howley Grange Road, Halesowen, B62 0HN

Background

2. Booze Corner, formerly known as (Howley Grange Convenience Store) was first issued with premises licence on the 4th October 2010, that licence was transferred on the 9th October 2012.
3. The current premises licence is issued for the following:-

Sale of Alcohol	Monday to Sunday	06.00 – 23.00
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4. On the 15th January 2014, 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 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 28th January 2014, 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. On the 10 February 2014 the Director of Public Health made representations. A copy of that report has been circulated to Committee Members, interested parties and the Premises Licence Holder.
9. The current premises licence holder is Mr A Singh.

10. This matter was due to be considered by Sub-Committee on the 11th March 2014, the Committee resolved that the matter be deferred to a future hearing. The Committee further resolved that both Mr A Singh and Mrs K Kaur be in attendance at the hearing.
11. 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

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 appropriate 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 Booze Corner, 10 Howley Grange Road, Halesowen.



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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
Booze Corner, 10 Howley Grange Road, Halesowen, B62 0HN.

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 16th January 2014 and 12th February 2014

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

Licensing Sub-Committee 3 – 6th May 2014

Report of the Director of Corporate Resources

Application for House to House Collections Licence

Margaret Green Animal Rescue / Kids Out / Childrens Hearts / Woodlands Cancer Care – Audosta Ltd

Purpose of Report

1. To consider the application for the grant of House to House Collection Licences in respect of Audosta Ltd on behalf of the charities known as Margaret Green Animal Rescue, Kids Out, Childrens Hearts and Woodlands Cancer Care.

Background

2. On the 7th January 2014 Mr Audrius Stasiulevicius of Audosta Ltd made applications for House to House Collection Licences in respect of the charities known as Margaret Green Animal Rescue, Kids Out, Childrens Hearts and Woodlands Cancer Care. Copies of these applications along with the relevant accounts have 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. Copies of those accounts have been circulated to Committee Members and interested parties.
5. Copies of the applications have been circulated to the West Midlands Police and the Directorate of the Urban Environment (Highways).
6. None of the agencies raised objections to the application.

7. Mr Stasiulevicus of Audosta Ltd has previously made applications for the grant of House to House collection licences in respect of the charities known as Childrens Hearts and Cancer Research Genetics UK.
8. These applications were considered by the Licensing Sub Committee on the 13th March 2012 where the Committee resolved that the applications be refused on the grounds that further account information contained in Section 2 (f) of the House to House Collections Act, 1939 had not been provided as requested.
9. On the 1st April 2012 Mr Stasiulevicus of Audosta Ltd made application for the grant of a House to House Collections Licence in respect of Childrens Hearts this matter was considered by the Licensing Sub-Committee on the 31st July 2012 however the application was withdrawn at the request of the applicant.
10. A number of previous applications have been received from Audosta Limited which have not been processed due to incomplete or incorrectly completed applications.
11. This matter was due to be considered by the Licensing Sub-Committee on the 11th February 2014, the Committee resolved that due to the non-attendance of the applicant Mr Stasiulevicus that the matter be deferred to a future hearing.
12. The licensing office contacted the applicant Mr Stasiulevicus requesting confirmation as to whether or not he wished to proceed with the application and also confirmation as to when he would be available to attend Committee.
13. On the 24th March 2014, Mr Barry Tanner (Admin Assistant) on behalf of Audosta Ltd confirmed on behalf of Mr Stasiulevicus that they wished to proceed with the application and also requested a hearing date in May 2014.
14. This application falls within the Council's recent responsibility for licensing which has a direct link to the Council's key corporate priority that safety matters.

Finance

15. There are no financial implications.

Law

16. House to house collection permits are governed by Section 2 of the House-to-House Collections Act 1939.
17. The 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.

18 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

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

Recommendation

- 21. That the Committee consider the applications for House to House Collection Licences in respect of Audosta Ltd.



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DIRECTOR OF CORPORATE RESOURCES

Contact Officer: Mrs. L Rouse 5377
Telephone: 01384 815377
Email: liz.rouse@dudley.gov.uk

List of Background Papers