

## **SPECIAL MEETING OF LICENSING AND SAFETY COMMITTEE**

Wednesday, 21st September, 2011 at 6.00 pm  
in Committee Room 2, The Council House, Dudley

### **PRESENT:-**

Councillor Ryder (Chairman)  
Councillor Mrs Dunn (Vice-Chairman)  
Councillors Mrs Ameson, Mrs Aston, A Finch, K Finch, Mottram, Taylor  
and Woodall.

### **Officers**

Principal Solicitor, Licensing Officer and Mr J Jablonski (all Directorate of  
Corporate Resources)

### **Also In Attendance:-**

Dr. T Ganley of the Public Fund Raising Association (for agenda item no  
.6)

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9                    **APOLOGIES FOR ABSENCE**

Apologies for absence from the meeting were submitted on behalf of  
Councillors Barlow, Mrs Billingham and Mrs Roberts .

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10                   **DECLARATIONS OF INTEREST**

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

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11                   **MINUTES**

RESOLVED

That the minutes of the Meeting of the Committee held on 26th  
May, 2011, be approved as a correct record and signed.

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12                   **WOODSETTON AND UPPER GORNAL (ALCOHOL CONSUMPTION IN  
PUBLIC PLACES ) ORDER 2011**

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A report of the Director of Corporate Resources was submitted on the consultation undertaken and the publishing of a notice in a local newspaper arising from the decision of this Committee at its meeting held on 26th May, 2011, to approve, in principle, the introduction of a Designation Order for the Woodsetton and Upper Gornal area where the consumption of alcohol would be prohibited other than within the curtilage of licensed premises.

Appendix 1 to the report submitted was a copy of a plan indicating the original proposed designated area, as previously reported to the Committee.

Attached as Appendix 2 to the report was a copy of the draft Designation Order.

Paragraphs 6 to 8 of the report submitted detailed the action taken arising from the decision made at the last meeting of the Committee and in particular referred to the 132 responses that had been received arising from the publication of the notice and other steps taken to publicise this matter. All of the responses received supported the proposal.

Paragraph 8 of the report also set out representations made to extend the proposed designated area, however, no action was proposed on this as under legislation the Council could only include an area if there was sufficient evidence from the Police to link the consumption of alcohol with anti-social behaviour or disorder.

It was noted that the cost of supplying and installing the necessary signage would be met from the capital allocations fund of North Dudley Area Committee and by West Midlands Police.

Arising from the consideration given to this matter it was

#### RESOLVED

That the Woodsetton and Upper Gornal (Alcohol Consumption in Designated Public Place) Order 2011 be approved for the area indicated on the plan and in the draft Designation Order attached as Appendices 1 and 2 to the report submitted, and that the Director of Corporate Resources be authorised to take all necessary action connected with the making of the Order as indicated in paragraphs 16 to 21 of the report submitted.

A report of the Director of Corporate Resources was submitted on the consultation undertaken and the publishing of a notice in a local newspaper arising from the decision of this Committee at its meeting held on 26<sup>th</sup> May, 2011, to approve, in principle, the introduction of a Designation Order for Coseley where the consumption of alcohol would be prohibited other than within the curtilage of licensed premises.

Appendix 1 to the report submitted was a copy of a plan indicating the original proposed designated area, as previously reported to the Committee.

Attached as Appendix 2 to the report was a copy of the draft Designation Order.

Paragraphs 6 to 8 of the report submitted detailed the action taken arising from the decision made at the last meeting of the Committee and in particular referred to the 154 responses that had been received arising from the publishing of the notice, and other steps taken to publicise this matter. Of the 154 responses received 150 supported the proposal.

Paragraph 8 of the report also set out representations made to extend the proposed designated area, however no action was proposed on this as the areas indicated were or would be covered by other designation orders.

It was noted that the cost of supplying and installing the necessary signage would be met from the capital allocations fund of North Dudley Area Committee and by West Midlands Police.

During the consideration of this matter, it was reported that two streets, Anchor Road and Bloomfield Avenue, were not actually in the Borough and so the plan and draft designation order would be amended accordingly.

#### RESOLVED

That, subject to the amendment of the plan and draft designation order so as to exclude Anchor Road and Bloomfield Avenue, the Coseley (Alcohol Consumption in Designated Public Place) Order 2011 be approved for the area indicated on the plan, and in the draft Designation Order attached as Appendices 1 and 2 to the report submitted, and that the Director of Corporate Resources be authorised to take all necessary action connected with the making of the Order as indicated in paragraphs 16 to 21 of the report submitted.

A report of the Director of Corporate Resources was submitted on a proposal that charitable collections made by way of direct debit require a street collection permit.

Attached as Appendix 1 to the report submitted were representations made by a Ms R Lowe of Gift Fundraising Limited that such face to face fundraising should not require a street collection permit, together with a copy of the Public Fund Raising Association (PFRA) Rule Book.

Ms Lowe had originally been invited to make representations to the Committee in person however following discussions it was considered more appropriate that a representative from the PFRA should be invited to address the committee.

Accordingly Dr Toby Ganley of the PFRA , the charity-led self-regulatory membership body for all types of face-to-face fundraising, was in attendance at the meeting. A copy of a submission prepared by Dr Ganley and of a counsel's opinion that the entering into of arrangements by bank mandate is not the collection of money and so should not require a street collection permit had previously been circulated to the committee.

Following the introduction of the report Dr Ganley was invited to address the committee and following comments made responded to questions asked by Members in particular relating to the role of the PFRA and the operation of its rule book.

The Principal Solicitor then outlined the two issues that the Committee needed to consider in relation to this matter relating to the adoption of street collection regulations, which had been in place since 1974, and whether those regulations applied to the collection of direct debits.

It was considered that it was a reasonable and acceptable definition of money to include direct debits as money within the terms of the relevant act. Furthermore, until there was a court case it was a matter for Council's to determine whether direct debits were a monetary collection and if they considered that they were could agree to apply the street collection policy to direct debits.

If they did not so agree they could consider entering into the voluntary agreement proposed by the PFRA.

RESOLVED

That, arising from consideration of the information contained in the report submitted, and the representations made at the meeting and as previously circulated , approval be given to a policy that a Street Collection Permit is required for charitable "Face to Face"(Direct Debit collections) and that applications for such permits be determined by this Committee through its sub-committees..

The meeting ended at 6.32 pm

CHAIRMAN