

LICENSING SUB-COMMITTEE 2

Tuesday, 12th September, 2006 at 2.30pm
in the Council Chamber, The Council House, Dudley

PRESENT:-

Councillor Ryder (Chairman)
Councillors Blood and Mottram

Officers

Assistant Director Legal and Democratic Services (Legal Advisor) and
Mrs K Farrington (Directorate of Law and Property)

APOLOGIES FOR ABSENCE

Apologies for absence from the meeting were submitted on behalf of
Councillors Mrs Dunn and J Woodall.

7 APPOINTMENT OF SUBSTITUTE MEMBERS

It was noted that Councillors Ryder and Blood had been appointed as
substitute members for Councillors Mrs Dunn and J Woodall for this
meeting of the Sub-Committee only.

8 DECLARATIONS OF INTEREST

No member declared an interest in accordance with the Members' Code
of Conduct in respect of any matter to be considered at this meeting.

9 MINUTES

RESOLVED

That the Minutes of the Meeting of the Sub-Committee held on 4th
July, 2006 be approved as a correct record and signed.

10 APPLICATION TO VARY A PREMISES LICENCE, THE BRITISH QUEEN, 55 PARKES HALL ROAD, WOODSETTON, DUDLEY

This item was withdrawn.

11 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, namely:-

Agenda Item Numbers 7, 8 and 6.

12 RESOLUTION TO EXCLUSION THE PUBLIC

RESOLVED

That the public be excluded from the meeting for the following item of business on the grounds that it involves the likely disclosure of exempt information as defined in Part 1 of Schedule 12A to the Local Government Act 1972 as specified below and, in all the circumstances, the public interest in disclosing the information is outweighed by the public interest in maintaining the exemption from disclosure.

| <u>Description of Item</u> | <u>Relevant paragraph of Part I Schedule 12A</u> |
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| Application for a Personal Licence – Ms EA | 1 |

13 APPLICATION FOR A PERSONAL LICENCE – MS EA

A report of the Director of Law and Property was submitted on an application received from John Gaunt and Partners, Solicitors on behalf of Ms EA in respect of an application for the grant of a personal licence.

Mr EA was in attendance at the meeting, together with her supporter. A representative from West Midlands Police was also in attendance as an objector to the application.

Following introductions by the Chairman, the Legal Advisor outlined the procedure to be followed at the meeting.

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

The representative from West Midlands Police then presented his evidence and informed the Sub-Committee of the grounds of the objection. It was considered that if a personal licence was granted it would undermine the Crime and Disorder Licensing Objective.

The Police representative then responded to questions asked by the Sub-Committee.

Ms EA then presented her case and in so doing, informed the Sub-Committee of the circumstances surrounding the conviction outlined in paragraph 4 of the report submitted. She then responded to questions asked by the Sub-Committee.

Ms EA's supporter was then given the opportunity to present her comments to the Sub-Committee in respect of Ms EA's case.

At this juncture, the Legal Advisor read out to the Sub-Committee, letters and references from Ms EA's Area Manager and former Manager and colleagues, in support of her case, which had been sent to the Licensing Officer, prior to the meeting. Ms EA then responded to further questions asked by the Sub-Committee.

The Police representative, Ms EA and her supporter then summed up their respective cases and the Legal Advisor indicated to the parties details of the legal advice to be given to the Sub-Committee prior to their withdrawal whilst the Sub-Committee made their decision.

The Sub-Committee, having made their decision, all parties were invited to return and the Chairman then outlined the decision and the reasons for the decision.

Accordingly, it was

RESOLVED

That following careful consideration of the information contained in the report submitted and the representations made at the meeting, approval be given to the grant of a personal licence to Ms EA.

Reasons for Decision

We regard this offence as an isolated matter that will not be repeated. The applicant's circumstances at the time of the offence heavily contributed to her conduct. In particular, family pressure and undesirable friends influenced the applicant who was particularly vulnerable.

We note the excellent references received from the Area Manager and former Managers, together with the extensive support provided by Ms O'Neil and her partner. In addition, the applicant's conduct since the offence has been exemplary. She has been in regular employment and is ahead of her payments in respect of the compensation.

The Police were absolutely right to object to the application and we would expect to refuse the vast majority of applications with similar offences. The exceptional circumstances of this case allow us to grant the personal licence but should not, in any way, be used as a precedent.

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APPLICATION FOR AMUSEMENT WITH PRIZES MACHINES PERMIT, THE ABRAHAM DARBY, MERRY HILL CENTRE, BRIERLEY HILL

A report of the Director of Law and Property was submitted on an application received from Leisure Link, in respect of The Abraham Darby, Merry Hill Centre, Brierley Hill, for the grant of an amusements with prizes machines permit for three machines.

Mr P Cope, representative of Leisure Link was in attendance at the meeting.

There were no objections to the application.

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

Mr Cope briefly commented on the application and informed the Sub-Committee that the Abraham Darby was a typical Weatherspoons public house and was always very busy. He stated that the additional gaming machine would be clearly visible from the bar area and at this juncture, he handed to the Sub-Committee a copy of the plan of the premises, clearly showing the position of the third gaming machine. He then responded the questions asked by the Sub-Committee.

RESOLVED

That approval be given to the application received from Leisure Link, in respect of The Abraham Darby, Merry Hill Centre, Brierley Hill, for the grant of an amusements with prizes machines permit for three machines.

The meeting ended at 4.00pm

CHAIRMAN