

Meeting of the Licensing Sub-Committee 4
Tuesday 2nd May, 2023 at 10.00am
In Conference Room 9, Saltwells Education Development Centre,
Bowling Green Road, Netherton

Agenda - Public Session
(Meeting open to the public and press)

1. Apologies for absence.
2. To report the appointment of any substitute Members for this meeting of the Sub-Committee.
3. To receive any declarations of interest under the Members' Code of Conduct.
4. To confirm and sign the minutes of the meeting held on 29th November, 2022 as a correct record (Pages 7 – 15)

The following applications are to be considered under the provisions of the Licensing Act 2003:-

5. Application to Vary a Premises Licence – The Crown, High Street, Sedgley, Dudley (Pages 16 – 24)
6. Application to Vary a Premises Licence – The Red Lion, Abbey Road, Gornal Wood, Dudley (Pages 25 – 32)

The following applications are to be considered under the Section 2 of the House to House Collections Act 1939:-

7. Application for House to House Collections Licence – Recycle Proline Limited, Ukraine Appeal (Pages 33 – 36)



8. To consider any questions from Members to the Chair where two clear days notice has been given to the Monitoring Officer (Council Procedure Rule 11.8).



Chief Executive

Dated: 21st April, 2023

Distribution:

Members of the Licensing Sub-Committee 4

Councillor M Evans (Chair)

Councillors S Greenaway and M Howard

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- Toilet facilities are available on site and are subject to safety measures that are in place. All the toilets have hand washing facilities.

No smoking

- There is no smoking on the premises in line with national legislation. It is an offence to smoke in or on the premises. You cannot use e-cigarettes and/or similar vaping devices.

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- In the event of the alarms sounding, please leave the building by the nearest exit. There are Officers who will assist you in the event of this happening, please follow their instructions.

Submitting Apologies for Absence

- Elected Members can submit apologies by contacting Democratic Services (see our contact details below). Members wishing to appoint a substitute should notify Democratic Services as soon as possible in advance of the meeting. Any substitute Members must be eligible to serve on the meeting in question (for example, he/she must have received the training required by the Council).

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Licensing Sub-Committee Procedure

- Chair to welcome parties and introduce Members and Officers
- Establish who the parties are and any representatives
- Chair to confirm that all parties have had disclosure of all documents that the Committee has before them and been allowed sufficient opportunity to read them prior to the meeting.
- Presenting Officer of the Local Authority or Solicitor to present the report to the Sub-Committee
- Relevant Authority to present their evidence and the Chair will then ask if any of the following have questions for the Officer:-
 - Objectors/or their representative
 - Applicant or representative
 - Sub-Committee Members and Legal Advisor
- Objectors or their representative/nominated person to present his/her case (including Ward Members)
 - Any witnesses to be called
 - Each witness to be questioned through the Chair in the following order:-
 - Representative of objectors (if present), if no representative, the objectors
- The Chair will then ask the following if they have any questions for the representative or the objectors:-
 - Presenting Officer Local Authority (or Solicitor)
 - Applicant or Representative
 - Sub-Committee Members and Legal Advisor
- Applicant or representative to introduce his or her case
 - Any witnesses for the applicant to be called
 - Each witness to be questioned through the Chair in the following order:-
 - Representative of Applicant (if present)
 - Presenting Officer Local Authority/Solicitor
 - Relevant Authority
 - Objector or Representative
 - Sub-Committee Members and Legal Advisor

- Presenting Officer of the Local Authority/Solicitor to sum up.
- Objectors/Representative to sum up
- Applicant or representative to sum up (must make final comments)
- Legal Advisor indicates to parties details of legal advice to be given to Sub-Committee
- Parties asked if they have had a fair hearing
- All parties, together with any members of the public to withdraw
- Sub-Committee to make their decision
- All parties invited to return and the Chair reads out the decision and the reasons for the decision.

**Minutes of the Licensing Sub-Committee 4
Tuesday, 29th November, 2022 at 10.00 am
In the Council Chamber, Council House, Dudley**

Present:-

Councillor M Evans (Chair)
Councillors M Howard and S Greenaway

Officers:-

L Rouse – Senior Licensing Clerk (Directorate of Public Realm), R Clark – Solicitor and G Gray – Democratic Services Officer (Directorate of Finance and Legal).

1 Declarations of Interest

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

2 Minutes

Resolved

That the minutes of the meeting held on 26th April, 2022, be approved, in principal, as a correct record and signed.

3 **Application for Review of a Premises Licence – Dhanda Off Licence and Convenience Store**

A report of the Interim Director of Public Realm was submitted on an application for review of the premises licence in respect of the premises known as Dhanda Off Licence and Convenience Store.

The following were in attendance at the meeting: -

Mrs J Kaur – Premises Licence Holder
Mr Dubb – SZ Solicitors (Representative)
Mr R Jones – Environmental Health and Trading Standards
Mr K Maan – Environmental Health and Trading Standards
Ms D Jenkins – West Midlands Police
Ms K Turley – West Midlands Police
Mr N Slym – Licensing Authority

Following the introductions of those present, the Senior Licensing Clerk – (Licensing and Waste Enforcement) presented the report on behalf of the Council, advising that an application for the review of the premises licence had been received from the Public Protection Manager, Environmental Health and Trading Standards on 6th October, 2022. The grounds for the review related to the breach in licensing objectives concerning the prevention of crime and disorder and the protection of children from harm.

It was reported that representations in support of the application for review had been received from Immigration, West Midlands Police, the Licensing Authority and Children and Young People’s Safeguarding and Review, together with comments received from a local Ward Member. It was confirmed that copies of the application, together with supporting documentation had been circulated to Members of the Sub-Committee and responsible authorities accordingly.



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Mr R Jones presented the case on behalf of Environmental Health and Trading Standards and in doing so reported that Trading Standards were the designated Responsible Authority for the purpose of the Licensing Act 2003 and that there had been breaches of disorder and protection and the protection of children from harm at Dhanda Off Licence and Convenience Store.

It was reported that Mrs Kaur held a personal licence issued by Sandwell Borough Council and was the Premises Licence Holder. Mr R Jones – Environment and Trading Standards provided an account regarding a test purchase of alcohol that had been carried out on 30th August, 2022 by Dudley MBC Trading Standards Officers, whereby a 16-year-old volunteer purchased a four pack of Strongbow Rose cider without challenge or being requested to provide identification. Following the sale, the seller identified himself and was cautioned by Officers. It was later established that the seller had been Mrs Kaur’s brother-in-law.

Arising from the incident, subsequent enquiries were carried out with HM Immigration, which revealed that the seller had been working at the premises illegally.

Mr R Jones – Environment and Trading Standards recommended that the conditions, as set out in the information provided to the Sub-Committee, be imposed.

Further evidence from Trading Standards was provided concerning a complaint received regarding the sale of illegal vapes at the premises. A further visit was carried out, and a cabinet containing vape refills above the legal limit was identified. Subsequently, a caution and an advisory leaflet was issued. Mrs Kaur was present during the visit together with her brother-in-law who she advised had been assisting her only and was not working or employed at the shop.

It was reported that an additional complaint had been received on 24th October, 2022 concerning an underage child purchasing reputable branded alcohol, alcohol miniatures and vapes from the premises. In response to a question raised by Mr R Clark – Solicitor, Mrs Kaur confirmed that the alcohol miniatures referred to were not in stock on that date, however, the other branded alcoholic products mentioned were on general sale. Mrs Kaur further commented that on the date of the complaint her husband had been in attendance at the shop and assured her that no sale of the products specified had been made.

Mr R Jones reported that Mrs Kaur had attended an interview with Trading Standards, represented by her Solicitor. Mrs Kaur had made no comment during the interview, however, provided a prepared statement. The statement advised that on 30th August, 2022 Mrs Kaur's brother-in-law had been looking after the shop and had been under strict instructions not to sell alcohol and to sell general goods only.

In response to a statement advising that the vapes seized in November, 2022 had been old stock, and which were due to be returned, Mr R Jones – Environment and Trading Standards provided photographic evidence and confirmed that the vapes had been seized on 13th July, 2022, however, one of the packets found in November, 2022 had been dated as manufactured after this date.

It was reported that Close Circuit Television (CCTV) footage had also been requested and had not been provided within the required timescale. In response, Mrs Kaur's Solicitor stated that the CCTV footage had been offered to Trading Standards to download as she was unable to do so.

Ms D Jenkins presented the case on behalf of West Midlands Police and in doing so reported that following the information and evidence contained in the application for a review of the licence, on the grounds of the prevention of crime and disorder and the protection of children from harm, was fully supported.

Mr N Slym on behalf of the Licensing Authority provided an overview of the incidents and reported that the Licensing Authority had visited the premises on 7th September, 2022, when Mrs Kaur's brother-in-law had been the only person in attendance at the premises. Mrs Kaur's brother-in-law stated at that time that he would be working at the store for a few months. The Licensing Authority attended the revisited the premises on 26th September, 2022, on this occasion Mrs Kaur explained that her brother-in-law had been at the premises to cover for her medical appointments only.

The Licensing Authority confirmed that CCTV could be seen throughout the shop and that Challenge 25 posters and the premises licence were clearly displayed. Mr N Slym advised that the Licensing Authority supported the application for review and the addition of the conditions suggested by Trading Standards, to be included on the Licence due to the serious breach of the Licensing objectives.

Mr Dubb then presented the case on behalf of the Premises Licence Holder and in doing so advised that Mrs Kaur did not dispute the core issues raised in the review, in that Mrs Kaur's brother-in-law had been helping at the premises due to her ill health and had been her only source of help at the premises. It was confirmed that Mrs Kaur's husband had predominately been responsible for the purchase of goods for the store, however, she also purchased stock on occasions, and that the illegal vapes had been removed from the counter and from sale and were due to be returned. The Solicitor commented that Mrs Kaur had accepted responsibility and was remorseful, however, specified that the sale of alcohol and vapes had not been undertaken by herself.

In response to questions raised, Mrs Kaur confirmed that the vapes in excess of the legal limit had been removed from the counter and locked in a cabinet and were no longer available to be purchased. Should a customer request a larger refill they would be refused. In response Mr R Jones – Environment and Trading Standards provided photographic evidence highlighting the location of the cabinet being immediately under the counter and accessible, albeit being locked.

Mrs Kaur confirmed that she would be able to comply with the recommended conditions, however, the CCTV would take time to be repaired. Upon the request of the Chair, Mrs Kaur provided to the Sub-Committee the refusals register, in which there were entries made from when she had obtained the licence.

In response to a question raised by Mr R Clark – Solicitor, Mrs Kaur explained that she had experienced difficulties with children asking for vapes in 2022, stealing products and damaging the premises, which had resulted in two children being prohibited from the premises, leading to repercussions from their parents.

All parties were then provided with the opportunity to sum-up their case. Following which all parties withdrew from the meeting to enable the Sub-Committee to determine the application.

Upon reconvening, the decision was communicated to all parties, as follows:-

Resolved

- (1) That following careful consideration of the information contained in the report and presented at the meeting, the Premises Licence in respect of the premises known as Dhanda Off Licence and Convenience Store be suspended for a period of three weeks, to enable the Premises Licence Holder to obtain and install CCTV at the premises, with approval from Trading Standards.
- (2) That the following conditions be applied to the premises licence with immediate effect:-
 - (1) **Age Verification** – the premises will operate an age verification policy set at a minimum of ‘Challenge 25’. All staff authorised to sell alcohol will be trained in this policy and without exception adhere to it. Acceptable forms of identification to verify age will only include a passport, photographic driving licence or a Proof of Age Standards Scheme (PASS) such as Citizen Card or equivalent. No other form of identification will be accepted.

- (2) **Advisory Notices** – suitable age restricted advisory and warning notices are to be displayed **(1)** on the main door to the premises **(2)** at the point of sale **(3)** in prominent positions at all points within the premises where alcohol is displayed for sale to the public.
- (3) **Refusals Register** – a register for age restricted products will be maintained at the premises. This can be either a written register or an electronic version. As a minimum, the register will record the date, time and reason for the refusal of sale. All staff working on the premises will know of the existence of the register and will produce it at the time of request by any authorised officer from the Responsible Authority. The PLH, DPS or store manager will review the register once a week ensuring it is completed and accurate and for audit purposes be in a position to corroborate this review in writing or electronically. Failure to continue recording refusals due to a written register being full will be considered a breach of this particular condition.
- (4) **CCTV System** – a CCTV system will be installed at the premises and will record at all times when the premises are open for licensable activities. The equipment will be of such a type as to conform to the specifications set by West Midlands Police. It will record, as a minimum **(1)** those areas within the store where alcohol is displayed to the public and **(2)** the point of sale. The camera views of these areas will remain unobstructed at all times. The CCTV system will show the correct time and date and the equipment itself will be maintained so as to be in good working order.

Daily checks should be made of the CCTV system by a member of staff at the commencement of licensing hours to ensure it is in proper working order. All recorded images are to be stored for a **minimum of 31 days** and made available upon request to any authorised officer from the Responsible Authority. Whilst the premises are open for business during the licensing hours at least one member of staff will always be present who is suitably trained so as to know how to operate the CCTV system. Any CCTV hard drive that is replaced/repaired/renewed will be retained for a minimum of 31 days.

- (5) **Staff Training** – anyone employed to work on the premises who finds themselves on duty during licensable hours of business and being in a position where it is reasonable to expect them to potentially take payment from customers for goods which may include alcohol must have already completed an initial training programme in relation to the requirements of the Licensing Act 2003. This initial training must include a written test to verify the competency of that person. This initial training must be completed prior to that member of staff being left alone in the store for any period of time whatsoever. Existing employees will undertake refresher training every 12 months, as a minimum. A record of all staff training will be maintained and stored on the premises and produced upon request to an authorised officer from the Responsible Authority.
- (6) **Casual Staff** – during the hours of licensable activity and where any alcohol is visibly on display in the premises for sale to the public, persons who are not formally employed and trained to work at the premises are **NOT** to be left in temporary control regardless of the period of time. In the case of an emergency situation the PLH, DPS or store manager should close the store until a suitable member of staff can be present.

- (7) **Personnel File** – a file shall be maintained and stored at the premise for each member of staff authorised to sell alcohol. As a minimum, this must include proof of identity, date of birth, current home address and National Insurance Number. The only acceptable form of identity and age verification will be a signed copy of passport and/or driving licence. Proof of an address will include a letter from a current utility provider that clearly shows the name of the specific member of staff and not a relative or friend. Personnel files will be produced upon request to any authorised officer from the Responsible Authority.
- (8) **Proxy Sales** – any person suspected of attempting to purchase alcohol for anyone underage shall be refused service and an appropriate entry made within the Refusals Register.

The meeting ended at 12.05pm

CHAIR

Meeting of the Licensing Sub-Committee 4 – 2nd May 2023

Report of the Interim Director of Environment Directorate

Application to Vary a Premises Licence

The Crown, High Street, Sedgley. Dudley, DY3 1RJ.

Purpose

- 1 To consider the application for variation of the premises licence in respect of the premises known as The Crown, High Street, Sedgley, Dudley, DY3 1RJ.

Recommendation

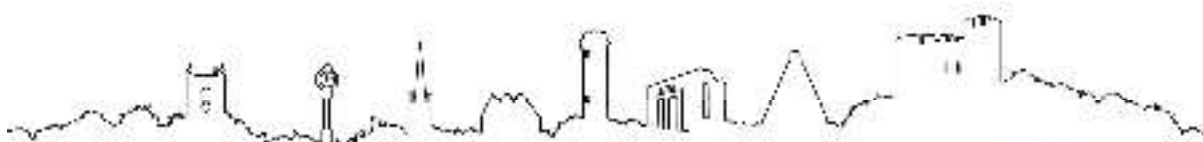
2. That the Sub-Committee determine the application for variation of the premises licence following the receipt of representations.

Background

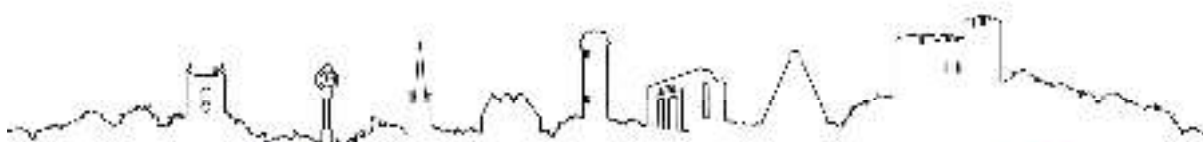
3. The Crown was first issued with a premises licence on the 27th September 2005, that licence was transferred into the name of the current premises licence holder Marston's PLC on the 20th September 2022.
4. The current premises licence is issued for the following days and times:

Supply of Alcohol / Premises Open to the Public

B: Films	Monday to Thursday	11:00	23:00
B: Films	Friday to Saturday	11:00	00:00
B: Films	Sunday	12:00	22:30
B: Films	When hours for sale of alcohol are extended hereunder these hours are also extended		
C: Indoor Sporting Events	Monday to Thursday	11:00	23:00
C: Indoor Sporting Events	Friday to Saturday	11:00	00:00
C: Indoor Sporting Events	Sunday	12:00	22:30
C: Indoor Sporting Events	When hours for sale of alcohol are extended hereunder these hours are also extended		
E: Live Music	Monday to Thursday	11:00	23:00
E: Live Music	Friday to Saturday	11:00	00:00
E: Live Music	Sunday	12:00	23:00
E: Live Music	When hours for sale of alcohol are extended hereunder these hours are also extended		
F: Recorded Music	Monday to Thursday	11:00	23:00
F: Recorded Music	Friday to Saturday	11:00	00:00
F: Recorded Music	Sunday	12:00	23:00



F: Recorded Music	When hours for sale of alcohol are extended hereunder these hours are also extended	11:00	23:00
G: Performance of Dance	Monday to Thursday	11:00	00:00
G: Performance of Dance	Friday to Saturday	12:00	22:30
G: Performance of Dance	Sunday		
G: Performance of Dance	When hours for sale of alcohol are extended hereunder these hours are also extended	11:00	23:00
H: Entertainment similar to E, F or G	Monday to Thursday	11:00	00:00
H: Entertainment similar to E, F or G	Friday and Saturday	12:00	23:00
H: Entertainment similar to E, F or G	Sunday	23:00	00:00
I: Late Night Refreshment	Friday to Saturday		
I: Late Night Refreshment	When hours for sale of alcohol are extended hereunder these hours are also extended	11:00	00:00
J: Supply of Alcohol	Monday to Thursday	11:00	01:00
J: Supply of Alcohol	Friday and Saturday	12:00	23:00
J: Supply of Alcohol	Sunday		
J: Supply of Alcohol	Non-standard timings until 00:00hrs on Fridays, Saturdays, Sundays and Mondays at Bank Holiday weekends, Christmas Eve and Boxing Day. New		



<p>J: Supply of Alcohol</p>	<p>Years Eve 10:00hrs to New Years Day terminal hour as proposed.</p> <p>To permit the premises to open for licensable activities to show the broadcast of televised sporting events of national or international interest outside normal operating hours. Such opening times for this purpose to be confirmed upon 14 days prior notice in writing to the Police before the premises intend to open, such notification to include the opening times and the sporting event which is to be shown.</p>		
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The opening hours of the premises: -	
Monday:	11:00 - 00:00
Tuesday:	11:00 - 00:00
Wednesday:	11:00 - 00:00
Thursday:	11:00 - 00:00
Friday:	11:00 - 01:00
Saturday:	11:00 - 01:00
Sunday:	12:00 - 23:00
Others:	The premises will close 30 minutes after the end of the non-standard timings as for the sale of alcohol

- On the 8th March 2023, John Gaunt & Partners, made application on behalf of Marston's PLC, in respect of the premises known as the Crown for the variation of the premises licence as follows:

To vary the Premises Licence to commence trading earlier to undertake breakfasts. To facilitate the provision of alcohol on an occasional basis with those breakfasts, particularly to travelling sports fans.

The premises seeks to operate later Fridays and Saturdays.

The premises seeks to amend conditions on the licence.

Hours for Licensable Activities

To bring forward the commencement time for retail sale of alcohol to **8am daily (Monday to Sunday)**.

To extend the hours of operation in respect of retail sale of alcohol and licensable activities (indoor sporting events, films, recorded music, performance of dance, entertainment of a similar kind and late night refreshment) **until 2am on Friday and Saturday**.

No change is sought for live music which will cease at 12 midnight.

Opening Hours

A consequential amendment is sought in relation to the opening hours of the premises so as to permit the premises to open as follows:

- Monday to Thursday, 8am until 00.30am
- Friday and Saturday, 8am until 2.30am
- Sunday, 8am until 23.30pm

Conditions

1. Amendment to Condition 1 agreed with Environmental Health on 6 September 2000 to read:-

Entertainment beyond incidental music should cease no later than 11pm Sunday to Thursday and 2am on Friday and Saturday

2. Additional steps in order to promote the four licensing objectives as a result of the proposed variation as follows:-

Prevention of Crime and Disorder Condition to be amended to read:



The premises will undertake a risk assessment as to the implementation of the last entry policy when undertaking licensable activities after 12 midnight

6. Confirmation that copies of the application form and supporting documentation has been served on the relevant authorities has been received.
7. Representations in respect of the application have been received from Planning Development Control and 2 Local Ward Members. Copies of all representations have been forwarded to Committee Members, Interested Parties and the Applicant in accordance with the Licensing Act 2003.

Finance

8. There are no financial implications.

Law

9. The law relating to the granting of applications to vary premises licences is governed by the Licensing Act 2003, part 3, section 34.
10. Pursuant to section 35(3)(a) of the Licensing Act 2003, where a relevant representation is made, the Licensing Authority must:-
 - Hold a hearing to consider item, unless the authority, the applicant and each person who has made such representations agree that a hearing is unnecessary, and,
 - Having regard to the representations, take such of steps mentioned in subsection (4) (if any) as it considers necessary for the promotion of the licensing objectives.
 - The steps are:-
 - To modify the conditions of licence;



- To reject the whole or part of the application.
11. Pursuant to Section 36(1) and (4) of the Licensing Act 2003 where an application (or any part of an application) is granted or rejected under Section 35 of the Licensing Act 2003, the Licensing Authority must immediately give notice to that effect to :-
 - the applicant;
 - any person who made relevant representations in respect of the application and
 - the Chief Officer of Police for the police area in which the premises are situated.
 12. In pursuance of regulation 26(1) of the Licensing Act 2003 (Hearing Regulations 2005), the licensing authority must make its determination at the conclusion of the hearing.
 13. In pursuance of schedule 5, section 4 if the Licensing Authority refuse to grant the application vary the premises licence, there is a right of appeal to the Magistrates' Court.
 14. In pursuance of schedule 5, section 4(2) where the Licensing Authority grant an application to vary a premises licence in whole or in part. The applicant may appeal against any decision to modify the conditions of the licence under subsection 4(a) of section 35 of the Licensing Act 2003.
 15. In pursuance of schedule 5 section 4(3) where a person who made relevant representations to the application desires to contend:-
 - a) that any variation made ought not to have been made, or
 - b) that, when varying the licence, the Licensing Authority ought not to have modified the conditions of the licence, or ought to have modified item in a different way, under subsection 4(a) of section 35 of the Licensing Act.

They have the right of appeal to the Magistrates' Court.

Risk Management

16. There are no risk management implications.

Equality Impact

17. This report complies with the Council's policy on equal opportunities.

18. The licensing of premises and individuals will impact on children and young people through their attendance at licensed premises.

19. There has been no consultation or involvement of children and young people in developing these proposals.

Human Resources/Organisational Development

20. There are no Human Resources/organisational Development implications.

Commercial/Procurement

21. There are no commercial/procurement implications.

Environment/Climate Change

22. There are no Environment/Climate Change implications.

Council Priorities and Projects

23. This application falls within the Council's responsibility for Licensing as a direct link to the Council's key corporate priority to support stronger and safer communities.





Andy Vaughan
Interim Director of Environment Directorate

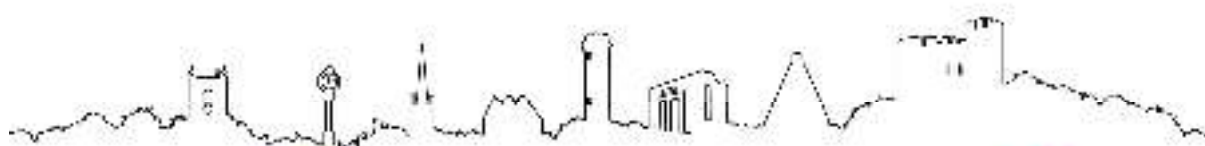
Report Author: Mr S Smith
Telephone: 01384 815377
Email: simon.smith@dudley.gov.uk

Appendices

None

List of Background Documents

None



Meeting of the Licensing Sub-Committee 4 – 2nd May 2023

Report of the Interim Director of Environment Directorate

Application to Vary a Premises Licence

The Red Lion, Abbey Road, Gornal Wood, Dudley, West Midlands.

Purpose

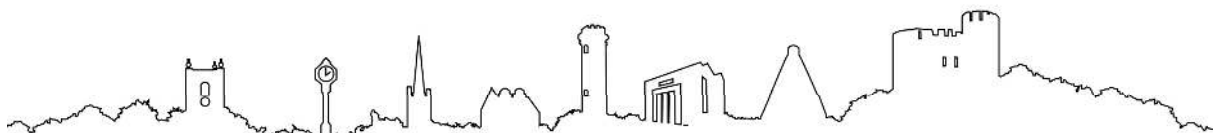
- 1 To consider the application for variation of the premises licence in respect of the premises known as The Red Lion, Abbey Road, Gornal Wood, Dudley, West Midlands, DY3 2PQ.

Recommendation

2. That the Sub-Committee determine the application for variation of the premises licence following the receipt of representations.

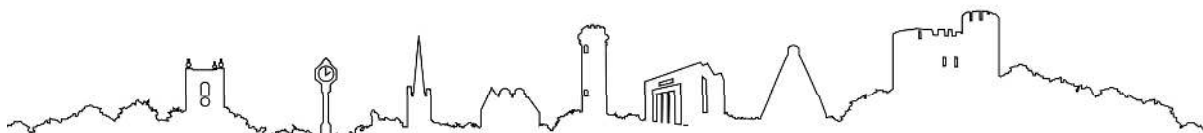
Background

3. The Red Lion was first issued with a premises licence on the 23rd September 2005, that licence was transferred into the name of the current premises licence holder Marston's PLC on the 22nd March 2011.
4. The current premises licence is issued for the following days and times:



Supply of Alcohol / Premises Open to the Public

The times the licence authorises the carrying out of licensable activities: -			
B: Films	Monday to Saturday	09:00	23:00
B: Films	Sunday	12:00	22:30
B: Films	Non-standard timings -When hours for the sale of alcohol are extended hereunder these hours are also extended.		
C: Indoor Sporting Events	Monday to Saturday	09:00	23:00
C: Indoor Sporting Events	Sunday	12:00	22:30
C: Indoor Sporting Events	Non- standard timings - When hours for the sale of alcohol are extended hereunder these hours are also extended.		
E: Live Music	Monday to Saturday	09:00	23:00
E: Live Music	Sunday	12:00	22:30
E: Live Music	Non- standard timings - When hours for the sale of alcohol are extended hereunder these hours are also extended.		
F: Recorded Music	Monday to Saturday	09:00	23:00
F: Recorded Music	Sunday	12:00	22:30
F: Recorded Music	Non- standard timings - When hours for the sale of alcohol are extended hereunder these hours are also extended.		

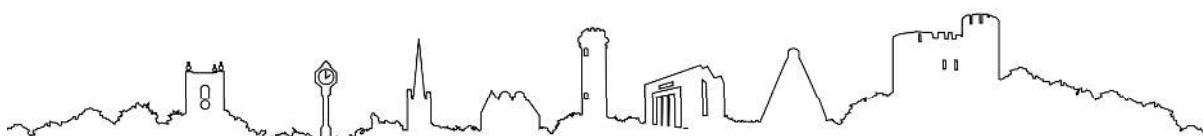


G: Performance of Dance	Monday to Saturday	09:00	23:00
G: Performance of Dance	Sunday	12:00	22:30
G: Performance of Dance	Non-standard timings - When hours for the sale of alcohol are extended hereunder these hours are also extended.		
J: Supply of Alcohol	Monday to Saturday	09:00	23:00
J: Supply of Alcohol	Sunday	12:00	22:30
J: Supply of Alcohol	Non-standard timings – To permit the sale of alcohol and such regulated Entertainment as authorised hereunder until 00.00 on Friday, Saturday Sunday and Monday at Bank Holiday Weekends, Christmas Eve and Boxing Day. 10:00hrs on New Years Eve to terminal hour as proposed On New Years Day.		

Opening Hours

Monday to Saturday inc 09.00 until 23.30
Sunday 12.00 until 23.00

To permit sale of alcohol and such regulated entertainment until 00.00 on Friday, Saturday, Sunday and Monday at Bank Holiday weekends, Christmas Eve, Boxing Day, New Years Eve: 10.00 to New Years Day terminal hour.



5. On the 9th March 2023, John Gaunt & Partners, made application on behalf of Marston's PLC, in respect of the premises known as the Red Lion for the variation of the premises licence as follows:

A review of the licence has identified that the premises has restricted hours, with Sundays commencing significantly later than the remainder of the week.

Application is made to provide consistency to those hours as follows:

Sale of Alcohol and Regulated Entertainment (Films/Indoor Sporting Events/Live Music/Recorded Music/Dance)

Monday to Sunday 09.00 until 00.00

Late Night Refreshment

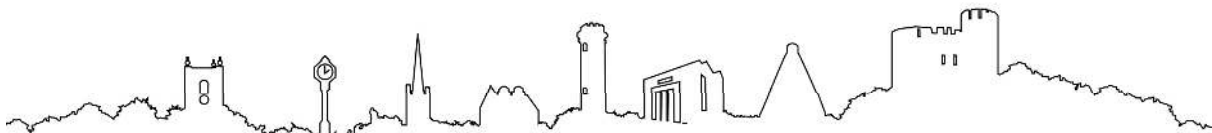
Monday to Sunday 23.00 until 00.00

Hours Open to the Public

Monday to Sunday inc 09.00 until 00.30

Also a review of the conditions endorsed upon the licence has been undertaken and it is noted that the children's condition prohibits entry of children after 21.00 hrs and is proposed to be amended as follows:

Children under the age of 16 shall not be permitted to enter the premises after 21.00 hrs unless attending a pre-booked function or dining.



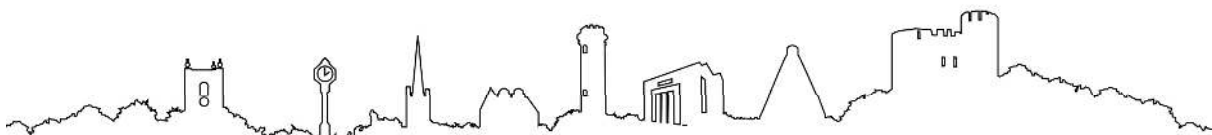
6. Confirmation that copies of the application form and supporting documentation have been served on the relevant authorities has been received.
7. Representations in respect of the application have been received from the Planning Department and a Local Resident. Copies of all representations have been forwarded to Committee Members, Interested Parties and the Applicant in accordance with the Licensing Act 2003.

Finance

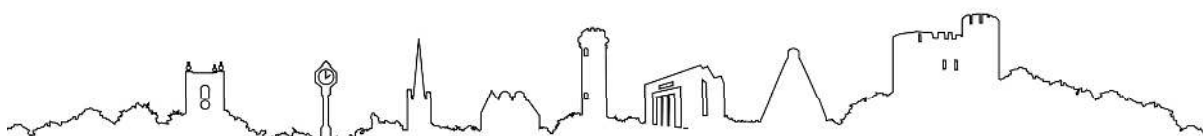
8. There are no financial implications.

Law

9. The law relating to the granting of applications to vary premises licences is governed by the Licensing Act 2003, part 3, section 34.
10. Pursuant to section 35(3)(a) of the Licensing Act 2003, where a relevant representation is made, the Licensing Authority must:-
 - Hold a hearing to consider item, unless the authority, the applicant and each person who has made such representations agree that a hearing is unnecessary, and,
 - Having regard to the representations, take such of steps mentioned in subsection (4) (if any) as it considers necessary for the promotion of the licensing objectives.
 - The steps are:-
 - To modify the conditions of licence;
 - To reject the whole or part of the application.



11. Pursuant to Section 36(1) and (4) of the Licensing Act 2003 where an application (or any part of an application) is granted or rejected under Section 35 of the Licensing Act 2003, the Licensing Authority must immediately give notice to that effect to :-
 - the applicant;
 - any person who made relevant representations in respect of the application and
 - the Chief Officer of Police for the police area in which the premises are situated.
12. In pursuance of regulation 26(1) of the Licensing Act 2003 (Hearing Regulations 2005), the licensing authority must make its determination at the conclusion of the hearing.
13. In pursuance of schedule 5, section 4 if the Licensing Authority refuse to grant the application vary the premises licence, there is a right of appeal to the Magistrates' Court.
14. In pursuance of schedule 5, section 4(2) where the Licensing Authority grant an application to vary a premises licence in whole or in part. The applicant may appeal against any decision to modify the conditions of the licence under subsection 4(a) of section 35 of the Licensing Act 2003.
15. In pursuance of schedule 5 section 4(3) where a person who made relevant representations to the application desires to contend:-
 - a) that any variation made ought not to have been made, or
 - b) that, when varying the licence, the Licensing Authority ought not to have modified the conditions of the licence, or ought to have modified item in a different way, under subsection 4(a) of section 35 of the Licensing Act.



They have the right of appeal to the Magistrates' Court.

Risk Management

16. There are no risk management implications.

Equality Impact

17. This report complies with the Council's policy on equal opportunities.

18. The licensing of premises and individuals will impact on children and young people through their attendance at licensed premises.

19. There has been no consultation or involvement of children and young people in developing these proposals.

Human Resources/Organisational Development

20. There are no Human Resources/organisational Development implications.

Commercial/Procurement

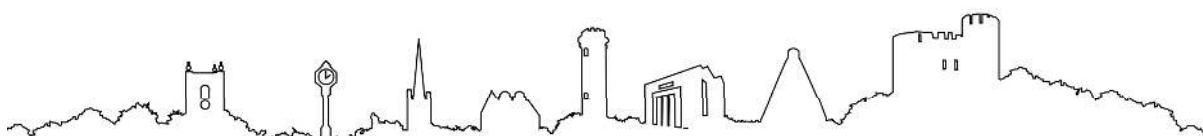
21. There are no commercial/procurement implications.

Environment/Climate Change

22. There are no Environment/Climate Change implications.

Council Priorities and Projects

23. This application falls within the Council's responsibility for Licensing as a direct link to the Council's key corporate priority to support stronger and safer communities.



Andy Vaughan
Interim Director of Environment Directorate

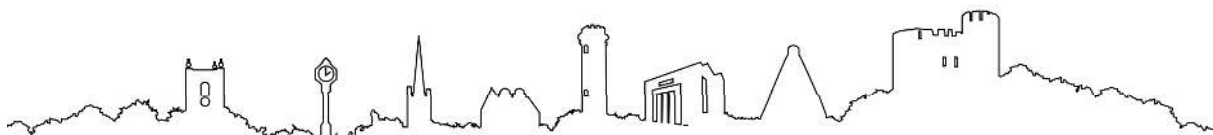
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Appendices

None

List of Background Documents

None



Licensing Sub-Committee 4 – 2nd May 2023

Report of the Interim Director of Environment Directorate

Application for House to House Collections Licence

Purpose of Report

1. To consider the application for the grant of a House to House Collections Licence received from Recycle Proline Limited on behalf of the Ukraine Appeal.

Recommendation

2. That the Committee consider the application for a House to House Collection Licence in respect of Recycle Proline Limited on behalf of the Ukraine Appeal.

Background

3. On the 8th March 2023, Miss Kamile Donelaite of Recycle Proline Limited made application for a House to House Collections Licence on behalf of the Ukraine Appeal. A copy of that application has been forwarded to Committee Members and interested parties.
4. 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.
5. 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 the accounts in respect of Recycle Proline Limited have been forwarded to Committee Members for their information. The Ukraine Appeal were unable to produce accounts as they stated that they were a new organisation and that the first year accounts were not due as yet.

6. Copies of the application were circulated to West Midlands Police and the Public Realm Directorate (Highways). These agencies raised no objections to the application.
7. This matter was due to be considered by the Licensing Sub Committee on the 4th April 2023 however at the request of the applicant the Committee resolved that the matter be deferred to a future meeting.

Finance

7. There are no financial implications.

Law

8. House to house collection permits are governed by Section 2 of the House-to- House Collections Act 1939.
9. 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 to 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.
10. 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

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

Human Resources/Organisational Development

13. There are no human resources/organisational development implications.

Commercial/Procurement

14. There are no commercial/procurement implications.

Environment/Climate Change

15. There are no Environment/Climate Change implications.

Health, Wellbeing and Safety

16. This report has a direct link to the Council's policy for safety as the principal reason for submission is safeguarding the public.



Andy Vaughan **Interim Director of Environment Directorate**

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List of Background Documents

None

Appendices

None