

Statutory Licensing Sub-Committee A

Wednesday, 15 August 2007

Present: Councillor Iris Smith (Chair), Councillors Ralph Snape and John Walker

Also in attendance at the commencement of the meeting: Councillor David Dickinson

07.SLA.12 DECLARATIONS OF ANY INTERESTS

None of the Members present declared an interest in respect of the item included on the agenda.

07.SLA.13 EXCLUSION OF THE PRESS AND PUBLIC

RESOLVED – That the press and public be excluded from the meeting for the following item of business on the ground that it involves the likely disclosure of exempt information as defined in Paragraph 4 of Part 1 of Schedule 12A of the Local Government Act 1972.

07.SLA.14 LICENSING ACT 2005 - APPLICATION FOR THE GRANT OF A PERSONAL LICENCE

The Director of Customer, Democratic and Legal Services submitted a report requesting the Sub-Committee to determine a personal application for the grant of a personal licence.

The report indicated that Mr KHL applied on 11 June 2007 for a personal licence.

Lancashire Police in accordance with Section 120(5) of the Licensing Act 2003 had issued an objection notice within the prescribed period stating their reasons why they were satisfied that the granting of the licence would undermine the crime prevention objective.

The applicant attended the meeting giving an explanation as to the reasons why the circumstances of his receiving the conviction.

The Sub-Committee raised a number of issues with the applicant and the Police representative and considered all the written and verbal evidence in the interest of the provision of the Council's adopted Statement of Licensing Policy and Government Guidelines. After carefully considering the representations made by Lancashire Police and the applicant the Sub-Committee arrived at the following unanimous DECISION:

1. The Licensing Sub-Committee have carefully considered the representations made by Lancashire Police and the applicant.
2. The Licensing Sub-Committee have also had regard to the Guidance issued by the Secretary of State under Section 182 of the Licensing Act 2003, in particular Chapter 4, Paragraph 4.5 to 4.10 and also the Council's Statement of Licensing Policy.
3. The Licensing Sub-Committee are aware that Section 120 of the Licensing Act provides that a personal licence shall be granted if certain criteria are satisfied, one of which is if the applicant has no relevant convictions.

4. The Licensing Sub-Committee heard representations from both the applicant the Lancashire Police as to whether the offences are 'relevant offences' under the Licensing Act 2003.
5. Thus, it falls to the Sub-Committee to determine whether it considers that the offence is a relevant offence under the 2003 Act. Section 113(i) of the Act provides relevant offence means an offence listed in Schedule 4 of the Act.
6. The Sub-Committee is aware that Schedule 4 contains lists of offences and that the Public Order Act is not specifically listed in that schedule.
7. However, Lancashire Police have indicated Paragraph 19 of Schedule 4 lists a violent offence within the meaning of Section 161(3) of that Act.

Section 161(3) provides that a violent offence means an offence which leads, or is likely to lead, to a person's death or physical injury to a person.

8. The Licensing Sub-Committee is aware of this wide definition and are of the view that the public order offence comes within the definition of relevant offence.
9. Having considered the offence and the representations concerning the circumstances leading to conviction, together with the length of time that has elapsed since the conviction, the Licensing Sub-Committee considers that the individual circumstances of this case are exceptional and compelling and on this basis grant the licence.

Chair