

Licensing Act 2003 Sub-Committee

Wednesday, 1 October 2008

Present: Councillor Edward Smith (Chair) and Councillors David Dickinson and Pat Haughton

08.LAS.05 DECLARATIONS OF ANY INTERESTS

None of the Sub-Committee members declared an interest in the principal agenda item under consideration.

08.LAS.06 MINUTES

RESOLVED – That the minutes of the two meetings of the Licensing Act 2003 Sub-Committee held on 3 September 2008 be confirmed as a correct record for signature by the Chair.

08.LAS.07 EXCLUSION OF THE PUBLIC AND PRESS

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 1 of Part 1 of Schedule 12A to the Local Government Act 1972.

08.LAS.08 APPLICATION FOR THE GRANT OF A PERSONAL LICENSE UNDER SECTION 120 OF THE LICENSING ACT 2003

The Sub-Committee considered a report of the Director of Corporate Governance on an application for a Personal Licence under Section 120 of the Licensing Act 2003.

The report drew attention to the disclosure on the application of two relevant convictions as defined by Schedule 4 of the Licensing Act 2003, which related to two convictions in January 2004.

The applicant attended the meeting to explain the circumstances surrounding his convictions and indicated that appeals lodged against both convictions and the sentences had yet to be heard.

Given the nature of the disclosed offences, the Police had lodged an objection notice to the application. The Police Officers who attended the meeting clarified that, in instances where the Police had issued an objection notice, it was normally expected that the licensing authority would refuse the application, unless the authority was satisfied that there were exceptional circumstances which would justify the granting of the licence.

(At the conclusion of both the applicant's and the Police's presentation of their representations and Sub-Committee questioning, the applicant and the Police representatives left the meeting).

The Sub-Committee then gave due and careful consideration to all aspects of the application, including the seriousness of the convictions; both the applicant's and the Police's representations; the implications of the licensing objectives; and the optional courses of action available.

The Sub-Committee was cognisant of the seriousness of the offences, but were mindful of the mitigating circumstances and the fact that the past convictions were unlikely to undermine the prevention of crime and disorder licensing objective or impact on the capability of the applicant to manage licensed premises.

At the conclusion of their deliberations, the Sub-Committee:

RESOLVED – That, after taking account of the exceptional and compelling circumstances of the case, a Personal Licence under Section 120 of the Licensing Act 2003 be granted to the applicant identified in the Director of Corporate Governance’s report.

Chair