

**MINUTES OF: LICENSING SUB-COMMITTEE
HEARING UNDER THE LICENSING ACT 2003**

DATE OF MEETING: 12th November 2013

**PRESENT: Councillor Gill (Chair)
Councillors Cheetham and Wilkinson**

**IN ATTENDANCE: Mr D Dobson, Licensing and Enforcement Officer
Mr B Taylor, Licensing and Enforcement Officer
Mrs J Cook, Hearing Administrator
Ms C Birtwistle, Legal Advisor
Mr R Bingham, Legal Advisor
Mr RS, Applicant
Mr MC, Applicant's Representative
Sergeant MD, Police Representative**

1. APPOINTMENT OF CHAIRPERSON OF THE SUB-COMMITTEE

Resolved:

That Councillor Gill is appointed as Chairperson of the Sub-Committee.

2. APOLOGIES FOR ABSENCE AND NOTIFICATION OF SUBSTITUTES

There were no apologies for absences submitted.

3. CHAIRMAN'S INTRODUCTION

The Chair welcomed all parties to the meeting and asked the members of the Sub-Committee and Council officers to introduce themselves.

The Chairman asked the Applicant, his representative and the Police to introduce themselves.

4. DECLARATIONS OF INTEREST

No declarations of interest were made.

5. EXCLUSION OF PUBLIC AND PRESS

Resolved:

That the public and press be excluded from the remainder of the meeting under Section 100 (A)(4) of the Local Government Act 1972, since the item for discussion involves the likely disclosure of exempt information under Paragraph 1 and 2 of Schedule 12A of the Act.

6. APPLICATION FOR A PERSONAL LICENCE - MR RS

Preliminary Matters

- 6.1 The Legal Representative asked all parties whether anyone wished to withdraw their representations. It was confirmed that no parties wished to withdraw their representations.
- 6.2 The members of the panel were advised by the Legal Services Manager as to their duties under Section 4 of the Licensing Act 2003 to at all times consider the promotion of the licensing objectives, being:-
1. the prevention of crime and disorder, and that this was the particular objection to be considered with regard to this application
 2. public safety
 3. the prevention of public nuisance
 4. the protection of children from harm
- 6.3 Members were also advised of their duties in carrying out those functions in relation to:-
- a) the Council's published Statement of Licensing Policy
 - b) the guidance issued by the Secretary of State as contained in section 182 of the Licensing Act 2003 which was updated in April 2012
- 6.4 Also the duty under Section 17 of the Crime and Disorder Act 1998 to have due regard to the likely effect of the exercise of the licensing function and the need to prevent crime and disorder.
- 6.5 The panel also had due regard to the European Convention on Human Rights and in particular that everyone has the right to peaceful enjoyment of his possessions, respect for his private and family life, his home and his correspondence. A fair balance between competing interests must be considered.

Hearing Process

- 6.6 The Licensing Officer presented the report.
- 6.7 The Applicant had submitted an application for a personal licence under Section 117 of the Licensing Act 2003. Within the application a conviction had been disclosed.
- 6.8 Representations in respect of the application were received within the appropriate period from the Police and in accordance with Paragraph 14, Schedule 4 of the Licensing Act 2003, this was a relevant offence. Accordingly the Police had objected to the application.
- 6.9 All written representations were contained within the report to the panel. All documentary evidence comprising the application and report were provided to all parties in advance of the Hearing.
- 6.10 Verbal representations were made to the Sub-Committee by the Applicant, his representative and the Police.

- 6.11 The Sub-Committee asked questions to the Licensing Officer, the Applicant, his representative and the Police.
- 6.12 The Licensing Officer, the Applicant, his representative and the Police were allowed the opportunity to sum up their cases to the Sub-Committee.
- 6.13 The Applicant, his representative, the Interested Party and the Licensing Officers left the room to enable the Sub-Committee to determine the application. The Legal Advisors and the Hearing Administrator remained in the room.

7. DETERMINATION

- 7.1 In determining the application, the panel gave consideration to the following:-
- Genuine remorse shown by the applicant, no excuses made and an acceptance of his conviction.
 - The representations given by all parties.
 - The incident leading to his conviction had not occurred during his working life.
 - Training received by his employer.
 - The reference supplied by the Applicant

8. DECISION:

- 8.1 After giving consideration to all the written representations and verbal representations made by the Applicant and the Interested Party; and after giving proper consideration to the Licensing Objectives, the Sub-Committee appointed under the Licensing Act 2003 decided to take the following action in respect of the application for the grant of a personal licence under Section 117 of the act:-

Resolved:-

The licence would be granted.

The Police were advised of their right of appeal and the reasons for the decision were outlined:-

- The sub-committee felt that the applicant had shown genuine remorse for his conviction and had not made excuses.
- The incident had not occurred during his working life.
- The applicant was receiving training from his employers.

The Chair advised the applicant that he was fortunate to have been granted a licence.

The meeting commenced at 10.05am and closed at 11.05am