

CENTRAL BEDFORDSHIRE COUNCIL

Record of a LICENSING SUB COMMITTEE hearing convened under The Licensing Act 2003 (Hearings) Regulations 2005 and held in Committee Room 1, Watling House, High Street North, Dunstable on Monday, 8 December 2014

Licensing Sub-Committee Composition

Cllrs: R D Berry (Chairman)
D Bowater
A L Dodwell

Members' Interests

There were no declarations of interest.

Name of Applicant

The applicant's name is exempt information as defined in Paragraph 1 of Part 1 of Schedule 12A of the Local Government Act 1972.

Premises Address

None.

Name of Parties (including the applicant, observers and persons who have made any relevant representations together with any persons representing each party)

Cllr R D Berry (Central Bedfordshire Council)
Cllr D Bowater (Central Bedfordshire Council)
Cllr A L Dodwell (Central Bedfordshire Council)

Mrs M James – Principal Public Protection Officer (Licensing) (Central Bedfordshire Council)

Mr L Manning – Committee Services Officer (Central Bedfordshire Council)

Miss L McShane – Legal Services Manager – Commercial (Central Bedfordshire Council)

Sgt C Gurr (Bedfordshire Police)

Mrs E Nee – Licensing Officer (Bedfordshire Police)

Names of Parties submitting representations and indications of their representations

Bedfordshire Police objected to the application on the basis that the seriousness of the Applicant's conviction in 2011 was such that the issue of a personal licence might undermine the licensing objectives for the prevention of crime and disorder.

Procedure for the Hearing of Applications under the Licensing Act 2003

The procedure for the hearing of applications made under the Licensing Act 2003 was noted.

The Four Licensing Objectives

The four Licensing Objectives were noted.

Personal Licenses

An extract from chapter 4 of the revised guidance (dated October 2014) issued under Section 182 of the Licensing Act 2003 which provided advice relating to personal licenses was noted.

Exclusion of Press and Public

It was resolved that in accordance with Section 100A of the Local Government Act 1972 the Press and Public be excluded from the meeting when considering the application for a Personal Licence on the grounds that consideration of the item was likely to involve the disclosure of exempt information as defined in Paragraph 1 of Part 1 of Schedule 12A of the Act.

Application for a Personal Licence

All parties present had already introduced themselves.

The Chairman outlined the procedure to be followed.

The Sub-Committee had before it a report from the Head of Public Protection which asked Members to determine an application for a personal licence, made under the Licensing Act 2003, to which an objection had been received from Bedfordshire Police.

Copies of the Applicant's application form and a completed disclosure of criminal convictions and declaration form were attached at Appendix A to the report and a copy of the Bedfordshire Police internal memorandum setting out the reason for the objection was attached at Appendix B.

The Principal Public Protection Officer (Licensing) introduced the report. The meeting noted that the applicant had been found guilty under the Firearms Act 1968 and had been sentenced to 12 months imprisonment, wholly suspended for 18 months, and with unpaid work of 200 hours.

The Principal Public Protection Officer (Licensing) had no points requiring clarification.

The Bedfordshire Police Licensing Officer advised the Sub-Committee of the circumstances leading to the Applicant's conviction and the related case for the Police objection to the application. No witnesses were called and no documentary evidence introduced. There were no questions by members of the Sub-Committee.

The Applicant accepted the Police description of the circumstances leading to his conviction. However, he also provided additional information, together with his own explanation for the events leading to his conviction and the case for the granting of a personal licence to him. No witnesses were called and no documentary evidence introduced. On behalf of the Sub-Committee the Chairman then sought clarification on an aspect of the conviction.

No further questions were raised by any party.

The Applicant did not modify or withdraw his application.

In his closing submission the Applicant provided further background information relating to his conviction and information in support of his good character.

In its closing submission Bedfordshire Police highlighted the reasons for the Applicant's conviction and emphasised that his ten year rehabilitation period under the Rehabilitation of Offenders Act 1974 had not yet been spent.

The Sub-Committee adjourned to make its decision in private. The Legal Services Manager – Commercial remained with Members in the meeting room to advise as necessary. The hearing reconvened when the Sub-Committee had finished its deliberations and could announce its decision.

Decision

Following consideration of the information before it the Sub-Committee decided that the application for a personal licence should be refused.

In coming to its decision the Sub-Committee took into account the following:

- The Licensing Act 2003 (Section 18)
- The Secretary of State's Revised Guidance issued under Section 182 of the Licensing Act 2003 in October 2014
- Central Bedfordshire Council's Statement of Licensing Policy
- The merits of the application and the representations received including the objection made by Bedfordshire Police.

The Legal Services Manager - Commercial informed the hearing that if the Applicant was dissatisfied with this decision or the imposition of any condition or restriction he had the right of appeal to the Magistrates Court within 21 days of the date on which he was notified of the decision.

(Note: The meeting commenced at 10.25 a.m. and concluded at 11.02 a.m.)