

CENTRAL BEDFORDSHIRE COUNCIL

Record of a **LICENSING SUB-COMMITTEE** hearing convened under The Licensing Act 2003 (Hearings) Regulations 2005 and held at Council Chamber, Priory House, Chicksands, Shefford on Friday, 10 August 2018

LS/18/1. **Licensing Sub-Committee Composition**

Cllrs: K M Collins
J Chatterley
R D Wenham

LS/18/2. **Names of Parties in Attendance**

Cllr J Chatterley (Central Bedfordshire Council)
Cllr K M Collins (Central Bedfordshire Council)
Cllr R D Wenham (Central Bedfordshire Council)

LO Karen Few 8102, Licensing Officer, Bedfordshire Police
Mrs C Jagusz, Committee Services Officer (Central Bedfordshire Council)
Mr L Manning, Committee Services Officer (Central Bedfordshire Council)
Mr R McAdam, Lawyer (LGSS Law Ltd for Central Bedfordshire Council)
Ms N O'Donnell, Licensing Compliance Officer (Central Bedfordshire Council)
Mr Z Cudjoe, Trainee Licensing Officer (observer) (Central Bedfordshire Council)

The Applicant's name and that of the Applicant's representative are exempt information as defined in Paragraph 1, 2 and 7 of Part 1 of Schedule 12A of the Local Government Act 1972.

LS/18/3. **Election of Chairman**

Cllr K M Collins was elected Chairman for the hearing.

LS/18/4. **Introductions**

The Chairman introduced himself. The other attendees then introduced themselves.

LS/18/5. **Members' Interests**

There were no declarations of interest.

LS/18/6. **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 introduced by the Chairman and noted.

LS/18/7. **The Four Licensing Objectives**

The four Licensing Objectives were noted.

LS/18/8. **Personal Licences**

An extract from chapter 4 of the amended guidance issued under Section 182 of the Licensing Act 2003 which provided advice relating to applications for Personal Licences was noted.

LS/18/9. **Exclusion of Press and Public
RESOLVED**

that in accordance with Section 100A of the Local Government Act 1972 the Press and Public be excluded from the meeting for the following item of business on the grounds that it involves the likely disclosure of exempt information as defined in Paragraphs 1, 2 and 7 of Part 1 of Schedule 12A of the Act.

LS/18/10. **Application for a Personal Licence**

The Sub-Committee considered a report of 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.

The Chairman asked all parties present if a trainee from the Central Bedfordshire Council Licensing Team could observe the proceedings. No objections were raised to this request..

The Licensing Compliance Officer introduced the report. There being no questions or points of clarification the Licensing Officer for Bedfordshire Police set out the case for the police objection to the application. During her representation the Licensing Officer for Bedfordshire Police made reference to the convictions as listed in the report and advised that the earliest date for review would be 26 June 2020.

In response to Members' questions it was noted that the licence was portable and could be moved to other venues and this would need to be taken into account when considering the application. It was also noted that the licence could not be restricted to a specific premises.

The Sub-Committee noted the location of the premises at which the applicant intended to work.

The applicant and his representative were invited to set out their case in support of the application. The applicant's representative explained that the applicant acknowledged that he had committed an offence. She also advised that the applicant had Asberger's Syndrome and explained how this impacted on his relationship with others.

The Sub-Committee noted that, if the application were approved, it would allow the applicant to work in the bar area of a hotel purchased by his parents.

In response to Members' questions it was stressed by the applicant and his representative that the former would only work from that location and there was

no intention to do so elsewhere. In connection with this point, the applicant's mental and physical circumstances were described, how they affected his behaviour and how they placed restrictions on his wider employability.

The applicant and his representative explained the niche nature of the hotel and how employment there would also allow the opportunity for the applicant to socialise with those with similar interests.

It was noted that local police would undertake checks on the applicant but he would not be under continual monitoring.

The Chairman asked those present if they wished to add anything further and a period was allowed for summing up. The Police Licensing Officer reiterated her concern that the licence was portable and could therefore enable him to gain work in locations considered unsuitable.

The Sub-Committee adjourned in private at 10.27 a.m. to make its decision. The Council's legal representative remained with Members in the meeting room to advise as necessary. The hearing reconvened 10.55 a.m. 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 be granted.

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

- The Licensing Act 2003
- The secretary of State's Amended Guidance issued under Section 182 of the Licensing Act 2003 in June 2013
- 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 LGSS representative informed the Hearing that the Decision Notice would be issued within 5 working days.

(Note: The meeting commenced at 10.00 a.m. and concluded at 10.58 a.m.)