

CENTRAL BEDFORDSHIRE COUNCIL

Record of a **LICENSING SUB-COMMITTEE** hearing convened under The Licensing Act 2003 (Hearings) Regulations 2005 and held at the Room 13, Priory House, Chicksands, Shefford on Wednesday, 31 October 2018

LS/18/1. Licensing Sub-Committee Composition

Cllrs: D Bowater
I Dalgarno
T Swain

LS/18/2. Names of Parties in Attendance

Cllr D Bowater (Central Bedfordshire Council)
Cllr I Dalgarno (Central Bedfordshire Council)
Cllr T Swain (Central Bedfordshire Council)

LO Karen Few 8102, Licensing Officer, Bedfordshire Police
Mrs C Jagusz, Committee Services Officer (Central Bedfordshire Council)
Mr R McAdam, Lawyer (LGSS Law Ltd for Central Bedfordshire Council)
Mr G Bains, Lawyer & Observer (LGSS Law Ltd for Central Bedfordshire Council)
Ms N O'Donnell, Licensing Compliance Officer (Central Bedfordshire Council)

The Applicant's name is 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 I Dalgarno was elected Chairman for the hearing.

LS/18/4. Introductions

The Chairman introduced himself and introduced those present at the hearing.
The Applicant was invited to introduce himself.

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 by 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 the 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 Licensing Compliance Officer introduced the report and advised the Sub-Committee that in response to the application being received, an objection had been made by Bedfordshire Police on the grounds of Licensing Objective 4: protection of children from harm.

There were no questions or points of clarification from the panel.

The applicant was invited to make representation and he advised the Sub-Committee that the personal licence was a requirement of his current employment as a Sales Manager with a hotel chain and that he had not breached any of the conditions in relation to the offence in 2014.

A Member of the Sub-Committee asked if the employer had provided anything to confirm that a personal licence was required for the role but the Applicant stated no but that the employer were aware of the conviction.

In response to a question about the current Designated Premises Supervisor (DPS), the Sub-Committee were advised that his mother held the premises licence.

A further question was asked with regards to the reporting restrictions and it was noted that these only referred to leaving the country.

The Licensing Compliance Officer for CBC asked a question with regards to a recent conviction and it was noted that this had been for a fly-tipping offence in 2018 to which the applicant had pleaded guilty.

The Chairman asked if any witnesses were to be called and it was confirmed that no witnesses were to be called by the applicant, the Licensing Compliance Officer or the Licensing Officer for Bedfordshire Police.

The Licensing Officer for Bedfordshire Police presented their case and advised the Sub-Committee that the offence in question had been a custodial sentence and the earliest date that an application for a personal licence could be made would be 7 May 2019. It was also noted that restrictions were in place and that if this licence were to be granted, it would be fully portable and could be used by the Applicant at other venues.

The Chairman asked those present if they wished to add anything further and a period was allowed for summing up.

There being no further questions or points of clarification, the Chairman adjourned the Sub-Committee at 13.25 to make its decision in private. The Council's legal representative remained with Members in the meeting room to advise as necessary. The hearing re-convened at 13.46, 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 refused.

In coming to its 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. The Applicant was also advised of the right of appeal to the Magistrates Court within 21 days of the date on which they are notified of the decision.

(Note: The meeting commenced at 1.00 p.m. and concluded at 1.47 p.m.)