

Minutes

LICENSING SUB-COMMITTEE

26 November 2015

Meeting held at Committee Room 6 - Civic Centre,
High Street, Uxbridge UB8 1UW



	<p>Committee Members Present: Councillors Dominic Gilham (Chairman), Lynne Allen and Judy Kelly</p> <p>Also Present: Acting Sergeant Ian Wares (Police Licensing Officer)</p> <p>LBH Officers Present: Ian Meens (LBH Licensing Officer), Tim Brown (Legal Advisor) and Jon Pitt (Democratic Services Officer).</p>
1.	<p>APOLOGIES FOR ABSENCE (<i>Agenda Item 1</i>)</p> <p>There were no apologies for absence.</p>
2.	<p>DECLARATIONS OF INTEREST IN MATTERS COMING BEFORE THIS MEETING (<i>Agenda Item 2</i>)</p> <p>There were no Declarations of Interest Made.</p>
3.	<p>TO CONFIRM THAT THE ITEMS OF BUSINESS MARKED PART I WILL BE CONSIDERED IN PUBLIC AND ITEMS MARKED PART II WILL BE CONSIDERED IN PRIVATE (<i>Agenda Item 3</i>)</p> <p>It was confirmed that the Application for a Personal Licence was Part II Members only and would be heard in private.</p> <p>It was Resolved: That:</p> <p>The meeting moved to Part II, Members only.</p>
4.	<p>MATTERS THAT HAVE BEEN NOTIFIED IN ADVANCE OR URGENT (<i>Agenda Item 4</i>)</p> <p>No matters had been notified in advance or were urgent.</p>
5.	<p>APPLICATION FOR A PERSONAL LICENCE (<i>Agenda Item 5</i>)</p> <p>Introduction by Licensing Officer</p> <p>Ian Meens, Licensing Officer at LBH, introduced the report relating to the application for a Personal Licence. Representations had been made against the application by the Metropolitan Police Service.</p>

This item is included in Part II as it contains information relating to an action taken or to be taken in connection with the prevention, investigation or prosecution of crime and the public interest in withholding the information outweighs the public interest in disclosing it (exempt information under paragraphs 1, 3 and 7 of Part 1 of Schedule 12A to the Local Government [Access to Information] Act 1985 as amended.

The Decision

The Sub-Committee considered this application and took into account evidence from parties contained in the agenda pack and submissions made at the hearing. In reaching its decision the Sub-Committee took into account the relevant provisions of the Licensing Act 2003, the Secretary of State's Guidance issued under that Act, the Council's Statement of Licensing Policy, human rights legislation and the Public Sector Equality Duty.

The Sub-Committee decided to **REFUSE** the application, considering it appropriate for the promotion of the crime prevention objective to do so.

REASONS

The Sub-Committee, having regard to the Police objection, was not satisfied that it would be appropriate to grant the licence, as to do so, it considered on the balance of probabilities, would have a negative impact of the licensing objective of the prevention of crime and disorder. It reasoned in particular that:

- The three offences for which the Applicant was convicted remained unspent.
- The offences were relevant offences as they related to driving with alcohol excess of the statutory limit.
- The offences appeared to show a pattern of behaviour.
- The offences were not committed so long ago so as to suggest that the Applicant is fully rehabilitated and no longer had the propensity to re-offend. The Sub-Committee gave significant weight to the Police evidence in this regard. In relation to this the Sub-Committee specifically considered paragraph 4.11 of the Secretary of State's Guidance.
- The offences demonstrated a lack of responsibility of the part of the Applicant in relation to alcohol and a clear disregard for the law. In this regard they noted the serious position of responsibility personal licence holders have in society, referring to paragraph 4.2 of the Secretary of State's Guidance.
- The Applicant had failed to disclose two of his relevant offences in the form (page 32) and signed a declaration stating that information to be true. On balance of probabilities, signing the declaration of truth to inaccurate information appears to demonstrate a lack of honesty on the part of the Applicant, as he would have been fully aware of his two other convictions and the form is very clear on the extent of the information required.

The meeting, which commenced at 2:00 PM, closed at 2:20 PM.

These are the minutes of the above meeting. For more information on any of the resolutions please contact Jon Pitt on 01895 277655. Circulation of these minutes is to Councillors, Officers, the Press and Members of the Public.

