

LICENSING SUB COMMITTEE

Minutes of a meeting of the Licensing Sub Committee held in Conference Room 1a, County Hall, Ruthin on Wednesday, 16 December 2015 at 2.00 pm.

PRESENT

Councillors Bill Cowie, Cefyn Williams and Huw Williams

ALSO PRESENT

Principal Solicitor (AL), Public Protection Business Manager (IM) and Committee Administrator (KEJ)

1 APPOINTMENT OF CHAIR

Councillor Cefyn Williams was appointed Chair for the meeting.

The Chair welcomed all parties to the meeting and all present were introduced. The hearing procedures had been circulated previously to all parties and copies of the Statement of Licensing Policy were made available at the meeting.

2 DECLARATION OF INTERESTS

No declarations of interest were raised.

3 LICENSING ACT 2003: APPLICATION FOR A PERSONAL LICENCE - APPLICANT NO. 15/1517/LAPER

The Public Protection Business Manager submitted a report by the Head of Planning and Public Protection (previously circulated) upon –

- (i) an application having been received from Applicant No. 15/1517/LAPER for a new Personal Licence in accordance with Part 6 of the Licensing Act 2003 (Appendix B to the report);
- (ii) the granting of a Personal Licence to an individual authorising that individual to supply alcohol, or authorising the supply of alcohol, in accordance with a premises licence and having effect for an unlimited number of years unless surrendered, revoked, suspended or forfeited;
- (iii) the Applicant having declared a relevant unspent offence as part of the application process for a Personal Licence;
- (iv) the North Wales Police having raised objections to the application on the grounds that granting the licence would undermine the crime prevention objective of the Licensing Act 2003 (Appendix A to the report);

- (v) the need to consider the application taking due account of Guidance and the Council's Statement of Licensing Policy; other relevant legislation and relevant representations received, and
- (vi) the options available to the committee when determining the application.

The Public Protection Business Manager summarised the report and outlined the facts of the case.

APPLICANT'S SUBMISSION

The Applicant was in attendance in support of his application and reported upon his work and experience in the pub trade. He wished to pursue a career in that industry and had been encouraged by his peers to apply for a Personal Licence in order to achieve his ambition. He explained that he wanted to continue in that line of work as opposed to being unemployed seeking work in other industries.

NORTH WALES POLICE SUBMISSION

Mr. Aaron Haggas, Police Licensing Officer represented the North Wales Police. Whilst acknowledging the Applicant had been honest in declaring his conviction the Police submitted that it was a serious conviction and a relevant offence which had not been spent under the terms of the Rehabilitation of Offenders Act 1974. Consequently the Police submitted that granting the licence would undermine the crime prevention objective and that the Applicant should re-apply when the conviction was spent. Mr. Haggas also submitted that the Applicant did not require a Personal Licence in order to work in the licensed trade.

Members took the opportunity to question the Applicant regarding his conviction and raised concern that he had failed to express any remorse in that regard during his submission. The Applicant responded to members as follows –

- acknowledged that he had been foolish in his youth and regretted his past behaviour but provided assurances regarding his current and future conduct, confirming he had recently held a position of responsibility in the pub trade and wished to further his ambition in that regard
- elaborated upon his conviction and the sentence imposed which had given him a wake-up call in terms of his behaviour and he had learnt from past mistakes
- apologised for his past behaviour advising that he had been young and foolish and easily led
- highlighted that his circumstances had changed and he enjoyed working in the pub trade and wished to forge a career in that profession.

APPLICANT'S FINAL STATEMENT

The Applicant advised that he had nothing further to add to his submission.

ADJOURNMENT TO CONSIDER THE APPLICATION

At this juncture (2.15 p.m.) the Licensing Sub Committee adjourned to consider the application.

DECISION AND REASONS FOR THE DECISION

RESOLVED that the application be refused.

The Chair conveyed the Sub Committee's decision to the parties present and the Principal Solicitor reported upon the reasons for the decision as follows –

The Licensing Sub Committee felt that granting the licence on this occasion would undermine the crime and disorder objective. The Applicant was only convicted of an offence in May 2012 and was imprisoned for twelve months. The offence was a serious one and was considered a relevant offence when considering whether or not to grant a licence.

Whilst it was admirable that the Applicant wished to remain in the pub trade and avoid going on benefits and job seekers allowance, it was recognised that he would still be able to continue working since there were other jobs he could do without holding a Personal Licence.

The Applicant was reminded that the granting of a Personal Licence was not a foregone conclusion. It was a well-considered process and the granting of a licence put the Applicant in a position of great trust. It was not just a piece of paper or a card but an acknowledgement of the trust and confidence in a person to adhere to the laws and regulations surrounding the licensed trade. Keeping people safe from nuisance, protecting people against crime and disorder, protecting children from harm, and ensuring public safety.

The Applicant was encouraged to continue along the lines he had been going in his rehabilitation, and should not be dissuaded from applying in the future. At this moment in time however the Sub Committee felt that this application came too soon after his conviction.

Finally the Applicant was advised of the right of appeal against the Sub Committee's decision.

The meeting concluded at 2.25 p.m.