

LICENSING SUB COMMITTEE

Minutes of a meeting of the Licensing Sub Committee held in Conference Room 1a, County Hall, Ruthin on Monday, 1 April 2019 at 10.00 am.

PRESENT

Councillors Alan James, Rhys Thomas and Huw Williams

ALSO PRESENT

Solicitor (AL), Licensing Officer (NJ) and Committee Administrator (KEJ)

1 APPOINTMENT OF CHAIR

Councillor Alan James 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.

EXCLUSION OF PRESS AND PUBLIC

RESOLVED that the press and public will be excluded from this hearing.

Information has been received which may harm the Applicant if the application were discussed in the public domain. In the interests of having a fair hearing, the application will be considered in private. It would not be in the public interest to hold the hearing in public and as such the press and public are hereby excluded.

3 LICENSING ACT 2003: APPLICATION FOR A PERSONAL LICENCE - APPLICANT NO. 535038

The Licensing Officer submitted a report (previously circulated) upon –

- (i) an application having been received from Applicant No. 535038 for a new Personal Licence in accordance with Part 6 of the Licensing Act 2003 (Appendix B to the report);
- (ii) a Personal Licence authorised an individual to supply alcohol or authorise the supply of alcohol in accordance with a Premises Licence for an unlimited number of years unless surrendered, revoked, suspended or forfeited;

- (iii) detailed the requirements for a Personal Licence together with details of relevant unspent convictions declared by the Applicant as part of the application process (Appendix C to the report);
- (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 relevant legislation and Guidance issued under Section 182 of the Licensing Act 2003; the Council's Statement of Licensing Policy together with relevant representations received, and
- (vi) the options available to the committee when determining the application.

The Licensing Officer summarised the report and outlined the facts of the case.

APPLICANT'S SUBMISSION

The Applicant was present in support of her application, along with her associate.

The Applicant had provided written references (circulated prior to the hearing) attesting to her good character together with evidence of her rehabilitation. The Applicant clarified her personal circumstances, expressed remorse over the offences, and elaborated upon how, following her convictions, she had put her time to best use to overcome her past and complete her rehabilitation.

Members took the opportunity to put questions to the Applicant. In response the Applicant explained the reasoning behind her application and elaborated upon her experience and employment in the licensing trade and her ambitions and future plans in that regard. She also elaborated further upon aspects of her rehabilitation.

NORTH WALES POLICE SUBMISSION

Police Constable Simon Keeting was in attendance on behalf of North Wales Police. Having reviewed the application he submitted that the Applicant's offending history and relevant offences were of such seriousness that granting a licence would undermine the prevention of crime and disorder licensing objective. Accordingly the Police did not deem the Applicant suitable to be granted a licence.

At the Sub Committee's request, PC Keeting provided further details of the relevant offences and confirmed no other offences had been recorded since then. In response the Applicant explained the extent to which she had been involved with those offences and in mitigation she provided details of her circumstances both before, during and following conviction of the same.

[The Licensing Officer provided clarity on the application process and licensing requirements for a Personal Licence Holder and responsibilities in that regard.]

APPLICANT'S FINAL STATEMENT

The Applicant's associate spoke in support of the Applicant, providing some further background information and mitigation for the convictions together with her subsequent rehabilitation. She also highlighted that Guidance issued under Section 182 of the Licensing Act 2003 allowed for rehabilitation, including for unspent convictions, and asked that the application be granted in this case.

ADJOURNMENT TO CONSIDER THE APPLICATION

At this juncture (10.45 a.m.) the Licensing Sub Committee adjourned to consider the application.

DECISION AND REASONS FOR THE DECISION

RESOLVED that the application be for a Personal Licence be granted.

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

Members had carefully considered the application and representations in this case.

Notwithstanding that the offences were at the very serious end of offending and would not become spent, the Sub Committee found that since then the Applicant had spent her time wisely and had undergone significant rehabilitation and had indeed been rehabilitated. This view had been supported by the references provided by the Applicant attesting to her character and good work, from her associate who had attended the hearing to speak for the Applicant, and the direct submissions from the Applicant herself at the hearing.

As part of their deliberations the Sub Committee also had regard to the Licensing Act 2003 and Guidance issued under Section 182 of the Act. The Sub Committee did not believe that granting a Personal Licence to the Applicant would undermine the prevention of crime and disorder objective. Members had particularly referred to Section 4.24 of the Guidance and considered that the offences took place a long time ago and that the Applicant no longer had the propensity to offend.

Consequently the Sub Committee granted the Personal Licence and wished the Applicant well in her future endeavours.

The meeting concluded at 11.10 a.m.