

LICENSING PANEL HEARING

A record of a Licensing Panel hearing held on Friday 18 October 2013, at the Town Hall, Royal Leamington Spa at 10.00am.

PANEL MEMBERS: Councillors Mrs Bromley, Gill and Wreford-Bush.

ALSO PRESENT: Emma Dudgeon (Licensing Enforcement Officer), Caroline Gutteridge (Council's Solicitor) and Graham Leach (Democratic Services Manager).

1. APPOINTMENT OF CHAIRMAN

RESOLVED that Councillor Gill be appointed as Chairman for the hearing.

2. DECLARATIONS OF INTEREST

There were no declarations of interest.

3. EXCLUSION OF THE PUBLIC AND PRESS

RESOLVED that under Section 100A of the Local Government Act 1972, the public and press be excluded from the meeting for the following item, by reason of the likely disclosure of exempt information within the paragraphs 1 and 2 of Schedule 12A of the Local Government Act 1972, following the Local Government (Access to Information) (Variation) Order 2006.

4. APPLICATION FOR A PERSONAL LICENCE UNDER THE LICENSING ACT 2003

A report from Health and Community Protection was submitted which sought a decision on a personal licence application on which Warwickshire Police had made objection.

The Chairman introduced the members of the Panel and the officers present and then asked all other parties to introduce themselves.

Sergeant P Calver attended to represent Warwickshire Police as the responsible authority objecting. The applicant attended.

The Council's Solicitor read out the procedure that would be followed at the meeting.

The Licensing Enforcement Officer outlined the report that asked the Panel to consider all the information contained within it and determine if the application for a personal licence should be approved.

The report referred to those matters to which the Panel had to give consideration, the statutory guidance issued by the Secretary of State, the Council's Licensing Policy Statement and the Licensing objectives.

LICENSING PANEL HEARING MINUTES (Continued)

The Council's Licensing Policy Statement provided that the Authority would take an objective view on all applications and would seek to attach appropriate and proportionate conditions to licenses, where necessary, in order to ensure compliance with the four licensing objectives. Its decision in this instance had to be based on the objective of prevention of crime and disorder.

The Panel noted that when an applicant for a personal licence had declared relevant offences on an application form the Council had a duty to notify Warwickshire Police. The application in this case showed a relevant offence and the Police had been duly notified. The Police had subsequently notified the Licensing Authority that it was satisfied that granting a licence would undermine the crime prevention objective of the Licensing Act.

The applicant made a submission to the Panel and responded to questions from them.

Sergeant Calver outlined the objection from Warwickshire Police and responded to questions from the Panel.

Following both representations, the Panel retired at 10.20 am to discuss the application.

RESOLVED that having considered the application, representations from the Police and the relevance of the conviction the Panel were of the opinion that the application should be refused.

At 10.40 am all parties were invited back into the room, informed of the decision and reminded that they have the right to appeal this decision to the Magistrates Court within 21 days of formal notice of this decision.

The full minute for this item will be set out in the confidential minutes of the meeting.

(The meeting finished at 10.45am)