

Crawley Borough Council

Minutes of Licensing Sub Committee

Monday 17 March 2008 at 4.01pm

Present:

Councillors D J Shreeves (Chair), B M Brockwell and J L Millar-Smith

Officers Present:

Tony Baldock	Group Manager for Food, Licensing and Occupational Health
Astrid Williams	Legal Clerk
Chris Pedlow	Committee Clerk

Also in Attendance:

Applicant	Mr Kevin Smith
Responsible Authority (Objector)	Sgt. Richard Church – <i>Sussex Police - Licensing (North Downs Division)</i>
	P.C. James Munden – <i>Sussex Police Licensing (North Downs Division)</i>

Apologies for Absence:

No apologies were received.

16a. Members' Disclosure of Interests

No disclosures of interest were made by Councillors.

17a. Exempt Information – Exclusion of the Public

RESOLVED

That under Section 100A(4) of the Local Government Act 1972 the 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 in Part 1 of Schedule 12A of the Act by virtue of the paragraph specified against the item.

18a. Application for a Personal Licence – Mr K Smith
(Exempt – Paragraph 1 – Information relating to an Individual)

Summary of Part B Proceedings

The Chair of the Sub Committee Councillor Shreeves reconvened the meeting of the Licensing Sub Committee. After a brief set of introductions, Sub-Committee considered an application by Mr Kevin Smith for the granting of a personal licence under the Licensing Act 2003.

The Legal Clerk informed the Sub Committee that all parties should have received a further additional piece of information from Sussex Police. All parties confirmed that they had received it.

The Application

The Sub Committee considered report ES/199 by the Council's Head of Environmental Services which was presented by Mr Baldock, Group Manager for Food, Licensing and Occupational Health for Crawley Borough Council. It was noted that the application for the personal licence by Mr Smith was submitted to the Council on 8th January 2008.

Presentations

The applicant Mr Smith addressed the Sub Committee and provided them with a prepared statement and a supporting email, as additional information. There were no objections by raised by the Responsible Authority to the use of the said additional information. The Sub Committee spent a short time reading the statement and asked at number of questions.

Sgt Richard Church then addressed the Sub Committee on behalf of Sussex Police.

Sub Committee's Questions and Discussion

A number of questions were put to the applicant and to the responsible authority by the Sub Committee. The Sub Committee then left the Committee room to make its decision in closed session at 4.31pm.

The Sub Committee returned to the Committee room at 5.00pm to ask a further three questions to the applicant. After hearing the responses, the Sub Committee left the room for further discussion in closed session at 5.04pm to finalise their decision.

19a. Application for a Personal Licence – Mr K Smith
(Exempt – Paragraph 1 Information relating to an Individual)

The Sub-Committee gave further consideration to the application and to the matters raised at the meeting. The Sub Committee considered the application against the promotion of the licensing objectives, particularly the prevention of crime and disorder objective; and in that respect, took into account the fact that the Police had objected to the application. It also had regard to the guidance issued by the Secretary of State which stated that where the Chief Constable of Police had objected to the granting of

a personal licence, then refusal of the application should be the normal course unless there were, in the opinion of the licensing authority, exceptional and compelling circumstances which justified granting the licence.

RESOLVED

That, in the light of the objection from the Police and in the absence of any exceptional and compelling circumstances which would justify the granting of the licence, the application for a personal licence submitted by Mr Kevin Smith be refused. The Sub Committee made the decision because it considered refusal of the application necessary for the promotion of the licensing objective of prevention of crime and disorder.

However, in coming to this decision, the Sub Committee took into consideration the information set out in the Appendix 'X' to the unabridged Part 'B' minutes. (This information is exempt from disclosure by virtue of Paragraph 1 of Part 1 of Schedule 12A to the Local Government Act 1972.)

The Sub Committee commended Mr Smith on efforts to improve his situation and acknowledged that he had been 12 months without further incident. The Sub Committee indicated to Mr Smith that if he continues to be without any further convictions for at least the period of the current disqualification, the Sub Committee would be hopeful that any future application might be considered favourably and would encourage Mr Smith to provide detailed relevant references with any such application.

20a. Announcement of Decision

The Sub-Committee returned to the Committee room at 5.38pm and, the Chair of informed the applicant and the Police, the Sub Committee decision and their reasonings.

21a. Closure of Meeting

With the business of the Sub-Committee concluded, the Chair declared the meeting closed at 5.40 p.m.

Councillor David Shreeves
Chair