



Leicester
City Council

Minutes of the Meeting of the
LICENSING (HEARINGS) SUB-COMMITTEE

Held: MONDAY, 25 FEBRUARY 2019 at 9:30 am

P R E S E N T:

Councillor Hunter (Chair)

Councillor Fonseca

Councillor Unsworth

* * * * *

55. APPOINTMENT OF CHAIR

Councillor Hunter was elected as the Chair for the meeting.

56. APOLOGIES FOR ABSENCE

There were no apologies for absence.

57. DECLARATIONS OF INTEREST

Members were asked to declare any disclosable pecuniary or other interest they may have in the business on the agenda.

There were no declarations of interest made.

58. MINUTES OF PREVIOUS MEETING

RESOLVED:

That the minutes of the meeting held on 1 February 2019 be confirmed as a correct record.

59. PRIVATE SESSION

RESOLVED:

that the press and public be excluded during consideration of the following reports in accordance with the provisions of Section 100A(4) of the Local Government Act 1972, as amended,

because they involve the likely disclosure of 'exempt' information, as defined in the Paragraphs detailed below of Part 1 of Schedule 12A of the Act, and taking all the circumstances into account, it is considered that the public interest in maintaining the information as exempt outweighs the public interest in disclosing the information.

Paragraph 1

Information relating to an individual.

Paragraph 2

Information which is likely to reveal the identity of an individual.

Paragraph 3

Information relating to the financial or business affairs of any particular person (including the authority).

B1) Application for a New Personal Licence.

60. APPLICATION FOR A NEW PERSONAL LICENCE

The Director of Neighbourhood and Environmental Services submitted a report that required the Sub-Committee to determine an application for a new personal licence.

The Sub-Committee noted that a representation had been received which necessitated that the application had to be considered by the Sub-Committee.

The applicant was not present when the meeting commenced. An attempt to contact the applicant by telephone was made by the Licensing Team Manager, a message had been received from a family member indicating that the applicant had broken down and might not be able to attend the hearing. No request to adjourn the hearing was made. The Sub-Committee agreed that it was appropriate to determine the application in the absence of the applicant, as he had been given proper notice of the date and time of the meeting, but he had not attended.

Mr David Braithwaite of Leicestershire Police, the Chief Licensing Officer, Licensing Team Manager and Legal Advisor to the Sub-Committee were present at the meeting.

Introductions were made and the procedure for the meeting was outlined to those in attendance.

The Chief Licensing Officer presented the report and outlined details of the application. It was noted that a representation had been received from Leicestershire Police on 5 February 2019 relating to the licensing objective of the prevention of crime and disorder.

Mr Braithwaite outlined the reasons for the representation, provided details of the applicant's convictions for relevant offences (which were not spent for the purposes of the Rehabilitation of Offenders Act 1974) and responded to questions raised by the sub-committee.

Prior to the Sub-Committee considering the application, the legal advisor to the Sub-Committee advised the Sub-Committee of the options available to them in making a decision and the relevant policy and statutory guidance that needed to be taken into account when making their decision.

In reaching their decision, the Sub-Committee felt they should deliberate in private on the basis that it was in the public interest and as such outweighed the public interest of their deliberation taking place with the parties being represented present.

The Chief Licensing Officer, Licensing Team Manager, Legal Advisor to the Sub-Committee and Mr Braithwaite from Leicestershire Police then withdrew from the meeting.

The Sub-Committee then gave the application full and detailed consideration.

The Legal Advisor was recalled to the hearing to give advice on the wording of the decision.

The Chief Licensing Officer, Licensing Team Manager and Mr Braithwaite then returned to the meeting.

The Chair informed all persons present that they had recalled the Legal Advisor to the Sub-Committee for advice on the wording of the decision.

RESOLVED:

That the application for a new personal Licence be REFUSED

REASONS FOR THE DECISION:

In reaching their decision the Sub-Committee had listened carefully to all representations and taken account of the statutory guidance and the Council's licensing policy.

The Sub-Committee decided that it was appropriate for the promotion of the licensing objective of Prevention of Crime and Disorder to refuse the application.

The reasons for the Sub-Committee's decision were:

1. The applicant's unwillingness to abide by the law.
2. The Sub-Committee agreed that it was unlikely that the applicant would

not re-offend.

3. The relevant convictions of theft and assault were matters of consideration which clearly demonstrated the applicant's unsuitability to hold a personal licence.

61. ANY OTHER URGENT BUSINESS

There being no further urgent business the meeting closed at 10:23am.