

# Licensing Sub-Committee

## Minutes - 5 August 2015

### Attendance

**Chair** Cllr Alan Bolshaw (Lab)

#### Labour

Cllr Rita Potter  
Cllr John Rowley

#### Conservative

#### Employees

Linda Banbury  
Jacky Bramley  
Rob Edge

Democratic Support Officer  
Legal Executive/Assistant  
Section Leader - Licensing

*Item No.*    *Title*

**1      Apologies for absence**

There were no apologies for absence.

**2      Declarations of interest**

There were no declarations of interest.

**3      Exclusion of press and public**

Resolved:

That, in accordance with Section 100A (4) of the Local Government Act 1972, the press and public be excluded from the meeting for the following items of business as they involve the likely disclosure of exempt information falling within paragraph 3 of Schedule 12A to the Act relating to the financial or business affairs of a particular person.

**4      Licensing Act 2003 - Application a Personal Licence in respect of R L (10 am)**

The Sub-Committee were advised that the Police, having sought advice from their legal team, had withdrawn their objection to the application as in their opinion the offences contained in the criminal conviction disclosure document were not relevant offences within the provisions of Schedule 4 of the Licensing Act 2003.

5 **Licensing Act 2003 - Application for a Personal Licence in respect of TO (11 am)**

The applicant Mr TO was in attendance at the meeting, accompanied by his advisor Mr M Ahkter from the Countrywide Training Academy. PC M Harvey attended to present the objections of the West Midlands Police.

The Section Leader (Licensing) outlined the report circulated to all parties in advance of the meeting.

Mr A advised that his client was a changed man, no longer drank and drove, had now passed the Personal Licence course, understood the consequences of his actions and would give full priority to upholding the licensing objectives. In response to questions, the Sub-Committee were advised that the applicant was to be employed at a venue in the City Centre but would be unable to carry out his managerial duties without a Personal Licence. PC Harvey clarified that the relevant conviction related to an occasion when the applicant was in charge of a vehicle whilst under the influence of alcohol but was not driving.

PC Harvey outlined the objections of the West Midlands Police, which were attached as Appendix 5 to the report of Section Leader (Licensing) and related to an unspent conviction less than two years old. Responding to questions he advised that, in his opinion and based on his experience of traffic policing, those convicted of excess alcohol offences had a propensity to re-offend.

The Police and applicant were afforded the opportunity to make a closing statement.

All parties, with the exception of the Solicitor and Democratic Support Officer, withdrew from the meeting to enable the Sub-Committee to determine the matter.

The parties were invited back to the meeting and the Chair advised them of the decision of the Sub-Committee as follows:

Resolved:

That, having carefully considered the submissions of the West Midlands Police and Mr M Akhter, the Sub-Committee considers that the Personal Licence should be granted, as it is felt that Mr TO has demonstrated that he no longer has a propensity to offend and that the individual circumstances in this case are supportive of the granting of this Licence.

The Sub-Committee considered that the risk to the public is limited such to justify the granting of the Licence.

All parties have a right of appeal to the Magistrates' Court within 21 days of receipt of this decision.