

Licensing Sub-Committee

Meeting held on Tuesday, 11 June 2019 at 4.00 pm in G4, Town Hall, Katharine Street,
Croydon CR0 1NX

MINUTES

Present: Councillor Chris Clark (Chair);
Councillors Karen Jewitt and Margaret Bird

Also Present: Michael Goddard (Licensing Manager)
Jessica Stockton (Solicitor and Legal Advisor to the Sub-Committee)
Matthew Smeeth (Trainee Solicitor)
Kieran Pantry-Melsom (Democratic Services)

Apologies: None.

PART A

21/19 **Appointment of Chair**

Councillor Karen Jewitt nominated Councillor Chris Clark.
Councillor Margaret Bird seconded the motion.

The Sub-Committee **RESOLVED** to appoint Councillor Clark as Chair of the Sub-Committee.

22/19 **Disclosure of Interests**

There were none.

23/19 **Urgent Business (if any)**

There were no items of urgent business.

24/19 **Exclusion of the Press and Public**

The following motion was moved by Councillor Clark and seconded by Councillor Jewitt to exclude the press and public:

“That, under Section 100A(4) of the Local Government Act, 1972, the press and public be excluded from the meeting for the following items of business on the grounds that it involves the likely disclosure of exempt information falling within those paragraphs indicated in Part 1 of Schedule 12A of the Local Government Act 1972, as amended.”

The motion was put and it was agreed by the Committee to exclude the press and public for the remainder of the meeting.

25/19 **Licensing Act 2003: Application for Personal Licence**

The Applicant was not present at the commencement of the item however the Sub-Committee were satisfied that the Applicant had been notified by letter and by email of the date, time and location of the hearing and no correspondence/contact had been received to indicate that attendance would not be possible. The Sub-Committee therefore commenced consideration of the Item. The Applicant arrived at 16h35 and the Chair summarised the proceedings which had taken place until that point in time for the benefit of the Applicant and requested that the Police repeat their verbal representations for the Applicant's benefit. The Applicant confirmed that they had received the police objection notice.

The Licensing Sub-Committee considered the Application for a Personal Licence and the objection notice received from the police as contained in the report of the Executive Director 'Place'.

The Sub-Committee also considered the verbal representations from the police and the applicant.

The Sub-Committee, having reference to the licensing objectives under the Licensing Act 2003, the Statutory guidance issued under Section 182 of the Licensing Act 2003 and the Council Licensing Policy **RESOLVED** to REFUSE the application for a personal license for the following reasons:

- The provisions of section 120(7)(b) of the Licensing Act 2003 provide that having regard to the objection notice by the police, the authority must reject the application if it considers it necessary for the promotion of the crime prevention objective to do so;
- The conviction in question is never regarded as being spent and was for serious fraud related offences of conspiracy to defraud and conspire to steal and the committee was not satisfied that it would promote the crime prevention objective to grant the license in the current circumstances;
- Whilst the committee was sympathetic to the applicant's desire to move on and noted the other business interests that the applicant is involved in and the changed personal circumstances, the primary concern for the Committee in relation to whether to grant or refuse a personal license in these circumstances is whether or not rejecting this application would be necessary for the promotion of the crime prevention objective to do so and in the circumstances considered that it was necessary.
- Having regard to the provisions of paragraph 4.24 of the Statutory Guidance which provides as follows: "A number of relevant offences never become spent. However, where an applicant is able to demonstrate that the offence in question took place so long ago and that the applicant no longer has a propensity to re-offend, a licensing

authority may consider that it is appropriate to grant the application on the basis that doing so would not undermine the crime prevention objective," the committee was not satisfied that the crime prevention objective would not be undermined or that given the nature of the offences, that they occurred so long ago that there was no longer a propensity to re-offend.

In relation to the receipt of the police objections beyond the 14 days and implications as set out in Appendix A and the legal comments section of the report, the Sub-Committee noted the reasons given by the police for the delay were due to an amalgamation of police licensing functions with neighbouring boroughs. The Sub-Committee were of the view that it was appropriate from a public policy perspective to nevertheless consider the application and provide an opportunity for the Applicant to make representations to the Sub-Committee.

The meeting ended at 5.40 pm

Signed:

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Date:

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