

At a meeting of the LICENSING SUB-COMMITTEE held in the CIVIC CENTRE on WEDNESDAY, 10TH NOVEMBER, 2010 at 2:00p.m.

Present:-

Councillor Old the Chair

Councillors Bell and D. Richardson

Declarations of Interest

There were no declarations of interest.

Apologies for Absence

All Members of the Sub-Committee being present, there were no apologies for absence.

Licensing Act 2003 –Determination of an Application for the Grant of a Personal Licence – Mr John William Fletcher

The Executive Director of City Services submitted a report (copy circulated) concerning the above.

(For copy report – see original minutes).

The Sub-Committee, in accordance with the requirements of the Licensing Act 2003 and regulations made thereunder, have read all the documents presented to them contained in and appended to the report for this hearing.

In reaching their decision, the Sub-Committee have considered the procedural requirements for the granting of a Personal Licence.

The requirement, where the applicant has a conviction for a relevant offence/or acquired such a conviction during the application period for grant or renewal of a licence, on the licensing authority, to notify the Chief Officer of Police for its area.

The Police must consider any conviction for a relevant offence or a foreign offence considered comparable to a relevant offence. If the Police are satisfied that granting the Licence would undermine the crime prevention objective, the Chief Officer of Police must give notice of objection to the licensing authority within 14 days from the date they received the notice from the licensing authority.

In the absence of any objection notice or a notice being served out of time the Personal Licence must be granted.

In this case, the Sub-Committee are satisfied that all the requirements including the time periods have been complied with.

In respect of the hearing, the Committee have considered from the Police objection notice which stated:

"Reference the application submitted by John William Fletcher d.o.b. 24/08/1986 for a Personal Licence.

As previously stated, this man has previous convictions which are relevant as, in the opinion of the Police, they undermine the licensing objectives of Crime and Disorder.

Paragraph 4.9 of the Licensing Act 2003 Guidance. The Secretary of State recommends that where the Police have issued an objection notice, the Licensing Authority should normally refuse the application unless there are exceptional and compelling circumstances which justify granting it".

I am yet to be convinced any of these circumstances apply to Fletcher.

In addition evidence has been given by Bill Sproates Police Licensing Coordinator who has provided details of the following offences which are relevant offences listed in Schedule 4 of the Act:-

06/07/2007	Sunderland Magistrates	1. Handling stolen goods (receiving)	Community Order 12 months
"	"	2. Carrying air weapon in public place (loaded or not)	" "
"	"	3. Possessing offensive weapon in public place	" "
"	"	4. Theft	" "

In respect of the above offences for which the Community Order was made under Section 172 of the Criminal Justice Act 2003, the rehabilitation period under Section 4A(a) for a person over 18 years is 5 years.

He has stated that the Police are satisfied that the crime prevention objective will be undermined because of the relevant convictions and further information that they have about Mr. Fletcher. At this point Mr. Fletcher indicated his surprise about the additional information and the Chair invited Mr. Sproates to leave the meeting with Mr. Fletcher and make him aware of this information. This having been done the Licensing Officer, Mr. Cavanagh and Mr, Sproates returned to the meeting saying that Mr. Fletcher had now withdrawn his application for a Personal Licence.

The Committee have not heard from the Applicant who withdrew his application before addressing the hearing.

The Sub-Committee, in considering how the evidence relates to the crime prevention objective having due regard to the Licensing Act 2003, the Council's own Statement of Licensing Policy and the issued government guidance.

Specifically the Committee has taken into account the following provisions of the Licensing Act 2003:-

Sections: 113, 114, 117, 120, 122, 123 and 132, and Schedule 4.

Reasons: These Sections and Schedule deal with relevant offences, spent convictions, the grant or renewal of a personal licence, its determination, objection notices, notification of determinations, convictions coming to light after the grant, the duty to notify the licensing authority of convictions.

The guidance issued under Section 182 of the Act.

Paragraphs 4.2 to 4.10.

Reasons: These paragraphs deal with the general requirements, criminal record, licensing qualifications, the relevant licensing authority and the duty to notify any convictions for relevant offences.

Statement of Licensing Policy

Paragraph 8

Reasons: This paragraph deals with the policy relating to Personal Licences.

Following Mr. Fletcher withdrawing his application shortly after they started the hearing the Sub-Committee have made no adjudication of the evidence as to if there were any exceptional or compelling circumstances which could have allowed the granting of this licence.

(Signed) S. OLD,
Chairman.