

**Licensing Sub-Committee 3**

**Date:** Monday, 27 June 2022

**Time:** 16:00

**Venue:** Flensburg Room

**Present:** Councillor Ms Jo Ellis-Williams, Councillor Mrs Linda Mitchell, Councillor Miss Jeanette Whalen

**Also Present:** Assistant Solicitor  
Licensing Manager  
Senior Democratic Services Officer

*Councillor Dr Tickner attended the meeting as a substitute but was not required to stay for the meeting*

**LSC3.01/22 APPOINTMENT OF CHAIR FOR THE MEETING**

Nominations were sought for the appointment of a Chair for the meeting.

Councillor Mrs Mitchell nominated Councillor Ms Ellis-Williams and Councillor Miss Whalen seconded the nomination.

RESOLVED - Councillor Ms Ellis-Williams be appointed the Chair of the Licensing Sub Committee 3 for the meeting.

Councillor took the Chair.

**LSC3.02/22 APOLOGIES FOR ABSENCE**

No apologies for absence were submitted.

**LSC3.03/22 DECLARATIONS OF INTEREST**

In accordance with the Council's Code of Conduct Councillor Mrs Mitchell declared a personal interest in agenda item B.1 - Application for a Personal Licence. The interest related to the fact that the Applicant's Support was known to her.

The Licensing Sub Committee and those present had no objections to the Members of the Sub Committee; Councillor Dr Tickner left the meeting.

**LSC3.04/22 PUBLIC AND PRESS**

It was agreed that the items in Part A be dealt with in public and the items in private be dealt with in Part B.

RESOLVED – That in accordance with Section 100A(4) of the Local Government Act 1972 the Public and Press were excluded from the meeting during consideration of the following items of business on the grounds that they involved the likely disclosure of exempt information as defined in the paragraph numbers (as indicated in brackets against the minutes) of Part 1 of Schedule 12A of the 1972 Local Government Act.

### **LSC3.05/22 LICENSING ACT 2003 – APPLICATION FOR A PERSONAL LICENCE**

(Public and Press excluded by virtue of Paragraph 1)

The Licensing Manager submitted report GD.32/22 regarding an application for a Personal Licence made under the Licensing Act 2003. A representation had been made in respect of the application from Cumbria Police due to the view that granting the application would undermine the Licensing Objectives.

In addition to the Council's Licensing Manager, Assistant Solicitor and Senior Democratic Services Officer, the following people attended the meeting to take part in proceedings:

Applicant

Applicant's Support

The Police Licensing Officer, Cumbria Police

The Assistant Solicitor outlined the procedure for the meeting. All parties confirmed that they had received and read the Licensing Manager's report and that they were happy to represent themselves.

The Licensing Manager set out the application process and the details of the application that was under consideration including the results of the DBS Basic Disclosure that the Applicant had submitted.

The Licensing Manager reported that Cumbria Police had submitted an objection in respect of the original application, a copy of the objection had been included in the report for the Sub Committee's consideration.

The Police Licensing Officer, addressed the Sub Committee. She gave details of her involvement in the application process and the information she had been provided with. She set out details of the Applicant's conviction and the reason the application had been referred to the Sub Committee.

The Applicant addressed the Sub Committee. He expressed remorse with regard to the conviction and the impact it had on his personal and work life. He wanted to move on with his life and gaining the licence would help him to do that.

The Applicant responded to Members questions.

The Applicant's Support detailed his relationship with the Applicant and spoke in support of the Applicant and the application before the Sub Committee.

The Applicant's Support responded to Members questions.

At the request of the Chair the Licensing Manager confirmed that the Applicant had submitted all other aspects of the required paperwork for the application.

At 4.17pm the respective parties withdrew from the meeting to enable the Sub Committee to give detailed consideration to the matter.

The respective parties returned at 4.30pm to present their decision.

The Sub Committee's decision was:

**Licensing Act 2003  
Application for a Personal Licence**

The matter concerned an application for a Personal Licence. In accordance with Section 120 (5) of the Licensing Act 2003 an objection notice was received from Cumbria Constabulary and in accordance with Section 120 (7) the application had been referred to the Licensing Sub Committee for a hearing.

The Licensing Sub Committee had considered the application and had taken into account the evidence before it. In particular, it had listened to the submissions made by:

1. The Police Licensing Officer, Cumbria Constabulary
2. The Applicant
3. The Applicant's Support

After careful consideration, the Licensing Sub Committee had unanimously decided to refuse the application for a Personal Licence.

The Licensing Sub Committee gave the following reasons for the decision:

1. The Licensing Sub Committee's discretion was limited and it could only grant or refuse the licence if it was necessary to do so in regard to the promotion of the prevention of crime and disorder.
2. The Licensing Sub Committee has had regard to the provisions of the Licensing Act, the National Guidance, the Local Licensing Policy and the Licensing Objectives in particular the prevention of crime and disorder.
3. The Licensing Sub Committee felt that the conviction was very recent and involved a severe level of alcohol in the blood, in addition the carrying of spirits whilst driving over the legal limit was concerning.
4. The Licensing Sub Committee had a duty of care to the public and must uphold the Licensing Objectives.
5. The Licensing Sub Committee appreciated the remorse shown by the Applicant and the support provided to the Applicant's application and advised the Applicant to reapply at a later date.

The Applicant was informed that the decision would be confirmed in writing and would include details of the right of appeal.

The Meeting ended at: 16:34