

LICENSING SUB-COMMITTEE

MEETING : Monday, 13th September 2010

PRESENT : Cllrs. Durrant, Brown and Dallimore

Officers

Tony Moseley, Licensing Enforcement Officer □ Anthony Hughes,
Democratic Services Officer □ Steve Isaac, Solicitor

5. ELECTION OF CHAIR

That Councillor Durrant be elected Chair for the meeting.

6. DECLARATIONS OF INTEREST

There were no declarations of interest.

7. PERSONAL LICENCE APPLICATION APPEAL BY MR LAMBDEN

In addition to members of the Sub Committee, the following persons were present –

Mr Kim Lambden	Personal Licence Applicant
PC Lucy Smith	Gloucestershire Constabulary
Steve Isaac	Solicitor, Gloucester City Council
Gill Ragon	Group Manager, Environmental Health and Regulatory Services, Gloucester City Council
Carl Knights	Licensing and Enforcement Officer
Anthony Hughes	Democratic Services Officer, Gloucester City Council

The Chair informed all present the procedure to be followed.

The Sub-Committee and all parties had received prior to the meeting a Report by the Group Manager, Environmental Health and Regulatory Services presenting to members an application for a Personal Licence made under section 117 of the Licensing Act 2003 received from Mr Kim Steven Lambden to which a Police objection had been made under section 120 (5) of the Act.

On the invitation of the Chair, Mr Carl Knights, Licensing and Enforcement Officer, presented the report.

The Chair individually asked Mr Lambden, PC Smith and members of the Sub Committee whether they had any questions of Mr Knights and each responded saying they had no questions.

On the invitation of the Chair, Mr Lambden presented his case in support of his application for a personal licence.

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The Chair asked PC Smith whether she had any questions to ask Mr Lambden and she indicated she had no questions.

Members of the Sub Committee asked questions of Mr Lambden and answers were given.

On the invitation of the Chair, PC Smith presented the case for the Police objection.

The Chair asked Mr Lambden whether he had any questions to ask PC Smith who indicated that he had no questions.

Members of the Sub Committee asked questions to PC Smith and answers were given.

Mr Carl Knights, PC Smith and Mr Lambden respectively were given the opportunity to sum up their positions.

The Sub-Committee retired from the meeting to consider their decision.

On returning, the Chair informed Mr Lambden and all parties present the decision of the Sub Committee as follows.

In making their decision tonight, the Sub-Committee does have sympathy for Mr Lambden's position and that he is moving on to make a new life for himself and his family.

However the Sub Committee has decided not to grant the licence. The Sub Committee is mindful of the promotion of the relevant licensing objectives set out in the Act namely the prevention of crime and disorder and are satisfied that if the application was to be granted such licensing objectives could be undermined. The Sub-Committee are also mindful of the Secretary of State's recommendation that a personal licence application shall be refused where an objection has been issued and are of the view that there are no exceptional circumstances for the granting of a personal licence in this case. It is therefore,

RESOLVED

That a Personal Licence to Mr Lambden be not granted for the reasons set out above.

The Chair informed Mr Lambden that he had a right of appeal to the Magistrate's Court.

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8. PERSONAL LICENCE APPLICATION APPEAL BY MR HUXSTEP

In addition to members of the Sub Committee, the following persons were present –

Mr Christopher Huxstep	Personal Licence Applicant
PC Lucy Smith	Gloucestershire Constabulary
Steve Isaac	Solicitor, Gloucester City Council
Gill Ragon	Group Manager, Environmental Health and Regulatory Services, Gloucester City Council
Carl Knights	Licensing and Enforcement Officer, Gloucester City Council
Anthony Hughes	Democratic Services Officer, Gloucester City Council

The Chair informed all present the procedure to be followed.

The Sub-Committee and all parties had received prior to the meeting a Report by the Group Manager, Environmental Health and Regulatory Services presenting to members an application for a Personal Licence made under section 117 of the Licensing Act 2003 received from Mr Christopher William Huxstep to which a Police objection had been made under section 120 (5) of the Act.

On the invitation of the Chair, Mr Carl Knights, Licensing and Enforcement Officer, presented the report.

The Chair individually asked Mr Huxstep, PC Smith and members of the Sub Committee whether they had any questions of Mr Knights and each responded saying they had no questions.

On the invitation of the Chair, Mr Huxstep presented his case in support of his application for a personal licence.

The Chair asked PC Smith whether she had any questions to ask Mr Huxstep. PC Smith queried the statement in Mr Huxstep's supporting letter in which he stated that he had a clean record and she made reference to a previous conviction. Mr Huxstep clarified the basis upon which he had made the statement and PC Smith acknowledged that this was a misunderstanding and that Mr Huxstep had not intended to mislead the Sub Committee.

A Member of the Sub Committee asked a question of Mr Huxstep and an answer was given.

On the invitation of the Chair, PC Smith presented the case for the Police objection.

The Chair asked Mr Huxstep whether he had any questions to ask PC Smith who indicated he had no questions.

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Members of the Sub Committee asked questions to PC Smith and answers were given.

Mr Carl Knights, PC Smith and Mr Huxstep respectively were given the opportunity to sum up their positions.

The Sub-Committee retired from the meeting to consider their decision.

On returning, the Chair informed Mr Huxstep and all parties present the decision of the Sub Committee as follows.

In reaching their decision, the Sub-Committee has given due consideration to information contained in the application for a personal licence, the objection notice and the submissions made at the Hearing by the applicant and the Police.

The Sub Committee has decided not to grant a Personal Licence. The Sub Committee is mindful of the promotion of the relevant licensing objective in the Act namely the prevention of crime and disorder and is satisfied that if the application was to be granted, the objective could be undermined.

The Sub Committee is mindful of the Secretary of State's recommendation that normally a licence application should be refused where an objection has been issued. The Sub-Committee is of the view that there are no exceptional circumstances to justify the granting of a personal license in this case. It is therefore,

RESOLVED

That a Personal Licence to Mr Huxstep be not granted for the reasons set out above.

The Chair informed Mr Huxstep that he had a right of appeal to the Magistrates Court.

Time of commencement: 18:30 hours
Time of conclusion: 19:52 hours

Chair