

**LICENSING SUB-COMMITTEE**  
**6 OCTOBER 2017**

Minutes of the meeting of the Licensing Sub-Committee of Flintshire County Council held in the Delyn Committee Room, County Hall, Mold CH7 6NA on Friday, 6 October 2017

**PRESENT: Councillor Tony Sharps (Chairman)**

Councillors: Adele Davies-Cooke and Mike Reece

**OFFICERS OF FLINTSHIRE COUNTY COUNCIL:**

Solicitor, Licensing Officer, and Democratic Services Officer

**RESPONSIBLE AUTHORITY:** North Wales Police Licensing Officer

**INTERESTED PARTIES:** Applicant

**1. DECLARATIONS OF INTEREST (INCLUDING WHIPPING DECLARATIONS)**

None were received.

**2. LOCAL GOVERNMENT (ACCESS TO INFORMATION) ACT 1985 - TO CONSIDER THE EXCLUSION OF THE PRESS AND PUBLIC**

**RESOLVED:**

That the press and public be excluded from the meeting for the following item as it was considered to contain exempt information by virtue of paragraphs 12 and 13 of Part 4 of Schedule 12A of the Local Government Act 1972 (as amended).

**HEARING AND DETERMINATION OF THE APPLICATION**

The Chair welcomed the applicant and introduced the Members of the Sub-Committee and officers from the Council and Responsible Authority. He explained the procedure for the hearing, including how the application would be determined.

**3. APPLICATION FOR A PERSONAL LICENCE**

The Licensing Officer presented the report to consider and determine an application for a Personal Licence by the Authority.

The Licensing Officer explained that the basic disclosure required under legislation as part of the application process had disclosed a conviction. As the offence was a relevant conviction under the Licensing Act 2003, the application was referred to the North Wales Police for consideration. North Wales Police objected to the application as it may be contrary to the Crime and Disorder Licensing Objectives of the Licensing Act 2003. North Wales Police also disclosed that the applicant had been convicted of an offence in 2008. The Sub

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Committee were asked to determine whether the applicant was a suitable person to hold a Personal Licence.

The Chairman asked the applicant why she had not disclosed the earlier offence on her application and invited her to give an explanation of her previous conviction. The applicant explained that she understood that her conviction committed in 2008 was 'spent' and therefore did not need to be declared. The North Wales Police Licensing Officer explained that in relation to road traffic offences information could be disclosed up to 11 years after a conviction.

In response to the Chairman's request the applicant provided background information and outlined the personal circumstances in the context of the offences committed. She stated her sincere regret for her past behaviour and said the incidents which had resulted in her two offences were isolated and out of character. She emphasised that she had developed into a responsible, honest, and hard working person as a result of her experiences and considered herself to be a fit and proper person especially to hold a Personal Licence should her application be successful.

The applicant responded to the questions raised by the Sub-Committee concerning her personal and family circumstances, and her employment history. She also outlined her future employment prospects, her aspirations for a career in public house management as well as her supervisory experience working in licensed premises. The applicant said she was reliant on the grant of a personal licence to improve her employment and career options, her financial independence, and family circumstances.

The Solicitor sought further clarification from the applicant in the context of not undermining the Licensing Act 2003 Objectives, namely the Prevention of Crime and Disorder. The Solicitor sought clarification concerning the circumstances and the sentences received for her convictions and questioned the applicant in detail about her understanding of the severity and consequences of matters relating to drink driving. The Solicitor also asked the applicant how she would address the issues of drink-driving, suspected drink-driving, and under-age drinking, with customers in the course of her employment in a public house.

The Solicitor questioned the applicant on her personal and family circumstances and asked her if she had strategies which may assist her in "difficult" periods. The applicant commented on the support provided by her family members and the strength of character she had developed as a result of her experiences.

The applicant's family member provided a supporting statement to reiterate that the applicant was a responsible, honest, hard working person, and a fit and proper person to hold a Personal Licence. He emphasised that the applicant's failure to disclose her conviction in 2008 was a genuine misunderstanding and had not been intended to mislead.

When the Chairman was satisfied that all relevant questions had been raised, he requested that the applicant, the North Wales Police Licensing Officer,

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and the Licensing Officer, leave the meeting whilst the application was determined.

#### **4.1 Determination of the Application**

In determining the application, the Sub Committee considered the Licensing Act 2003 including the relevant Licensing Objectives such as the Prevention of Crime and Disorder, Section 182 Guidance for Licensing Authorities, and the Council's statement of Licensing Policy.

The honesty of the applicant was considered as she had failed to disclose all her convictions. The Sub Committee took into consideration the circumstances involved in each case, and the verbal explanations provided, and felt that the applicant had given a full and credible account of her actions. The Sub Committee were of the view that the relevant Licensing Objectives would not be undermined in the event the applicant had a Personal Licence and therefore considered that the applicant could have a Personal Licence in the circumstances.

The applicant, the North Wales Police Licensing Officer, and the Licensing Officer, were invited to return and the meeting was reconvened.

#### **4.2 Decision**

The Chairman advised the applicant that having listened to all the representations made by all parties, the Sub Committee had decided that the applicant's representations, including her answers to questions, had been truthful, including representations that touched upon the Licensing Act 2003's Licensing Objective of the Prevention of Crime and Disorder. The Sub Committee felt that in the circumstances the Licensing Objectives would not be undermined if a licence was granted and agreed to grant the application.

#### **RESOLVED:**

That the Licensing Objectives would not be undermined in the event the applicant had a Personal Licence under the Licensing Act 2003 and that therefore the Personal Licence be granted.

(The meeting started at 11.00 am and ended at 12.23 pm)

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