

LICENSING SUB-COMMITTEE

Thursday 14 October 2021

Present:

Councillors Buswell, Holland and Wood

Also Present:

Service Lead Legal Services, Principal Licensing Officer and Democratic Services Officer (MD)

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APPOINTMENT OF CHAIR

Councillor Holland was appointed as Chair for this meeting.

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DECLARATIONS OF INTEREST

No declarations of interest were made by Members.

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LOCAL GOVERNMENT (ACCESS TO INFORMATION) ACT 1985 EXCLUSION OF PRESS AND PUBLIC

RESOLVED that, under Section 100A (4) of the Local Government Act 1972, the press and public be excluded from the meeting for the consideration of the following items on the grounds that they involved the likely disclosure of exempt information as defined in Paragraph 1 of Part I, Schedule 12A of the Act.

LICENSING ACT 2003

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REVIEW OF A PERSONAL LICENCE FOLLOWING CONVICTION OF A RELEVANT OFFENCE

The Chair introduced the Licensing Sub-Committee Members and Officers.

The Personal Licence holder had been referred to the Licensing Sub-Committee to review the suitability of holding a personal licence following notification that a relevant offence was committed under Schedule 4 of the Licensing Act 2003.

The Legal Advisor set out the procedure for the hearing and the provisions of Section 132A of the Licensing Act 2003. The Licensing Authority may revoke a personal licence or suspend a personal licence for a period not exceeding six months, where they have been notified that a personal licence holder has committed a relevant offence. The offence must be a relevant offence as set out in Schedule 4 of the Act.

The Legal Advisor set out the matters that the Sub-Committee were required to take into account as set out in section 132A(7) and that where the Sub-Committee proposes not to revoke the licence then, in accordance with section 132A(10) the authority were required to:

- (a) Give notice to the Chief Constable of Devon and Cornwall Police that it proposes not to revoke the licence, and
- (b) Invite the Chief Constable to make representations regarding the issue of whether the licence should be suspended or revoked having regard to the

crime prevention objective.

Section 132A(11) stated that the Chief Constable may make representations under subsection 10(b) to the licensing authority within the period of 14 days beginning with the day the notice was received.

Section 132A(12) states where the licensing authority has given notice to the Chief Constable under subsection 10(b), the authority must take into account:-

- (a) Any representations from the Chief Constable; and
- (b) The matters described in subsection (7) above.

And then make a decision whether to suspend or revoke the licence.

Section 132A (13) states that the licensing authority must then give notice of any decision made under subsection (8) or (12) to the licence holder and the chief constable, including reasons for the decision.

Section 132 of the Act further stated that it was the personal licence holders duty to notify the licensing authority as soon as reasonably practicable, detail of the conviction, containing the nature and date of the conviction and any sentence imposed on him in respect of it.

The Principal Licensing Officer presented the report and gave evidence in respect of the Personal Licence holder who was also the designated premises supervisor (DPS) for a licenced premises, had notified the Licensing Authority on 10 August 2021 that they had committed an offence, and a notice was submitted to the Licence Holder notifying them that the Licensing Authority was taking further action arising from the conviction.

The Licence Holder, responded to the notice, explaining the circumstances surrounding the conviction and had submitted testimonials from colleagues in the licensing trade, which were included in the report presented at the meeting. The Licence Holder had accepted that his actions were inconsistent with the behaviour expected of a personal licence holder, and had agreed to attend relevant training course in relation to the offence.

The Licence Holder was in attendance and spoke in support of their licence and responded to questions from Members and the Legal Advisor.

RESOLVED that the Licensing Sub-committee proposed in principle not to revoke or suspend the Personal Licence but that the licensing sub-committee were required to consider any representations of the Chief Constable of Devon and Cornwall Police before making a final decision as to whether to suspend or revoke the licence and that a notice would be issued to the Chief Constable for Devon and Cornwall Police, inviting them to make representations on the issue of whether the licence should be suspended or revoked having regard to the crime prevention objective in accordance with section 132A of the Licensing Act 2003.

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LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1976

TOWN POLICE CLAUSES ACT 1847

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**HEARING TO DETERMINE IF THE LICENSED DRIVER IS FIT AND PROPER
TO HOLD A TAXI DRIVERS LICENCE IN ACCORDANCE WITH THE
RELEVANT LEGISLATION**

The driver was not in attendance to speak in support of the application.

RESOLVED that the hearing to determine if the Licensed Driver was fit and proper to hold a taxi drivers be deferred to a future Licensing Sub Committee hearing.

(The meeting commenced at 10.00 am and closed at 1.15 pm)

Chair