

MINUTES OF THE MEETING OF THE LICENSING SUB-COMMITTEE 'B'  
22 OCTOBER 2012

SUBMITTED TO THE LICENSING AND REGULATORY COMMITTEE MEETING  
31 JANUARY 2013

(To be read in conjunction with the Agenda for the Meeting)

- \* Cllr Maurice Byham                      \* Cllr Carole King  
\* Cllr Simon Inchbald

\* Present

4. ELECTION OF CHAIRMAN (Agenda Item 1)

Cllr Simon Inchbald was elected Chairman for this meeting of Sub-Committee B.

5. MINUTES

The minutes of the meeting held on 10 September 2012 were signed as a true record.

6. DISCLOSURE OF INTERESTS (Agenda Item 2)

There were no interests declared.

**PART I – RECOMMENDATIONS TO THE COMMITTEE**

There were no matters falling within this category.

**PARTS II AND III – MATTERS OF REPORT**

Background Papers

The background papers relating to the following report in Parts II and III are as specified in the Agenda for the meeting of Licensing Sub-Committee 'A'.

**PART II – Matters reported in detail for the information of the Committee**

7. EXCLUSION OF PRESS AND PUBLIC (Agenda Item 4)

RESOLVED that, pursuant to Procedure Rule 20 and in accordance with Section 100B(5) of the Local Government Act 1972, the press and public be excluded from the meeting during consideration of the following item on the grounds that it is likely, in view of the nature of the business to be transacted or the nature of the proceedings, that if members of the public were present during the item, there would be disclosure to them of exempt information (as defined by Section 100I of the Act) of the

description specified in paragraph 3 of the revised Part 1 of Schedule 12A to the Act, namely:-

Information relating to the financial or business affairs of any particular person (including the authority holding that information)

8. LICENSING ACT 2003 – APPLICATION FOR A PERSONAL LICENCE  
[EXEMPT] Appendix A

- 8.1 The applicant attended the meeting and confirmed that he had received and understood the agenda papers that had been sent to him. He confirmed that the application was for a personal licence at the premises where he was already employed.
- 8.2 Surrey Police then gave details of the reasons for their objection to the application which was on the grounds of a conviction for drink driving, an offence that was not yet spent.
- 8.3 The Sub-Committee then questioned the applicant regarding the reasons for his application and his account of the events leading up to his arrest. The Council's Solicitor encouraged the applicant to respond in more detail to questions from the Sub-Committee in order to put forward his case for a personal licence.
- 8.4 The Sub-Committee then withdrew at 11.08 a.m.

Following the Sub-Committee's deliberation the meeting resumed at 11.48 a.m.

During the deliberations the Council's Solicitor was asked to advise the Sub-Committee on the sufficiency and wording of reasons for their decision.

The Sub-Committee carefully considered the application, taking into account representations received from the applicant, the objection received from Surrey Police as the Responsible Authority, statutory guidance and the Council's Statement of Licensing Policy 2011-2013.

The Sub-Committee considered it appropriate and necessary for the promotion of the crime prevention objective for the reasons given below to reject the application:

1. sufficient time had not elapsed since the applicant's conviction to enable them to consider him a suitable candidate to be granted a personal licence with the responsibilities this demanded under the Licensing Act 2003;
- 2 the offence committed was a serious one in that the applicant's level of alcohol was over twice the legal limit and it had not been disputed that he was either unable or unwilling to provide a roadside specimen. Nothing stated by the applicant today regarding the circumstances of the offence had mitigated the seriousness of it.

The Sub-Committee advised the applicant that they are entitled to appeal the decision in the Magistrates Court.

**The meeting commenced at 10.00 am and concluded at 11.14 p.m.**

Chairman

[http://emperor2/sites/democratic/Licensing/Sub-Committees/22 October 2012 B/Minutes 22 October.doc](http://emperor2/sites/democratic/Licensing/Sub-Committees/22%20October%202012%20B/Minutes%2022%20October.doc)