



City and County of Swansea

Minutes of the **Statutory Licensing Sub Committee**

Committee Room 5, Guildhall, Swansea

Wednesday, 8 November 2017 at 10.00 am

Present: Councillor P M Matthews (Chair) Presided

Councillor(s)

S J Gallagher

Councillor(s)

P Lloyd

Officer(s)

Yvonne Lewis

Allison Lowe

Lyndsay Thomas

Richard Westlake

Licensing Team Leader

Democratic Services Officer

Senior Lawyer

Senior Licensing Officer

Also Present:

PC J Hancock

LTFL

Police Licensing Officer, South Wales Police

Applicant

Apologies for Absence

None.

1 Disclosures of Personal and Prejudicial Interest.

In accordance with the Code of Conduct adopted by the City and County of Swansea, no interests were declared.

2 Exclusion of the Public.

The Sub Committee were requested to exclude the public from the meeting during consideration of the item(s) of business identified in the recommendations to the report(s) on the grounds that it / they involve the likely disclosure of exempt information as set out in the exclusion paragraph of Schedule 12A of the Local Government Act 1972, as amended by the Local Government (Access to Information) (Variation) (Wales) Order 2007 relevant to the items of business set out in the report(s).

The Sub Committee considered the Public Interest Test in deciding whether to exclude the public from the meeting for the item of business where the Public Interest Test was relevant as set out in the report.

Resolved that the public be excluded for the following item(s) of business.

(Closed Session)

3 **Licensing Act 2003 - Part 6, Application for a Personal Licence - LTFL.**

The Chair welcomed all attendees to the meeting and requested that the Senior Lawyer outline the procedure to be adopted by the Sub Committee in considering the application.

The Senior Lawyer provided a comprehensive overview of the procedure to be adopted by the Sub Committee when considering the application. She referred to the licensing objectives, policy considerations and the guidance from the Home Office.

The Senior Licensing Officer reported on the application for a personal licence in respect of LTFL. Specific reference was made to Schedule 4 of the Licensing Act 2003 at Appendix A. The application for a personal licence was outlined at Appendix B together with the objection notice that had been received from South Wales Police, at Appendix C.

PC Hancock, Police Licensing Officer outlined the objections to the application on behalf of South Wales Police. Members asked questions of the Police Licensing Officer, who responded accordingly.

LTFL explained the circumstances of the application and other relevant information including his convictions and answered the questions of both Members and the Police Officer relating to those matters.

It was **Resolved** that the press and public be excluded from the hearing in accordance with paragraph 14 of the Licensing Act (Hearings) Regulations 2005, to enable the Sub-Committee to take legal advice.

(Closed Session)

Members discussed the issues relating to the application.

(Open Session)

The Senior Lawyer advising the Sub-Committee gave a comprehensive overview of the legal advice tendered.

The Chair indicated that the Sub-Committee had considered the application and representation made and the needs and interests of all parties in terms of the Council's Statements of Licensing Policy, statutory guidance and the requirements of the Licensing Act 2003.

The Sub-Committee **Resolved** to **Refuse** the application in order to promote the licensing objective of the prevention of crime and disorder.

Reason for Decision

- It weighed heavily with the Sub-Committee that the Applicant was still on licence and is still serving his 5 year sentence - until December 2017.
- The Sub-Committee accepted the objection notice and the gravity of the relevant offences set out in the report as amplified by PC Hancock.
- The Sub-Committee accepted that the conviction would never be spent but they retained the discretion to grant the application. The Sub-Committee felt the application was premature in light of the above matters and the Applicant had not satisfied them that there was no risk of non-compliance and undermining the licencing objective.
- The Members noted that whilst on licence the Applicant had held various positions but there was no detailed information regarding these positions or his duties. There were no examples of working within the licensing regime and compliance with it to satisfy the members he was suitable to have a personal licence, and would be able to promote the licensing objective. In particular, the Members found that the Applicant would be dealing with vulnerable persons and their welfare and authorising the sale of alcohol was a serious matter.
- The Sub-Committee disregarded the police's objection notice in so far as it related to a designated premises supervisor in light of the statutory guidance in paragraph 4.5.
- The Sub-Committee noted the aggravating offences.

The meeting ended at 10.58 am

Chair