

LICENSING PANEL

FRIDAY, 21 AUGUST 2015

PRESENT:- Councillors John Ballman, Michael Bray and Vera Tomlinson.

15. Appointment of Chair

Resolved – That Councillor Mick Bray Chair of this meeting of the Panel.
(Councillor Bray took the Chair.)

16. Declarations of Interest

The Chair reminded Members of the need to declare any known interests in any matters to be considered at the meeting. No declarations were made.

17. Exempt Items - Exclusion of Press and Public

That, in accordance with Section 100A(4) of the Local Government Act 1972, the public be excluded during the discussion of the matters referred to in Item 5 of the Notice of the Meeting on the grounds that it involves the likely disclosure of exempt information as defined in Paragraph 5. (Minute 18 refers.)

18. Application for Personal Licence

The Panel considered (a) a report of the Council's Licensing Manager setting out details of an application for a Personal Licence which had been contested by Wiltshire Police, (b) written representations from Wiltshire Police opposing the application, (c) oral representations in support of the objection to the grant of a Personal Licence from Ms Jacqueline Gallimore (Acting Licensing Manager Wiltshire Police), (d) oral submissions in support of the application from the applicant, (e) questions from Members to the Police representative and applicant and answers received, and (f) the Licensing Act 2003, the Council's procedure for licensing hearings, the Secretary of State's Guidance and the Council's Statement of Licensing Policy.

Resolved – That the application for a Personal Licence by the person named in the report be approved and a Personal Licence be granted to the applicant.

Reasons

1. The Panel noted that, when submitted, the objection received from Wiltshire Police, based upon current convictions was valid. However, at the date of the hearing all relevant convictions were deemed spent in accordance with the Rehabilitation of Offenders Act 1974. Under section 114 of the Licensing Act 2003 evidence relating to a relevant offence must be disregarded if it is spent under the Rehabilitation of Offenders Act 1974 and therefore Members took no account of this evidence.

2. The Panel further had regard to Section 120 of the Licensing Act and determined that the applicant met the four relevant criteria at the time of the hearing and under section 120(2) must therefore grant the application.

The Chair reminded both parties that they had the right of appeal to the Magistrates Court and that an application for any such appeal should be made within 21 days of the receipt of the decision notice incorporating the reasons for the Panel's decision.