

BRIGHTON & HOVE CITY COUNCIL

LICENSING PANEL (Licensing Act 2003 Functions)

2PM – 31 AUGUST 2006

**COMMITTEE ROOM 3
BRIGHTON TOWN HALL**

MINUTES

Present: Councillor Pennington, Pidgeon and Simson

PART ONE

ACTION

40. APPOINTMENT OF CHAIR

- 40.1 **RESOLVED** - That Councillor Pennington was proposed and duly elected as Chair for this meeting.

41. PROCEDURAL BUSINESS

41.1 Declarations of Substitutes

There were none.

41A Declarations of Interest

- 41.2 There were none.

41B Exclusion of Press and Public

- 41.3 The Committee considered whether the press and public should be excluded from the meeting during the consideration of any items contained in the agenda, having regard to the nature of the business to be transacted and the nature of the proceedings and the likelihood as to whether, if members of the press and public were present, there would be disclosure to them of confidential or exempt information as defined in Section 100A(3) or 100 1 of the Local Government Act 1972.

- 41.4 **RESOLVED** - That the press and public be excluded from the meeting during consideration of item 42.

PART TWO

42. PERSONAL LICENCE APPLICATION – EXEMPT CATEGORY 1

- 42.1 The Panel considered a report of the Assistant Director, Public Safety, concerning the application of a Personal Licence (see minute book).
- 42.2 A copy of the procedural note was circulated indicating how the Panel would deal with the application.
- 42.3 The Panel noted that an application had been received from Carla Cook for a personal licence under section 117 of the Licensing Act 2003 and that the declaration that accompanied the application confirmed that the disclosure of convictions contained a statement that she had a conviction for assaulting a police officer in September 2004.
- 42.4 The Panel was informed that the Licensing Authority had given notice to Sussex Police in accordance with section 120 of the Licensing Act 2003 and the police had objected to the granting of the application as it would in their view undermine the crime prevention objective.
- 42.5 The Panel was reminded that where an applicant had an unspent conviction for a relevant or foreign offence the guidance issued was that such applications would normally be refused unless an applicant could demonstrate exceptional and compelling reasons for granting the application.
- 42.6 On behalf of the police, Mr Liddell explained the circumstances surrounding the conviction in 2004 but he also referred to a subsequent incident in July 2005 where the applicant had pleaded guilty to an assault on a police officer but was awaiting sentencing. In the circumstances the police did not believe that the applicant was suitable to hold such a licence.
- 42.7 The Panel and the applicant were then given an opportunity to ask questions. A copy of the disclosure form and application form were circulated to Panel members.
- 42.8 Miss Cooke explained that the application had been submitted on behalf of her employers to enable them to be more flexible in their working arrangements and that she had not been in any trouble since the last offence in 2005. She explained that she had been encouraged to apply for the licence and that these offences took

place before the application had been submitted. She indicated that her job would not be in jeopardy if the application was unsuccessful.

- 42.9 In response to questions, Miss Cooke explained that she had made a complaint against the police officer in relation to the first offence and that she had been drunk at the time of the second incident.
- 42.10 The Licensing Officer reminded the Panel that there was a presumption that the licence would be refused unless there were exceptional and compelling reasons for granting the application. Mr Liddell agreed with the position of the Licensing Officer.
- 42.11 The Panel retired to consider the information.
- 42.12 The Panel considered all the information but decided that no exceptional and compelling reasons had been put forward by the applicant as to why the conviction should be disregarded and the application granted.
- 42.13 **RESOLVED** – That in the interests of crime prevention objectives, the application be rejected having regard to the police objection and the relevant conviction, and the fact that the applicant has not demonstrated any exceptional or compelling reasons to grant the application.

43. ITEMS TO REMAIN EXEMPT FROM DISCLOSURE TO THE PRESS AND PUBLIC

- 43.1 **RESOLVED** - That item 42 remain exempt from disclosure to the press and public.

The meeting concluded at 2.50pm

Signed

Chair

Dated this day of 2006