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SOUTH HAMS LICENSING SUB-COMMITTEE - TUESDAY, 8TH NOVEMBER, 2011

Agenda, Reports and Minutes for the meeting

Agenda No	Item
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1.	<u>Agenda Letter</u> (Pages 1 - 2)
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2.	<u>Reports</u>
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Reports to Licensing Sub Committee:

a)	<u>EXEMPT - To determine an application for the Grant of a Personal Licence in accordance with Section 120(7) of the Licensing Act 2003</u> (Pages 3 - 14)
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3.	<u>Minutes</u> (Pages 15 - 16)
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Agenda Item 1

To: Members of the Licensing Sub - Committee
(Cllrs Gilbert, Squire and Wright)

Our Ref: CS/KT

31 October 2011

Usual Officer and Press Circulation

Dear Councillor

A meeting of the **Licensing Sub-Committee** will be held in the **Cary Room**, Follaton House, Plymouth Road, Totnes on **Tuesday, 8 November 2011** at **10.00 am** when your attendance is requested.

Yours sincerely

Kathryn Trant
Member Services Manager

<p>FOR ANY QUERIES ON THIS AGENDA, PLEASE CONTACT KATHRYN TRANT MEMBER SERVICES MANAGER ON DIRECT LINE 01803 861185</p>

A G E N D A

1. **Appointment of Chairman;**
2. **Division of Agenda** - to consider whether the discussion of any item of business is likely to lead to the disclosure of exempt information;
3. **Declarations of Interest** - Members are invited to declare any personal or prejudicial interests, including the nature and extent of such interests; they may have in any items to be considered at this meeting;
4. **Exclusion of Public and Press** - to consider the following resolution to exclude the public and press:-

"That in accordance with Section 100(A)(4) of the Local Government Act 1972, the public and press be excluded from the meeting during consideration of the following item of business in order to avoid the likely disclosure to them of exempt information as defined in paragraph 1 of Part 1 of Schedule 12A to the Act"
5. **To determine an application for the Grant of a Personal Licence in accordance with Section 120(7) of the Licensing Act 2003, where objections have been raised by the Police** (pages 1 to 19).

Members of the public may wish to note that the Council's meeting rooms are accessible by wheelchairs and have a loop induction hearing system

**MEMBERS ARE REQUESTED TO SIGN THE ATTENDANCE REGISTER
THIS AGENDA HAS BEEN PRINTED ON ENVIRONMENTALLY FRIENDLY PAPER**

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MINUTES OF A MEETING OF THE LICENSING SUB-COMMITTEE HELD AT FOLLATON HOUSE, TOTNES ON TUESDAY 8 NOVEMBER 2011

Present: Councillors Gilbert, Squire and Wright
G Munson, Business Support Manager
T Johnson, Solicitor, SHDC
K Trant, Member Services Manager, SHDC
N Wopling, Licensing Officer, SHDC

Also in attendance: Cllr Hicks (Executive Lead Member)
Representatives of Devon and Cornwall Police Authority

LSC.11/11 **APPOINTMENT OF CHAIRMAN**

RESOLVED

That Cllr Squire be appointed Chairman for the duration of the meeting.

LSC.12/11 **DECLARATIONS OF INTEREST**

Members were invited to declare any interests in the items of business to be considered during the course of the meeting but none were made.

L.SC.13/11 **EXCLUSION OF PUBLIC AND PRESS**

RESOLVED

That in accordance with Section 100 (A) (4) of the Local Government Act 1972, the public and press be excluded from the meeting during consideration of the following item of business as the likely disclosure of exempt information as defined in paragraph 1 of Part 1 Schedule 12A to the Act is involved.

LSC.14/11 **TO DETERMINE AN APPLICATION FOR THE GRANT OF A PERSONAL LICENCE IN ACCORDANCE WITH SECTION 120 (7) OF THE LICENSING ACT 2003, WHERE RELEVANT OBJECTIONS HAVE BEEN RAISED BY THE POLICE**

1. Licensing Officer's Report

The Licensing Officer introduced the report to the Sub-Committee and summarised the main points of the report.

2. Representation from Devon and Cornwall Police Authority

The Police Authority representative explained why there had been an objection submitted to the licence application, and went on to answer questions from the Sub-Committee.

3. Committee's Deliberations

The Sub-Committee considered the application in closed session. It was noted that the Applicant had not attended the hearing. The Solicitor advised that, under the circumstances, the Sub-Committee could either continue with the hearing or adjourn to another date, however, it was noted that the Applicant had been sent a copy of the Hearing Notice which had been confirmed by his written response. On balance, the Sub-Committee concluded that the application should be determined at this meeting.

Having considered at length the merits of the application, the Chairman then announced the decision of the Sub-Committee.

4. The Decision

The Chairman announced the Decision as follows:

"We have considered the application for the grant of a personal licence.

We have considered the Statement of Licensing Policy, the Government Guidance and our obligations that relate to the promotion of the four licensing objectives.

Further to a valid notice of today's hearing being received and acknowledged by the Applicant, and upon the Applicant's non appearance, and on hearing the objection of the Relevant Authority, and upon considering all of the evidence, the Committee refuses the application for the following reason:

That there are no compelling or exceptional circumstances which could, or should, justify the granting of the licence in light of the objection of the Relevant Authority as required by section 4.9 of the Secretary of State's Guidance, which states:

4.9 The Secretary of State recommends that, where the police have issued an objection notice, the licensing authority should normally refuse the application unless there are exceptional and compelling circumstances which justify granting it."

It is our decision therefore to refuse this application for a Personal Licence."

Chairman