

**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."

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Chairman