

## **Licensing Sub Committee**

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held at Ryedale House, Malton  
at 10.00am on Friday 27 April 2007

### **Present**

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Councillors Parkin (in the Chair), Huntington and Mrs Taylor.

Mr Adam Cooper	-	Applicant
Ms Anna Rees	-	Acting Sergeant
Mr R McClure	-	Licensing Officer (Ryedale District Council)
Mrs F Brown	-	Assistant Solicitor (Ryedale District Council)
Miss C Gaynor	-	Committee Administrator

### **LS.62 Declarations of Interest**

No declarations of interests were made.

### **LS.63 Exempt Information**

#### **Resolved**

That under Section 100(A)(4) of the Local Government Act 1972 the public be excluded from the meeting for the following item as there will be a likely disclosure of exempt information as defined in Paragraph 1 of Part 1 of Schedule 12A of the Act as the information relates to any individual.

### **LS.64 To Determine Application Ref. No. WK/2007 01368 for the Grant of a Personal Licence**

The Chairman welcomed all representatives to the meeting and appropriate introductions were made.

The Chairman reported that the hearing was subject to the prescribed procedure, a copy of which had been circulated with the agenda. Representatives were reminded that opening statements were to be brief as all parties had been afforded the opportunity to make detailed written submissions and to consider the submissions from other parties. The Chairman also advised those present that additional information produced at the hearing without prior disclosure might not be heard if, following objections to its submission, the Sub Committee so determined.

The Licensing Officer reported that the applicant had submitted an application for a Personal Licence. Under the Licensing Act 2003 a personal licence authorised that individual to supply alcohol, or authorise the supply of alcohol, in accordance with a premises licence. As part of the process, the applicants were required to submit, amongst other details, a criminal conviction certificate or a criminal record certificate or the results of a subject access search of the police national computer by the National Intelligence Service (NIS). A copy of the application form together with results of the NIS search were appended to the report.

The Licensing Officer reported on the action that had been taken in accordance with the procedures as set down by the Licensing Act 2003. In this case the Police had expressed concern regarding the information supplied in the NIS document and had lodged an objection notice.

The Licensing Officer also brought to the Sub Committee's attention the Guidance issued under Section 182 of the Licensing Act 2003. Section 4.8 of this Guidance issued stated that the Secretary of State recommended that where the police had issued an objection notice, refusal of the application should be the normal course unless there were in the opinion of the licensing authority exceptional and compelling circumstances which justified granting the application.

Representatives put their respective cases to the Sub Committee and, following questions from Members, summed up their cases. The Committee then retired to consider the application, upon reconvening, the Chairman announced the following decision:

### **Resolved**

That having carefully considered the report and the representations submitted, the application reference no. WK/2007 01368 for a personal licence be refused.