

NORTH DEVON COUNCIL

Minutes of a meeting of Licensing and Community Safety Sub Committee C held in the Barum Room - Brynsworthy on Monday, 4th October, 2021 at 2.00 pm

PRESENT: Members:

Councillor Cann (Chair)

Councillors D. Spear and L. Spear

Officers:

Solicitor, Public Protection Manager and Corporate and Community Services Officer

14. APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillor Orange.

15. DECLARATIONS OF INTEREST

There were no declarations of interest made.

16. EXCLUSION OF PUBLIC AND PRESS RESTRICTION OF DOCUMENTS

RESOLVED:

- (a) That under Section 100A (4) of the Local Government Act 1972, the public and press be excluded from the meeting for the following item as it involves the likely disclosure of exempt information as defined in Paragraph 1 of Part 1 of Schedule 12A of the Act (as amended from time to time), namely information relating to any individual (including the authority holding that information); and
- (b) That all documents and reports relating to the item be confirmed as "Not for Publication".

17. RELEVANT OFFENCE COMMITTED BY A PERSONAL LICENCE HOLDER

The Chair introduced herself, members of the Sub-Committee and the Officers present.

The Public Protection Manager confirmed that all matters pertaining to the consideration of revocation of a personal licence had been met. A letter and email notification had been issued notifying of the 28 day period in which the personal licence holder had to make representation or surrender the personal licence.

The Solicitor summarised the hearing process. The Solicitor confirmed that in the absence of the Personal Licence Holder the hearing still had to proceed.

The Public Protection Manager summarised her report (circulated previously) in relation to a relevant offence committed by a Personal Licence holder. Although the Personal Licence Holder had indicated during a telephone conversation that he would surrender his licence this had not been followed up by him in writing.

In response to a question about whether there was a link to the Personal Licence holder's job and this incident. The Public Protection Manager recounted what had been reported in the press, without the licence holder present to ask.

The Public Protection Manager summed up by adding that the sentencing of the Personal Licence Holder was proportionate to the severity of the offence committed.

RESOLVED that everyone be excluded from the meeting with the exception of Members, the Solicitor and Corporate and Community Services Officer in order for the Sub-Committee to receive legal advice in accordance with paragraph 5 of Schedule 12A of the Local Government Act 1972.

RESOLVED, that everyone be re-admitted to the meeting.

The Chair requested that the Corporate and Community Services Officer read the proposed decision, which was voted upon and agreed.

RESOLVED, that the Personal Licence be revoked.

The following considerations helped inform the Sub-Committee reach their decision:

- 1) The offence of assault occasioning actual bodily harm was a relevant offence as set out at 1.6 in the Public Protection manager's report
- 2) This Sub-Committee C of the Licensing and Community Safety Committee took a very serious view of the offence and the failure of the Personal Licence holder to inform the Council of the offence in accordance with the Licensing Act 2003
- 3) The Personal Licence Holder had failed to attend the hearing to present any mitigating circumstances
- 4) The Personal Licence Holder had failed to surrender his licence as indicated verbally during a telephone conversation with the Public Protection manager; and
- 5) In light of the seriousness of this case and in order to enable crime prevention for all members of the public the licence must be revoked.

Chair

The meeting ended at 2.36 pm

NOTE: These minutes will be confirmed as a correct record at the next meeting of the Committee.