

MINUTES OF A MEETING OF THE
LICENSING SUB-COMMITTEE HELD IN
THE COUNCIL CHAMBER, WALLFIELDS,
HERTFORD ON FRIDAY 4 JULY 2014, AT
10.00 AM

PRESENT: Councillor Michael McMullen (Chairman)
Councillors J Jones and J Taylor.

ALSO PRESENT:

Councillors D Andrews, P Ballam, P Moore
and P Ruffles.

OFFICERS IN ATTENDANCE:

Lorraine Blackburn	- Democratic Services Officer
Oliver Rawlings	- Senior Specialist Licensing Officer
George Robertson	- Legal Services Manager

4 APPOINTMENT OF CHAIRMAN

It was proposed by Councillor J Jones and seconded by
Councillor J Taylor that Councillor M McMullen be
appointed Chairman of the Licensing–Sub Committee for
the meeting.

RESOLVED – that Councillor M McMullen be
appointed Chairman of the Licensing Sub–
Committee for the meeting.

5 MINUTES – 16 JUNE 2014

RESOLVED – that the Minutes of the meeting held
on 16 June 2014 be confirmed as a correct record
and signed by the Chairman.

6 EXCLUSION OF PRESS AND PUBLIC

The Sub-Committee passed a resolution pursuant to Section 100 (A)(4) of the Local Government Act 1972 as amended, to exclude the press and public during consideration of the business referred to in Minute 7 on the grounds that it involved the likely disclosure of exempt information as defined in paragraph 1 of Part 1 of Schedule 12A of the said Act.

7 **CONSIDERATION OF AN OBJECTION NOTICE TO AN APPLICATION TO VARY A PREMISES LICENCE AT THE OLD BELL, 38 BELL STREET, SAWBRIDGEWORTH CM21 9AN**

The Chairman outlined the procedure to be followed. All those present were introduced. The applicant agreed that Councillors D Andrews, P Ballam, P Moore and P Ruffles could remain in the meeting as observers.

The Senior Specialist Licensing Officer advised the Sub-Committee of the details of the application.

The Police Inspector explained that he was attending the meeting as he had strong feelings regarding the proposed application. He provided a summary of the background relating to the proposed Designated Premises Supervisor (DPS), referring to the applicant's former places of employment and of intelligence reports involving those premises. The Legal Services Manager queried whether these intelligence reports had been circulated earlier to all parties. The Police Inspector confirmed that this information could not be circulated but was referred to in the bundle of papers circulated with their representations.

The Police Inspector provided a summary of events which had occurred on 4 September 2012 when the proposed DPS was later given a second caution. The proposed DPS had also been cautioned for a similar offence 18 years ago. The Licensing Officer for Hertfordshire Constabulary commented that the proposed DPS had not been forthcoming with information on the two occasions

he had been asked.

The applicant's Solicitor requested a short adjournment at 10.18 am to consult with his client. This was agreed. The meeting reconvened at 10.20 am.

The applicant's Solicitor confirmed that it was not his wish to criticise the Police and stated that the application should be granted because there was no legal basis or substantive evidence and that the test of "generally exceptional circumstances" could not be met to refuse it. The applicant's Solicitor commented that much of the representations were based on "hearsay" and speculation. He stated that the Police viewed the proposed DPS suspiciously and had then started "digging" for information.

The applicant's Solicitor referred to the need to treat intelligence reports with caution, especially if they had not been substantiated. In relation to the allegation that the proposed DPS had withheld information, he stated that this had been a misunderstanding on the applicant's part in that he was not a legal expert. He had been cautioned but was not a convicted criminal. He said that there had been no intention to withhold information.

The applicant's Solicitor referred to the owners of the Old Bell, a national company, with an outstanding reputation who had no issues with the proposed DPS.

It was noted that a meeting had been arranged between all parties to try and resolve outstanding issues. At that meeting, it had been suggested that the applicant should pay for Drugs Dogs to visit the premises on three occasions over a three month period. All parties had agreed to this and the applicant was left with the impression that he should wait for certain papers which never arrived. It later transpired that the Police did not want to pursue this approach based on intelligence and serious concerns about the sale of drugs.

In response to a query from Councillor J Taylor, the applicant's Solicitor explained the background to the first caution.

The applicant's Solicitor summarised the case, stating that many representations were "hearsay", that the Police had not made a case in terms of "exceptional circumstances" as defined by statute and guidance, that there had been no convictions, no evidence that the proposed DPS was involved in drug dealings and that the premises were not known to have drugs related problems. He stressed the need to ensure that the good working relationships with the Police were encouraged. In conclusion the applicant's Solicitor requested that the statutory test and guidance be applied and requested the Sub-Committee to grant the application.

At the conclusion of the representations, the Sub-Committee withdrew with the Legal Services Manager and Democratic Services Officer to consider the evidence.

Following this they returned and the Chairman announced that the Sub-Committee had carefully considered the representations submitted from both sides and had serious reservations about the cautions the proposed Designated Premises Supervisor had received. However, the Sub-Committee did not feel that "exceptional circumstances" required by statute and licensing guidance had been sufficiently proven.

In spite of the Sub-Committee's serious reservations, the Sub-Committee agreed to grant the application to vary the premises licence and commented that they were sure that the Police would keep this matter under scrutiny.

RESOLVED – that, for the reasons now detailed, the application to vary the premises licence to specify the designated premises supervisor be granted.

The meeting closed at 11.30 am

Chairman

Date