

Minutes of the **Licensing Sub-Committee**
of the **Test Valley Borough Council**
held in Council Chamber, Duttons Road, Romsey
on Tuesday 27 September 2011 at 9.30 a.m.

Attendance:

Councillor N Anderdon	(P)	Councillor A Hope	(P)
Councillor M Cooper	(P)		

Also in attendance:

Sgt T Adams
Mr T D Moody

1 **Appointment of Chairman**

Resolved:

That Councillor Hope be appointed Chairman for the duration of the meeting.

2 **Declarations of Interest**

The Sub-Committee noted that Councillor Johnston had declared a personal interest in the application as the applicant was known to her.

3 **Minutes**

Resolved:

That the minutes of the meeting held on 31 August 2011 be confirmed and signed as a correct record.

4 **Application for a Personal Licence – Police Objection as Applicant has a relevant offence**

The Sub-Committee considered an application for a Personal Licence under section 117 of the Licensing Act 2003 by Mr Terry D Moody.

The Sub-Committee noted that as part of the application the applicant had provided a criminal records disclosure which showed a conviction for two “relevant offences”. The Hampshire Constabulary, the only persons able to object to such an application, had made objections so a hearing was required to determine the matter.

The applicant, Mr Moody, outlined the reasons for his application for a personal licence. He accepted that his previous behaviour was unacceptable but had worked hard to improve and was currently employed as Deputy Manager at the Olive Tree Public House, Latimer Street, Romsey and wished to further his career in the licensed trade.

Sgt Adams presented the case on behalf of the Hampshire Constabulary. Sgt Adams outlined the nature of the offences committed by the applicant disclosed as a result of the criminal records disclosure. He reminded the Sub-Committee that the licensed trade was expected to set a good example to the public by upholding the licensing objectives. In particular, if the personal licence was to be granted it could undermine the prevention of crime and disorder objective under the Licensing Act 2003.

The Sub-Committee noted that the guidance issued by the Secretary of State in cases of this nature recommended refusal of a Personal Licence, unless exceptional and compelling circumstances could be presented.

The Chairman adjourned the meeting to enable the Sub-Committee to consider the matter.

Upon return, the Chairman informed the meeting that the Sub-Committee, in reaching its determination upon the matter, had had regard to the National Licensing Guidance issued under Section 182 of the Licensing Act 2003, Test Valley Borough Council's own Licensing Policy, together with the representations made at the Hearing and in writing.

Decision

The Sub Committee recognised that Mr Moody had made efforts to turn his life around but had heard no evidence to demonstrate exceptional and compelling circumstances why a Personal Licence should be granted, particularly as the last conviction was less than 2 years ago and had been alcohol related.

Resolved:

That the application for a Personal Licence by Mr Terry D Moody be refused.

(Meeting terminated at 10.10 am)