

LICENSING SUB-COMMITTEE
6th March, 2008

PRESENT – Councillors Dunstone, J. Lyonette and Nutt. (3)

LS20. ELECTION OF CHAIR – RESOLVED – That Councillor Nutt be appointed Chair for this meeting only.

LS21. DECLARATIONS OF INTEREST – There were no declarations of interest reported at the meeting.

L22. EXCLUSION OF PUBLIC AND PRESS - RESOLVED - That, pursuant to Sections 100A(4) and (5) of the Local Government Act 1972, the public be excluded from the meeting during the consideration of the ensuing item on the grounds that it involves the likely disclosure of exempt information as defined in exclusion paragraphs 1 and 7 of Part I of Schedule 12A to the Act.

LS23. APPLICATION FOR PERSONAL LICENCE - The Director of Corporate Services submitted a report (previously circulated) to consider a contested application for a personal license from Mr. Keith Foster.

Mr. Foster did not attend this hearing and no explanation had been received in advance of the hearing to explain his non attendance. Members of the Sub Committee were advised that the notification of this hearing had been hand delivered to his address on 18th February, 2008. After delaying the start of the meeting for some 15 minutes Members sought advice from their legal advisor. The advice given was in accordance with Section 20 of the Licensing Act 2003 (Hearings) Regulations 2005, which states that if a party has not indicated he is to attend and them fails to attend or to be represented the hearing can be adjourned if it is considered necessary in the public interest or alternatively the hearing can proceed in that party's absence. Members did not consider that it was necessary, in the public interest, to adjourn the meeting and therefore decided to proceed in his absence.

As a result of this application representation had been received from Durham Constabulary, Sgt. T. Kelly, Durham Constabulary and Ms C. Angus Licensing Officer from Durham Constabulary addressed the Committee and responded to Members questions.

The Sub-Committee considered the application for review in accordance with Guidance issued Under Section 182 of the Licensing Act 2003 (Hearings) Regulations 2005 and in accordance with the "Licensing Sub-Committees – Full Hearing Procedure for Applications for Reviews of Premises Licences/Club Premises Certificates Where Relevant Representations Have Been Received".

Members referred to the Secretary of State's Guidance, issued under Section 182 of the Licensing Act 2003, which made it clear that the application should be refused unless there were exceptional and compelling circumstances to justify granting the application. Members determined that as no evidence of such circumstances had been provided to them the application should be refused.

RESOLVED – That the application be refused.