

Licensing Sub-committee
17 May 2019

WELWYN HATFIELD COUNCIL

RECORD OF PROCEEDINGS of a hearing by the LICENSING SUB-COMMITTEE of an application for review of a Personal Licence held on Friday 17 May 2019 at 2.30 pm in the Council Chamber, Council Offices, The Campus, Welwyn Garden City, Herts, AL8 6AE.

PRESENT: Councillors H.Bower (Chairman)
A.Chesterman, J.Cragg

OFFICIALS: Licensing Technical Officer (D.Pennyfather)
PRESENT: Senior Litigation Officer (S.S)
Governance Services Officer, (Clerk to the Hearing) (H.Johnson)

4. APPOINTMENT OF CHAIRMAN

Councillor H.Bower was appointed Chairman of the Sub-Committee.

5. APPLICATION FOR REVIEW OF A PERSONAL LICENCE

Introductions and Procedures

The purpose of the meeting was to determine an application for review of a personal licence held by R. Lansbury.

The Chairman welcomed those present to the meeting and introduced the Members of the Sub-Committee and the Officers serving the Sub-Committee, explaining the hearings procedure which had been adopted by the Council, copies of which had previously been circulated.

Documentary Evidence

A copy of the Licensing Officer's report, the personal licence, memorandum of conviction, notice inviting representation and the application for the review of the licence by the police had previously been circulated.

Report of the Licensing Officer

The report of the Licensing Officer informed Members that a personal licence holder, R. Lansbury, had been convicted of drink-driving.

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In April 2006, R. Lansbury applied to Welwyn Hatfield Borough Council and was granted a personal licence PA32356/070406 under the Licensing Act 2003.

On 6 March 2019 it was reported in the Welwyn Hatfield Times Central Herts Court round up that R. Lansbury was convicted of drink-driving and was fined and banned from driving for 36 months. She was also banned from driving for a similar offence on 23 May 2016, as shown in a police email (Appendix E).

It was also noted that she did not notify the Council of the offence (which was required under section 132 of the Licensing Act 2003), nor did she inform the court that she was a licence holder (which was required under section 128 of the Licensing Act 2003).

The Officer took a serious view and that the offence was not promoting the licencing objectives and therefore the Sub-Committee had two choices: to suspend the licence for a period not exceeding six months or revoke the licence.

Committee Questions

Members sought clarification on the following:

- Was it was the offence of drink driving or the fact that the licence holder, R. Lansbury, had not notified the Council or the Court of the situation that was most serious? The Officer confirmed that the offence of drink driving was at odds with the licensing objectives.
- Was the licence holder currently a landlady? The Officer confirmed that R. Lansbury was not.
- Was the licence holder aware of the hearing? The Officer confirmed that R. Lansbury had not responded to the correspondence or notification of the meeting and subsequently had not attended the hearing.

Members noted that although R. Lansbury was not in the trade at the moment, she could return once her conviction for drink-driving was spent.

Summary

The Sub-Committee had heard the report of the Licensing Officer and there were no representations from interested parties. The Sub-Committee was aware of the Council's duty to promote the Statutory Licensing Objectives, including the prevention of crime and disorder, maintenance of public safety, prevention of nuisance and the protection of children from harm. The Sub-Committee also took note of its duties under the Licensing Act 2003, outlined in section 4 of the report and the Welwyn Hatfield Statement of Licensing Policy, outlined in section 5 of the report.

Determination

The Licensing Officer and the public then withdrew from the room to enable the Sub-Committee to consider its decision.

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The Licensing Officer and the public then returned to the room and the Chairman gave notice of the Sub-Committee's decision which was to revoke the personal licence of R. Lansbury.

“In review of the decision of the Councillors in the Sub-Committee meeting on 17 May 2019 and having hear representation from the local authority and due to your recent convictions at St. Albans Magistrate Court on 22 February 2019, it is hereby decided that your personal licence, PA32336/070406 is revoked.”

Meeting ended at 2.54 pm