

BATH AND NORTH EAST SOMERSET COUNCIL

LICENSING SUB-COMMITTEE

Thursday 24th July 2025, 10.00 am

Councillors: Steve Hedges (Chair), Toby Simon and Ann Morgan

Officers in attendance: Carrie-Ann Evans (Service Manager (Barrister), Legal Services), Emma Howard (Lawyer (Regulatory & Prosecution)) and Jacob Booth (Public Protection Officer)

19 EMERGENCY EVACUATION PROCEDURE

The Democratic Services Officer drew attention to the Emergency Evacuation Procedure.

20 APOLOGIES FOR ABSENCE AND SUBSTITUTIONS

There were none.

21 DECLARATIONS OF INTEREST

There were none.

22 TO ANNOUNCE ANY URGENT BUSINESS AGREED BY THE CHAIR

There was none.

23 MINUTES OF PREVIOUS MEETING: 26TH JUNE 2025

The Sub-Committee **RESOLVED** to approve the minutes of the meeting held on 26th June 2025 and they were duly signed by the Chair.

24 LICENSING PROCEDURE

The Chair referenced the procedure that would be followed during the course of the meeting.

Those that were present confirmed that they had received and understood the licensing procedure.

25 EXCLUSION OF THE PUBLIC

The members of the Sub-Committee agreed that they were satisfied that the public interest would be better served by not disclosing relevant information, in accordance with the provisions of Section 100(A)(4) of the Local Government Act 1972.

It was **RESOLVED** that the public be excluded from the meeting for the following items of business and the reporting of the meeting be prevented under Section 100A(5A), because of the likely disclosure of exempt information as defined in paragraphs 1 and 2 of Part 1 of Schedule 12A of the Act, as amended.

26 APPLICATION FOR A PERSONAL LICENCE

As a preliminary issue the Service Manager, Legal Services invited the Sub-Committee to determine whether or not they would proceed in the applicant's absence. She asked the Public Protection Officer (Licensing) to state what attempts had been made to contact the applicant prior to the meeting.

The Public Protection Officer (Licensing) stated that an initial phone conversation had taken place with the applicant following the receipt of the objection from the Police and they were advised that a hearing of the Sub-Committee would be required.

He added that since that time, three emails, two phone calls and one letter had been sent to the applicant to confirm the date of the meeting and provide a copy of Sub-Committee report pack, all of which had been either unanswered or not acknowledged.

He said that no written statement had been offered by the applicant either.

The Sub-Committee indicated that in all the circumstances and taking account of public interest they would proceed in the absence of the applicant.

Ben Allen, Police Alcohol Licensing Officer was present and summarised the objection from the Police that was contained within the agenda pack.

The Chair asked if it was known by how much the applicant was over the legal alcohol limit for driving when the offence was committed.

Ben Allen replied that he did not have that information to hand.

Councillor Toby Simon noted that there were some significant gaps in the timeline between the committed offence (February 2024) and sentencing (June 2025).

Ben Allen stated that the applicant has a list of other offences against their name, but they have not been disclosed as are not relevant to the application before the Sub-Committee.

Councillor Simon noted that this may explain the gaps in time that he had previously mentioned.

The Chair asked if Ben Allen had any further comments to make.

Ben Allen said that the Police believe that the applicant's conviction is significant enough to raise concerns about their suitability and integrity to hold such a role, which would, if granted enable them to supply alcohol to the general public and authorise others to do so.

The Service Manager, Legal Services addressed the Sub-Committee and stated that even though other possible offences committed by the applicant have been raised today they were not relevant to their determination and they can only concern themselves with the relevant drink driving offence in respect of this application.

Decision & Reasons

Members have determined an application for a Personal Licence in respect of AB. In doing so they have taken into consideration the Licensing Act 2003, Statutory Guidance, the Council's Policy, Human Rights Act 1998, case law and the agenda report pack.

As of 10:09am the applicant was not in attendance at the hearing. Therefore, Members had to determine the preliminary issue of whether proceed in their absence. In doing so they took account of regulation 20 of the Licensing Act 2003 (Hearing Regulations) 2005 which provides that (insofar as is relevant):

(2) If a party who has not so indicated fails to attend or be represented at a hearing the authority may–

(a) where it considers it to be necessary in the public interest, adjourn the hearing to a specified date, or

(b) hold the hearing in the party's absence.

Members had regard to the fact that during a telephone call with the licensing section the applicant had been notified of the police objection and that a hearing would be held to determine the application. Subsequent to the telephone call the licensing section sent the applicant 3 emails, tried to call them twice without success and wrote to them giving notice of hearing date and to provide a copy of the report. Members noted that the applicant had been given the opportunity to provide a written statement prior to the hearing, and they had failed to do so.

Members also had regard to the fact that Policing Licensing Officer was in attendance at the hearing. Taking into account the numerous occasions that the applicant had been given notice of the hearing, the fact they had not taken up the opportunity to provide a written statement, their apparent disengagement following notice that there would be a hearing, the attendance of the policing licensing officer and the members of the Licensing Sub-Committee today, Members concluded it was in the public interest to proceed in absence.

Members are aware that in determining an application for a Personal Licence where an Objection Notice has been received from the police, they must reject the application if they consider it appropriate for the Prevention of Crime and Disorder licensing objective. If they do not reject the application on that basis, they must grant it. Members reminded themselves that each application must be considered on its own merits.

Members had read the Objection Notice submitted by the police and they heard oral representations from the Police Licensing Officer Ben Allen. In his representations, the Police Licensing Officer opposed the application because the applicant had been convicted of a relevant offence namely drink driving.

The Police Licensing Officer submitted that drink driving is a serious criminal offence. Being convicted of this crime raises concerns about the applicant's suitability to hold a personal licence, which authorises an individual to supply alcohol and to authorise others to do so. This role carries a high degree of responsibility, and individuals in

such positions are expected to demonstrate sound judgement and an ability to promote the licensing objectives. In the view of the police, granting a personal licence to this individual would compromise public safety and the crime prevention licensing objective outlined in the Licensing Act 2003.

Members were careful to take account of the relevant written and oral representations in relation to the application.

The representations of the police carry great weight when considering the Prevention of Crime and Disorder licensing objective, since this falls within their area of expertise.

Members noted that the applicant’s conviction for a relevant offence was recent in November 2024, it was a serious offence in the context of this application where the Statutory Guidance notes at paragraph 4.2 that *“the sale and supply of alcohol, because of its impact on the wider community and on crime and anti-social behaviour, carries with it greater responsibility than the provision of regulated entertainment and late night refreshment. This is why sales of alcohol may not be made under a premises licence unless there is a DPS in respect of the premises (who must hold a personal licence)”*.

Members found the submissions of the Police Licensing Officer to be persuasive, and they reject the application as they consider it appropriate for the Prevention of crime and disorder licensing objective. For these reasons, authority is delegated to the licensing officer to refuse the licence as applied for.

The meeting ended at 10.52 am

Chair(person)

Date Confirmed and Signed

Prepared by Democratic Services