

# SHEFFIELD CITY COUNCIL

## Licensing Sub-Committee

### Meeting held 25 August 2015

**PRESENT:** Councillors David Barker (Chair), Roy Munn and Cliff Woodcraft

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#### **1. APOLOGIES FOR ABSENCE**

1.1 An apology for absence was received from Councillor Vickie Priestley.

#### **2. EXCLUSION OF PUBLIC AND PRESS**

2.1 RESOLVED: That the public and press be excluded from the meeting before discussion takes place on items 4 and 5 on the grounds that, if the public and press were present during the transaction of such business, there would be a disclosure to them of exempt information as described in paragraphs 1 and 2 of Schedule 12A to the Local Government Act 1972, as amended.

#### **3. DECLARATIONS OF INTEREST**

3.1 There were no declarations of interest.

#### **4. LICENSING ACT 2003 - PERSONAL LICENCE APPLICATION**

4.1 The Chief Licensing Officer submitted a report to consider an application for a Personal Licence made under Section 117 of the Licensing Act 2003 (Case No. 56/15).

4.2 Present at the meeting were the Applicant, Andrea Marsden and Matt Burdett (South Yorkshire Police), Objectors, Georgina Hollis (Licensing Enforcement and Technical Officer), Marie-Claire Frankie (Solicitor to the Sub-Committee) and John Turner (Democratic Services).

4.3 Marie-Claire Frankie outlined the procedure which would be followed during the hearing.

4.4 Georgina Hollis presented the report to the Sub-Committee and it was noted that representations had been received from South Yorkshire Police and were attached at Appendix 'B' to the report.

4.5 Andrea Marsden made representations on behalf of South Yorkshire Police, referring to the applicant's offences and convictions. She made specific reference to the fact that the applicant had been a prolific offender over a long period of time, and stressed the serious nature of some of the offences. Ms Marsden pointed out that the most serious offence had been carried out whilst the applicant was on licence for a previous offence. Ms Marsden also responded to a number of questions raised by Members of the Sub-Committee.

- 4.6 The applicant addressed the Sub-Committee, stating that he accepted that he had a very poor criminal record, but that he was now a reformed character, and was trying to make something of his life. He stated that there was little likelihood of him offending again and that applying for a Personal Licence would give him something else to focus on and make something of his life. He also responded to a number of questions raised by Members of, and the Solicitor to, the Sub-Committee, and Georgina Hollis.
- 4.7 RESOLVED: That the attendees involved in the application for a Personal Licence be excluded from the meeting before further discussion takes place on the grounds that, in view of the nature of the business to be transacted, if those persons were present, there would be a disclosure to them of exempt information as described in paragraph 5 of Schedule 12A to the Local Government Act 1972, as amended.
- 4.8 Marie-Claire Frankie reported orally, giving legal advice on various aspects of the application.
- 4.9 At this stage in the proceedings, the meeting was re-opened to the attendees.
- 4.10 RESOLVED: That the application for a Personal Licence be rejected on the grounds that, in the light of the representations now made and the number and serious nature of the offences now reported, the Sub-Committee considered that granting a Personal Licence in this case (Case No. 56/15) would undermine the crime prevention licensing objective.

## **5. HACKNEY CARRIAGE AND PRIVATE HIRE LICENSING - INDIVIDUAL CASES**

- 5.1 The Chief Licensing Officer submitted details in respect of two cases relating to hackney carriage and private hire licensing.
- 5.2 The licence holder in Case No. 57/15 attended the hearing and addressed the Sub-Committee.
- 5.3 The applicant in Case No. 58/15 attended the hearing with a relative and they both addressed the Sub-Committee.
- 5.4 RESOLVED: That the cases now submitted be determined as follows:-

<u>Case No.</u>	<u>Licence Type</u>	<u>Decision</u>
57/15	Review of a Hackney Carriage and Private Hire Driver's Licence	Immediately revoke the licence under Section 61 of the Local Government (Miscellaneous Provisions) Act 1976, as amended by Section 52 of the Road Safety Act 2006, on the grounds that, based on the information now reported, the Sub-Committee is satisfied that the licence holder poses an immediate and ongoing risk to public safety.

58/15	Application for a first Hackney Carriage and Private Hire Driver's Licence	Consideration of the application be deferred to the next available meeting of the Sub-Committee, following notification of the conclusion of the applicant's Court hearing.
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