

Minutes of Licensing Sub Committee 1

4 July 2023 at 10.00am
Sandwell Council House, Oldbury

Present: Councillor J Giles (Chair);
Councillors Fenton and Lewis.

Officers: Makhan Singh Gosal (Senior Licensing Officer);
David Elliott (Legal Advisor);
Toby Howes (Interim Democratic Services Officer).

34/23 **Apology for Absence**

No apologies for absence were received.

35/23 **Declarations of Interest**

There were no declarations of interest.

36/23 **Exclusion of the Public and Press**

Resolved that the public and press be excluded from the rest of the meeting. This is to avoid the possible disclosure of exempt information under Schedule 12A to the Local Government Act 1972, as amended by the Local Government (Access to information) (Variation) Order 2006 relating to any individual.



Application to Review a Personal Licence

The Sub Committee considered the review of a personal licence following notice of a relevant conviction of driving a motor vehicle with excess alcohol.

The offence had occurred in 2019 and included a disqualification from holding a driving licence. The circumstances surrounding the incident were set out to the Sub Committee.

No action had been taken against the personal licence by the Court.

At the time of conviction, the licence holder had no practical need of their personal licence.

The conviction had been brought to the Council's attention by the licence holder as no notification had been received from the Magistrates Court or Police. Currently the licence holder lived out of the area, ran a restaurant out of the area and the licence was not used in Sandwell.

The Committee took advice from its Legal Advisor before adjourning to make a decision on the application.

Having considered the matter the Sub Committee did not see the personal licence holder as a current threat to the licensing objectives. Accordingly, it was proposed to take no action. A period of time had passed and there were no other relevant convictions to consider. Members considered the unusual circumstances surrounding the offence were unlikely to arise again, nor was it likely that the licence holder would drive over the prescribed alcohol limit again.

Before making a final decision, the Council was obliged to notify West Midlands Police of its proposal as the Sub Committee did not wish to revoke the Personal Licence. The Police would have 14 days to make any representations.



Resolved:-

- (1) that no action be proposed in respect of the Personal Licence of Mr D B;
- (2) that West Midlands Police be notified of the decision of the Sub Committee and given 14 days in which to make any representations.

Meeting ended at 11.37am

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