

MINUTES of a meeting of the LICENSING SUB COMMITTEE held in the Abbey Room, Stenson House, London Road, Coalville, LE67 3FN on WEDNESDAY, 22 NOVEMBER 2023

Present: Councillor

Councillors R Johnson, J G Simmons, N Smith and A Wilson

In Attendance: Councillors

Officers: Mr A Cooper and Mr P Dennis

## **1 APOLOGIES FOR ABSENCE**

There were no apologies received, though Councillor A. Wilson did attend the meeting virtually.

## **2 DECLARATION OF INTERESTS**

No interests were declared.

## **3 REPORT UPDATE FOLLOWING THE REVIEW OF A PREMISES LICENCE UNDER THE LICENSING ACT 2003**

The Chair opened the meeting.

The Licensing Team Leader presented the report. In addition to the information presented in the report, he noted that on 21 November 2023, the Licensing Team had received a call suggesting that an attempt to attain a new licence for the premise would soon be attempted.

A Member enquired whether the declaration of bankruptcy meant that Mr Sandham could not apply again for a licence until his bankruptcy had lifted and the Legal Advisor advised that yes, legally he can't hold one whilst bankrupt, but the licence could have been transferred within 28 days of declaring bankruptcy. As this had not happened the purpose of reconvening the panel was to formally put on record that the sub-Committee on 1 November had reviewed a licence which did not actually exist. He added that if Mr Sandham had been convicted of a criminal offence he would have been duty bound to notify the court that he was a licence holder, but there was no commensurate requirement in civil law.

A Member then inquired about whether Mr Sandham's partner could apply for a licence. In response, the Legal Advisor advised that yes as Mr Sandham had declared personal bankruptcy; but if she were to apply then the Legal Advisor strongly advised that meticulous checks should be carried out.

A Member then inquired about the makeup of a potential future panel if Mr Sandham did apply for a new licence. The Legal Advisor suggested that a fresh panel was probably prudent, with perhaps one member of this panel present. Nevertheless, Mr Sandham's history could and certainly should be considered when deciding in the future whether to give another licence to him or someone linked to him, although in the latter case the powers available to officers or a prospective panel were less stringent.

The Licensing Team Leader added that Mr Sandham's proven pattern of misdemeanour violations of his licence and his disregard of Council Officers and other enforcement agencies for a lengthy period of time gave the Licensing Team much stronger grounds to object than normal.

Chairman's initials

The Legal Advisor concurred and informed Members that the Licensing Authority was reviewing the situation and all options remained open.

The panel remained worried about various schemes which Mr Sandham might employ to subvert the licensing regulations. The Legal advisor explained that robust monitoring would be required. Furthermore, the Licensing Team Leader interjected, members of the public had been aggrieved by his behaviour and thus were likely to complain again if he does return to flouting the regulations in the future. It was also likely given the history of the premises that any future application for a licence at the premises would be determined by Members.

The panel affirmed that they were clear that the hearing on 1 November 2023 was null and void.

The Licensing Team Leader clarified for the panel that on investigation it had turned out that Mr Sandham had sold his other premise in Long Eaton, before declaring bankruptcy. Summing up, he felt that it was regrettable that the situation had got to this point as the Licensing Team did not wish to see any decrease in licenced venues in the district and worked hard with licence holders to try to ensure that problems were solved as speedily and efficaciously as possible. In conclusion, the two hearings had shown the value of taking personal licence training seriously, as Mr Sandham had demonstrably failed to do.

The meeting commenced at 10.30 am

The Chairman closed the meeting at 11.11 am