

LICENSING SUB-COMMITTEE 1

Friday, 6th May, 2005 at 2.00 pm
in Committee Room 3, The Council House, Dudley

PRESENT:-

Councillor Ryder (Chairman)
Councillor Mrs Ameson and Tomkinson

Officers

Assistant Director of Legal and Democratic Services, Mr J Jablonski and
Mrs K Farrington (Directorate of Law and Property)

1 DECLARATIONS OF INTEREST

No member made a declaration of interest in accordance with the
Members' Code of Conduct.

2 APPLICATION FOR A PERSONAL LICENCE MADE BY THE HOLDER OF A JUSTICES LICENCE DURING THE TRANSITIONAL PERIOD – MR J R MEHTA

A report of the Director of Law and Property was submitted on an
application made by Mr J R Mehta for the grant of a personal licence.
Attached as Appendix 1 to the report submitted was a notice of objection
received from West Midlands Police on the grounds that Mr Mehta has
been convicted of a relevant offence, which he had failed to disclose on
his application form.

Mr Mehta was in attendance at the meeting, together with P C David
Smith, a representative of West Midlands Police.

Following introductions, and in accordance with the procedure to be
followed, Mr Tart (Assistant Director of Legal and Democratic Services),
the Legal Advisor, upon a point of clarification stated that TLT Solicitors,
who had submitted the application on behalf of Mr Mehta, would not be
representing him today and that Mr Mehta would be representing himself.

Mrs J Elliott, Licensing Officer, Directorate of Law and Property,
presented the report on behalf of the Council.

P C Smith then presented his evidence as stated in Appendix 1 to the
report submitted. Mr Mehta confirmed that the information given in
respect of his current disqualification from driving as a result of a drink
driving conviction on 5th January, 2005, was correct.

Questions were then asked of P C Smith by Committee Members and the Legal Advisor, arising from which it was considered that in respect of future cases West Midlands Police be asked to supply more details in respect of convictions the basis of objections, such details to include the time, date and general circumstances of such convictions. It was also confirmed that the Police objection was based on the Crime and Disorder Licensing Objective in respect of a conviction relating to that objective and the failure to disclose the offence, which was linked to the running of a licensed premises.

As Mr Mehta had no questions for the West Midlands Police representative, he was then invited to introduce his case and stated that he did not realise that he had to disclose the drink drive conviction and that he would like to apologise to the Sub-Committee and informed them that it would not happen again. He also stated that the disqualification from driving ended in October as a result of successfully taking a course offered and that he had been fined £200 with costs and received the minimum disqualification. He further stated that he had been doing the job for the last 19 years and that he had no previous convictions.

The West Midlands Police representative, Members of the Sub-Committee and the Legal Advisor then asked questions of Mr Mehta.

In responding, he gave details regarding the circumstances of the conviction and details of his employment.

The Legal Advisor also stated that the failure to disclose a relevant offence was itself an offence under the provisions of the Licensing Act, 2003, and he went on to warn and caution Mr Mehta and inform him that consideration would be given to prosecuting him in this regard.

Arising from consideration given to the content of the application submitted on Mr Mehta's behalf by his Solicitors, he confirmed that the signature on the application was his but that the details had been filled in by a representative of the Solicitors. Mr Mehta also commented on the circumstances in which the application form had been completed and confirmed further details regarding the drink drive conviction.

In response to further questioning from the Legal Advisor, Mr Mehta confirmed that he had held a Justices Licence for 18/19 years, had been responsible for four premises and had never had a Justices Licence revoked, had no other convictions and there were no matters pending that the Sub-Committee needed to be aware of.

The Legal Advisor then reiterated the concerns of West Midlands Police in that under the new Liquor Licensing Regime there may be increased risk of crime and disorder in the premises because he had committed an offence which was drink related and had failed to disclose the conviction, raising doubts as to his character. In response, Mr Mehta commented that he was of good character. However, although there was the drink driving conviction, this was only one incident over a period of 19 years.

The West Midlands Police representative and Mr Mehta then summed up their respective cases and the Legal Advisor indicated to the parties details of the legal advice to be given to the Sub-Committee prior to their withdrawal whilst the Sub-Committee made their decision.

Having made their decision, all the parties were invited to return and the Chairman then outlined the decision and the reasons for the decision.

Accordingly, it was

RESOLVED

That approval be given to the application made by Mr J R Mehta for the grant of a personal licence based on the following reasons:-

- (a) That the Sub-Committee accept that the non-disclosure of the drink driving conviction was not as a result of a dishonest intention on the applicant's behalf; and
- (b) The offence was at the lower end of the scale in terms of its seriousness; and
- (c) The Applicant has nineteen years good character whilst working in the licensed trade and has not committed any further offences since the conviction in January, 2005 and this therefore appears to be an isolated incident.

The meeting ended at 2.50 pm.

CHAIRMAN