

**MINUTES OF A MEETING OF A LICENSING SUB-COMMITTEE
6 August 2007 (10:30am – 11.10 am)**

Present:

COUNCILLORS:

Conservative

Peter Gardner (Chairman)
Pam Light

Labour

Tom Binding

The applicant, PC Dave Leonard of the Metropolitan Police the applicant's legal representative and a character witness Mr John Andrew, were present. Paul Jones (Havering Licensing) Yagazie Nwaigwe (Legal advisor to the Sub-Committee) and Richard Cursons (Clerk) were also present.

The Chairman advised those present of action to be taken in the event of emergency evacuation of the Town Hall becoming necessary.

The Sub-Committee adjourned at the end of the hearing to consider its decision, and reconvened to announce it.

**APPLICATION FOR A PERSONAL LICENCE BY Ms Porntip Chitmaneroj
OF 41 Station Parade South Street Romford RM1 2BX**

The Sub-Committee considered an application for a Personal Licence as follows.

DETAILS OF APPLICATION

Application by Ms Chitmaneroj for a personal licence under section 117 (1) (a) of the Licensing Act 2003 ("the Act") for the above named individual.

APPLICANT

Ms Porntip Chitmaneroj
41 Station Parade
South Street
Romford
Essex
RM1 2BX

Details of Representations

Responsible Authorities

Chief Officer of Metropolitan Police ("the Police"):

Under the Act, the Police were the only responsible authority permitted to

make representation related to the granting of a personal licence. The basis for an objection was that the applicant had an unspent conviction and that the Police considered that it would not be appropriate to grant a personal licence until the unspent portion of the conviction had expired. A conviction for driving a motor vehicle with excess alcohol was recorded at Camberwell Green Magistrates Court on 22 August 2005. The Contention of the Police was that this conviction may not make the applicant a suitable candidate for a Personal Licence and there remained some 3 years before that conviction was spent.

PC Leonard explained that due to a period of annual leave he had been unable to interview the applicant but had noted the character reference provided for the applicant by her employer Mr John Andrew the Designated Premises Supervisor (DPS) of the Liberty Bell public house. Pc Leonard advised that the Police had no further evidence to submit to the panel.

Ms Chitmaneroj's legal representative confirmed that no interview had taken place between his client and PC Leonard.

Ms Chitmaneroj's legal representative explained that her previous conviction was a personal event not in anyway connected with her work and that she deeply regretted her actions.

Ms Chitmaneroj had made no secret of her conviction to her employers Whitbread Plc and the company in turn had not precluded her from obtaining the necessary training qualifications she needed to be able to apply for her Personal Licence.

The Sub-Committee then adjourned to consider the evidence.

Determination of Application

Consequent upon the hearing held on 6 August 2007, the Sub-Committee's decision regarding the application for a Personal Licence for Ms Porntip Chitmaneroj was as follows, for the reasons shown:

The Sub-Committee was obliged to determine this application with a view to addressing the objections raised by the Police.

In making its decision, the Sub-Committee also had regard to the Guidance under Sections 120 (3); 182 and Schedule 4 (Personal Licence: Relevant Offences) of the Licensing Act 2003 and Havering's Licensing Policy.

In addition the Sub Committee took account of its obligations under s17 of the Crime and Disorder Act 1998 and Article 1 of the First Protocol of the Human Rights Act 1998.

Decision

The Sub-Committee made a determination that as Ms Chitmaneroj's conviction would not be spent until 22 August 2010, and as the Police were not prepared to withdraw their objection, but had given some support to the application, the Panel decided to grant the Personal Licence.

Date: Chairman