

Licensing Sub Committee Hearing Panel

Minutes of the meeting held on Monday, 12 September 2022

Present: Councillor Grimshaw– in the Chair

Councillors: Evans and T Judge

LACHP/21/69. Exclusion of the Public

A recommendation was made that the public be excluded during consideration of the following items of business.

Decision

To exclude the public during consideration of the following items which involved consideration of exempt information relating to the financial or business affairs of particular persons, and public interest in maintaining the exemption outweighed the public interest in disclosing the information.

LACHP/21/70. Application for a Personal Licence - RA

The Hearing Panel considered a report from the Director of Planning, Building Control and Licensing. The Hearing Panel also considered the written papers of the parties and the oral representations of the parties in attendance as well as the relevant legislation.

GMP addressed the Hearing Panel and stated that they were in objection to the granting of this personal licence under grounds of Crime & Disorder. The applicant has 3 live counts of fraud and has served 3 years in prison. The applicant submitted 27 fraudulent claims on home insurance policies over a 6 month period. An imposed rehabilitation period for RA was not due to cease until 2028 and, therefore, went against MCC policy for approval unless there were compelling circumstances to depart from the policy. GMP requested that the Hearing Panel refuse to grant the application.

The applicant addressed the Hearing Panel and stated that they had been a hard working individual for a family business who had gone through traumatic times. They had worked with an ex-partner in an off-licence and had lost both parents, had a brother murdered, endured miscarriages of births and become involved with a bad crowd. The applicant expressed that they had always worked hard in running businesses and had a degree in computing. They had admitted their crimes and served a sentence and now wanted a chance to get back on their feet.

The Hearing Panel asked the applicant why they had not declared the convictions on their application form, for clarity on the 2 addresses submitted in the reports and what RA had meant by falling in with a bad crowd.

RA responded to say that they had enclosed their DBS statement and apologised for the error, stating that they did not try to hide anything, that one was a home and the

other a business address and that not all the fraudulent claims were theirs as two friends had submitted claims using RA's account.

The Legal advisor to the Hearing Panel asked if RA's previous job at an insurance company was linked in any way to their fraudulent activities and RA stated that it was not linked.

GMP summed up, stating that they still believed that the application should be refused. The crimes had undergone months of planning and other people do not commit such series crimes as a result of going through traumatic times in their lives.

In their deliberations, the Hearing Panel felt that RA had not been fully rehabilitated, that they had heard nothing to convince them to depart from MCC Policy and that they could not be certain that RA was a fit and proper person to hold a licence.

Decision

To refuse to grant a Personal Licence to RA.