

LICENSING SUB-COMMITTEE MINUTES OF THE MEETING HELD ON TUESDAY, 22 NOVEMBER 2011

Councillors Present: Peter Argyle, Paul Bryant (Chairman) and Mollie Lock

Substitute:

Also Present: Alison Beynon (Solicitor) and Emilia Matheou (Technical Officer), Denise Anns (Policy & Communication)

PART I

7. Declarations of Interest

There were no declarations of interest received.

8. Application No 11/01671/LIA - Mr Gary Mackintosh

The Sub-Committee considered a report (Agenda Item 2(1)) concerning Licensing Application 11/01371/LIA in respect of a personal licence in the name of Mr Gary Mackintosh.

In accordance with the Council's Constitution, as this application was Part II Paul Bryant (Chairman) proposed the following resolution. Due to the nature of the information contained the chairman requested that the Newbury Weekly News reporter be excluded from the meeting.

RESOLVED that members of the press and public be excluded from the meeting for the under-mentioned item of business on the grounds that it involves the likely disclosure of exempt information as contained in Paragraphs 1, 2 and 3 of Part 1 of Schedule 12A of the Local Government Act 1972, as amended by the [Local Government \(Access to Information\)\(Variation\) Order 2006](#). [Rule 4.2 of the Constitution](#) also refers.

In accordance with paragraph 4.9 of the Department of Culture, Media and Sport guidance issued under section 182 of the Licensing Act 2003 the sub committee found no exceptional or compelling circumstances for granting the licence.

9. Thames Valley Police Objection

Mr Mike King, in addressing the Sub-Committee, raised the following points:

On Saturday 05 February 2011 Mr Mackintosh was stopped by a uniformed Police Officer, on a marked Police Motor cycle, on the A4 in Thatcham for using a mobile telephone whilst driving a white van.

He looked at the officer as he drove past and then put the telephone down, the officer then followed the van until he caused it to stop. Mr Mackintosh was the only occupant of the vehicle.

Whilst speaking to Mr Mackintosh the officer smelt intoxicating liquor on his breath and carried out a roadside breath test which proved to be positive. He was then arrested at 14.05 hours

Mr Mackintosh was then taken to Newbury Police Station where at 14.57 hours he provided a second of two specimens of breath on an INTOX evidential breath test machine which recorded a reading of 56 micrograms of alcohol in 100 millimetres of breath. The legal limit being 35 micrograms of alcohol in 100 milligrams of breath.

He was subsequently charged with the offence of drink driving for which he would be required to appear before the court.

LICENSING SUB-COMMITTEE - 22 NOVEMBER 2011 - MINUTES

Mr Mackintosh appeared before West Berkshire Magistrates Court on 24 February 2011 and found guilty of driving a motor vehicle whilst under the influence of alcohol and was fined £150 with £50 costs and disqualified from driving for 3 years but the sentence was reduced for completing a course.

The Government considered that offences for driving a motor vehicle whilst under the influence of alcohol to be very serious, so much so that there are only 3 offences listed under the Road Traffic Act 1988 to warrant them to be relevant offences under Schedule 4 of the Licensing Act 2003. Thames Valley Police took this conviction into consideration before objecting to the application.

Councillor Paul Bryant (Chairman) asked the attendees for any questions.

Councillor Peter Argyle asked Mr Mike King (Thames Valley Police) if Mr Gary Mackintosh (Applicant) had completed his driving course. Mr Mike King (Thames Valley Police) advised that he had and the disqualification period had been reduced to two and a half years from the date of the conviction.

Councillor Mollie Lock asked Mr Mike King (Thames Valley Police) what the date of conviction was. Mr Mike King responded to say it was the 24 February 2011.

Councillor Paul Bryant asked Mr Mike King (Thames Valley Police) if Mr Gary Mackintosh (Applicant) received his licence back when the disqualification period was served. Mr Mike King (Thames Valley Police) responded to say that he would.

Mr Mike King (Thames Valley Police) went on to draw the attention of the committee to other convictions and offences that Mr Gary Mackintosh (Applicant) had not included in the application. Even though the convictions were spent they should still have been included in his application. He went on to advise that in Mr Gary Mackintosh's case he would not achieve a fit and proper status until 11 February 2016.

No further questions were raised.

10. Mr Gary Mackintosh presentation

Mr Gary Mackintosh had advised that he was unable to attend the hearing and had not submitted any further documentation.

The Sub-Committee retired at 15.20pm to make its decision.

Having taken the representation into account, the Licensing Sub-Committee **RESOLVED** that Application 11/01671/LIA be refused, REASON: the prevention of crime and disorder.

(The meeting commenced at 2.35 pm and closed at 3.20 pm)

Name

Date of Signature

Name

Date of Signature

Name

Date of Signature