

NEW FOREST DISTRICT COUNCIL

LICENSING ACT 2003

APPLICATION FOR PERSONAL LICENCE – MR D P FALVEY

**Decision of the Licensing Sub-Committee hearing held at Appletree Court,
Lyndhurst on Tuesday, 4 September 2007 at 2.00 p.m.**

1. Members of the Licensing Sub-Committee

Councillor Woods – Chairman
Councillor Hutchins
Councillor Mrs McLean

2. Parties and their Representatives attending the Hearing

Mr Falvey – Applicant
Mr Crowell – Witness for the Applicant

Inspector Funnell and Miss Fice, Hampshire Constabulary – Objector

3. Other Persons attending the Hearing

None.

4. Parties not attending the Hearing

None.

5. Officers attending to assist the Sub-Committee

Grainne O'Rourke – Legal Advisor
Melanie Dunsmore - Clerk

6. Decision of the Sub-Committee

The Sub-Committee carefully considered the application and listened to both the Applicant, his witness and the Police representatives.

The Sub-Committee treated the Police objection very seriously. However, they took into account the fact that Mr Falvey had a proven track record over the last 3 years as a good bar manager.

The Sub-Committee believed Mr Falvey when he said he was “profoundly sorry” for his “severe error of judgement” and that he had “learnt his lesson” and that the opportunity for his own tenancy was “an opportunity to improve his life”.

The Sub-Committee also believed that Mr Falvey had learnt an enormous amount through his experience of drink driving and they did not consider there would be a repeat of such behaviour in the future.

The Sub-Committee did not believe that the granting of a personal licence to Mr Falvey would undermine the prevention of crime and disorder objective under the Licensing Act 2003. They genuinely believed that Mr Falvey had demonstrated, before the Sub-Committee, that he would assist the Police in ensuring that in running his new pub, his customers would not contribute to crime and disorder.

In conclusion, the Sub-Committee believed, in this individual case, there were exceptional and compelling reasons to grant the application.

Date: 04.09.07

Licensing Sub-Committee Chairman: Cllr Woods

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Decision notified to interested parties on 05.09.07