

REPORT FOR DECISION

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| DECISION OF: | LICENSING HEARINGS PANEL |
| DATE: | 18TH APRIL 2018 |
| SUBJECT: | CONSIDERATION TO SUSPENSION/REVOCATION OF A PERSONAL LICENCE |
| REPORT FROM: | ASSISTANT DIRECTOR (PLANNING, ENVIRONMENTAL AND REGULATORY SERVICES) |
| CONTACT OFFICER: | MR M BRIDGE |
| TYPE OF DECISION: | COUNCIL |
| FREEDOM OF INFORMATION/STATUS: | This paper is within the public domain |
| SUMMARY: | This report relates to consideration to suspend/revoke a Personal Licence granted under the Licensing Act 2003, for a licence holder who has been convicted of a relevant offence. |
| OPTIONS & RECOMMENDED OPTION | <ul style="list-style-type: none"> • To revoke the personal licence if it considers it is necessary for the promotion of the crime prevention objective to do so; or • To suspend the personal licence. • Take no action |
| IMPLICATIONS: | |
| Corporate Aims/Policy Framework: | Do the proposals accord with the Policy Framework? Yes No |
| Statement by the S151 Officer: Financial Implications and Risk Considerations: | There are no specific issues from the report other than potential costs/risks associated with legal appeals. |
| Statement by Executive Director of Resources: | The cost of the licensing function are funded through the fees and charges levied by the Council. There may be additional costs if appeals are lodged with the Magistrates and Crown Courts. |
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| Equality/Diversity implications: | Yes No (see paragraph below) |
| Considered by Monitoring Officer: | Yes Under the legislation the Council is required to determine representations. The report is in accordance with the appropriate legislation. |
| Wards Affected: | RADCLIFFE EAST |
| Scrutiny Interest: | Overview and Scrutiny Panel |

TRACKING/PROCESS

DIRECTOR:

| Chief Executive/ Strategic Leadership Team | Executive Member/Chair | Ward Members | Partners |
|--|---------------------------|--------------|----------|
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| Scrutiny Committee | Committee | Council | |
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1.0 INTRODUCTION

- 1.1 This report relates to a notice that has been given to a personal licence holder stating the intention to revoke the personal licence due to the licensing authority being notified of a relevant conviction.
- 1.2 The Licensing Act 2003 and the Policing and Crime Act 2017 is the relevant legislation.
- 1.3 A Personal Licence is defined by the Act as a licence which is granted by a Licensing Authority to an individual which authorises that individual to supply alcohol, or authorise the supply of alcohol, in accordance with a Premises Licence.
- 1.4 The Panel will make a decision on the day of the hearing and the parties will be notified subsequently of the decision and the reasons for it by letter from the Licensing Service.

2.0 BACKGROUND

- 2.1 The Licensing Act 2003 was amended by the Policing and Crime Act 2017 to give a licensing authority the power to suspend a personal licence for up to six months or to revoke a personal licence where the licensing authority becomes aware that the holder of a personal licence has been convicted of a relevant offence.
- 2.2 As part of the statutory process, the licensing authority must serve a notice on the personal licence holder of their intentions and advising the licence holder that they have 28 days to make representations to the notice.

- 2.3 Before deciding whether to suspend or revoke a licence the licensing authority must give consideration to;
- any representations made by the licence holder
 - any decision of a court
 - any other information which is considered relevant.

2.4 The licensing authority have complied with all the necessary procedural requirements.

3.0 THE APPLICATION

3.1 On the 22nd October 2017, the Licensing Authority received notification from Greater Manchester Police that the client was in custody for the offence below. When interviewed by the Deputy Licensing Officer and Licensing Enforcement Officer following his release the client explained the circumstances and informed us of his court date. Following the court date the client contacted the Licensing Authority with the details of conviction.

| Details of Offence | Conviction Date | Convicting Court | Sentence |
|--------------------|-----------------|------------------------|--|
| Common assault | 29/12/17 | Manchester Magistrates | 3 months imprisonment suspended for 12 months £400 fine 80 hours community service Attend alcohol abuse course once a week for 6 months |

4.0 REPRESENTATIONS

4.1 The Licensing Authority served a notice on the client on the 15th February 2018, attached at appendix 1.

4.2 The client submitted representations to the notice before the end of the 28 day period, attached at appendix 2.

5.0 OBSERVATIONS

5.1 After hearing the representations made and the evidence presented, Members are obliged to determine the application with a view to promoting the licensing objectives and having regard to the Authority's Licensing Policy and National Guidance issued by the Secretary of State.

List of Background Papers:-

Notice of intention to revoke a Personal Licence
Personal Licence Holders representation

For further information on the details of this report, please contact:

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