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| REPORT TO: | Licensing Sub-Committee |
| DATE: | 1 st April 2019 |
| LEAD OFFICER: | Head of Planning and Public Protection |
| CONTACT OFFICER: | Senior Technical Officer (Licensing) 01824 706451 licensing@denbighshire.gov.uk |
| SUBJECT: | Licensing Act 2003 Application for Personal Licence Applicant No: 535038 |

1. PURPOSE OF THE REPORT

- 1.1 The Licensing Authority has received an application for a new Personal Licence, submitted in accordance with Part 6 of the Licensing Act 2003. As a consequence of the necessary consultation, the Licensing Authority has received relevant representations that oppose the Application. The Sub-Committee is required to determine the application taking into account all relevant facts/evidence.

2. EXECUTIVE SUMMARY

- 2.1 This is an application for a new Personal Licence. The representations relate to the Prevention of Crime and Disorder.
- 2.2 Members are reminded that any decision must be made in accordance with (i) the Council's Statement of Licensing Policy and, (ii) Guidance issued by the Secretary of State.
- 2.3 Acting in the capacity of Licensing Authority, Members must seek to promote the Licensing Objective, and where Members consider matters have engaged the objective, they may exercise their discretion.
- 2.4 Members of the Licensing Sub-Committee are reminded that they may not exercise discretion in any case, merely because it considers it desirable to do so, and should provide reason(s) for any decision taken, or where they might consider departing in any way from the Protocol, Policy or Guidance.

3. RECOMMENDATIONS

3.1 Decision of the Sub-Committee

The Sub-Committee must, having regard to the representation made, take such steps (below) as it considers necessary for the promotion of the licensing objectives

the Sub-Committee can:

- Grant the Application
- Reject the Application

4.0 BACKGROUND INFORMATION

4.1 On 14th February 2019, the Licensing Authority received an application for a Personal Licence. The application has been submitted by Manchester License Training on behalf of Applicant Number 535038.

4.2 The Licensing Act defines a “Personal Licence” as a licence which is granted by a Licensing Authority to an individual, and authorises that individual to supply alcohol, or authorise the supply of alcohol, in accordance with a premises licence. A Personal Licence has effect for an unlimited number of years, unless surrendered, revoked, suspended or forfeited.

4.3 The requirements for a Personal Licence are prescribed by Part 6 of the Licensing Act. In order for the licence to be granted, the applicant must satisfy the following criteria:

- an applicant must be aged over 18;
- hold the relevant licensing qualifications;
- not had a personal licence forfeited within the previous 5 years, and
- must not have been convicted of any relevant offence or foreign offence.

4.4 If any of the first three criteria are not met, the Licensing Authority must reject the application; where the first three are met but the applicant fails to meet the fourth, the Licensing Authority must notify the chief of police if the applicant has been convicted of any relevant or foreign offence.

4.5 Once notified, the police have 14 days in which to make an objection if they consider that granting the licence would undermine the crime prevention objective of the Licensing Act; where objections are received,

the Authority must hold a Hearing at which both parties can put forward their arguments

4.6 Relevant Representations

The Applicant has declared details of Relevant Offences and representations that have been deemed to be relevant by the Head of Planning and Public Protection have been received from the police within the prescribed period. A copy of the representation can be examined at **Appendix A** to this report, along with a copy of the application at **Appendix B**. Details of the offences are attached to this report at **Appendix C**.

4.6.1 The Applicant and their agent have been informed that representations have been received and have been invited to the Hearing.

4.6.2 Licensing Objectives / Guidance / Policy Considerations

The relevant representations engage the licensing objectives.

The Sub-Committee, in respect of this Application, is referred to the Guidance issued under Section 182 of the Licensing Act 2003:

- Personal Licences **Section 4**
- Prevention of Crime and Disorder **Section 2.1 to 2.6**

4.6.3 Statement of Licensing Policy

The Sub-Committee, in respect of this Application, is referred to the Council's Statement of Licensing Policy:

- Prevention of Crime and Disorder **Section 3.1**

4.7 Finally, Members are also reminded that in determining the application in accordance with the Licensing Act, they must also have regard to –

- The Crime and Disorder Act 1998 under which it has a duty to prevent/reduce crime and disorder in the area
- The common law rules of natural justice
- The provisions of the Human Rights Act 1998

5.0 **OFFICERS COMMENTS**

5.1 The Head of Planning and Public Protection has put the following comments forward to assist Members in their deliberations.

5.2 For the purposes of obtaining a Personal Licence, applicants need only

declare relevant offences or foreign offences which are not spent under the terms of the Rehabilitation of Offenders Act 1974.

5.3 The Applicant has declared a conviction for a relevant offence which is unspent (Appendix A). For Members information, the definition of a relevant offence is detailed at s.113 of and Schedule 4 to the Licensing Act, but relevant offences include:

- those involving serious crime;
- those involving serious dishonesty;
- those involving controlled drugs;
- certain sexual offences, and
- offences created by the Licensing Act

5.4 When considering this application, Members may wish to refer to Guidance issued under Section 182 of the Licensing Act 2003. Section 4.24 states that, whilst some offences may never be spent under the terms of the Rehabilitation of Offenders Act, provided an applicant can demonstrate that they no longer have a propensity to re-offend, it may be appropriate to grant a licence if Members are satisfied that in doing so the Crime Prevention Objective would not be undermined.

6.0 SUMMARY

6.1 Members should take into full account Guidance and the Council's Statement of Licensing Policy, with particular reference to those areas highlighted in this report. Members are reminded that they should only deviate from the Policy when there is good evidence/reason to do so.

6.2 Members will be required to determine whether by granting this application, it would promote the prevention of crime and disorder objective of the Licensing Act.

6.3 In view of the representation received from North Wales Police, Members will wish to give careful consideration to this Application for a Personal Licence.