

## GUILDFORD BOROUGH COUNCIL

<b>LICENSING ACT 2003 RECORD OF HEARING AND DECISION TAKEN BY THE LICENSING SUB-COMMITTEE</b>	
<b>DATE OF HEARING</b>	Monday 24 February 2020
<b>SUB-COMMITTEE MEMBERS PRESENT:</b>	Councillor David Goodwin (Chairman) Councillor James Steel Councillor Catherine Young
<b>OFFICERS PRESENT:</b>	Mark Adams (Licensing Officer) Sophie Butcher (Democratic & Mayoral Services Officer) Bridget Peplow (Senior Specialist Solicitor)
<b>DISCLOSURES OF INTEREST BY MEMBERS PRESENT:</b>	None
<b>PERSONAL LICENCE HOLDER:</b>	Mr Ian Forward
<b>OTHER PERSONS:</b>	Ms Jane Lyons (Chair of Pub Watch)

### DETAILS OF DECISION TAKEN:

In arriving at its decision, the Sub-Committee took into account the relevant representations submitted verbally and in writing. The Sub-Committee was also made aware that the following were relevant:

- The Police and Crime Act 2017 which gives licensing authorities the power to revoke or suspend personal licences, with effect from 6 April 2017.
- Schedule 4 of the Licensing Act 2003 – which states that the Road Traffic Act 1988 (c. 52) (c) section 5 (driving etc. a vehicle with alcohol concentration above prescribed limit) is a relevant offence.
- Section 132A of the Licensing Act 2003 and;
- Guidance issued by the Secretary of State under Section 182 of the Licensing Act 2003: Paragraphs 4.45 – 4.50 – powers to revoke or suspend personal licences.

The Sub-Committee received a report from the Licensing Officer who stated that the Sub-Committee had been convened to consider whether any action should be taken in relation to Mr Ian Forward, following his conviction for an offence for driving a vehicle with alcohol above the prescribed limit. Mr Forward held a Personal Licence to sell alcohol issued by Guildford Borough Council, under Part 6 of the Licensing Act 2003. The Sub-Committee noted that when a licensing authority had granted a personal licence and became aware that the licence holder had

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been convicted of a relevant offence or foreign offence or been required to pay an immigration penalty, a licensing authority may revoke the licence or suspend it for a period of up to six months.

Mr Forward was currently the Designated Premises Supervisor for The Casino, Guildford and had been employed in that role since 17 June 2017. On 31 October 2019, Mr Forward was involved in a collision with a brick wall whilst driving his car in Mary Road, Guildford and was prosecuted for driving a vehicle with alcohol levels above the prescribed limit. Following his conviction at Basingstoke Magistrate's Court he was disqualified from driving for 12 months and fined £230. The Sub-Committee had to consider whether to suspend, revoke or take no action in relation to Mr Forward's Personal Licence to sell alcohol. If the Sub-Committee proposed not to revoke the licence, the licensing authority were required to notify the Police and invite representations regarding the issue of whether the licence should be suspended or revoked giving them 14 days to make representations. If the Sub-Committee suspended or revoked the licence, Mr Forward would have 21 days in which to appeal.

The Sub-Committee noted that on 20 February 2020, Mr Forward had submitted two representations made on his behalf endorsing the good work he had undertaken as a DPS since being employed at The Casino, Guildford. Those representations were by Jane Lyons, Chair of Guildford Pub Watch and Pete Lambert, Town Safety and Venue Liaison Manager.

The Senior Specialist Solicitor advised the Sub-Committee that owing to the fact that this was the first time that Guildford Borough Council had considered such a case, it was important to outline the procedure which applied. The only decision which the Sub-Committee could make at the hearing was to revoke Mr Forward's Personal Licence. If the Sub-Committee decided to suspend the licence or take no action, the hearing would have to be adjourned so that the licensing authority could notify the Police and give them 14 days in which to make any relevant representations.

The Sub-Committee noted the following submissions made by Mr Forward and Ms Lyons, Chair of Pub Watch:

- The incident involving the brick wall took place at approximately 2:55am in the morning.
- He had finished work on the night of 31 October 2019 and decided to have two bottles of beer with fellow work colleagues. He waited for two hours, after drinking the beer, and thought that he would be within the legal limit to drive his motor vehicle. He proceeded to get into his car, it was a wet night and he hit the kerb which propelled the car into a brick wall. The vehicle did not sustain any damage to its bodywork but did suffer a puncture to one of the front tyres.
- A taxi driver was parked at St Mary's Road and called the Police immediately. Mr Forward returned to the Casino to obtain his insurance documents and upon his return to the scene the Police were onsite. The car insurance documents were in his name, not the company's. He was then breathalysed at the Police Station.
- He expressed remorse over the incident and knew that he had made a stupid mistake.
- Jane Lyons, Chair of Guildford Pub Watch who attended the hearing explained that she had worked with Mr Forward for the last three years. In her experience, Mr Forward had been fully engaged with all community projects in his role as a DPS. The Casino provided a base for paramedics and medical rooms to operate from. The Casino had gone from one of the most problematic night-time venues in Guildford to one of the least problematic. In addition, Mr Forward sat on the board for Experience Guildford and was much respected.

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Ms Lyons explained that if Mr Forward was not the DPS for The Casino it would be to the detriment of the Guildford night-time economy. It was a stupid error on his part and not reflective of Mr Forward's overall good character.

- The Sub-Committee noted that if Mr Forward was not the DPS he did have a Deputy Manager who could take over the role with immediate effect.
- The Sub-Committee noted Mr Forward's involvement with Street Angels who were committed to preserving young life in the community. It was a position of authority and setting an example for young people coming into the nightclub.
- Mr Forward stated that he regretted drinking the two beers after work and was compelled to do so owing to personal issues outside of work which had culminated in a very bad week. He thought that by allowing two hours to pass after drinking the beers he would be within the legal driving limit. However, this was not the case and he realised that he should not have drunk anything prior to operating a motor vehicle.
- Get Surrey had published his conviction in the media which made him feel very embarrassed and he felt that his actions had been detrimental to his working relationships with the Police and Licensing Authority as well as having to explain himself to his family and landlord.
- He stated that he had notified the Licensing Authority of his conviction immediately and worked readily to ensure all relevant authorities were kept in the loop with regard to what had happened. Mr Forward wanted to ensure that The Casino was able to keep trading despite his conviction.
- The original date for the Magistrate's Court hearing had been moved from late November to 3 December at Mr Forward's request owing to a previously booked holiday with his friend to celebrate a 30<sup>th</sup> birthday.
- Mr Forward confirmed that upon being breathalysed he was approx. 2-3 units over the limit.
- He was attending a rehabilitation course at the YMCA in May which would reduce his disqualification from driving from 12 to 9 months.
- At the Magistrate's Court hearing, the Police read out a statement in support of Mr Forward's character to the effect he had undertaken a lot of positive work in the community in his role as a DPS at The Casino. Mr Forward felt that this had influenced the length of time for which he had been disqualified from driving for which could have been a lot longer.
- Mr Forward was very apologetic for what he had done and recognised it as a stupid act on his part that he would not repeat.
- Ms Lyons, Chair of Pub Watch also endorsed Mr Forward's work as a DPS and that he was very capable and had brought about a lot of positive change in The Casino.

The Licensing Officer confirmed for the Sub-Committee that they must consider the case on its merits. The Sub-Committee was reminded that if they suspend the licence or take no action, the police would be notified in order to make representations within 14 days.

Having considered the submissions made by Mr Forward and Ms Lyons, Chair of Pub Watch, the Sub-Committee;

RESOLVED to adjourn the hearing owing to concluding that they were minded to suspend Mr Forward's Personal Licence for a period of three months.

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On 2 March 2020, the Licensing Authority received written confirmation from Surrey Police that they did not wish to make any representations in relation to the Sub-Committee being minded to suspend Mr Forward's Personal Licence for a period of three months. The Sub-Committee therefore agreed that they would suspend Mr Forward's Personal Licence for a period of three months.

**REASON FOR DECISION:**

The Sub-Committee agreed that a suspension of Mr Forward's Personal Licence was proportionate to the seriousness of the offence given his position as a DPS at The Casino. The Sub-Committee took into consideration the fact that Mr Forward had maintained and developed a good professional relationship with Surrey Police, Pub Watch and the Licensing Authority and that the reputation of The Casino had vastly improved since Mr Forward had been in position as DPS. The Sub-Committee in deciding to suspend Mr Forward's Personal Licence for three months agreed that it was a proportionate action to take in relation to the offence of drink driving for which he was prosecuted. Mr Forward showed remorse for his actions and the Sub-Committee was confident that he would not commit such an offence again. The offence was too serious to take no action but it would be disproportionate to revoke the licence.

Signature of Chairman: .....

Dated: .....