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Contact Officer:

Sophie Butcher - Committee Officer  
Tel no: 01483 444056

14 February 2020

Dear Councillor

Your attendance is requested at a meeting of the **LICENSING SUB COMMITTEE** to be held in the Room 3 - Sheepleas, Millmead House, Guildford, Surrey GU2 4BB on **MONDAY 24 FEBRUARY 2020** at **2.00 pm**.

Yours faithfully

James Whiteman  
Managing Director

**MEMBERS OF THE LICENSING SUB COMMITTEE**

Councillor David Goodwin (Chairman)

Councillor James Steel

Councillor Catherine Young

**QUORUM 3**

## THE COUNCIL'S STRATEGIC FRAMEWORK

### Vision – for the borough

For Guildford to be a town and rural borough that is the most desirable place to live, work and visit in South East England. A centre for education, healthcare, innovative cutting-edge businesses, high quality retail and wellbeing. A county town set in a vibrant rural environment, which balances the needs of urban and rural communities alike. Known for our outstanding urban planning and design, and with infrastructure that will properly cope with our needs.

### Three fundamental themes and nine strategic priorities that support our vision:

- |                     |  |
|---------------------|--|
| <b>Place-making</b> | Delivering the Guildford Borough Local Plan and providing the range of housing that people need, particularly affordable homes |
|                     | Making travel in Guildford and across the borough easier   |
|                     | Regenerating and improving Guildford town centre and other urban areas   |
| <b>Community</b>    | Supporting older, more vulnerable and less advantaged people in our community  |
|                     | Protecting our environment   |
|                     | Enhancing sporting, cultural, community, and recreational facilities   |
| <b>Innovation</b>   | Encouraging sustainable and proportionate economic growth to help provide the prosperity and employment that people need       |
|                     | Creating smart places infrastructure across Guildford  |
|                     | Using innovation, technology and new ways of working to improve value for money and efficiency in Council services             |

### Values for our residents

- We will strive to be the best Council.
- We will deliver quality and value for money services.
- We will help the vulnerable members of our community.
- We will be open and accountable.
- We will deliver improvements and enable change across the borough.

## AGENDA

### **ITEM NO.**

#### **1 LOCAL CODE OF CONDUCT - DISCLOSABLE PECUNIARY INTERESTS**

In accordance with the local Code of Conduct, a councillor is required to disclose at the meeting any disclosable pecuniary interest (DPI) that they may have in respect of any matter for consideration on this agenda. Any councillor with a DPI must not participate in any discussion or vote regarding that matter and that they must also withdraw from the meeting immediately before consideration of the matter.

If that DPI has not been registered, you must notify the Monitoring Officer of the details of the DPI within 28 days of the date of the meeting.

Councillors are further invited to disclose any non-pecuniary interest which may be relevant to any matter on this agenda, in the interests of transparency, and to confirm that it will not affect their objectivity in relation to that matter.

#### **2 TO CONSIDER WHETHER ANY ACTION SHOULD BE TAKEN IN RELATION TO A PERSONAL LICENCE HOLDER TO SELL ALCOHOL (Pages 5 - 8)**

**Please contact us to request this document in an alternative format**

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Licensing Sub-Committee Report  
Report of Licensing Officer  
Author: Mark Adams  
Tel: 01483 444368  
Email: [mark.adams@guildford.gov.uk](mailto:mark.adams@guildford.gov.uk)  
Date: 24 February 2020

## **1. Purpose of Report**

- 1.1 The report asks the Sub-Committee to consider whether any action should be taken in relation to Mr Ian Forward, who holds a Personal Licence to sell alcohol issued by Guildford Borough Council, under part 6 of the Licensing Act 2003.
- 1.2 The Policing and Crime Act 2017 gave licensing authorities the power to revoke or suspend personal licences, with effect from 6 April 2017. This is a discretionary power; licensing authorities are not obliged to give consideration to all personal licence holders subject to convictions for relevant offences, foreign offences or civil penalties for immigration matters.
- 1.3 When a licensing authority has granted a personal licence and becomes aware that the licence holder has 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.

## **2. Background**

- 2.1 Mr Ian Forward applied for and was granted a Personal Licence to sell alcohol on the 23-05-2017, licence number GUPA1695 by Guildford Borough Council as the licensing authority.
- 2.2 Mr Forward is the current Designated Premises Supervisor at the Casino Night Club in Guildford and has performed the role since 17 June 2017. The mandatory conditions on the premises licence state that no supply of alcohol may be made when the designated premises supervisor does not hold a personal licence or when his licence is suspended.
- 2.3 On 31 October 2019, Mr Forward was driving a motor vehicle in Mary Road, Guildford when he was involved in a collision with a wall. The police attended the incident and as a result Mr Forward was prosecuted for an offence of driving a vehicle with alcohol above the prescribed limit. On the 3 December 2019, Mr Forward was convicted at Basingstoke Magistrates Court and disqualified from driving for 12 months and fined £230.
- 2.3 Schedule 4 of The Licensing Act 2003 states that the following is a relevant offence under the following provisions of the Road Traffic Act 1988 (c. 52)—  
  
(c)section 5 (driving etc. a vehicle with alcohol concentration above prescribed limit).
- 2.4 Mr Forward was written to on the 7 January 2020 and advised on the process of reviewing his Personal Licence and invited to provide any comments.

**3. Main Considerations**

- 3.1 The Sub-Committee should consider whether any action should be taken in relation to Mr Ian Forward, following his conviction.
- 3.2 Mr Forward has co-operated with the investigation and pleaded guilty at court.
- 3.3 Mr Forward has no previous convictions.
- 3.4 Mr Forward has been invited to make representations regarding the hearing and has accepted the invitation to attend in person. The Licensing Authority has not yet received any written representations.

**4. Legal Implications**

- 4.1 Section 132A Licensing Act 2003 states that the licensing authority, before deciding to suspend or revoke a licence, must take into account any representations made by the licence holder in the period of 28 days beginning with the day notice was given to him, any decision of a court to forfeit or suspend the licence of which the licensing authority is aware and any other information which the licensing authority considers relevant.
- 4.2 Following consideration of the matters set out in 4.1, if the Sub-Committee proposes not to revoke the licence, the licensing authority must notify the police and invite representations regarding the issue of whether the licence should be suspended or revoked having regard to the crime prevention objective. The police will have 14 days to make representations.
- 4.3 The Sub-Committee must then reconvene to consider the police representations and the matters set out in 4.1. The Sub-Committee must then make a decision whether to suspend or revoke the licence.
- 4.3 The licensing authority must then give notice of the decision and the reasons for it to the licence holder and the police. If the licence is suspended or revoked, the licence holder may appeal to the Magistrates Court. The decision will not take effect until the end of the period of 21 days in which an appeal may be made or if an appeal is made, until the appeal is disposed of.
- 4.4 The licensing authority must carry out its functions with a view to promoting the licensing objectives, which are:
  - a. the prevention of crime and disorder;
  - b. public safety;
  - c. the prevention of public nuisance;
  - d. the protection of children from harm.
- 4.5 The licensing authority must also have regard to its licensing policy and the guidance issued by the Secretary of State under S182 Licensing Act 2003. The relevant section of the licensing policy is Section 7 – Personal Licences. The relevant paragraphs of the guidance are paragraphs 4.45 – 4.50 – Licensing authority powers to revoke or suspend personal licences.

**5. Human Rights Implications**

- 5.1 Under Article 6 of the First Protocol of the Human Rights Act 1998, everyone, in the determination of his civil rights and obligations, is entitled to a fair and public hearing within a reasonable time by an independent and impartial tribunal established by law. The right to make representations to the licensing authority together with the right of appeal to the Magistrates' Court complies with the requirements of the 1998 Act.
- 5.2 Article 1 of the First Protocol to the Human Rights Act 1998 states that everyone is entitled to the peaceful enjoyment of his possessions and that no one shall be deprived of his possessions except in the public interest and subject to the conditions provided for by law and by the general principles of international law.

**6. Conclusion**

- 6.1 The Sub-Committee should decide the case on its merits.
- 6.2 The sub-committee must consider if it is appropriate for Mr Forward to retain his Personal Licence.
- 6.3 The Sub-Committee may decide to:
- Suspend the licence for up to 6 months.
  - Revoke the licence.
  - Take no action.

Report: Mark Adams Licensing Officer

Legal Services: Bridget Peplow

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