

Licensing Sub-Committee Report
Report of Licensing Officer
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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