

Minutes of **Licensing Act 2003 Sub-Committee**

Meeting date **Monday, 23 September 2024**

Members present: Councillor Matthew Lynch (Chair) and Councillors Michelle Beach and Joan Williamson

Officers: Sushma Nayee (Solicitor), Elizabeth Walsh (Legal Services Team Leader), Coral Astbury (Democratic and Member Services Officer) and Usman Gazra (Enforcement Officer (Licensing))

24.11 Declarations of Any Interests

There were no declarations of interest.

24.12 Procedure

The Chair outlined the procedure to be followed for the hearing.

24.13 Exclusion of the Public and Press

That the press and public be excluded from the meeting for the following items of business on the grounds that it involved the likely disclosure of exempt information as defined in Paragraph 1 of Part 1 of Schedule 12A of the Local Government Act 1972.

24.14 Determination of whether to suspend or revoke a Personal Licence

The Director of Planning and Property submitted a report for the Licensing Act 2003 Sub-Committee to inform members that a Personal Licence Holder had been convicted of a relevant offence after the grant of the licence.

The Personal Licence Holder (PLH) was present at the hearing.

The Licensing Officer outlined the report and reminded members of the licensing objectives, members also noted the duty of the licensing authority in taking steps necessary to promote the licensing objectives in the interests of the wider community and not those of the licence holder.

The Licensing Officer explained that the PLH was first granted a licence on 29 December 2012. On 24 May 2023 a hearing of the Licensing Act 2003 Sub-Committee was held to determine whether to suspend or revoke that licence. This was following the licence holder’s conviction at Preston Crown Court on 15 June 2021 for an offence of Theft by Employee. The sub-committee decided to suspend the licence for a period of six months.

On 8 July 2024 the licence holder notified the authority that he had been convicted at Burnley Crown Court on 3 July 2024 for an offence of putting people in fear of violence. The PLH was sentenced to twelve months imprisonment, suspended for eighteen months.

The Licensing Officer advised that on the 1 August 2024, in accordance with Chorley Council's Scheme of Delegation, and in consultation with the Chair of the Licensing and Public Safety Committee, a decision was taken for the authority to consider suspending or revoking the personal licence.

Attempts were made with the Crown Court to establish whether the licence holder had informed the court of his personal licence. No records were able to be provided, but the licence holder stated he did inform the court.

The Licensing Officer outlined the factors members must take into account, and the options available to them.

The PLH addressed the committee and explained that he was given a suspended sentence for harassment and referred members to the detailed letter he had submitted. The PLH explained the event had no bearing on businesses he had ran before, and he had deep regret over the situation. The PLH explained that a change of career would be difficult for him, and working as a PLH was how he supports his family. He had not run a pub for two years but would like to get back into it.

In response to questions from the sub-committee, the PLH gave the following answers:

- The offence took place in February 2024, at which point the suspension on his licence had lapsed.
- The PLH regretted what had happened, it was out of character, and he did not have a previous history of threats or violence. He had to give up his business and lost his family, which put a strain on him. It was his belief he had a breakdown.
- Whilst on probation, the PLH initially checked in weekly, however this was reduced to monthly.
- The incident was an isolated incident and out of character, the PLH had run pubs for over twenty years and only had to call the police out twice.

In response to a question from the committee's legal advisor about plans to mitigate future behaviour, the PLH explained that his son was safeguarded by social services, and he was with him primarily. The incident was unlikely to happen again, but he had learned from the situation.

The PLH summed up and stated that the incident was a horrific time for himself and his family. The PLH's record of running pubs was excellent, he had worked under several authorities and had no issues with licensing. Since being on remand getting work had become very difficult, to lose his licence would be difficult as this work is how he supports his family. The PLH stated that no incident would happen again in the future.

Resolved:

The Licensing Sub-Committee considered the representations made by the Personal Licence holder in relation to his most recent conviction. After careful consideration, the Sub-Committee **resolved to revoke the Personal Licence for the following reasons:**

The License Holder's conduct was deemed to go against the licensing objectives, specifically the prevention of crime and disorder and public safety. The License holder has committed a serious relevant offence within close proximity to his previous serious offence in 2023. Members noted that the License Holder's personal Licence was previously suspended within the last 12 months.

Members were minded to dismiss the fact that the Licence holder's financial position and career prospects would be greatly affected by the decisions made in today's hearing as they do not form part of the Licensing objectives.

Members felt that the Licence holder did not provide any mitigation, or any efforts had been made to ensure that incidents of this nature are dealt with appropriately in the future.

All parties to the hearing, have a right to appeal the decision to the Magistrates Court within 21 days.

Chair

Date