

MINUTES OF LICENSING ACT 2003 SUB-COMMITTEE

MEETING DATE Friday, 13 December 2019

MEMBERS PRESENT: Councillor Matthew Lynch (Chair), and Councillors Tom Gray and Laura Lennox

OFFICERS: Nathan Howson (Enforcement Team Leader (Licensing)), Alex Jackson (Legal Services Team Leader) and Philippa Braithwaite (Democratic and Member Services Officer)

19.97 Procedure

The procedure was noted.

19.98 Declarations of Any Interests

There were no declarations of interests received.

19.99 Exclusion of the Public and Press

RESOLVED – That the press and public be excluded from the meeting for the following item 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.

19.100 Review of Personal Licence where the Holder has been convicted of a Relevant Offence

The Sub-Committee considered a report which advised that a Personal Licence Holder had been convicted of a relevant offence after the grant of the licence and asked Members to determine whether to revoke or suspend the licence.

The Licensing Officer advised that the Licence Holder was granted a Personal Licence pursuant to Section 120 of the Licensing Act 2003 on 9 December 2014 and a replacement Licence issued after a change of address in March 2018. The Licence Holder is currently the DPS of a premises in Chorley.

On 14 August 2019 the Licence Holder was convicted of a relevant offence, namely driving with a blood alcohol level of 49mg per 100mg of breath, above the legal limit of 39mg. Members noted that the Licence Holder notified the Authority of this conviction on 2 September 2019 and, on 9 October 2019, the Authority decided to consider suspending or revoking his Personal Licence. On 18 November 2019, confirmation was received from Preston Magistrates' Court that the Licence Holder had notified the Court that he held a Personal Licence, as required by Section 128 of the Act;

Members noted that the Court did not make an order for the licence to be suspended or forfeited at that time.

In response to questions from the Sub-Committee, the Licensing Officer advised that he did not know whether the effect of food on blood alcohol levels (or lack thereof) was included in the training course for Personal Licences, but that he doubted it was.

The Licence Holder then made his representations, advising that he had worked all day before helping a friend at a pub in Blackburn until just after midnight. He stopped by the a pub in Chorley for a drink on his way back and decided to have a second pint. He acknowledged this was a bad decision. The Licence Holder advised he had then driven back to Chorley dropping a friend on the way and had pulled over to get a packet of cigarettes out of his pocket. The Police had pulled up next to him as his driving had looked suspicious. The Licence Holder stated that he hadn't eaten all day and had been tired but recognised he had made a very bad decision which he regretted.

In response to questions from the Sub-Committee, the Licence Holder confirmed he had been at the pub in Chorley for approximately an hour, and that he and was now fully aware of the legal limits. He advised that having his driving licence taken away had drastically affected his ability to work and that if his Personal Licence was revoked or suspended he would have to ask his father to step in as the Designated Premises Supervisor. The Licence Holder stated that this had shown him what a "stupid" decision it had been to have two pints before driving.

In response to further questions, the Licence Holder confirmed that the Personal Licence training did not cover food on blood alcohol but instead focussed on the Licensing Act 2003. He also advised that he had booked on to the drink driving awareness course offered by the Court.

After careful consideration of the report and the representations of the Licence Holder, and having regard to the guidance issued under S182 of the Licensing Act 2003 and the Council's Statement of Licensing Policy, the Licensing Act 2003 Sub-Committee **RESOLVED not to suspend or revoke the personal licence but to issue a warning as to future conduct to lie on the Licence Holder's licensing file for the following reasons:**

- 1. The Licence Holder has behaved correctly by declaring his personal licence to the court and had notified the Council of his conviction.**
- 2. The report does not mention that the Licence Holder has previous convictions or cautions.**
- 3. There is nothing in the report to suggest that the Licence Holder has an irresponsible attitude towards the sale of alcohol at the premises which he manages which might be shown by irresponsible promotions, underage alcohol sales or lack of evidence of refusal of alcohol to drunk persons.**
- 4. The Licence Holder is booked to attend the drink driving awareness course offered by the court which hopefully should give him an insight into his actions.**

- 5. The Licence Holder has expressed remorse about his drink driving and showed a clear intention not to repeat it.**

Chair

Date