

<b>Minutes of</b>	<b>Licensing Act 2003 Sub-Committee</b>
<b>Meeting date</b>	<b>Tuesday, 18 October 2022</b>
<b>Committee Members present:</b>	Councillor Matthew Lynch (Chair), Councillor (Vice-Chair) and Councillors Tommy Gray and John Walker
<b>Committee Members present virtually (non-voting):</b>	Councillors
<b>Observers present:</b>	Councillors and (attended virtually)
<b>Officers:</b>	Nathan Howson (Enforcement Team Leader (Licensing)), Elizabeth Walsh (Senior Solicitor), Stefanie Malcolmson (Senior Solicitor) and Coral Astbury (Democratic and Member Services Officer)
<b>Apologies:</b>	Councillor

A video recording of the public session of this meeting is available to view on [YouTube here](#)

## **8 Declarations of Any Interests**

None.

## **9 Procedure**

The Chair outlined the procedure that would be followed.

## **10 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.

## **11 Determination of whether to suspend or revoke a Personal Licence**

The Director of Planning and Development submitted a report for the Licensing Act 2003 Sub-Committee to inform members that the Personal Licence holder has been

convicted of a relevant offence and to request that members decide whether to suspend or revoke the licence.

The Personal Licence Holder (PLH) was not present at the hearing.

The Enforcement Team Leader (Licensing) asked members to consider if they would like to proceed with the hearing given that the PLH was not in attendance. The Enforcement Team Leader advised he had served the PLH with various notices and not received any response. Officers had attempted to contact the PLH on the day of the hearing via telephone and left a voicemail, this had not been responded to.

The Enforcement Team Leader (Licensing) left the room whilst members discussed if they should continue.

It was resolved by members that the hearing would continue in the absence of the PLH.

The Enforcement Team Leader (Licensing) explained the PLH was granted a Personal Licence on 15 March 2021 and was not currently the designated premises supervisor (DPS) of a Chorley licensed premises. It was unknown whether he was the DPS at a premise outside of the borough.

On 9 August 2022, the PLH was convicted of an offence of driving a motor vehicle with alcohol concentration above the prescribed limit, contrary to Section 5(1)(b) of the Road Traffic Act 1988. The court record indicated the PLH had between 90-119 micrograms of alcohol per 100 milliliters of breath. The legal limit is 35 micrograms.

The Enforcement Team Leader (Licensing) explained that Section 128 of the Licensing Act 2003 requires a personal holder charged with a relevant offence to produce the licence to the Court. It appears, the licence holder failed to comply with this duty. Section 132 of the Act requires a PLH convicted of a relevant offence to give the Licensing Authority, as soon as reasonably practicable after the conviction, a notice containing the details of the nature and date of the conviction and an sentence imposed in respect of it. The licence holder also failed to comply with this duty.

On 31 August 2022 the PLH was given notice that the Licensing Authority was considering or revoking his Personal Licence and was invited to make representations regarding this within 28 days of receiving the notice. No representations were received from the licence holder.

Members noted the address contained on the court record differed from the address the local authority held on file and asked the Enforcement Team Leader (Licensing) if the PLH had received the letters. In response, the Enforcement Team Leader (Licensing) advised the Licensing Act 2003 has a requirement for PLH's to notify the authority of a change of address, however he had not notified the authority of any change.

As all notices had been sent to the PLH via email, the Enforcement Team Leader (Licensing) advised he did not see any issues with the service of hearing notice.

Members asked why the reading for blood alcohol levels were not more accurate. In response, the Enforcement Team Leader (Licensing) explained that several readings may have been taken over a period.

## **Resolved:**

The Licensing Act 2003 Committee considered the request whether to suspend or revoke the Licence. Members considered the Licensing Objectives as follows:

- Prevention of Crime and Disorder
- Public Safety
- Prevention of Public Nuisance
- Protection of Children from Harm

In coming to its decision Members regarded:

- Section 182 of the Licensing Act 2003
- The Council's Statement of Licensing Policy
- The Licensing Act 2003

After careful consideration, the Sub-Committee decided to revoke the licence for the following reasons:

1. Due to the seriousness of the drink driving offence and the fact that the Licence Holder had failed to notify the Local Authority both of the conviction and due to the discrepancy of his address, this went against the promotion of the Licensing Objectives, the Council's Statement of Licensing Policy and provisions within the Licensing Act 2003.
2. The Licence Holder should have informed the Court that he held a Personal Licence, but he did not.
3. Members noted that the Personal Licence Holder had failed to make any representations and did not attend committee. His failure to respond to communications and/or lack of communication with the Enforcement Team Leader and the Council was noted by Members. Members expressed their disappointment at his failure to explain himself.

Chair

Date