

The Licence Holder did not notify the Local Authority of the conviction, but procedure would be for the Licence Holder to inform the Court and the Court would inform the Local Authority. The Licence Holder made written representations 4 March 2021.

The Licensing Officer explained the potential outcomes for the Licence Holder, and noted that if the decision was made not to revoke or suspend, the police would have the opportunity to make representations, and if so, the matter will return to the Sub-Committee for a final decision.

The Licence Holder made their representations and emphasised that they had no intention of justifying their actions or providing any excuses. The Licence Holder was remorseful and felt that the incident was out of character as evidenced by having no history of driving offences. At the time of the incident, the Licence Holder was dealing with health issues, stress at work and financial pressure. Since the incident, they had received help, and immediately booked onto the alcohol driving rehabilitation course and paid the fine. The Licence Holder was certain that the Court were informed of the Personal Licence and explained that the reason they invested in a solicitor was not to fight the charge, but to ensure that everything was done correctly.

Upon question by members, the Licence Holder stated that the incident occurred after leaving the residence of a friend at 2am.

Upon request of the Licensing Officer, the Licence Holder explained that there had been two complaints about the premises, the first was during the transfer and start of pub tenure, in relation to potential drug misuse on site. The matter was dealt with and the establishment made it clear that drug use on the premises was unacceptable. The most recent was August 2020. a noise complaint followed a socially distanced event in which all Covid-19 and Licensing guidelines were adhered to.

Neither complaint progressed. The establishment took significant care to craft a good relationship with its neighbours and actively encouraged communication to resolve any minor issues that occur.

The Legal Services Team Leader, raised the possibility that the Licence Holder's legal representative in court inadvertently miscommunicated that his client was a holder of a Premises Licence and not a Personal Licence as a result of his unfamiliarity with licensing legislation.

To sum up, the Licence Holder acknowledged their mistake, said they made no excuses, was remorseful and ashamed. The incident was out of character and they hoped that they had demonstrated the value they placed on the Personal Licence to the Sub-Committee. They informed the Committee that due to the previous 12 months; it was in their financial interest to give up the establishment, and she once more provided apologies for the incident.

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 personal licence holder has no previous conviction for this type of offence.**
2. **There was nothing to suggest that the personal licence holder is not a responsible DPS. There was no suggestion of underage alcohol sales or sale of alcohol to drunk persons.**
3. **The personal licence holder was remorseful.**
4. **The personal licence holder advised that their personal issues were improving.**
5. **It did not appear that the convicting court had been specifically notified of the personal licence. However, the personal licence holder was very clear that they did not seek to conceal this from the court. Members noted the e-mail from the Court saying that a fact as significant such as this would have been recorded at the time. However, members also took into account the e-mail from the solicitor for the personal licence holder who presented mitigation at the court hearing in which he referred to the “licence holder” and then named the premises. Members considered that the solicitor may not have distinguished with sufficient clarity between a premises licence and a personal licence. For these reasons members concluded that the personal licence holder did not purposely conceal the personal licence from the court and their involvement in the licensed trade was declared to the convicting court by her solicitor.**

Chair

Date