

(a) of the Road Traffic Act 1988. This was a relevant offence under the Licensing Act 2003 by virtue of Schedule 4, Paragraph 14(c). The licence holder had 46 microgrammes of alcohol in 100 millilitres of breath. The prescribed limit is 35 microgrammes.

The report highlighted that Section 127 of the Licensing Act 2003 requires a PLH to notify the licensing authority, as soon as reasonably practicable, of a change of address. The licence holder had failed to comply with this duty.

Section 128 of the Act requires a PLH charged with a relevant offence to produce the licence to the Court. The licence holder had failed to produce 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 reasonable practicable after the conviction, a notice containing details of the nature and date of the conviction and any sentence imposed in respect of it. The licence holder had also failed to comply with this duty.

On 28 March 2023, the licence holder made written representations with regard to the Licensing Authority's review of the personal licence which included consideration whether to suspend or revoke the licence. The representations were appended to the report.

In conclusion, Mr Howson drew attention to paragraphs 17 and 22 of the report stating that under the Act representations may be made regarding "any other relevant information (including information regarding the licence holder's personal circumstances)" and that the Authority must take into account "any other information which the Authority considers relevant".

The licence holder was then invited to address the Committee in accordance with the procedure.

The licence holder (PG) stated that although he had first obtained his personal licence in 2007, he had worked abroad and had not made use of it for over ten years, until around 2019 having returned to the UK and confirming with licensing officers that the licence was still valid. He admitted at that stage he had failed to update his address on the licence. He stated that this was a genuine error, however, he confirmed that he was now aware of the requirement.

With regard to his drink driving conviction, PG explained the circumstances which gave rise to the offence. PG acknowledged that it was the wrong decision to drive to the premises and regretted it.

During questions by the Sub Committee, PG confirmed that he was now fully aware of the legal obligations and duties associated with holding a personal licence.

In accordance with the procedure, PG and Mr Howson then left the room while the Sub Committee made its deliberations.

RESOLVED:

The Sub Committee carefully considered all the evidence in this matter, taking into account the written and oral representations, the Section 182 Guidance under the Licensing Act 2003, and the Council's Statement of Licensing Policy.

The Sub Committee resolved that, on this occasion, a written warning is issued to the licence holder which will lie on their licensing file, subject to any representations by the Chief Officer of Police as the decision is not to revoke the personal licence. If representations are received by the Chief of Police then the matter will be brought back before the Sub-Committee.

The Sub-Committee made this decision is for the following reasons:-

1. The licence holder has no previous convictions.
2. He now understands the legal obligations under the Licensing Act 2003 of notifying the authority of any change of address and his duties with regard to relevant offences/convictions.
3. The offence is one which is serious however, having heard the circumstances leading to the offence, the Sub-Committee accept that it was a genuine misjudgement on behalf of PG.

Chair

Date