

LICENSING APPLICATION – LICENSING ACT 2003

1 PURPOSE OF REPORT

- 1.1 This report introduces an application for a Personal Licence made under section 111 of the Licensing Act 2003.
- 1.2 The application must be determined within 5 working days of the conclusion of the hearing, in accordance with paragraph 26 of the Licensing Act 2003 (Hearings) Regulations 2005.

2 INTRODUCTION

- 2.1 The application was submitted to the Licensing Authority by CPL Training of 2 Tower Road, Birkenhead, Wirral, CH41 1FN and refers to the applicant, Mr Oliver Owen, born on 24 January 1979.
- 2.2 Appendix A consists of a copy of the original application form.

3 BACKGROUND

- 3.1 The application was distributed to Essex Police and Home Office Immigration on 31 October 2017 for consultation with a deadline date of 14 November 2017 for representations.
- 3.2 Subject to the prescribed procedural requirements a personal licence application must be granted by the licensing authority unless the applicant has been convicted of any relevant offence or foreign offence which is not spent under the Rehabilitation of Offenders Act. In this particular case the relevant offence under the Act is driving a motor vehicle with excess alcohol.

4 REPRESENTATIONS

Responsible Authorities

- 4.1 On Wednesday, 8 November 2017, the Licensing Authority received a representation from Essex Police against the application. The objection notice was served under the Licensing Act 2003 Section 120 (paragraph 5) that the applicant has a current unspent criminal conviction. The objection states that this offence is a relevant offence under the Licensing Act 2003 Schedule 4.
- 4.2 Appendix B consists of a copy of the objection notice issued by Essex Police.
- 4.3 Appendix C consists of a copy of the Home Office documentation outlining the relevant offences.

5 NOTICES

- 5.1 All parties involved have been served with the relevant notices and documentation required by paragraphs 6 and 7 of The Licensing Act 2003 (Hearings) Regulations 2005.
- 5.2 The notices and documentation included an explanation of the rights of persons to attend hearings and to be represented, to give evidence and to call witnesses, the consequences of not attending, the procedure to be followed at a hearing, and, for applicants only, a copy of all relevant representations made.
- 5.3 Paragraphs 8 and 9 of the regulations require that parties notify the Licensing Authority, no later than 2 working days before the hearing. A pro-forma was included with the notices and documentation.

6 MATTERS FOR CONSIDERATION

- 6.1 The Authority is required to take steps it considers appropriate for the promotion of the Licensing Objectives:-
- The prevention of crime and disorder
 - Public safety
 - The prevention of public nuisance
 - The protection of children from harm
- 6.2 In considering this application, Members must also have regard to its Statement of Licensing Policy and the section 182 guidance issued by the Secretary of State.
- 6.3 The following options are available to Members: -
- To grant the application; or
 - To reject the application.

7 LEGAL IMPLICATIONS

- 7.1 The provisions of Licensing Act 2003, The Licensing Act 2003 (Hearings) Regulations 2005, Guidance issued under Section 182 Licensing Act 2003 and the Statement of Licensing Policy, approved by Full Council for the period 31 January 2016 – 31 January 2021 need to be considered by Members in determining the application.

- 7.2 There is a right of appeal to the Magistrates' Court within 21 days of the date of the decision of the Licensing Sub-Committee with regard to the grant or refusal of a licence.

8 EQUALITY AND DIVERSITY IMPLICATIONS

- 8.1 None.

9 RECOMMENDATION

- 9.1 It is proposed that the Sub-Committee **RESOLVES**

To determine the application, having considered all representations made at the hearing.



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Background Papers:-

None.

For further information please contact Jan Fowler, Principal Licensing Officer on:-

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If you would like this report in large print, Braille or another language please contact 01702 318111.