

NORTHAMPTON BOROUGH COUNCIL
ALCOHOL & GAMBLING LICENSING SUB-COMMITTEE

Wednesday, 31 October 2018

PRESENT: Councillor Sargeant (Chair); Councillors Beardsworth and Walker

OFFICERS: Louise Faulkner (Licensing Team Leader), Clive Tobin (Litigation & Licensing Solicitor), Ed Bostock (Democratic Services Officer)

1. WELCOMES

The Chair welcomed everyone to the meeting.

2. DECLARATIONS OF INTEREST

There were none.

3. LICENSING ACT 2003 (S132A)

The Chair moved that the Public and Press be excluded from the remainder of the meeting on the grounds that it was in the public interest to conduct that part of the hearing in private as there was likely to be disclosure to them of such categories of exempt information as defined by Section 100I of the Local Government Act 1972 as listed against such items of business by reference to paragraphs 1 and 2 of Schedule 12A to that Act, namely information relating to an individual or which is likely to identify an individual.

The motion was Carried.

4. PERSONAL LICENSE

The Licensing Team Leader outlined the circumstances as set out in the report.

John Birch, representing the Licence Holder, addressed the Sub-Committee. He confirmed that the Licence Holder was not a DPS at any other premises; his licence for the premises concerned had been transferred to his cousin who was now the DPS. Mr Birch explained that the Licence Holder had been proactive in notifying the Council of his convictions and pleaded guilty at court so as not to prolong the process and noted that the premises had not failed a test purchase since the premises licence revocation in 2017.

In response to questions, Members heard that the Licence Holder continued to work at, and live above the store.

The Solicitor explained to Members their options and asked them to note that any convictions before 6th April 2017 could not be taken into account, they must take account of any decision of the sentencing court in relation to his personal licence however, they were not bound by any such court ruling. He further explained that should Members choose to take no action, the Police must be invited to make representations in relation to that decision

Members retired at 11:42 to make a decision.

The meeting reconvened at 12:05.

RESOLVED:

The Personal Licence is to be **revoked**.

The **reasons** for the decision are:

The Licence Holder has demonstrated inappropriate problem solving skills in relation to a dispute regarding licensed premises; demonstrating poor decision making and a disregard for the law by taking such matters into his own hands. He has committed an offence of dishonesty in relation to a significant sum of money and cannot demonstrate that he has the necessary integrity expected of a personal licence holder who must adhere to the requirements of the 2003 Act and licence conditions. Members also had regard to the fact that such decisions can have an element of deterrence in relation to other licence holders. Members note that the Licence Holder is currently working in a shop which has a premises licence however, the course of action taken will not prevent him from earning a living as he may still be employed there.

Under section 132A (15) and Schedule 5 of the Licensing Act 2003 a personal licence holder whose licence is suspended or revoked by the Licensing Authority may appeal to a magistrates' court. Any appeal must be commenced within 21 days of the date on which notice of the decision is given. A court fee may be payable to commence an appeal. The Court may make orders in relation to costs of an appeal.

The meeting concluded at 12:07.