

Licensing Sub-committee
5 July 2018

WELWYN HATFIELD COUNCIL

RECORD OF PROCEEDINGS of a hearing by the LICENSING AND REGULATED ENTERTAINMENT SUB-COMMITTEE of a review of a personal licence on Thursday 5 July 2018 at 3.00pm in the Council Chamber, Council Offices, The Campus, Welwyn Garden City, Herts, AL8 6AE.

PRESENT: Councillors H.Bower (Chairman)

J.Cragg, R.Trigg

OFFICIALS PRESENT: Licensing Technical Officer (D.Pennyfather)
Senior Litigation Officer (F.Marchione)
Governance Services Manager (G.Seal)
Governance Services Officer (Clerk to the Hearing) (H.Johnson)

ALSO PRESENT: Mr. M (Personal Licence Holder)

PRESENT:

1. APPOINTMENT OF CHAIRMAN

Councillor H.Bower was appointed Chairman of the Sub-Committee.

2. REVIEW OF A PREMISES LICENCE

The review of the premises licence for Judges Restaurant in Northaw had been withdrawn from the agenda by the Council.

3. REVIEW OF A PERSONAL LICENCE

3.1. Introductions and Procedures

The purpose of the meeting was to determine a personal licence for Mr. M under the Licensing Act 2003.

The Chairman welcomed those present to the meeting and introduced the Members of the Sub-Committee and the Officers serving the Sub-Committee, explaining the hearings procedure which had been adopted by the Council, copies of which had previously been circulated.

The licence holder confirmed his identity to the Sub-Committee.

Licensing Sub-committee
5 July 2018

3.2. Documentary Evidence

A copy of the Licensing Officer's report, the personal licence, court conviction as well as written information from the Hertfordshire Police Authority were previously circulated.

3.3. Report of the Licensing Officer

The Licensing Officer presented his report, of which the purpose was to decide whether to suspend or revoke the personal licence of Mr. M. The Officer's view was that Mr. M was no longer a fit and proper person to hold a personal licence since it was his third conviction whilst under the influence of alcohol.

The Licensing Technical Officer stated that the Mr. M was given the opportunity to appeal but they had received no representations.

On 15 January 2009 Mr. M applied to Welwyn Hatfield Council and was granted a personal licence under the Licensing Act 2003.

On 22 November 2019 it was reported in the Welwyn Hatfield Times, Central Herts Court round up that Mr. M was convicted of driving over the drink drive limit on 4 November 2017. A second drink drive offence was committed on 14 November 2017. Mr. M was fined and banned from driving for 30 months.

Under the Licensing Act 2003 section 127, the holder of a personal licence must, as soon as practicable, notify the relevant licensing authority of any change in his name or address as stated in the personal licence. Under Licensing Act 2003 section 132 where a personal licence holder was convicted of a relevant offence and the court had not notified the licensing authority then the personal licence holder must supply a notice containing details of the nature and date of the conviction and any sentence imposed on him.

Mr. M had failed to abide by the former and latter clauses of the Licensing Act 2003. The Licensing team found out about Mr. M's convictions via the local paper and from the Court administration.

The Licensing Act 2003 Schedule 4 listed the personal licence relevant offences. Section 14 included an offence under the following provisions of the Road Traffic Act 1988 (c.52) –

- (b) section 4 (driving etc. a vehicle when under the influence of drink or drugs).
- (c) section 5 (driving etc. a vehicle with alcohol concentration above prescribed limit).

3.4. Personal Licence Holder

Mr. M, the personal licence holder, informed the Sub-Committee that he had moved and that he had not used the licence for the last seven to eight years. He stated that on both drink drive offences he was not driving but sitting in the car.

Licensing Sub-committee
5 July 2018

He also stated that he suffered from blackouts whilst under the influence of alcohol so had no recollection of the events the next day. Mr. M advised the Committee that he had detox treatment for his alcoholism in 2017 and had struggled to stay off alcohol. He added he had not drunk alcohol for the last six months.

3.5. Committee Questions

Members sought clarification on the current address of Mr. M and also whether the blackout was caused by his medication or alcohol, to which Mr. M confirmed his blackouts were caused by alcohol. Mr. M went on to say that the pain and stress of his hip had been a big factor in his drinking, having his first hip replacement in March 2016. He had a second hip replacement recently in June 2018, but had remained free from alcohol for the last six months.

3.6. Determination

Mr. M and the Licensing Technical Officer then withdrew from the room whilst the Committee deliberated.

Mr. M and the Licensing Technical Officer were then recalled and the Chairman gave notice of the Committee's decision as follows, which would be confirmed in writing to Mr. M:

"The Committee considered the evidence presented by the Licensing Officer and by Mr. M and the documents noting that the convictions were related to alcohol abuse and were not reported to the licensing authority so making compliance with the licensing objectives impossible, as without knowledge problems could not be addressed. The Committee further considered the evidence of Mr. M that he did not make much use of the licence. Given the need to ensure compliance with the licensing objectives the Committee had decided to revoke the licence issued to Mr. M on 15 January 2009".

Meeting ended 3.55pm
HJ