

WELWYN HATFIELD BOROUGH COUNCIL
LICENSING SUB COMMITTEE – 17 MAY 2019
REPORT OF THE CORPORATE DIRECTOR (PUBLIC PROTECTION, PLANNING AND GOVERNANCE)

APPLICATION TO REVIEW A PERSONAL LICENCE

Decision whether to suspend or revoke a personal licence – Rebecca Lansbury

1. **Summary of Application**

Applicant(s)
Rebecca Lansbury
Address
32 Birchwood Close Hatfield Herts. AL10 0PP

2. **Background**

On 6 April 2006 Rebecca Lansbury applied to Welwyn Hatfield Borough Council and was granted a personal licence PA32356/070406 under the Licensing Act 2003. At that time she lived at the Builders Arms, 47 Heath Road, Little Heath, Potters Bar, Hertfordshire, EN6 1LR. **Appendix B.**

On 6 March 2019 it was reported in the Welwyn Hatfield Times, Central Herts Court round up that Rebecca Lansbury of 32 Birchwood Close, Hatfield was convicted of driving a White Ford Fiesta motor vehicle while over the drink drive limit on 2 February 2019. She was fined and banned from driving for 36 months. She was also banned from driving for a similar offence on 23 May 2016. **Appendix E (Police E Mail).**

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 section 128 of the Licensing Act 2003 where the holder of a personal licence is charged with a relevant offence he must produce to the court the personal licence, or notify the court of the existence of the personal licence, the relevant issuing licensing authority and the reasons why it cannot be produced.

Under section 132 of the Licensing Act 2003 where a personal licence holder is convicted of a relevant offence and the court has 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.

The licensing Act 2003 Schedule 4 lists the personal licence relevant offences. Section 14 includes 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. **Explanation**

3.1 Where a licensing Authority has granted a personal licence and it becomes aware (whether by virtue of section 123(1), 131 or 132 or otherwise) that the holder of the licence (“the licence holder”) has been, at any time before or after the grant of the licence—

(a) convicted of any relevant offence or foreign offence,

The relevant licensing authority may—

(a) suspend the licence for a period not exceeding six months, or

(b) revoke the licence.

3.2 Having become aware that Rebecca Lansbury was convicted of a relevant offence and we had not been notified of this by the personal licence holder or the court, the memorandum of conviction was obtained from the Court administration.
Appendix C.

3.3 Before the licensing authority can consider suspending or revoking the licence the authority must give a notice to the licence holder inviting them to make representation. This representation can have regard to the relevant offence, any decision of a court in relation to the licence and other relevant information (including information regarding the licence holder’s personal circumstances.) The decision to revoke or suspend a personal licence must be made by the licensing committee or subcommittee, but the actions required before making a final decision may be made by a licensing officer.

3.4 This notice was sent on the 13th March 2019 Appendix D following confirmation from the police that this person was the Rebecca Lansbury that we had issued A personal licence to. Appendix E.

3.5 The Personal Licence Rebecca Lansbury holder had 28 days to make their representation,

3.6 No representation from Rebecca Lansbury has been received.

In making its decision, the committee is also obliged to have regard to the National Guidance and the Councils own Licensing Policy. (Previously circulated).

4 **Licensing Guidance under sect 182 of the Licensing Act 2003**

4.1 (Section 4.47) If a licensing authority is considering revoking or suspending a personal licence, the authority must give notice to the licence holder. This notice must invite the holder to make representations about the conviction, any decision of a court in relation to the licence, or any decision by an appellate court if the

licence holder has appealed such a decision. The licence holder may also decide to include any other information, for example, about their personal circumstances. The licence holder must be given 28 days to make their representation, beginning on the day the notice was issued. The licensing authority does not need to hold a hearing to consider the representations. Before deciding whether to revoke or suspend the licence the licensing authority must consider any representations made by the licence holder, any decisions made by the court or appellate court in respect of the personal licence of which the licensing authority is aware, and any other information which the licensing authority considers relevant. The licensing authority may not be aware of whether the court considered whether to revoke or suspend the licence, and there is no obligation on the licensing authority to find this out before making a decision themselves. Where the court has considered the personal licence and decided not to take action, this does not prevent the licensing authority from deciding to take action itself. Licensing authorities have different aims to courts in that they must fulfil their statutory duty to promote the licensing objectives, and therefore it is appropriate for the licensing authority to come to its own decision about the licence.

4.2 (Section 4.48) If the licensing authority, having considered a suspension and revocation and subsequently considered all the information made available to it, proposes not to revoke the licence it must give notice to the chief officer of police in the licensing authority's area, and invite the chief officer to make representations about whether the licence should be suspended or revoked, having regard to the prevention of crime. The chief officer may make representations within the period of 14 days from the day they receive the notice from the licensing authority. Any representations made by the chief officer of police must be taken into account by the licensing authority in deciding whether to suspend or revoke the licence. Convictions may come to light via police in another area, for example if the personal licence holder no longer lives in the area of the licensing authority which issued the licence, or if the offence took place in another police force area. In this instance it would be good practice for the police providing the information to notify the police force in the licensing authority area, because it is the local chief officer who must provide representations if the licensing authority proposes not to revoke the licence. Where the licence holder is convicted of immigration offences or has been required to pay a civil penalty for immigration matters, the licensing authority should notify Home Office Immigration Enforcement and allow representations to be made in the same way.

4.3 (Section 4.49). The licensing authority must notify the licence holder and the chief officer of police of the decision made (even if the police did not make representations). The licence holder may appeal the licensing authority's decision to revoke or suspend their personal licence. A decision to revoke or suspend the licence does not take effect until the end of the period allowed for appealing the decision (21 days); or if the decision is appealed against, until the appeal is disposed of.

5 Welwyn Hatfield Statement of Licensing Policy

5.1 Personal licences paragraph 18.5

All holders of a Personal Licence issued by this Council must apply to this Council for the renewal of their Personal Licence, whether or not they continue to live or work within the Council boundary. The Council expects to be informed by Personal Licence holders of all changes to names and/or address, and any convictions for

relevant offences. The Council also expects to be informed by the Courts following the conviction of a holder of a Personal Licence issued by the Council.

6 Recommendations

6.1 The committee is asked to determine the application in one of the following ways, having regard to the promotion of the Licensing Objectives.

- a) Taking into account the following matters
 - i) Any representations made by the licence holder
 - ii) Any decision of a court in relation to the personal licence
 - iii) Any other information which the authority considers relevant

The committee can decide not to revoke the licence in which case the police will be asked if they wish to make representation under the crime prevention objective.

- b) The committee may suspend the licence for a period not exceeding six months or
- c) Revoke the licence

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Date	April 2019

Appendices

- A. Newspaper Article
- B. Full Personal Licence - **CONFIDENTIAL**
- C. Memorandum of Conviction - **CONFIDENTIAL**
- C1. Letter to Magistrates Court - **CONFIDENTIAL**
- D. Notice inviting representation - **CONFIDENTIAL**
- E. Police email - **CONFIDENTIAL**