

Crawley Borough Council

	Report No:ES/213	A
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Report to Licensing Sub Committee

Thursday 30 April 2009

Application for the Grant of a Personal Licence

Applicant – Mr David John Shreeves

ANGELA TANNER
Head of Environmental Services

- | 1. Content | Reference |
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| 1.1. The Council as Licensing Authority for the Borough of Crawley is the appropriate authority for the issue of 'personal licences' in accordance with the Licensing Act 2003 (LA03) | |
| 1.2. On the 17 TH April 2009, Mr. D J Shreeves submitted an application to the Council for the grant of a 'personal licence' in accordance with section 117 of the LA03. | <i>Information Pack (IP);
Part 6 –
(Personal Licence)</i> |
| 1.3. Mr. Shreeves has met the required criteria by satisfying the Licensing Authority that;-

(a) He is over the age of 18 yrs,
(b) Is the holder of a BIIAB level 2, 'National Certificate for Personal Licence Holders'
(c) Has declared that no personal licence held by him has been forfeited in the past five years,
(d) He has not been convicted of any relevant or foreign offence | |

- 1.4. Normally an application for a personal licence must be granted if the applicant meets the required criteria and has no relevant or foreign offences
- 1.5. However, as an elected Member of the Council and also a Member of the Councils Licensing Committee, that being the Licensing Authority for the Borough of Crawley, it is thought prudent for the application to be submitted for the consideration of the Sub-Committee.

2. Background

- 2.1. In accordance with legislation a 'personal licence' means a licence which is granted by a licensing authority to an individual and authorises that individual to supply alcohol (selling alcohol by retail), or authorise the supply of alcohol in accordance with a premises licence.
- 2.2. An application for the grant of such a licence must be made to the licensing authority for where the applicant is ordinarily a resident at the time of the application.
- 2.3. An application for a personal licence is void if, at the time it is granted, the individual already holds a personal licence.
- 2.4. A personal licence has effect for an initial period of ten years beginning with the date on which it is granted.
- 2.5. Where an application for the grant of a personal licence is made to the relevant licensing authority in accordance with legislation, the authority must grant the licence if it appears to it that;
 - (a) The applicant is aged 18 or over
 - (b) He possess a licensing qualification
 - (c) No personal licence has been forfeited in the past 5 years
 - (d) Not been convicted of any relevant or foreign offence
- 2.6. The Authority must reject the application if it appears to it that the applicant fails to meet the condition(s) in paragraph (a), (b) or (c) above.
- 2.7. If it appears to the authority that the applicant meets the conditions in (a), (b) or (c) mentioned above but fails to meet the condition of (d) above the authority must give the chief officer of police for its area a notice to that effect.
- 2.8. Where having regard to any conviction of the applicant for a relevant offence and any foreign offence which the chief officer of police considers to be comparable to a relevant offence, the chief officer of police is satisfied that granting the licence would undermine the crime prevention objective, he must, within a period of 14 days give the licensing authority a notice stating the reasons why he is so satisfied.
- 2.9. Where no objection notice is given within that period, the authority must grant the licence.
- 2.10. In any other case the authority must hold a hearing to consider the objection notice.

- 2.11. Having regard to the notice the licensing authority must reject the application if it considers it necessary for the promotion of the crime and disorder objective to do so and grant the licence in any other case.

3 Consultation

- 3.1. If an applicant has been convicted for a relevant or foreign offence the Council must give notice to the chief officer of police for its area.
- 3.2. There are no declared relevant or foreign offences associated to this application and as such there is no police representation.

*IP – part 6;
List of offences
and supporting
information.*

4. Ward Member's Views

- 4.1. Not applicable

5. Staffing, Financial and Legal Implications/

- 5.1. There are no extra staffing or financial implications to the Council, save for those laid out in Part 10 of the Information Pack in respect of possible appeals
- 5.2. The Council is required to consider the impact any decision may have on an individual's Human Rights.
- 5.3. The Council is required to consider the impact any decision may have on crime and disorder in the area (Section 17, Crime and Disorder Act, 1998)

*Information Pack:
Part 10
(General)*

*Information Pack:
Part 10
(General)*

*Information Pack;
Part 10
(General)*

6. Consideration

- 6.1 Members are asked to give due consideration to the merits of this application and attention is drawn to the fact that the applicant is an 'Elected Member' of the Council.

7. Recommendations

- 7.1. The Licensing Authority must **grant** the licence if it appears to it that;-
- (a) The applicant is aged 18 or over
 - (b) He possess a licensing qualification
 - (c) No personal licence has been forfeited in the past 5 years
 - (d) Not been convicted of any relevant or foreign offence.
- 7.2. The Authority must reject the application if it appears to it that the applicant fails to meet the condition(s) in paragraph (a), (b) or (c) above.

8. Background Papers

- All associated paper work regarding this application.
- The information pack.

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