


Havering Council – Decisions taken by the Licensing Sub-Committee on Tuesday, 15 January 2019

| Agenda Item No | Topic | Decision |
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Note: this decision list is for guidance only. The text of the minutes, which may be different, is definitive.

Part A – Items considered in public

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| A1 | APPLICATION FOR A PERSONAL LICENCE | <div>Havering L O N D O N B O R O U G H</div> <p>Licensing Act 2003 Notice of Decision</p> <p>APPLICANT Mr Hong Chuong Dang 16 Wingletye Lane Hornchurch RM11 3TA</p> <p>DETAILS OF APPLICATION</p> <p>Application for a personal licence made under section 111 of the Licensing Act 2003 (“the Act”).</p> <p>Background</p> <p>Under the Act, applicants are required, should they wish to provide licensable activities after the second appointed day, to apply for a licence.</p> <p>Details of Representations</p> <p><u>Responsible Authorities</u></p> |
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| | | <p>Chief Officer of Metropolitan Police (“the police”):</p> <p>Under the Act, the police were the only responsible authority permitted to make representation related to the granting of a personal licence. The basis for an objection was that the applicant had an unspent conviction and, in the absence of submissions by the applicant at hearing, the police consider that it would not be appropriate to grant a personal licence until the full time for the conviction to become spent has expired.</p> <p>Determination of Application</p> <p>Consequent upon the hearing held on 22 January 2019, the Sub-Committee’s decision regarding the application for a Personal Licence for Mr Hong Chuong Dang is as set out below, for the reasons shown:</p> <p>The Sub-Committee was obliged to determine this application with a view to addressing the objections raised by the Police.</p> <p>In making its decision, the Sub-Committee also had regard to the Guidance under Sections 120 (3); 182 and Schedule 4 (Personal Licence: Relevant Offences) of the Licensing Act 2003 and Havering’s Licensing Policy.</p> <p>In addition the Sub Committee took account of its obligations under s17 of the Crime and Disorder Act 1998 and Article 1 of the First Protocol of the Human Rights Act 1998.</p> <p><u>Decision</u></p> |

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| | | <p>The Sub-Committee received the Report of the Licensing Officer. It also considered the evidence of the police representative and heard from the Applicant. It then questioned him about various aspects of the conviction and what steps he had taken to demonstrate that he had learned from the conviction.</p> <p>Having heard Mr Dang's responses and having carefully deliberated the matter, the Sub-Committee determined that in respect of his application for a personal licence.</p> <p>Representations had been received against the application from the Metropolitan Police as a Responsible Authority on the Grounds of the Prevention of Crime and Disorder.</p> <p>This was followed by a number of questions from the Sub-Committee to the applicant, relating to the licence application, the disclosed previous conviction, and finally questions relating to what he intended to do with the personal license if it were granted and his work experience.</p> <p>The Sub-Committee must promote the licensing objectives and must have regard to the Revised Guidance issued under s.182 of the Licensing Act 2003 and the Council's own Statement of Licensing Policy.</p> <p>During the hearing the applicant informed the Sub-Committee that he had disclosed information relating to a previous conviction committed on 6 May 2009 within his application form, he said he did not know that he needed to include any other convictions. When questioned further in this regard the applicant advised that the application was completed over the phone, the person he spoke to assisted him in filling out the form by ticking the boxes, including those on the last page of the licence application, (page 9 of the agenda) which was a checklist and included a box relating to previous convictions. The applicant advised that he had not checked the entries made by the person that was assisting him and any information that was omitted arose in "error". Members asked the applicant if the signature at the bottom of</p> |

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| | | <p>page 9 was his and whether he had signed that page, the applicant confirmed he had signed the licence application and the signature shown to him was his.</p> <p>Members attention was drawn to the fact the applicant had attended and successfully completed a licensing course for personal licence holders in October 2018, and had received a certificate upon successful completion of this training, a copy of the course completion certificate was attached in support of his licence application. Members noted the course content included information about the application process and further noted the applicant's attendance on the personal licensing course was a few months prior to him applying for a licence.</p> <p>Members were not persuaded by the applicants inconsistent responses in relation to his application form, and were concerned that they were being misled about his understanding of the licence application process, on the one hand stating he did not know what information should have been included, and then later stating somebody else was responsible for not including all the information on the form despite him having signed the same.</p> <p>Upon careful consideration the committee were not satisfied that the licensing objective of the Prevention of Crime and Disorder would be upheld if the licence was granted, therefore the application was refused.</p> <p><u>Appeal</u></p> <p>Any party to the decision or anyone who has made a relevant representation in relation to the application may appeal to the Magistrates Court within 21 days of notification of the decision. On appeal, the Magistrates Court may:</p> |

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| | | <ol style="list-style-type: none"> 1. dismiss the appeal; or 2. substitute the decision for another decision which could have been made by the Sub Committee; or 3. remit the case to the Sub Committee to dispose of it in accordance with the direction of the Court; and 4. make an order for costs as it sees fit. <p>Richard Cursons Clerk to the Licensing Sub-Committee</p> |
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| A2 | | |