

Havering Council – Decisions taken by the Licensing Sub-Committee on Monday, 4 March 2013

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

A1	APPLICATION FOR A PERSONAL LICENCE	<p>APPLICANT Mr Robert Scott Phillips 199 Osborne Road Hornchurch RM11 1HQ</p> <p>DETAILS OF APPLICATION</p> <p>Application for a personal licence made under section 117 (1) (a) of the Licensing Act 2003 (“the Act”).</p> <p>Background</p> <p>This application for a personal licence was submitted in accordance with s.117 of the Act on the form prescribed for such an application. The applicant provided the appropriate documentation to support the application; these were:</p> <ul style="list-style-type: none"> • Level 2 Award for Personal Licence Holders licensing qualification • disclosure of convictions and declarations • criminal record check <p>The applicant’s criminal record check indicates that he has been convicted of a relevant offence defined by Schedule 4 of the Act, namely an offence contrary to s.5 (1) (b) of the Firearms Act 1968 which has yet to be spent under the Rehabilitation of Offenders Act 1974.</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 are the only responsible authority permitted to make representation related to the granting of a personal licence. The basis for an objection is that the applicant has an unspent relevant conviction, along with other convictions that concern the Police in terms of someone who seeks to obtain a personal licence, and potentially then manage a licensed premises.. The Police consider that it would not be appropriate to grant a personal licence such a relatively short time after the offences, when it is unknown whether rehabilitation has been achieved. The Police are satisfied that granting the License would undermine the Crime Prevention Objective.</p> <p>Determination of Application</p> <p>Consequent upon the hearing held on 4 March 2013 the Sub-Committee’s decision regarding the application for a Personal Licence for Mr Robert Scott Phillips 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>

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		<p>The applicant, Mr Phillips stated that he had a drug problem which he was recovering from and that the more recent drug offences were during a time when his partner was abroad and he relapsed. The Sub Committee was informed that he had now been free of drugs for about a year, he has been attending counselling and group sessions. He was also running a business with a partner buying and selling French fine wine, and was looking to begin exporting British wine to China. The business now had plans to open a wine bar in Shoreditch, hence this application, but if a personal licence were not granted, it will not detrimentally affect this venture, or Mr Phillips' business generally.</p> <p>With regard to the offence under the Firearms Act, Mr Phillips stated that it was linked to his drug use in that it was for his protection when going into more dangerous areas to purchase drugs. Mr Phillips stated that it had been a hard twelve months, he now had more time for his family and business. He stated that he was fairly confident he was free from drugs now.</p> <p>The Police maintained their objection, stating that it was still too soon to know, and that the offences are precisely those that raise concerns in terms of managing licensed premises'.</p> <p><u>Decision</u></p> <p>The Sub-Committee were appreciative of Mr Phillips' honesty and his efforts at rehabilitation, but understood the concern of the Police, given the relatively recent, and unspent relevant conviction. The Police were rightly concerned that this type of offending posed risks in the operation of licensed premises, and the Sub-Committee considered it appropriate for the promotion of the crime prevention objective to reject the application. While Mr Phillips was clearly working towards complete rehabilitation, the circumstances were not sufficient for the Sub-Committee to be satisfied that there would not be a risk to the community were the licence granted.</p>

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		<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> <ol style="list-style-type: none">1. dismiss the appeal; or2. substitute the decision for another decision which could have been made by the Sub Committee; or3. remit the case to the Sub Committee to dispose of it in accordance with the direction of the Court; and4. make an order for costs as it sees fit.