

Chairman - Councillor A P Edgeller

Present (for all or part of the meeting):-

Councillors:

M Green

M Phillips

Officers in attendance:-

Mr G Finn - Senior Legal Services Officer
Mrs J Wallace - Licensing Officer
Mr A Bailey - Scrutiny Officer

Also present:-

Miss J Berry - Personal Licence Holder
Mr D Craig - Representative of the Personal Licence Holder
Sergeant J Finn - Staffordshire Police
PC D Gallimore - Staffordshire Police
Ms P Roberts - Staffordshire Police

LSC3 Consideration of a Personal Licence

Considered the report of the Licensing Officer in relation to whether or not to take any action in respect of a personal licence.

On the 17 July 2019, an email was received from Staffordshire Police informing the Council that a personal licence holder called Joanne Berry had pleaded guilty to "Carrying on unauthorised licensable activity – Licensing 04/04/19" at Newcastle-Under-Lyme Court on 16 July 2019 and had been ordered to pay a £120.00 fine and £135.00 costs.

The Council's Licensing Manager wrote to Joanne Berry to give her notice as per sections 132A(4) and (5) of the Licensing Act 2003, that the Council was considering whether to suspend or revoke her personal licence due to her current conviction.

Joanne Berry was given 28 days until 20 August 2019, to make any representations.

On 20 August 2019 a written representation was received from Joanne Berry.

On the 29 August 2019 the Council received further representations from Staffordshire Police Licensing.

Mrs J Wallace attended the meeting on behalf of the Interim Head of Operations and introduced the report for Members.

Sergeant J Finn outlined the case on behalf of Staffordshire Police.

All parties were given the opportunity to question Sergeant J Finn.

Mr D Craig presented the case on behalf of the personal licence holder.

All parties were offered the opportunity to question Mr Craig.

All parties were then given the opportunity to sum up their case.

The Sub Committee then considered the matter in private.

Recording of the meeting was paused and then restarted when all parties were back in the room.

All parties were invited back in to the room for the Sub Committee's decision.

RESOLVED:- that after hearing the evidence submitted and the representations made by Staffordshire Police and the legal representative for the Personal Licence Holder, and having considered the matters set out in the report of the Council's Licensing Manager and contained within the Guidance issued by the Secretary of State under Section 182 of the Licensing Act 2003, the Sub-Committee hereby makes the following decision:-

That the Personal Licence be revoked.

Reasons for Decision

- (i) The Committee considers that the revocation of the Personal Licence is a reasonable and proportionate measure in order to promote the licensing objective in relation to the prevention of crime.
- (ii) The offences for which the Licence Holder was convicted on 16 July 2019 are all relevant offences under the Licensing Act and are therefore highly relevant to the core issue the Committee has been asked to consider.
- (iii) These convictions clearly demonstrate the Licence Holder's apparent inability to effectively manage a licensed premises and her actions have undermined the crime prevention objective.

- (iv) The Licence Holder is experienced in the licensing trade and ought to know what is required of her. She has been given ample opportunity and advice by the Police to adhere to the licence conditions.
- (v) Apart from the convictions there is a history of incidents reported that the Committee consider are relevant to this case, insofar as they put into question the Licence Holder's ability to hold a Personal Licence at this time.
- (vi) The decision to revoke has been taken after very serious consideration, but regrettably the Committee feels this is the right one under the circumstances.

CHAIR