

CHESHIRE EAST COUNCIL

REPORT TO: LICENSING ACT SUB-COMMITTEE

Date of Meeting:	10.30 Monday 11th December 2017
Report of:	Jennifer Knight, Licensing Officer
Subject/Title:	Application for Personal Licence by Mr Ryan Clive Hulme in Cheshire East

1.0 Report Summary

1.1 Summary

Cheshire East Council, being the authorised licensing authority for the issue of Personal Licences, has received an application from Mr Ryan Clive Hulme.

Cheshire Police Constabulary have submitted an objection to the application under Section 120 (5)(a) on the grounds that to grant the application would undermine the Crime and Disorder licensing objective.

After considering all the relevant issues the licensing authority may either grant or refuse the application.

2.0 Recommendations

- 2.1 The Licensing Act Sub-Committee is requested to determine the application for a Personal Licence by:

Ryan Clive Hulme
Resident of Cheshire East

- 2.2 Acting in the capacity of Licensing Authority, Members must seek to promote the Licensing Objectives, and where Members consider matters have engaged one or more of the objectives, they may exercise their discretion. The licensing objectives are:

- (a) The prevention of crime and disorder
- (b) Public safety
- (c) The prevention of public nuisance
- (d) The protection of children from harm

- 2.3 Members of the Licensing Sub-Committee are reminded that they may not exercise discretion in any case, merely because it considers it desirable to do so. Careful consideration should be given to the application and its content.

- 2.4 The Sub-Committee in respect of this application must have regard to the Guidance issued under Section 182 of the Licensing Act 2003 and the Council's Statement of Licensing Policy.

2.5 Finally, Members are also reminded that in determining the application in accordance with the Licensing Act 2003, Members must also have regard to:

- The rules of natural justice
- The provisions of the Human Rights Act 1998

3.0 Reasons for Recommendations

3.1 The Licensing Act Sub-Committee has the power to determine this application in accordance with the provisions of the Licensing Act 2003 and the Council's Constitution.

4.0 Wards Affected

4.1 Crewe West

5.0 Local Ward Members

Councillor Jill Rhodes
Councillor Brian Roberts

6.0 Policy Implications

6.1 The Licensing Authority has adopted a Statement of Licensing Policy in accordance with section 5 of the Licensing Act 2003.

6.2 Whilst having regard to the general principles within the Statement, Members may wish to consider the following:

- Section 4 of the Licensing Act 2003 Statutory Guidance provides information about the Disclosure of Convictions and Relevant Convictions, the guidance is attached to this report at Appendix 5

6.3 Members should provide reason(s) for any decision taken and should set out the reasoning where they determine to depart in any way from the Policy or Guidance.

7.0 Financial Implications

7.1 Not applicable.

8.0 Legal Implications

8.1 In accordance with the provisions of section 18 of the Licensing Act 2003 the Licensing Authority must, having regard to the representations, take such steps (if any) as it considers appropriate for the promotion of the licensing objectives. Section 18(4) provides that the authority may:

8.3 Members are also reminded of the statutory obligation placed on the Local Authority under section 17 of the Crime and Disorder Act 1998 to through all

of its various functions, and Licensing is one of those functions to do all that it can to prevent Crime and disorder, Anti-social Behaviour, behaviour adversely affecting the environment and re-offending.

9.0 Risk Management

- 9.1 Section 181 and Schedule 5 of the Licensing Act 2003 make provision for appeal to the Magistrates' Court of any decision made by the Licensing Authority.

10.0 Background and Options

- 10.1 The application was initially received on the 8th November 2017. The application is for a Personal Licence under section 117 of the Licensing Act 2003.
- 10.2. Under the Licensing Act 2003, any individual who authorises sales or supplies of alcohol from licensed premises must hold a Personal Licence, or have been given consent by such a person to make the sale or supply.
- 10.3 Personal Licence holders may also give a greater number of temporary event notices (TENs) per year than other persons – 50 instead of 5.
- 10.4. To obtain a Personal Licence, an individual must complete a short (1 day) training course including an exam, and make an application to the relevant local council for the area in which they reside. Application forms must be accompanied by a Disclosure of convictions and civil immigration penalties and declaration form, the results of a recent criminal records check, evidence of an accredited qualification and the photograph with prescribed application fee.
If the applicant is over 18, has completed the accredited training, has not forfeited a licence and has no unspent convictions for relevant criminal offences, a licence will be granted and is valid indefinitely
- 10.5 Once a licence has been issued, it may be used at licensed premises throughout England and Wales. It is not necessary, nor permitted by law, to obtain licences in each area where the individual intends to work. As such, many licence-holders who originally applied to Cheshire East Council have since moved out of the area. However, replacement licences or changes of name or address notifications must be made to the Council which issued the original licence, irrespective of where the holder is living at the time.
- 10.6 Mr Hulme has submitted an application for a Personal Licence and disclosed one conviction at Appendix 2. Mr Hulme also provided an accredited qualification and evidence of his right to work in the UK, with the prescribed fee and passport sized photograph.

10.7 The Disclosure Scotland Basic Disclosure submitted with the application provided the following relevant convictions –

13/01/2014	North East Derbyshire And Dales Magistrates	Produce Controlled Drug – Class B – Cannabis	<p>23/01/14 North East Derbyshire Magistrates Sentenced</p> <p>Community Order 22/01/15 Costs 40.00 Unpaid Work Requirement Curfew Requirement With Electronic Tagging Victim Surcharge 60.00 Forfeiture And Destruction Order Revoked</p> <p>05/06/15 Northern Derbyshire Magistrates Subsequently Varied</p> <p>Imprisonment 14 Days</p> <p>Community Order 22/01/15 Unpaid Work Requirement Curfew Requirement With Electronic Tagging</p>
01/06/2015	Northern Derbyshire Magistrates	Driving A Motor Vehicle With Excess Alcohol	<p>Community Order 04/06/16 Programme Requirement 19 Days Rehabilitation Activity Requirement 5 Days Unpaid Work Requirement 150 HRS Costs 85.00 Criminal Courts Charge 150.00</p> <p>Disqualified From Driving – Obligatory 15 MTHS Disqualification From Driving Reduced If Course Completed By 16 Weeks If Completed By 14/03/2016 Driving Licence Endorsed</p> <p>14/03/16 South And East Cheshire Magistrates Subsequently Varied</p>

			<p>Order Revoked 14/03/16 & RE Sentenced Imprisonment 18 WKS Consecutive</p> <p>Community Order 04/06/16 Programme Requirement 19 Days Rehabilitation Activity Requirement 5 Days Unpaid Work Requirement 150 HRS</p> <p>14/03/16 South And East Cheshire Magistrates Subsequently Varied</p> <p>Order Revoked 14/03/16 & RE Sentenced Imprisonment 4 WKS</p>
--	--	--	---

10.4 A copy of the application form is attached as Appendix 1.

10.5 Relevant Representations are attached as Appendix 4.

Responsible Authorities:

10.8 Cheshire Police have objected to the application

11.0 Access to Information

The background papers relating to this report can be inspected by contacting the report writer:

Name: Miss Jennifer Knight
Designation: Senior Licensing Officer
Tel No: 01270 686337
Email: Jennifer.knight@cheshireeast.gov.uk

APPENDICES

- Appendix 1 – Personal Licence Application
- Appendix 2 – Disclosure of Convictions
- Appendix 3 – Biiab Level 2 award for Personal Licence Holders
- Appendix 4 – Cheshire Police Objection
- Appendix 5 – Licensing Act 2003 Section 4 Guidance
- Appendix 6 – List of Relevant convictions