

REPORT OF THE EXECUTIVE DIRECTOR OF CITY SERVICES

LICENSING SUB-COMMITTEE – 10 NOVEMBER 2010

LICENSING ACT 2003 – CONSIDERATION OF AN APPLICATION FOR THE GRANT OF A PERSONAL LICENCE

MR JOHN FLETCHER

1.0 PURPOSE OF REPORT

- 1.1 To consider an application for the grant of a Personal Licence by Mr John Fletcher.

2.0 DESCRIPTION OF DECISION

- 2.1 Members are requested to have regard to representations received and either:
- (a) reject the application, if they consider it necessary for the promotion of the crime prevention objective to do so, or
 - (b) grant the application in any other case.

3.0 INTRODUCTION/BACKGROUND

- 3.1 On his application form Mr Fletcher has declared nine convictions and a copy of Mr Fletcher's disclosure will be available for Members at the meeting.
- 3.2 As some of Mr Fletcher's convictions are deemed to be 'relevant offences' under the Licensing Act 2003, a copy of his application was forwarded to Northumbria Police as required by the Act.

4.0 CURRENT POSITION

- 4.1 Northumbria Police have objected to the grant of a personal licence to the applicant.

5.0 REASONS FOR THE DECISION

- 5.1 Schedule 8 Part 3 of the Licensing Act 2003 states that a licensing authority upon the receipt of an objection notice from the chief officer of police must: -
- (a) hold a hearing to consider the objection notice
 - (b) having regard to the notice must:-

- (i) reject the application if it considers it necessary for the promotion of the crime prevention objective to do so, and
- (ii) grant the application in any other case.

5.2 For Members' information, the provisions of Section 4.9 of the Secretary of State's guidance apply to this application: -

'The Secretary of State recommends that, where the police have issued an objection notice, the licensing authority should normally refuse the application unless there are exceptional and compelling circumstances which justify granting it. For example, certain offences can never become spent. However, where an applicant is able to demonstrate that the offence in question took place so long ago and that he or she no longer has any propensity to re-offend, a licensing authority may consider that the individual circumstances of the case are so exceptional and compelling and any risk to the community so diminished that it is right to grant the application'.

5.3 For Members' information, paragraph 8 (page 9) of the Council's statement of licensing policy applies to this application. Members are advised to refer to the Statement of Licensing Policy, a copy of which has been made available to each member of the Sub-Committee.

6.0 ALTERNATIVE OPTIONS

6.1 None submitted.

7.0 RELEVANT CONSIDERATIONS/CONSULTATIONS

7.1 None.

8.0 GLOSSARY

8.1 No acronyms or abbreviations have been used in this report.

9.0 LIST OF APPENDICES

9.1 None.

10.0 BACKGROUND PAPERS

10.1 None.