

Committee : Licensing Sub Committee	Date	Classification RESTRICTED	Report No.	Agenda Item No.
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Report of David Tolley Head of Trading Standards and Commercial Licensing Officer: Corinne Holland	Title Licensing Act 2003 Consideration of revocation or suspension of Personal Licence – Mr Bre Dube Ward affected: None
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NOT FOR PUBLICATION

This report is considered exempt from publication under the provisions of Part VA of and Paragraphs 1,2 and 7 of schedule 12A to the Local Government Act 1972.

1.0 **Summary**

Name and
Address of
Licence Holder:

Mr Bre Dube

49 Trinity Road
Retford
DN22 7QF

Licence under consideration :

Licensing Act 2003
Personal Licence

2.0 **Recommendations**

- 2.1 That the Licensing Sub-Committee considers the application and then adjudicates accordingly.

LOCAL GOVERNMENT 2000 (Section 97)

LIST OF "BACKGROUND PAPERS" USED IN THE DRAFTING OF THIS REPORT

Brief description of "background paper"

Tick if copy supplied for register

If not supplied, name and telephone number of holder

File Only
Section 182 Guidance

020 7364 3986

3.0 **Background**

- 3.1 This is an application to the Sub-Committee to consider whether a personal licence should be suspended or revoked following notification that the licence holder has been convicted of a relevant offence within the meaning of Schedule 4 of the Licensing Act 2003.
- 3.2 The personal licence was applied for on 11th May 2023 and granted on 28th July 2023. See **Appendix 1** for a copy of the licence and issuing letter.
- 3.3 A personal licence once granted remains valid unless surrendered, suspended, revoked or declared forfeit by the Courts. It is based on where the applicant lives at the time of applying, not where they work.
- 3.4 Section 132A of the Licensing Act 2003 (inserted by the Policing and Crime Act 2017) gives licensing authorities the power to revoke or suspend personal licences. When a licensing authority has granted a personal licence and becomes aware that the licence holder has been convicted of a relevant offence or foreign offence or been required to pay an immigration penalty, a licensing authority may revoke the licence or suspend it for a period of up to six months.
- 3.5 The Home Office has issued guidance under Section 182 of the Licensing Act 2003 in relation to powers of a Licensing Authority to suspend or revoke a personal licence. This is produced at **Appendix 2**

4.0 **Police/Court**

- 4.1 Notification of the licence holder's conviction for a relevant offence was received on 14th September 2023 from Nottingham Police. The Magistrates Court informed the Licensing Authority that Mr Dube did not declare to the court that he was a personal licence holder. They have provided the offence details and conviction summary. The information regarding the conviction is detailed in **Appendix 3**.
- 4.2 Members should note, if the offence was committed within another Police area it is seen to be good practice for the Police authority to notify the local area Police of the offence. It is the local Police area that should make representation if the Licensing Authority decides not to revoke the licence.

5.0 **Representations**

- 5.1 The Licensing Authority must give notice to the licence holder of its intention to consider suspending or revoking the licence. The licence holder was notified by letter dated 13th October 2023. The 'sign for tracking' showed the letter was delivered on the 14th October 2023. A copy of the notification letter and tracking is attached in **Appendix 4**.

5.2 No representations have been received from the licence holder.

6.0 Determination

7.0 Before deciding whether to revoke or suspend the licence the licensing authority must consider any representations made by the licence holder, any decisions made by the court or appellate court in respect of the personal licence of which the licensing authority is aware, and any other information which the licensing authority considers relevant.

8.0 The licensing authority may not be aware of whether the court considered whether to revoke or suspend the licence, and there is no obligation on the licensing authority to find this out before making a decision themselves.

8.1 The Licensing Sub Committee must have regard to the Relevant Conviction and the crime prevention objective. Members must decide whether to;

- take no action,
- suspend the licence for a period not exceeding six months
- revoke the licence

8.2 Should Members be minded to not revoke the licence, the licensing authority must give notice to the chief officer of police in the licensing authority's area and invite representations to be made about whether the licence should be suspended or revoked having regard to the prevention of crime. The chief officer may make representations within the period of 14 days beginning with day they receive the notice from the licensing authority. Any representations made by the chief officer of police must be taken into account by the licensing authority in deciding whether to suspend or revoke the licence.

9.0 Licensing Officer Comments

9.1 Relevant offences are essentially the following:

- Offences involving licensing or alcohol;
- Offences involving firearms;
- Offences involving fraudulent or dishonest conduct;
- Offences involving sexual conduct;
- Offences involving violence;
- Offences involving psychoactive substances.

10.0 Legal Comments

10.1 The Council's legal officer will give advice at the hearing.

11.0 Finance Comments

11.1 There are no financial implications in this report.

12.0 Appendices

Appendix 1	Copy of Personal Licence /Issuing Letter
Appendix 2	Guidance issued under Section 182 by the Home Office
Appendix 3	Notification of Relevant Offence/ Court report
Appendix 4	Notification to Holder inviting Representation