

NORTH LINCOLNSHIRE COUNCIL

LICENSING (ACTIVITIES) SUB-COMMITTEE

**APPLICATION FOR THE GRANT OF A PERSONAL LICENCE
ERICA ANNE PATRICIA FORMAN**

1. OBJECT AND KEY POINTS IN THIS REPORT

- 1.1 To inform the Sub-Committee of an application for a Personal Licence from Erica Anne Patricia Forman, as shown as **Appendix 1** to this report.
- 1.2 An Objection Notice has been received by Humberside Police, as shown as **Appendix 2** to this report.
- 1.3 To ask that the Sub-Committee determines whether to grant or reject the application.

2. BACKGROUND INFORMATION

- 2.1 A personal licence is required for any person who wants to be a Designated Premises Supervisor and authorises an individual to supply alcohol or authorise the supply of alcohol. This Licence is issued for 10 years and is portable around the country.
- 2.2 In accordance with the provisions of the Licensing Act 2003 and the council's scheme of delegation, all applications for a licence where a relevant representation has been made, need to be determined by this Sub-Committee.
- 2.3 When determining the application Members should consider whether granting the personal licence would undermine the licensing objective of the Prevention of Crime and Disorder objective.
- 2.4 The Sub-Committee must have regard to the statutory guidance issued under section 182 of the Licensing Act 2003 and our Statement of Licensing Policy. Members may deviate from the statutory guidance and Licensing Policy only if they deem that there is good reason to do so.
- 2.5 The application for a personal licence for Erica Anne Patricia Forman was received on 10 November 2009, along with the Disclosure of Convictions and Declaration form, which identified a conviction of a relevant offence. The application is attached to this report at **Appendix 1**.

- 2.6 The applicant was convicted of an offence that has been deemed relevant under paragraph 5(c) of Schedule 4 to the Licensing Act 2003.
- 2.7 Where an application has been received by the Licensing Authority which reveals a relevant conviction, a notice to the Police shall be issued.
- 2.8 The Police have 14 days from the receipt of this notice to notify the Licensing Authority of the reasons why they feel the Prevention of Crime and Disorder objective would be undermined by issuing the applicant with a Personal Licence.
- 2.9 There has been a notice of objection from the Police, who consider the applicant will undermine the licensing objective of Prevention of Crime and Disorder. This notice is attached to this report as **Appendix 2**.

3. OPTIONS FOR CONSIDERATION

- 3.1 The sub-committee should not allow themselves to pre-determine the application. Members must reject the application if it considers it necessary for the promotion of the crime prevention objective to do so or grant the application in any other case.
- 3.2 Members must remember that they are acting in a quasi-judicial role in determining the application and shall remain in the room so that they hear all the evidence before determining the application. The determination shall be based on the evidence provided, which is relevant to the Prevention of Crime and Disorder objective.
- 3.3 The options available to the Sub-Committee having considered all the relevant information are as follows:
 - To reject the application
 - To grant the licence
- 3.4 Members should be advised that the applicant or the Police may appeal to the Magistrates Court within 21 days of the date on which they were notified of the decision.
- 3.5 The applicant has been made aware of the objection and has been invited to attend the hearing.

4. ANALYSIS OF OPTIONS

- 4.1 Consider the Objection Notice received by Humberside Police and information from the applicant then determine whether the application would undermine the licensing objective of the Prevention of Crime and Disorder.

5. RESOURCE IMPLICATIONS (FINANCIAL, STAFFING, PROPERTY, IT)

5.1 There are no resource implications

6. OTHER IMPLICATIONS (STATUTORY, ENVIRONMENTAL, DIVERSITY, SECTION 17 - CRIME AND DISORDER, RISK AND OTHER)

6.1 Licensing Act 2003

6.2 Criminal Justices Act 2003

7. OUTCOMES OF CONSULTATION

7.1 Not applicable.

8. RECOMMENDATIONS

8.1 That the Sub-Committee determines the application in accordance with the Statutory Guidance issued under s183 of the Licensing Act 2003, our Statement of Licensing Policy, the information contained within this report and having had due regard to the applicant and the Humberside Police Objection Notice.

8.2 That the application be determined in accordance with the options outlined at paragraph 3.3 above.

8.3 That the Sub-Committee provides the reasons for its decision.

SERVICE DIRECTOR NEIGHBOURHOOD AND ENVIRONMENT

The Angel
BRIGG
North Lincolnshire

Author: Joanne Robertshaw

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Background Papers used in the preparation of this report: -

Application file, except information protected by the Data protection Act.