

**LICENSING SUB-COMMITTEE A**

A meeting of the Licensing Sub-Committee A was held on 3 April 2019.

**PRESENT:** Councillors J A Walker (Chair), R Brady (Substitute for Higgins) and L Lewis.

**ALSO IN ATTENDANCE:** Applicant  
Sergeant P Higgins; PC J Arbuckle - Cleveland Police (making representations)

**OFFICERS:** C Cunningham, J Dixon and T Hodgkinson.

**APOLOGIES FOR ABSENCE** Councillor T Higgins.

**DECLARATIONS OF INTERESTS**

There were no Declarations of Interest made at this point in the meeting.

**18/7 EXCLUSION OF PRESS AND PUBLIC**

**ORDERED** that pursuant to Regulation 14 of the Licensing Act 2003 (Hearings) Regulations 2005, the press and public be excluded from hearing as the Committee considered the public interest in doing so outweighed the public interest in the hearing taking place in public. Any party and any person assisting or representing a party may be treated as a member of the public.

**18/8 LICENSING ACT 2003 - OBJECTION TO AN APPLICATION FOR A PERSONAL LICENCE.**

Having heard all of the evidence, the case made by the applicant in respect of an Application for a Personal Licence and the representations made by Cleveland Police, the Sub Committee made the following decision:-

Decision

**ORDERED** that the application for a Personal Licence, made under Section 117 of the Licensing Act 2003, be refused for the following reasons:-

1. Under Section 120 of the Licensing Act 2003 ("the Act"), the Licensing Sub Committee must hold a hearing where a notice is received from the Police, where an applicant has a relevant offence, setting out the reasons why the Chief Officer of Police was satisfied that granting the licence would undermine the prevention of crime and disorder objective.
2. Under Section 120 of the Act, having regard to the Notice from the Police, the Committee must reject the Application for a Personal Licence if it considered it appropriate for the promotion of the prevention of crime and disorder.
3. The Government Guidance made under Section 182 of the Act ("the Guidance"), at paragraph 4.24 stated "A number of relevant offences never become spent. However, where an applicant is able to demonstrate that the offence in question took place so long ago and that the applicant no longer has a propensity to re-offend, a licensing authority may consider that it is appropriate to grant the application on the basis that doing so would not undermine the crime prevention objective."
4. The Committee considered: the report; the application on its own merits; notice from the Police; the representations made by the Police and the applicant; the Act, the Guidance, and the Council's Statement of Licensing Policy.
5. After considering all of the information, the Committee decided it was appropriate for the promotion of the prevention of crime and disorder to reject the Application for a Personal Licence.
6. The reasons for the decision are as follows:-
7. The Committee noted the applicant was convicted, on 16 July 2013, of four offences relating to conspiring to supply Class A and B drugs including Cocaine and MDMA. The convictions resulted in the applicant receiving concurrent prison sentences for the convictions, the longest being twelve years.

8. The applicant was released from prison in August 2018 after serving approximately five years. It noted that the applicant was still under licence and in effect still under sentence until 2024/2025 when the original sentence expired.
9. For the purposes of the Act, those convictions are not spent and could never be spent because of the prison sentence imposed.
10. The Committee noted the applicant's representations - in summary, that since being imprisoned in Holland and then being deported, he managed to keep off drugs and stated by the time he returned to Britain some four months after being arrested, he was no longer addicted. That he had been employed on day release at the Fork in the Road and since his release in August 2018 he had progressed from trainee assistant manager, to assistant manager and manager. That he had responsibility for the wellbeing of staff and customers and, although there is a premises licence holder and designated premises supervisor at the premises, he has to ensure compliance as manager. That he has worked hard since leaving prison, has the support of others and is determined to keep his life on the right track.
11. The Committee considered it commendable that the applicant was making a success of his situation, however, decisions made by the Committee are for the overall public interest to ensure that the promotion of the prevention of crime and disorder would not be at risk.
12. The convictions were very serious and the applicant was part of a sophisticated organised network involved in importing drugs from Mexico via Holland and distributing them around Sheffield, the North East and North West. The investigation was over two years, involving various countries and the amount of drugs seized was worth more than £4 million. However, the amount involved was stated to be 200 kilos and may have exceeded £20 million street value. Eight people were convicted and received lengthy prison sentences. South Yorkshire Police stated it was the most sophisticated drugs ring they had seen. The applicant was part of this organisation.
13. The sale of alcohol during the night time economy through various outlets, nightclubs pubs etc is linked with the type of drugs that the applicant was involved with. A Personal Licence authorised a person to supply and sell alcohol in such premises and was a position of trust. Alcohol was a substance which was required to be regulated because of the risks and harms that were associated with it. A Personal Licence, once granted, had no expiry date. It was also portable in that a Personal Licence Holder was authorised to sell or supply alcohol anywhere in the country. The Government, therefore, put safeguards in place to prevent those people who have relevant convictions to not be granted a Personal Licence to sell alcohol if it could undermine the promotion of the prevention of crime and disorder.
14. The applicant had only been released fully from prison since 16 August 2018, a period of only 7 months. The applicant was still under close supervision by probation and would be under Licence and some form of supervision until his sentence expired.
15. The Committee did not put weight on the applicant's representations that it should consider that he had not committed any further offences whilst in prison or on day release since 2013. The applicant was incarcerated and supervised during this period. It considered that the applicant had not been able to demonstrate there was no propensity to reoffend. During the short period of the applicant's release he had been closely supervised under licence and under the threat of returning to prison to complete his sentence if he re-offended. He was unable to demonstrate that he would not be a risk without supervision.
16. As stated above, the applicant had only been released from prison for 7 months and was involved in a very sophisticated drugs ring which imported and distributed millions of pounds worth of drugs. The risk to the public interest was far too high to grant such a position of authority and trust to the applicant in an industry which can be abused by the illegal drugs trade of which he was previously part of. Therefore the Committee decided to reject the application.
17. The applicant was advised of the Right of Appeal to the Magistrates Court within 21 days of the date of the decision.

