



FYLDE BOROUGH COUNCIL



Meeting Agenda

Licensing Panel
Lowther Pavilion, Lytham
27 January 2006, 10:00am

LICENSING COMMITTEE

MEMBERSHIP

CHAIRMAN - Councillor Dawn Prestwich
VICE-CHAIRMAN – Councillor Albert Pounder

Councillors

Christine Akeroyd	Steve Mason
Elizabeth Clarkson	Janine Owen
Peter Colins	Heather Speak
Susan Fazackerley	Martin Taylor
Karen Henshaw	Keith Wright

Contact: Andrew Lee, St. Annes (01253) 658491, Email: andrewl2@fylde.gov.uk



Licensing Objectives

Fylde Borough Council will carry out its functions under the Licensing Act 2003 with a view to promoting the licensing objectives.

The licensing objectives are:

- 1. The prevention of crime and disorder;**
- 2. Public safety;**
- 3. The prevention of public nuisance; and**
- 4. The protection of children from harm.**

In carrying out its licensing functions, Fylde Borough Council must also have regard to:

- 1. Our licensing statement published under section 5 of the Licensing Act, and**
- 2. Any guidance issued by the Secretary of State under section 182 of the Licensing Act**



AGENDA

PART I - MATTERS DELEGATED TO PANEL

ITEM	PAGE
1. DECLARATIONS OF INTEREST: <i>In accordance with the Council's Code of Conduct, members are reminded that any personal/prejudicial interests should be declared as required by the Council's Code of Conduct adopted in accordance with the Local Government Act 2000.</i>	4
2. APPLICATION FOR A PERSONAL LICENCE	5 - 13

REPORT



REPORT OF	MEETING	DATE	ITEM NO
CONSUMER WELLBEING & PROTECTION	LICENSING PANEL	27 TH JANUARY 2006	2

APPLICATION FOR PERSONAL LICENCE

Summary

The council has received an application for the grant of a Personal Licence.

There has been an objection from the Police, a responsible authority under the Licensing Act.

This means that the committee must consider the application.

Report

Application

1. The application is for the grant of a Personal Licence under section 117 of the Licensing Act 2003.
2. The application has been referred to the panel as a relevant offence has been disclosed to which the Police have made now served an objection notice.

Papers

3. The following papers are relevant and have been made available to panel members:
 - The application
 - The statutory guidance for licensing authorities issued by the secretary of state under section 182 of the Licensing Act 2003
 - The council's statement of licensing policy

Copies of relevant representation from the Police.

Consideration

4. The licensing objectives are:

- The prevention of crime and disorder;
- Public safety
- The prevention of public nuisance; and
- The protection of children from harm

5. As an objection notice has been made, it is the duty of the panel to consider the application. As a result of the consideration of the notice, the Panel must reject the application if it considers it necessary for the promotion of the crime and disorder objective or grant the application in any other case. The following parts of the secretary of state's guidance appear to be particularly relevant to the application and the relevant representations:

4.1-2 Personal Licences

4.8 Criminal Record

13.36 Personal Licences

However, the parties appearing in the hearing may wish to draw the panel's attention to other parts of the guidance.

6. The following parts of the council's statement of licensing policy appear to be particularly relevant to the application and the relevant representations:

16.5 Personal Licences

However, the parties appearing in the hearing may wish to draw the panel's attention to other parts of the policy.

Procedure

7. The applicant and the makers of the relevant representations have been invited to attend or be represented at the hearing.

REPORT AUTHOR	TEL	DATE	DOC ID
Chris Hambly	(01253) 658422	6 th January 2006	

Attached documents

Application Form

Disclosure

Police Objection Notice

3202



FYLDE BOROUGH COUNCIL

Application for a personal licence

Before completing this form please read the guidance notes at the end of the form. If you are completing this form by hand please write legibly in block capitals. In all cases ensure that your answers are inside the boxes and written or typed in **black ink**. Use additional sheets if necessary. You may wish to keep a copy of the completed form for your records.

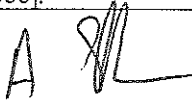
1. Your personal details	
TITLE (delete as appropriate): Mr Mrs Miss Ms Other (please state)	
Surname	STEPHENSON
Forenames	ANDREW CHRISTOPHER
PREVIOUS NAMES (if relevant) please enter details of any previous names or maiden names. Please continue on a separate sheet if necessary.	
TITLE (delete as appropriate): Mr Mrs Miss Ms Other (please state)	
Surname	
Forenames	
Date of birth	02/10/1979
ADDRESS WHERE ORDINARILY RESIDENT (We will use this address to correspond with you unless you complete the separate correspondence box below).	
7 SOUTHFOLD PLACE LYTHAM LYTHAM ST. ANNES LANCASHIRE	
Post town	Post code
LYTHAM ST. ANNES	FY8 4PZ
TELEPHONE NUMBERS	
Daytime	07854 067435
Evening	01253 733729
Mobile	07854 067435
FAX NUMBER	
EMAIL ADDRESS (if you would prefer us to correspond with you by e mail)	

Address for correspondence associated with this application (if different to the address above)	
Post town	Post code
TELEPHONE NUMBERS	
Daytime	
Evening	
Mobile	
EMAIL ADDRESS (if you would prefer us to correspond with you by e mail)	

2. Your licensing qualifications	
Read Note 1	Please tick <input checked="" type="checkbox"/> yes
Please indicate below which one of these statements applies to you:	
1. I hold an accredited licensing qualification	<input checked="" type="checkbox"/>
2. I hold a certified qualification	<input type="checkbox"/>
3. I hold an equivalent qualification	<input type="checkbox"/>
4. I am a person of prescribed description	<input type="checkbox"/>
If you have ticked either of statements 1, 2 or 3 please provide details of your qualification in the box below (name of qualification, date of issue, issuing body) and please enclose your qualification with your application. If you have ticked statement 4, please provide evidence that you are a person of prescribed description.	
<p>NATIONAL CERTIFICATE FOR PERSONAL LICENCE HOLDERS 05 APRIL 2005 B I I A B</p>	
3. Previous or outstanding applications for a personal licence	
Note: You may only hold one personal licence at a time.	Please tick <input checked="" type="checkbox"/>
Do you currently hold a personal licence?	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>
Do you currently have any outstanding applications for a personal licence, with this or any other licensing authority?	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>
Has any personal licence held by you been forfeited in the last 5 years?	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>

Licensing Authority	
Licence number	
Date of issue	
Date of expiry	
Any further details	

4. CHECKLIST:	
I have	Please tick <input checked="" type="checkbox"/> yes
• enclosed two photographs of myself, one of which is endorsed as a true likeness of me by a solicitor or notary, a person of standing in the community or any individual with a professional qualification.	<input checked="" type="checkbox"/>
• enclosed any licensing qualification I hold or proof that I am a person of prescribed description	<input checked="" type="checkbox"/>
• enclosed a criminal conviction certificate or a criminal record certificate or the results of a subject access search of the police national computer by the National Intelligence Service	<input checked="" type="checkbox"/>
• enclosed a completed disclosure of criminal convictions and declaration form (Schedule 3)	<input checked="" type="checkbox"/>
• made or enclosed payment of the fee for the application	<input checked="" type="checkbox"/>

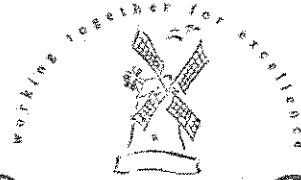
5. Declaration	
<p>The information contained in this form is correct to the best of my knowledge and belief.</p> <p>It is an offence knowingly or recklessly to make a false statement in or in connection with an application for the grant or renewal of a personal licence. (A person is to be treated as making a false statement if he produces, furnishes, signs or otherwise makes use of a document that contains a false statement). To do so could result in prosecution and a fine not exceeding level 5 on the standard scale [£5000].</p>	
SIGNATURE	DATE
A 	13/12/2005

NOTES

Information on the Licensing Act 2003 is available on the website of the Department for Culture, Media and Sport (http://www.culture.gov.uk/alcohol_and_entertainment/default.htm) or from your local licensing authority.

1. Licensing qualifications

Licensing qualifications are dealt with in section 120(8) and (9) of the Licensing Act 2003.



FYLDE BOROUGH COUNCIL

Disclosure of convictions and declaration

Before completing this form please read the guidance notes at the end of the form.
 If you are completing this form by hand please write legibly in block capitals. In all cases ensure that your answers are inside the boxes and written or typed in black ink. Use additional sheets if necessary. You may wish to keep a copy of the completed form for your records.

1. Your personal details	
TITLE (delete as appropriate): Mr Mrs Miss Ms Other (please state)	
Surname	STEPHENSON
Forenames	ANDREW CHRISTOPHER
PREVIOUS NAMES (if relevant) please enter details of any previous names or maiden names. Please continue on a separate sheet if necessary.	
TITLE (delete as appropriate): Mr Mrs Miss Ms Other (please state)	
Surname	
Forenames	
2. Forfeiture of a personal licence in the last 5 years	
Do not answer this question if you are applying under regulation 8 of the Licensing Act (Personal licences) Regulations 2005	
Please tick <input checked="" type="checkbox"/>	
Has any personal licence held by you been forfeited in the last 5 years?	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>
If yes, please provide details below:	
Name of court	
Address of court	
Date of forfeiture	
Offence which resulted in the forfeiture	
Any additional details	
3. Relevant or foreign offences	
Read Note 1 Please tick <input checked="" type="checkbox"/>	
Have you been convicted of any relevant offence or foreign offence?	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>
If you have been convicted of any relevant offences you must provide details for each conviction, the date of conviction, the name and location of the convicting court, offence of which you were convicted and the sentence imposed:	
04/06/2004 FYLDE COAST PSA MAGISTRATES DRIVING A MOTOR VEHICLE WITH EXCESS ALCOHOL FINE 400.00 COSTS 70.00 DISQUALIFICATION FROM DRIVING 2 YEARS	

If you have been convicted of any foreign offences you must provide details for each conviction of the date of conviction, the name and location of the convicting court, offence of which you were convicted and the sentence imposed:

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4. Declaration

I declare that I have not been convicted of any relevant offence or any foreign offence

SIGNATURE		DATE	
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5. Declaration

The information contained in this form is correct to the best of my knowledge and belief.

It is an offence knowingly or recklessly to make a false statement in or in connection with an application for the grant or renewal of a personal licence. (A person is to be treated as making a false statement if he produces, furnishes, signs or otherwise makes use of a document that contains a false statement). To do so could result in prosecution and a fine not exceeding level 5 on the standard scale [£5000].

SIGNATURE	A. 	DATE	13/12/2005
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NOTES

Information on the Licensing Act 2003 is available on the website of the Department for Culture, Media and Sport (http://www.culture.gov.uk/alcohol_and_entertainment/default.htm) or from your local licensing authority.

1.Relevant or foreign offences

Relevant offences are the offences listed in Schedule 4 to the Licensing Act 2003:

The meaning of **foreign offence** is dealt with in section 113 of the Licensing Act 2003.

If you are the holder of a justices' licence and you are applying for a personal licence under regulation 8 of the Licensing Act (Personal licence) Regulations 2005 see paragraphs 23 and 28 in Part 3 of Schedule 8 to the Licensing Act 2003 for the information you are required to give.

If you are convicted of any relevant or foreign offence during the period between when your application is made and when your application is determined or withdrawn, you must notify the authority to which your application was made. Failure to do so without reasonable excuse could lead to prosecution and a fine not exceeding level 4 on the standard scale [£2,500].

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LICENSING DEPARTMENT

Western Division, Central Police Office, Bonny Street, Blackpool FY1 5RL
Tel: 01253 604031 604079 Fax: 01253 4604119



**Lancashire
Constabulary**
police and communities toget

Chief Executive
Fylde Borough Council
Town Hall
Lytham St Annes
Lancs

23rd December 2005

Dear Sirs

Andrew Christopher Stephenson

Thank you for your letter dated 19th December 2005 enclosing personal licence application for the above named.

Enquiries have been conducted into this matter and it is the intention of the police to object to this person's application because of his conviction and the fact that his disqualification is relevant until June 2006.

Yours faithfully

pp Chief Superintendent

4/1 - Ror



LICENSING ACT 2003

THE LICENSING ACT 2003 (HEARINGS) REGULATIONS 2005

PROCEDURE FOR THE CONDUCT OF HEARINGS

1. *Preliminary*

- 1.1. Under the regulations, the Licensing Authority is required to determine the procedure that it proposes to follow at any hearing under the Act. This document sets out the procedure that Fylde will normally follow.
- 1.2. A panel may decide to follow a different procedure at any hearing. If it does, it will specifically draw attention to any departures from the procedures set out in this document and the reasons for them.
- 1.3. Please refer to the regulations for other rules about procedure

2. *Interpretation*

In this procedure, the following words or phrases have the following meanings:

applicant	an applicant for a licence or any person who has a licence which may be reviewed or revoked as a result of the hearing
act	The Licensing Act 2003
licence	Includes any consent or permission under the act
panel	A sub-committee established by Fylde Borough Council under section 10 of the act
regulations	The Licensing Act 2003 (Hearings) Regulations 2003, and any reference to a numbered regulation is to the regulation so numbered in that statutory instrument
witness	A person given permission to appear at the hearing under regulation 8(2)

3. *Before the hearing*

- 3.1. At least ten days before the hearing, the panel will meet to consider:
 - 3.1.1. If the circumstances set out in regulation 9(1) apply, whether to dispense with holding a hearing;
 - 3.1.2. What, if any, particular points it considers it will want clarification on at the hearing from a party under regulation 7(1)(d), and
 - 3.1.3. What time limit to set under regulation 24.
- 3.2. If it is not practicable for the panel to meet to consider these matters, the convenor may ascertain the views of panel members separately and give effect to the majority view as if it had been reached in a meeting of the panel.

4. *Opening the hearing*

- 4.1. The convenor will identify all parties to the hearing who are present. The convenor will also identify any persons who are present who intend to assist or represent any party and any witnesses.
- 4.2. The convenor will then explain to the parties the procedure to be followed at the hearing, specifically drawing attention to any departures from the procedures set out in this document

and the reasons for them. The convenor will also inform the parties that the proceedings will be recorded.

- 4.3. The panel will then consider any request by a party under regulation 8(2) for another person to appear at the hearing. The convenor will give any party who has made such a request (or their representative) which the panel proposes to deny an opportunity to address the panel about their request. The panel will then re-consider the request.
- 4.4. The convenor may invite any officer to carry out any functions under this paragraph.

5. *Listening to the parties*

- 5.1. Each of the parties will then be invited to:
 - 5.1.1. Open their case by addressing the panel;
 - 5.1.2. Give any further information requested by the panel under regulation 7(1)(d);
 - 5.1.3. Present the evidence of any witness; and
 - 5.1.4. Conclude their case by addressing the panel.
- 5.2. The order in which the parties will be invited to put their cases will be in the discretion of the panel, except that a party who is an applicant will be invited to put their case last.

6. *Questioning the parties*

- 6.1. Members of the panel may, following the conclusion of the case of each party, ask questions of that party or any witness appearing for them.
- 6.2. A party or their representative may only question another party if they have asked for permission from the panel after the panel members have finished questioning that party or their witness. The panel will only give permission if it is satisfied that the questioning will provide useful information about a matter relevant to their determination which is unlikely to be placed before the panel without such questioning

7. *Time limits*

Each party will be limited to the time set by the panel under regulation 24 in which to exercise their rights provided in paragraphs 5 and 6.2. The convenor will require the party or their representative to close their case or cease their questioning immediately this time limit is reached.

8. *Considering the decision*

- 8.1. The panel will consider their decision in private.
- 8.2. No officers will retire with the panel except for the committee administrator. The committee administrator may, if requested to do so, provide procedural, but not legal or technical, advice to the panel. The committee administrator will also assist the panel by drafting and finalising the wording of the panel's decision, if requested by the panel.
- 8.3. The panel may, while it is considering its decision, seek advice from legal or licensing officers. Officers will limit their advice to the specific issue identified by the panel and will leave the room where the panel is considering its decision as soon as that advice has been given and understood.

9. *Announcing the decision*

- 9.1. When the panel has made its decision, the public part of the meeting will resume.
- 9.2. The convenor will read out the decision of the panel, or may invite the committee administrator to do so. The meeting will then close or move on to the next business.

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