

RICHARD IVORY, Solicitor
HEAD OF LEGAL & DEMOCRATIC SERVICES
Southampton & Eastleigh Licensing Partnership
 Civic Centre
 Southampton
 SO14 7LY
 Direct Dial 023 8083 3002



Reference: 2014/02049/02SPEN

Hearing:

13th February 2014

Application for Personal Licence

Applicant's Name: Mr. Stephen Peter Dixon
 Applicant's Address: 77 Leaside Way
 Southampton
 SO16 3EP

Application Date: 2nd January 2014

Application Received Date: 13th January 2014

Application Valid Date: 14th January 2014

Representations From Responsible Authorities

Responsible Authority	Satisfactory?	Comments
Police - Licensing	No	Police objection

Legal Implications

- The Licensing Act 2003 specifically restricts the grounds on which the Council, as Licensing Authority, may refuse an application for a new personal licence. Only the Police may object to the grant on crime prevention grounds by serving an objection notice following notification of any unspent relevant offence or a foreign offence.
- In considering an application, the committee must apply the test contained in section 120(7) of the Licensing Act 2003, which requires that, having regard to the notice of objection from the police, the licensing authority must either:
 - reject the application if it considers it necessary for the promotion of the crime prevention objective to do so, and
 - grant the application in any other case."
- The committee should also take into account of the statutory guidance issued by the Home Office under section 182 of the Licensing Act 2003, particularly paragraph 4.9:

"The Secretary of State recommends that, where the police have issued an objection notice, refusal of the application should be the normal course unless there are, in the opinion of the licensing authority, exceptional and compelling circumstances which justify granting the application. 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.”

However, it is a matter for the committee to decide what weight to give the guidance in its determination of the application.

4. An applicant, whose application has been refused, may appeal against the decision to the Magistrates' Court as may the Police should the application be granted despite their objection notice.
5. In considering this application the committee will sit in a quasi-judicial capacity and is thus obliged to consider applications in accordance with both the Licensing Act 2003 (Hearings) Regulations 2005, and amending secondary legislation and the rules of natural justice. The practical effect of this is that the committee must make its decision based on evidence submitted in accordance with the legislation and give adequate reasons for reaching its decision.

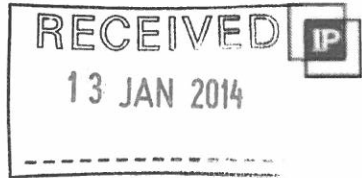
The committee must also have regard to:-

6. *Crime and Disorder Act 1998*
Section 17 of the Crime and Disorder Act 1998 places the Council under a duty to exercise its various functions with due regard to the likely effect of the exercise of those functions on, and the need to do all that it reasonably can to prevent, crime and disorder in its area.
7. *Human Rights Act 1998*
The Act requires UK legislation to be interpreted in a manner consistent with the European Convention on Human Rights. It is unlawful for the Council to act in a way that is incompatible (or fail to act in a way that is compatible) with the rights protected by the Act. Any action undertaken by the Council that could have an effect upon another person's Human Rights must be taken having regard to the principle of Proportionality - the need to balance the rights of the individual with the rights of the community as a whole. Any action taken by the Council which affect another's rights must be no more onerous than is necessary in a democratic society. The matter set out in this report must be considered in light of the above obligations.

Further information

8. The offence of which the applicant was convicted is a relevant offence prescribed by section 113 of the Licensing Act 2003 and set out in paragraph 14 of schedule 4 to the Act.
9. The applicant has declared this conviction in the disclosure of conviction and declaration which accompanied the application and it appears in the supplied certificate of conviction from Disclosure Scotland.
10. Hampshire Constabulary objects to the grant of a personal licence on the grounds that granting the licence would undermine the crime prevention objective.
11. The applicant has also provided evidence of having obtained the required National Certificate for Personal Licence Holders qualification.

12. The applicant has also provided the required endorsed photograph.
13. The documents and evidence referred to above are prerequisites for an application to be considered, as prescribed by regulation 7 of the Licensing Act 2003 (Personal Licences) Regulations 2005.
14. Copies of the following documents appear as an appendix to this report:
 - Application for a personal licence
 - National certificate for personal licence holder's certificates
15. Copies of the following documents appear as a confidential appendix to this report:
 - Applicant's disclosure of convictions and declaration
 - Basic disclosure certificate
 - Objection to grant of personal licence by Hampshire Constabulary



Licensing Act 2003

Application For A Personal Licence

Please read the following instructions first

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 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 (Please indicate below)

Mr Mrs Miss Ms Other (please state)

Surname

Forenames

Previous Names (if relevant) Please enter details of any previous names or maiden names. Please continue on a separate sheet if necessary.

Mr Mrs Miss Ms Other (please state)

Surname

Forenames

I am 18 years old or over. (Please tick) Yes No

Address where ordinarily resident We will use this address to correspond with you unless you complete the separate correspondence box below.

Address

Post Town

Postcode

Telephone Numbers

Daytime

Evening

Mobile

Fax

E-mail Address: (If you would prefer us to correspond with you by e-mail)

Email

Address for correspondence associated with this application (if different to the address above)

Address

APPLICANTS ADDRESS
ABOVE PLEASE.

Post Town

Postcode

Telephone Numbers

Daytime

Evening

Mobile

Fax

[Redacted telephone numbers]

E-mail Address: (If you would prefer us to correspond with you by e-mail)

Email

[Redacted email address]

2. Your licensing qualifications (read note 1)

Please indicate below which one of these statements applies to you:

- 1. I hold an accredited licensing qualification
- 2. I hold a certified qualification
- 3. I hold an equivalent qualification
- 4. I am a person of prescribed description

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.

The BIAB Level 2 Award for Personal Licence Holders

Date of issue: 23/10/13

3. Previous or outstanding applications for a personal licence

Note: You may only hold one personal licence at a time.

Do you currently hold a personal licence?

Yes

No

Do you currently have any outstanding applications for a personal licence, with this or any other licensing authority?

Has any personal licence held by you been forfeited in the last 5 years?

Licensing Authority

Licence number

Date of issue

Date of expiry

Any further details

4. Checklist

I have

- ❖ 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 (see note 2 below) or any individual with a professional qualification
- ❖ enclosed any licensing qualification I hold or proof that I am a person of prescribed description
- ❖ 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 Identification Service
- ❖ enclosed a completed disclosure of criminal convictions and declaration form (Schedule 3)
- ❖ made or enclosed payment of the fee for the application - £37.

Yes

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.

Signed:

Date:

02/10/14

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.

2. Person of standing in the community includes: a bank or building society official, a police officer, a civil servant or a minister of religion.

This is to certify that

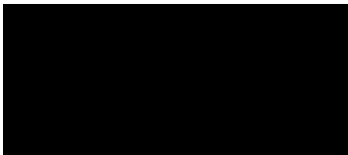
STEPHEN DIXON

has been awarded the

**BIIAB Level 2
Award for Personal Licence Holders**

Qualification Accreditation Number: 501/1494/3

Date Achieved: 23 October 2013
Number: 1003276036



Tim Hulme
Chief Executive

Ofqual
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Llywodraeth Cymru
Welsh Government



CEA
Rewarding Learning