

BRISTOL CITY COUNCIL

LICENSING (HEARINGS) SUB- COMMITTEE

5 April 2018

Report of the Service Manager – Regulatory Services

Title: Licensing Act 2003
Application for the grant of a Personal Licence in respect of, Mr TH.

Officer Presenting Report: Carl Knights

Contact Telephone Number: 0117 3574900

Purpose of the report

To hold a hearing to consider the objection notice submitted by the Chief Officer of Police with regard to the Personal Licence application for Mr TH received on 20 February 2018.

Members have a pack containing the following documents:

- (a) Copy of the application
- (b) Copy of the notice issued under s120(4) of the Licensing Act 2003
- (c) Copy of the Objection Notice received from the Chief Officer of Police
- (d) Points of clarification raised with the parties and their responses
- (e) The Council's statement of licensing policy
- (f) The Secretary of state's guidance
- (g) The Council's Licensing procedure rules
- (h) Regulations governing the conduct of hearings

Context

The detail of the application is as follows:

The application was accompanied by a Basic Disclosure issued under section 112 of the Police Act 1997. The Disclosure recorded an unspent criminal conviction(s) which fell within the definition of a relevant offence under section 113 of the Licensing Act 2003.

On 26 February 2018, in accordance with section 120(4) a notice was served on the Chief Officer of Police that the applicant, Mr Harrison, failed to meet the requirement prescribed by s120(2)(d) of the Act, namely that he had not been convicted of any relevant offence or any foreign offence.

On 28 February 2018 the licensing authority received an objection notice from the Chief Officer of Police under s120(5) of the Act stating that the grant of the licence would undermine the crime prevention objective.

Recommendations

That the subcommittee meet its duty under section 120(7) of The Act to:

- hold a hearing to consider the objection notice, unless the applicant, the chief officer of police and the authority agree that it is unnecessary
- having regard to the notice —
 - (i) reject the application if it considers it necessary for the promotion of the crime prevention objective to do so, and
 - (ii) grant the application in any other case.
- Following determination of the application take the below steps:
 - (1) Where a licensing authority grants an application—
 - (a) it must give the applicant and the chief officer of police for its area a notice to that effect, and
 - (b) if the chief officer of police gave an objection notice (which was not withdrawn), the notice under paragraph (a) must contain a statement of the licensing authority's reasons for granting the application.
 - (2) A licensing authority which rejects an application must give the applicant and the chief officer of police for its area a notice to that effect containing a statement of the authority's reasons for rejecting the application.

LOCAL GOVERNMENT (ACCESS TO INFORMATION) ACT 1985

Background papers: Application and supporting documents.

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