



# **L I C E N S I N G S U B - C O M M I T T E E C S U P P L E M E N T A R Y P A C K**

**Tuesday, 22 March 2022 at 7.00 pm**

**Until further notice, all Licensing Sub-Committee hearings will be held remotely**

The live stream can be viewed here:

<https://youtu.be/PIBkFehv-uM>

Back up link:

<https://youtu.be/g552NqWy24>

**Members of the Committee:**

**Cllr Fajana-Thomas, Cllr James Peters and Cllr Penny Wrout**

**Mark Carroll**  
**Chief Executive**  
**16 March 2022**  
[www.hackney.gov.uk](http://www.hackney.gov.uk)

Contact: Natalie Williams,  
Governance Officer  
[governance@hackney.gov.uk](mailto:governance@hackney.gov.uk)

## **Licensing Sub-Committee C**

**Tuesday, 22 March 2022**

### **Agenda**

**6      Application for a Personal Licence: ATTACHED      (Pages 9 - 20)**

On occasions, some applications will be heard in private and not open to the press and public if discussions are likely to lead to the disclosure of exempt or confidential information.

The following recommendation allows for the consideration of exempt information.

**RECOMMENDATION:**

**That the Press and Public be excluded from the meeting during the consideration of agenda item 6 due to the disclosure of exempt information as defined under paragraph 1, Part 1 , Schedule 12A of the Local Government Act 1972.**

## ADVICE TO MEMBERS ON DECLARING INTERESTS

Hackney Council's Code of Conduct applies to all Members of the Council, the Mayor and co-opted Members.

This note is intended to provide general guidance for Members on declaring interests. However, you may need to obtain specific advice on whether you have an interest in a particular matter. If you need advice, you can contact:

- Director of Legal and Governance Services
- the Legal Adviser to the committee; or
- Governance Services.

If at all possible, you should try to identify any potential interest you may have before the meeting so that you and the person you ask for advice can fully consider all the circumstances before reaching a conclusion on what action you should take.

You will have a disclosable pecuniary interest in a matter if it:

- i. relates to an interest that you have already registered in Parts A and C of the Register of Pecuniary Interests of you or your spouse/civil partner, or anyone living with you as if they were your spouse/civil partner;
- ii. relates to an interest that should be registered in Parts A and C of the Register of Pecuniary Interests of your spouse/civil partner, or anyone living with you as if they were your spouse/civil partner, but you have not yet done so; or
- iii. affects your well-being or financial position or that of your spouse/civil partner, or anyone living with you as if they were your spouse/civil partner.

If you have a disclosable pecuniary interest in an item on the agenda you must:

- i. Declare the existence and nature of the interest (in relation to the relevant agenda item) as soon as it becomes apparent to you (subject to the rules regarding sensitive interests).
- ii. You must leave the meeting when the item in which you have an interest is being discussed. You cannot stay in the meeting whilst discussion of the item takes place and you cannot vote on the matter. In addition, you must not seek to improperly influence the decision.
- iii. If you have, however, obtained dispensation from the Monitoring Officer or Standards Committee you may remain in the meeting and participate in the meeting. If dispensation has been granted it will stipulate the extent of your involvement, such as whether you can only be present to make representations, provide evidence or whether you are able to fully participate and vote on the matter in which you have a pecuniary interest.

Do you have any other non-pecuniary interest on any matter on the agenda which is being considered at the meeting?

You will have 'other non-pecuniary interest' in a matter if:

- i. It relates to an external body that you have been appointed to as a Member or in another capacity; or
- ii. It relates to an organisation or individual which you have actively engaged in supporting.

If you have other non-pecuniary interest in an item on the agenda you must:

- i. Declare the existence and nature of the interest (in relation to the relevant agenda item) as soon as it becomes apparent to you.
- ii. You may remain in the meeting, participate in any discussion or vote provided that contractual, financial, consent, permission or licence matters are not under consideration relating to the item in which you have an interest.
- iii. If you have an interest in a contractual, financial, consent, permission or licence matter under consideration, you must leave the meeting unless you have obtained a dispensation from the Monitoring Officer or Standards Committee. You cannot stay in the meeting whilst discussion of the item takes place and you cannot vote on the matter. In addition, you must not seek to improperly influence the decision. Where members of the public are allowed to make representations, or to give evidence or answer questions about the matter you may, with the permission of the meeting, speak on a matter then leave the meeting. Once you have finished making your representation, you must leave the meeting whilst the matter is being discussed.
- iv. If you have been granted dispensation, in accordance with the Council's dispensation procedure you may remain in the meeting. If dispensation has been granted it will stipulate the extent of your involvement, such as whether you can only be present to make representations, provide evidence or whether you are able to fully participate and vote on the matter in which you have a non pecuniary interest.

#### Further Information

Advice can be obtained from Dawn Carter-McDonald, Director of Legal, Democratic and Electoral Services via email [dawn.carter-mcdonald@hackney.gov.uk](mailto:dawn.carter-mcdonald@hackney.gov.uk)



| REPORT OF GROUP DIRECTOR, NEIGHBOURHOODS AND HOUSING        |                                       |           |
|---|---------------------------------------|-----------|
| <b>LICENSING SUB-COMMITTEE:</b><br><br>22 March 2022        | <b>Classification</b><br><br>DECISION | Enclosure |
| <b>Application for a Personal Licence</b><br><br>[REDACTED] | <b>Ward</b><br><br>London Fields      |           |

## 1. SUMMARY

|                            |  |
|----------------------------|--|
| <b>Applicant</b>           | [REDACTED]   |
| <b>Date of application</b> | 02 February 2022   |
| <b>Application:</b>        | A personal licence to authorise the supply of alcohol by the applicant.  |
| <b>Policies applicable</b> | LP9 (Personal licences)  |
| <b>List of appendices</b>  | Appendix A – Personal licence application<br>Appendix B – Representation from the Metropolitan Police<br>Appendix C - Note on Rehabilitation of Offenders Act 1974 |

## 2. APPLICATION

- 2.1 [REDACTED] has applied for a personal licence under the Licensing Act 2003. This licence authorises the holder of the licence to supply or authorise the supply of alcohol.
- 2.2 The application is attached as Appendix A. The DBS Certificate and other relevant documents detailing convictions will be available for members at the meeting.

## 3. OBJECTION NOTICE: METROPOLITAN POLICE

- 3.1 The Metropolitan Police have made an objection notice on the above application. [REDACTED] has unspent relevant convictions. The Police consider that to grant a personal licence to the applicant would undermine the crime and disorder objective.

#### **4. POLICY CONSIDERATIONS**

- 4.1 The Licensing Sub-Committee is required to have regard to the Hackney Statement of Licensing Policy (“the Policy”) adopted by the Licensing Authority.
- 4.2 Extracts from licensing policies are reproduced at the front of the agenda for this meeting.
- 4.3 Hackney’s Statement of Licensing Policy applies to the applications where relevant representations have been made. In respect of this application, LP9 (Personal Licence) is relevant to the representation made.

#### **5. GUIDANCE CONSIDERATIONS**

- 5.1 The Licensing Authority is required to have regard to any guidance issued by the Secretary of State under the Licensing Act 2003.

#### **6. OFFICER OBSERVATIONS**

- 6.1 Members should consider LP9 when determining the application for grant of personal licence.
- 6.2 A note on the Rehabilitation of Offenders Act 1974 is attached for information at Appendix C.

#### **7. LEGAL IMPLICATIONS**

- 7.1 A legal representative will be in attendance to advise members.

#### **8. LEGAL COMMENTS**

- 8.1 The Council has a duty as a Licensing Authority under the Licensing Act 2003 to carry out its functions with a view to promoting the following 4 licensing objectives;
  - The prevention of crime and disorder
  - Public Safety
  - Prevention of public nuisance
  - The protection of children from harm
- 8.2 It should be noted that each of the licensing objectives have equal importance and are the only grounds upon which a relevant representation can be made and for which an application can be refused or terms and conditions attached to a licence.

#### **9. HUMAN RIGHTS ACT 1998 IMPLICATIONS**

- 9.1 There are implications on Article 6, Article 8, Article 14 and the First Protocol of Article 1.

## 10. MEMBERS DECISION MAKING

- A. Option 1  
That the application be rejected if members consider it necessary for the promotion of the crime prevention objective
- B. Option 2  
That the application be granted


## 11. CONCLUSION

11.1 That members decide on the application for a personal licence.

|   |   |
|---|---|
| <b>Group Director,<br/>Neighbourhoods and Housing</b> | Ajman Ali   |
| <b>Lead Officer (holder of original copy):</b>        | Subangini Sriramana<br>Principal Licensing Officer<br>Licensing Service<br>1 Hillman Street<br>E8 1DY<br>Telephone: 020 8356 4915 |

## LIST OF BACKGROUND PAPERS RELATING TO THIS REPORT

The following document(s) has been relied upon in the preparation of the report.

| Description of document   | Location  |
|---|---|
|  | Hackney Service Centre<br>Licensing Service<br>1 Hillman Street<br>London<br>E8 1DY |

### Printed matter

Licensing Act 2003  
LBH Statement of Licensing Policy



Hackney

LA20

## 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.

|   |            |                  |   |
|---|------------|------------------|---|
| <b>1. Your personal details</b>   |            |                  |   |
| <b>TITLE Please tick</b>  |            |                  |   |
| Mr <input checked="" type="checkbox"/> Mrs <input type="checkbox"/> Miss <input type="checkbox"/> Ms <input type="checkbox"/> Other (please state)    |            |                  |   |
| Surname   | [REDACTED] |                  |   |
| Forenames   | [REDACTED] |                  |   |
| <b>PREVIOUS NAMES (if relevant) please enter details of any previous names or maiden names. Please continue on a separate sheet if necessary.</b>     |            |                  |   |
| <b>TITLE Please tick</b>  |            |                  |   |
| Mr <input type="checkbox"/> Mrs <input type="checkbox"/> Miss <input type="checkbox"/> Ms <input type="checkbox"/> Other (please state)               |            |                  |   |
| Surname   | [REDACTED] |                  |   |
| Forenames   | [REDACTED] |                  |   |
| Date of Birth   | [REDACTED] |                  |   |
| Nationality   | [REDACTED] |                  |   |
| I am 18 years old or over. Please tick  |            |                  | Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> |
| <b>ADDRESS WHERE ORDINARILY RESIDENT (We will use this address to correspond with you unless you complete the separate correspondence box below).</b> |            |                  |   |
| [REDACTED]  |            |                  |   |
| <b>Post town</b>  |            | <b>Post code</b> |   |
| [REDACTED]  |            | [REDACTED]       |   |
| RECEIVED IN CORPORATE BUSINESS SUPPORT<br>02 FEB 2022<br>BOROUGH HACKNEY  |            |                  |   |
| <b>TELEPHONE NUMBERS</b>  |            |                  |   |
| Daytime   | [REDACTED] |                  |   |
| Evening   | [REDACTED] |                  |   |
| Mobile  | [REDACTED] |                  |   |
| <b>FAX NUMBER</b>   |            |                  |   |
| [REDACTED]  |            |                  |   |





|  |                                 |   |
|--|---------------------------------|---|
|  |                                 |   |
| <b>3. Previous or outstanding applications for a personal licence</b>  |                                 |   |
| Note: You may only hold one personal licence at a time.  |                                 | <b>Please tick</b>                        |
| Do you currently hold a personal licence?  | Yes<br><input type="checkbox"/> | No<br><input checked="" type="checkbox"/> |
| Do you currently have any outstanding applications for a personal licence, with this or any other licensing authority? | Yes<br><input type="checkbox"/> | No<br><input checked="" type="checkbox"/> |
| Has any personal licence held by you been forfeited in the last 5 years?   | Yes<br><input type="checkbox"/> | No<br><input checked="" type="checkbox"/> |
| Licensing Authority  |                                 |   |
| Licence number   |                                 |   |
| Date of issue  |                                 |   |
| Any further details  |                                 |   |

|  |  |
|--|--|
| <b>4. CHECKLIST:</b>   |  |
| <b>I have</b>  | <b>Please tick yes</b>   |
| <ul style="list-style-type: none"> <li>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</li> <li>enclosed any licensing qualification I hold or proof that I am a person of prescribed description</li> <li>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</li> <li>enclosed a completed disclosure of criminal convictions and declaration form (Schedule 2)</li> <li>included a proof of my right to work in the United Kingdom or my share code issued by the Home Office online right to work checking service (see note 2)</li> <li>made or enclosed payment of the fee for the application</li> </ul> | <input checked="" type="checkbox"/><br><input checked="" type="checkbox"/><br><input checked="" type="checkbox"/><br><input checked="" type="checkbox"/><br><input checked="" type="checkbox"/><br><input checked="" type="checkbox"/> |

|                       |
|-----------------------|
| <b>5. Declaration</b> |
|-----------------------|

**I am entitled to work in the UK and am not subject to a condition preventing me from doing work relating to the carrying on of a licensable activity. I understand that my licence will become invalid if I cease to be entitled to live and work in the UK.**

**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 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 of any amount. It is an offence under section 24B of the Immigration Act 1971 to work illegally.

|                  |   |             |            |
|------------------|---|-------------|------------|
| <b>SIGNATURE</b> |  | <b>DATE</b> | 19/01/2022 |
|------------------|---|-------------|------------|

## NOTES

Information on the Licensing Act 2003 is available on [legislation.gov.uk](http://legislation.gov.uk) 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. Right to work/immigration status:

A personal licence may not be issued to an individual or an individual in a partnership which is not a limited liability partnership who is resident in the UK who:

- does not have the right to live and work in the UK; or
- is subject to a condition preventing him or her from doing work relating to the carrying on of a licensable activity.

Any personal licence issued in respect of an application made on or after 6 April 2017 will become invalid if the holder ceases to be entitled to work in the UK.

Applicants must demonstrate that they have the right to work in the UK and are not subject to a condition preventing them from doing work relating to the carrying on of a licensing activity. They do this in one of two ways: 1) by providing with this application copies or scanned copies of the documents listed below (which do not need to be certified) or 2) by providing their 'share code' to enable the licensing authority to carry out a check using the Home Office online right to work checking service (see below).

### Documents which demonstrate entitlement to work in the UK

- An expired or current passport showing the holder, or a person named in the passport as the child of the holder, is a British citizen or a citizen of the UK and Colonies having the right of abode in the UK [please see note below about which sections of the passport to copy].


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   |  |
|--|--|
| <b>TITLE Please tick ✓</b>   |  |
| Mr <input checked="" type="checkbox"/> Mrs <input type="checkbox"/> Miss <input type="checkbox"/> Ms <input type="checkbox"/> Other (please state) |  |
| Surname  |  |
| Forenames  |  |
| <b>PREVIOUS NAMES (if relevant) please enter details of any previous names or maiden names. Please continue on a separate sheet if necessary.</b>  |  |
| <b>TITLE Please tick ✓</b>   |  |
| Mr <input type="checkbox"/> Mrs <input type="checkbox"/> Miss <input type="checkbox"/> Ms <input type="checkbox"/> Other (please state)            |  |
| Surname  |  |
| Forenames  |  |

| 2. Forfeiture by a court or revocation by a licensing authority of a personal licence in the last 5 years |                                 |   |
|---|---------------------------------|---|
|   | Please tick                     |   |
| Has any personal licence held by you been forfeited or revoked in the last 5 years?                       | Yes<br><input type="checkbox"/> | No<br><input checked="" type="checkbox"/> |
| If yes, please provide details below:   |                                 |   |
| Name of court/licensing authority   |                                 |   |
| Address of court  |                                 |   |
| Date of forfeiture/revocation   |                                 |   |
| Offence which resulted in the forfeiture/revocation   |                                 |   |
| Any additional details  |                                 |   |

| 3. Relevant or foreign offences and civil immigration penalties   |                                 |   |
|---|---------------------------------|---|
| Read Note 1 and 2<br>tick ✓   | Please                          |   |
| Have you been convicted of any relevant offence or foreign offence or been required to pay a civil immigration penalty?   | Yes<br><input type="checkbox"/> | No<br><input checked="" type="checkbox"/> |
| If you have been convicted of any relevant offence 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: |                                 |   |
|   |                                 |   |
| If you have been convicted of any foreign offence 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:  |                                 |   |
| NO  |                                 |   |
| If you have been received an immigration penalty you must provide details, including the reference, date and the company name:  |                                 |   |
| NO  |                                 |   |

| 4. Declaration  |   |      |            |
|---|---|------|------------|
| I declare that I have not been convicted of any relevant offence or any foreign offence or been required to pay a civil immigration penalty |   |      |            |
| SIGNATURE   |  | DATE | 19/07/2022 |

| 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 of any amount. It is an offence under section 24B of the Immigration Act 1971 to work illegally.</p> |  |      |            |
| SIGNATURE  |  | DATE | 19/07/2022 |



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**RE: Personal Licence - [REDACTED]**

1 message

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**HackneyLicensingUnit-GN@met.police.uk** <HackneyLicensingUnit-GN@met.police.uk>

12 February 2022 at 21:27

To: licensing@hackney.gov.uk

Cc: HackneyLicensingUnit-GN@met.police.uk

Dear Colleagues,

Police object to the granting of this Personal Licence Application. Due to police indices and the form attached to this application the applicant has a conviction that will never become spent under the Rehabilitation of Offenders Act 1974.

If you require any further information from police please contact us on the number below.

Kind regards



**Kerrie RYAN**

**Police Constable 3691CE**

**LICENSING OFFICER**

**Central East BCU (*Hackney & Tower Hamlets*)**

**Metropolitan Police Service**

M: 07796 183078

A: 33 Stoke Newington High Street, London, N16 5DS

W: [www.met.police.uk](http://www.met.police.uk)

E: [hackneylicensing@met.police.uk](mailto:hackneylicensing@met.police.uk)



*Committed to policing excellence and making Central East safer for all, by improving quality of life and reducing crime.*



Unless otherwise stated this email is CS **Page 15** **Official**



## How long will it take before my caution or conviction becomes spent?

The rehabilitation period (the length of time before a caution or conviction becomes spent) is determined by the type of disposal administered or the length of the sentence imposed. It is calculated from the date of conviction or the date the caution is administered. The rehabilitation periods are shown in the table below.

| Sentence/disposal   | Rehabilitation period for adults (18 or over at the time of conviction or the time the disposal is administered) | Rehabilitation period for young people (under 18 at the time of conviction or the time the disposal is administered) |
|---|--|--|
| Imprisonment or detention in a young offender institution for over 30 months (2 ½ years)                        | Never spent  | Never spent  |
| Imprisonment or detention in a young offender institution over 6 months but not exceeding 30 months (2 ½ years) | 10 years   | 5 years  |
| Imprisonment up to 6 months   | 7 years  | 3 ½ years  |
| Fine  | 5 years  | 2 ½ years  |
| Community Sentence  | 5 years  | 2 ½ years  |
| Conditional discharge   | The period of the order, or a minimum of 12 months (whichever is longer)   | The period of the order, or a minimum of 12 months (whichever is longer)   |
| Absolute Discharge  | 6 months   | 6 months   |
| Conditional Caution   | 3 months   | 3 months   |
| Simple Caution, Reprimand, Final Warning  | Spent immediately  | Spent immediately  |
| <b><i>Some sentences carry variable rehabilitation periods. The main ones are as follows:</i></b>               |  |  |
| Compensation Order  | On the discharge of the order (i.e. when it is paid in full)   | On the discharge of the order (i.e. when it is paid in full)   |
| Supervision Order   | N/A  | The period of the order, or a minimum of 12 months (whichever is longer)   |
| Bind Over   | The period of the order, or a minimum of 12 months (whichever is longer)   | The period of the order, or a minimum of 12 months (whichever is longer)   |
| Attendance Centre Order   | A period ending one year after the order expires   | A period ending one year after the order expires   |
| Hospital Order  | Five years, or a period ending two years after the order expires (whichever is longer)                           | Five years, or a period ending two years after the order expires (whichever is longer)                               |

**Important Note:** This is intended as general guidance only. It must not be regarded as a definitive interpretation of the Act. Anyone in doubt should seek legal advice.