

REPORT OF GROUP DIRECTOR, NEIGHBOURHOODS AND HOUSING

LICENSING SUB-COMMITTEE: 22 March 2022	Classification DECISION	Enclosure
Application for a Personal Licence [REDACTED]	Ward London Fields	

1. SUMMARY

Applicant	[REDACTED]
Date of application	02 February 2022
Application:	A personal licence to authorise the supply of alcohol by the applicant.
Policies applicable	LP9 (Personal licences)
List of appendices	Appendix A – Personal licence application Appendix B – Representation from the Metropolitan Police 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.

Group Director, Neighbourhoods and Housing	Ajman Ali
Lead Officer (holder of original copy):	Subangini Sriramana Principal Licensing Officer Licensing Service 1 Hillman Street E8 1DY 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 Licensing Service 1 Hillman Street London 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.

1. Your personal details			
TITLE Please tick			
Mr <input checked="" type="checkbox"/> Mrs <input type="checkbox"/> Miss <input type="checkbox"/> Ms <input type="checkbox"/> Other (please state)			
Surname	[REDACTED]		
Forenames	[REDACTED]		
PREVIOUS NAMES (if relevant) please enter details of any previous names or maiden names. Please continue on a separate sheet if necessary.			
TITLE Please tick			
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"/>
ADDRESS WHERE ORDINARILY RESIDENT (We will use this address to correspond with you unless you complete the separate correspondence box below).			
[REDACTED ADDRESS]			
Post town		Post code	
[REDACTED]		[REDACTED]	
RECEIVED IN CORPORATE BUSINESS SUPPORT 02 FEB 2022 BOROUGH HACKNEY			
TELEPHONE NUMBERS			
Daytime	[REDACTED]		
Evening	[REDACTED]		
Mobile	[REDACTED]		
FAX NUMBER			
[REDACTED]			

E-MAIL ADDRESS (if you would prefer us to correspond with you by e-mail)

Where applicable (if demonstrating a right to work via the Home Office online right to work checking service), the 9-digit 'share code' provided to the applicant by that service (please see note 2 for information)

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

Post town

Post code

TELEPHONE NUMBERS

Daytime

Evening

Mobile

E-MAIL ADDRESS (if you would prefer us to correspond with you by e-mail)

2. Your licensing qualifications

Read Note 1

Please tick yes

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.

1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20	21	22	23	24	25	26	27	28	29	30	31	32	33	34	35	36	37	38	39	40	41	42	43	44	45	46	47	48	49	50	51	52	53	54	55	56	57	58	59	60	61	62	63	64	65	66	67	68	69	70	71	72	73	74	75	76	77	78	79	80	81	82	83	84	85	86	87	88	89	90	91	92	93	94	95	96	97	98	99	100	101	102	103	104	105	106	107	108	109	110	111	112	113	114	115	116	117	118	119	120	121	122	123	124	125	126	127	128	129	130	131	132	133	134	135	136	137	138	139	140	141	142	143	144	145	146	147	148	149	150	151	152	153	154	155	156	157	158	159	160	161	162	163	164	165	166	167	168	169	170	171	172	173	174	175	176	177	178	179	180	181	182	183	184	185	186	187	188	189	190	191	192	193	194	195	196	197	198	199	200	201	202	203	204	205	206	207	208	209	210	211	212	213	214	215	216	217	218	219	220	221	222	223	224	225	226	227	228	229	230	231	232	233	234	235	236	237	238	239	240	241	242	243	244	245	246	247	248	249	250	251	252	253	254	255	256	257	258	259	260	261	262	263	264	265	266	267	268	269	270	271	272	273	274	275	276	277	278	279	280	281	282	283	284	285	286	287	288	289	290	291	292	293	294	295	296	297	298	299	300	301	302	303	304	305	306	307	308	309	310	311	312	313	314	315	316	317	318	319	320	321	322	323	324	325	326	327	328	329	330	331	332	333	334	335	336	337	338	339	340	341	342	343	344	345	346	347	348	349	350	351	352	353	354	355	356	357	358	359	360	361	362	363	364	365	366	367	368	369	370	371	372	373	374	375	376	377	378	379	380	381	382	383	384	385	386	387	388	389	390	391	392	393	394	395	396	397	398	399	400	401	402	403	404	405	406	407	408	409	410	411	412	413	414	415	416	417	418	419	420	421	422	423	424	425	426	427	428	429	430	431	432	433	434	435	436	437	438	439	440	441	442	443	444	445	446	447	448	449	450	451	452	453	454	455	456	457	458	459	460	461	462	463	464	465	466
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3. Previous or outstanding applications for a personal licence		
Note: You may only hold one personal licence at a time.		Please tick
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		
Any further details		

4. CHECKLIST:		
I have	Please tick yes	
<ul style="list-style-type: none"> 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"/>	
<ul style="list-style-type: none"> enclosed any licensing qualification I hold or proof that I am a person of prescribed description 	<input checked="" type="checkbox"/>	
<ul style="list-style-type: none"> 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 	<input checked="" type="checkbox"/>	
<ul style="list-style-type: none"> enclosed a completed disclosure of criminal convictions and declaration form (Schedule 2) 	<input checked="" type="checkbox"/>	
<ul style="list-style-type: none"> 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) 	<input checked="" type="checkbox"/>	
<ul style="list-style-type: none"> made or enclosed payment of the fee for the application 	<input checked="" type="checkbox"/>	

5. Declaration

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.

SIGNATURE		DATE	19/01/2022
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NOTES

Information on the Licensing Act 2003 is available on 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.

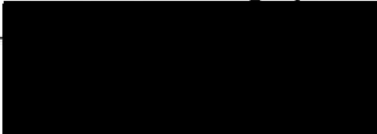
You may wish to keep a copy of the completed form for your records.

1. Your personal details	
TITLE Please tick ✓ Mr <input checked="" type="checkbox"/> Mrs <input type="checkbox"/> Miss <input type="checkbox"/> Ms <input type="checkbox"/> 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.	
TITLE Please tick ✓ 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 <input type="checkbox"/>	No <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 tick ✓	Please	
Have you been convicted of any relevant offence or foreign offence or been required to pay a civil immigration penalty?	Yes <input type="checkbox"/>	No <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



RE: Personal Licence - [REDACTED]

1 message

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

E: 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 GSC Code – 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
<i>Some sentences carry variable rehabilitation periods. The main ones are as follows:</i>		
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.