

<b>For Consideration By</b>	Licensing Sub-Committee
<b>Meeting Date</b>	21 June 2022
<b>Type of Application</b>	<b>Personal Licence</b>
<b>Applicant</b>	██████████
<b>Classification</b>	Decision
<b>Ward(s) Affected</b>	N/A
<b>Director</b>	Aled Richards

1. **Summary**

- 1.1. ██████████ 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.
- 1.2. The application is attached as Appendix A. The DBS Certificate and other relevant documents detailing convictions will be available for members at the meeting.

2. **Objection notice: Metropolitan Police**

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

3. **Guidance Considerations**

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

#### 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. **Officer Observations**

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

#### 6. **Legal Implications**

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

#### 7. **Legal Comments**

- 7.1 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

- 7.2 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.

#### 8. **Human Rights Act 1998 Implications**

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

#### 9. **Members; Decision Making**

##### 9.1. **Option 1**

**That the application be rejected if members consider it necessary for the promotion of the crime prevention objective.**

9.2. **Option 2**

**That the application be granted.**

10. **Conclusion**

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

**Appendices:**

Appendix A – Application for a personal licence

Appendix B – Representation from the Metropolitan Police

Appendix C - Note on Rehabilitation of Offenders Act 1974

**Background documents**

Licensing Act 2003

LBH Statement of Licensing Policy

<b>Report Author</b>	Name: Suba Sriramana Title: Principal Licensing Officer Email: Subangini.Sriramana@hackney.gov.uk Tel: 020 8356 4915
<b>Comments for the Group Director of Finance and Corporate Resources prepared by</b>	Name Title Email Tel
<b>Comments for the Director of Legal, Democratic and Electoral Services prepared by</b>	Name Title Email Tel

## 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			
<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]			
Post town		Post code	
[REDACTED]		[REDACTED]	
<b>TELEPHONE NUMBERS</b>			
Daytime	[REDACTED]		
Evening	[REDACTED]		
Mobile	[REDACTED]		
<b>FAX NUMBER</b>	[REDACTED]		

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

<b>Address for correspondence associated with this application (if different to the address above)</b>	
[Redacted]	
<b>Post town</b>	<b>Post code</b>
[Redacted]	[Redacted]
<b>TELEPHONE NUMBERS</b>	
Daytime	[Redacted]
Evening	
Mobile	
<b>E-MAIL ADDRESS (if you would prefer us to correspond with you by e-mail)</b>	
[Redacted]	

<b>2. Your licensing qualifications</b>	
Read Note 1	<b>Please tick yes</b>
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.	
[Redacted]	

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"> <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"/> <input checked="" type="checkbox"/> <input checked="" type="checkbox"/> <input checked="" type="checkbox"/> <input checked="" type="checkbox"/> <input type="checkbox"/>

5. Declaration	
<p>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.</p> <p>The information contained in this form is correct to the best of my knowledge and belief.</p> <p>It is an offence to knowingly or recklessly 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.</p>	
SIGNATURE	<div style="background-color: black; width: 150px; height: 20px; display: inline-block;"></div>
DATE	12.01.2022

**DISCLOSURE OF CONVICTIONS AND CIVIL IMMIGRATION PENALTIES  
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	
<b>TITLE</b> 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]
<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</b> 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	Please tick ✓	
Have you been convicted of any relevant offence or foreign offence or been required to pay a civil immigration penalty?	Yes <input checked="" 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:		
If you have received an immigration penalty you must provide details for each penalty, including date of penalty, company name and reference number:		



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	

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 of any amount. It is an offence under section 24B of the Immigration Act 1971 to work illegally.			
SIGNATURE		DATE	
			12.01.22

## NOTES

### 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 licences) 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. Civil immigration penalty

An Immigration penalty means a penalty under either section 15 of the Immigration, Asylum and Nationality Act 2006 or section 23 of the Immigration Act 2014.



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

1 message

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

10 May 2022 at 11:34

To: licensing@hackney.gov.uk

Cc: HackneyLicensingUnit-GN@met.police.uk

Dear Poonam,

Police object to this application as the applicant has been convicted of a relevant offence and the sentence was such that the conviction is never spent.

Regards

Neal



PC Neal Hunwick 3590CE

**Central East Licensing Unit**

Metropolitan Police Service (MPS)

T: 07796 183078 Int: 753146 Email [Neal.Hunwick@met.police.uk](mailto:Neal.Hunwick@met.police.uk)

A: Licensing Office, Stoke Newington Police Station, 33 Stoke Newington High Street, London, N18 8DS

**From:** [poonam.dhandapani@hackney.gov.uk](mailto:poonam.dhandapani@hackney.gov.uk) <[poonam.dhandapani@hackney.gov.uk](mailto:poonam.dhandapani@hackney.gov.uk)> **On Behalf Of** Licensing (Shared Mailbox)

**Sent:** 06 May 2022 23:41

**To:** Hackney Licensing Unit - GN <[HackneyLicensingUnit-GN@met.police.uk](mailto:HackneyLicensingUnit-GN@met.police.uk)>

**Subject:** Personal Licence - Toan Ngoc Nguyen

Hi There

Please find attached the personal licence for your comments.

## 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>Some sentences carry variable rehabilitation periods. The main ones are as follows:</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.