



## **Licensing Sub Committee Hearing Panel**

Date: Monday, 6 July 2020

Time: 10.00 am

Venue: Dial: 033 3113 3058  
PIN: 8489 #

Room number: 36955346 #

Everyone is welcome to attend this committee meeting.

### **The Local Authorities and Police and Crime Panels (Coronavirus) (Flexibility of Local Authority and Police and Crime Panel Meetings) (England and Wales) Regulations 2020**

Under the provisions of these regulations the location where a meeting is held can include reference to more than one place including electronic, digital or virtual locations such as internet locations, web addresses or conference call telephone numbers. This meeting is by way of a telephone conference. You can listen to the call as it takes place, the number of people able to listen to the live call is limited to 90.

## **Membership of the Licensing Sub Committee Hearing Panel**

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**Councillors** - Hassan, Jeavons and Lyons

## Agenda

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**1. Urgent Business**

To consider any items which the Chair has agreed to have submitted as urgent.

**2. Appeals**

To consider any appeals from the public against refusal to allow inspection of background documents and/or the inclusion of items in the confidential part of the agenda.

**3. Interests**

To allow Members an opportunity to [a] declare any personal, prejudicial or disclosable pecuniary interests they might have in any items which appear on this agenda; and [b] record any items from which they are precluded from voting as a result of Council Tax/Council rent arrears; [c] the existence and nature of party whipping arrangements in respect of any item to be considered at this meeting. Members with a personal interest should declare that at the start of the item under consideration. If Members also have a prejudicial or disclosable pecuniary interest they must withdraw from the meeting during the consideration of the item.

**4. Personal Licence – A.C.M.**

The report of the Director of Planning, Building Control and Licensing is enclosed.

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## Information about the Committee

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The Licensing Sub-Committee Hearing Panel fulfills the functions of the Licensing Authority in relation to the licensing of premises.

A procedure has been agreed which governs how the Panel will consider such applications.

Decisions made by the Panel will be under delegated authority and will not require to be referred to the Council for approval. Meetings are controlled by the Chair, who is responsible for seeing that the business on the agenda is dealt with properly.

Copies of the agenda are published on the Council's website. Some additional copies are available at the meeting from the Governance Support Officer.

The Council is concerned to ensure that its meetings are as open as possible and confidential business is kept to the strict minimum. When confidential items are involved these are considered at the end of the meeting at which point members of the public are asked to leave.

Smoking is not allowed in Council buildings.

Joanne Roney OBE  
Chief Executive  
Level 3, Town Hall Extension,  
Albert Square,  
Manchester, M60 2LA

## Further Information

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For help, advice and information about this meeting please contact the Committee Officer:

Ian Hinton-Smith  
Tel: 0161 234 3043  
Email: [i.hintonsmith@manchester.gov.uk](mailto:i.hintonsmith@manchester.gov.uk)

This agenda was issued on **Monday 22 June 2020** by the Governance and Scrutiny Support Unit, Manchester City Council, Level 3, Town Hall Extension (Lloyd Street Elevation), Manchester M60 2LA

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## Manchester City Council Report for Resolution

Report To: Licensing Subcommittee Hearing Panel

Subject: Mr [REDACTED] - Application ref: LIA246530

Report of: Director of Planning, Building Control & Licensing

### Summary

Application for the grant of a personal licence which has attracted objections.

### Recommendations

That the Panel determine the application.

### Wards Affected:

None

Manchester Strategy Outcomes	Summary of the contribution to the strategy
A thriving and sustainable City: supporting a diverse and distinctive economy that creates jobs and opportunities	Licensed premises provide a key role as an employer, in regeneration, and in attracting people to the city. The efficient processing of applications as well as effective decision making in respect of them, plays an essential role in enabling businesses to thrive and maximise contribution to the economy of the region and sub-region.
A highly skilled city: world class and home grown talent sustaining the city's economic success	An effective Licensing regime will enable growth in our City by supporting businesses who promote the Licensing Objectives.
A progressive and equitable city: making a positive contribution by unlocking the potential of our communities	The Licensing process provides for local residents and other interested parties to make representations in relation to licensing applications. Representations have to be directly related to the licensing objectives.
A liveable and low carbon city: a destination of choice to live, visit and work.	An effective licensing system supports and enables growth and employment in our City with neighbourhoods that provide amenities suitable to the surrounding communities.

A connected city: world class infrastructure and connectivity to drive growth	
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**Full details are in the body of the report, along with any implications for:**

Equal Opportunities Policy  
Risk Management  
Legal Considerations

### **Financial Consequences – Revenue**

None

### **Financial Consequences – Capital**

None

### **Contact Officers:**

Name: Fraser Swift  
Position: Principal Licensing Officer  
Telephone: 0161 234 1176  
E-mail: [f.swift@manchester.gov.uk](mailto:f.swift@manchester.gov.uk)

Name: Patrick Ware  
Position: Technical Licensing Officer  
Telephone: 0161 234 4858  
E-mail: [premises.licensing@manchester.gov.uk](mailto:premises.licensing@manchester.gov.uk)

### **Background documents (available for public inspection):**

- Manchester City Council Statement of Licensing Policy 2016 - 2021
- Guidance issued under section 182 of the Licensing Act 2003, April 2017
- Licensing Act 2003 (Hearings) Regulations 2005
- Any further documentary submissions by any party to the hearing

## 1. **Introduction**

- 1.1 On 15/05/2020, an application for the grant of a Personal Licence under s117 of the Licensing Act 2003 was made by [REDACTED].
- 1.2 If it appears to the licensing authority that the applicant for a personal licence has been convicted of any relevant offence or any foreign offence, the authority must give the chief officer of police for its area a notice to that effect.
- 1.3 Where the chief officer of police is satisfied that granting the licence would undermine the crime prevention objective, he must, within the period of 14 days beginning with the day the notice was received, give the authority a notice stating the reasons for being so satisfied.
- 1.4 Relevant representations have been received in respect of this application and so it must be determined by a Licensing Hearing Panel in accordance with the Council's Constitution.

## 2. **The Application**

- 2.1 A copy of the application is attached at **Appendix 1**.
- 2.2 The applicant is [REDACTED].
- 2.3 **Further documentation accompanying the application**
- 2.3.1 The applicant has not submitted any documents in support of their application.

## 3. **Relevant Representations**

- 3.1 A total of one relevant representation was received in respect of the application (**Appendix 2**). The personal details of all members of the public have been redacted. Original copies of this representation will be available to the Panel at the hearing.

- Greater Manchester Police

- 3.2 Summary of the representations:

Party	Grounds of representation	Recommends
GMP	The applicant has a relevant live conviction for a fraud offence, dated [REDACTED] for which he received a 10 month suspended custodial sentence. The conviction carries a rehabilitation period under the Rehabilitation of Offenders Act of 4 years, from the end of the sentence, so this conviction is live	Refuse

	until October 2022.	
	As a result GMP feels that the applicant does not have the requisite integrity and good character to be a Personal Licence Holder.	

#### **4. Key Policies and Considerations**

##### **4.1 Legal Considerations**

- 4.1.1 Hearings under the Licensing Act 2003 operate under the Licensing Act 2003 (Hearings) Regulations 2005.

##### **4.2 New Information**

- 4.2.1 In accordance with Regulation 18 of the Licensing Act 2003 (Hearings) Regulations 2005, the authority may take into account documentary or other information produced by a party in support of their application, representations or notice either before the hearing or, with the consent of all parties, at the hearing.

##### **4.3 Hearsay Evidence**

- 4.3.1 The Panel may accept hearsay evidence and it will be a matter for the Panel to attach what weight to it that they consider appropriate. Hearsay evidence is evidence of something that a witness neither saw nor heard, but has heard or read about.

##### **4.4 The Secretary of State's Guidance to the Licensing Act 2003**

- 4.4.1 The Secretary of State's Guidance to the Licensing Act 2003 is provided for all parties involved in licensing. It is a key medium for promoting best practice, ensuring consistent application of licensing powers across England and Wales and for promoting fairness, equal treatment and proportionality.
- 4.4.2 Section 4 of the 2003 Act provides that, in carrying out its functions, a licensing authority must 'have regard to' guidance issued by the Secretary of State under section 182. The Guidance is therefore binding on all licensing authorities to that extent. However, the Guidance cannot anticipate every possible scenario or set of circumstances that may arise and, as long as licensing authorities have properly understood this Guidance, they may depart from it if they have good reason to do so and can provide full reasons.
- 4.4.3 Departure from the Guidance could give rise to an appeal or judicial review, and the reasons given will then be a key consideration for the courts when considering the lawfulness and merits of any decision taken.

##### **4.5 Manchester Statement of Licensing Policy**



- 4.5.1 Section 4 of the 2003 Act provides that, in carrying out its functions, a licensing authority must 'have regard to' its statement of licensing policy.
- 4.5.2 The Licensing Policy sets out the vision the licensing authority has for the regulation of licensed premises throughout Manchester and outlines the standards expected in order to ensure the promotion of the licensing objectives in the city. The Panel may depart from the policies should it consider doing so would benefit the promotion of the licensing objectives. Reasons are to be given for any such departure from the Policy.
- 4.5.3 Section 4 of the Policy (Operation of the Policy) sets out how the Licensing Policy is intended to be used in practice for licence applications and licensed premises.
- 4.5.4 Relevant to this application and the grounds of the representations made, the Panel are recommended to have regard to the following section of the Policy:

### ***Section 13: Personal Licences***

A Personal Licence authorises a person to sell or supply, or authorise the sale or supply, of alcohol on a licensed premises.

A Personal Licence is granted by the local authority where the person ordinarily resides and has effect until surrendered or revoked. The licence is portable although changes of home address must be notified to the issuing licensing authority.

In order to be eligible, a person must:

- Be 18 years or over
- Possess an accredited licensing qualification
- Have not forfeited a Personal Licence in the past five years
- Have no unspent convictions (offences related to dishonesty, licensed premises or Personal Licence, firearms, violence, drink-drive and other alcohol-related offences in the UK or abroad).

Where an applicant for a Personal Licence has an unspent conviction for a relevant offence, the licensing authority will consult with the police, who shall consider whether an objection is appropriate based upon a likely breach of the crime prevention licensing objective.

Where the police have issued an objection notice, the policy is that, following a hearing, the licensing authority will refuse the application unless there are exceptional and compelling circumstances that justify granting it.

## **5. Conclusion**

- 5.1 A licensing authority must carry out its functions under this Act ("licensing functions") with a view to promoting the licensing objectives:

- the prevention of crime and disorder

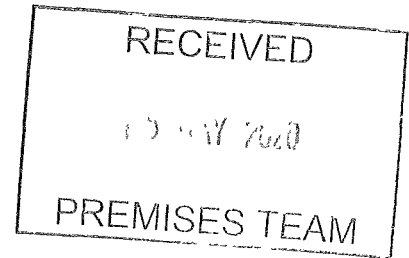
- public safety;
  - the prevention of public nuisance; and
  - the protection of children from harm.
- 5.2 In considering the matter, the Panel should take into account any representations or objections that have been received, and representations made by the applicant. In reaching the decision, regard must also be had to relevant provisions of the national guidance and the Council's licensing policy statement.
- 5.3 Having regard to the objection notice, the licensing authority must –
- where the notice is an objection notice, reject the application if it considers it appropriate for the promotion of the crime prevention objective to do so, or
- 5.4 Where the application is not rejected the licencing authority must grant it.
- 5.5 All licensing determinations should be considered on the individual merits of the application.
- 5.6 The Panel's determination should be evidence-based, justified as being appropriate for the promotion of the licensing objectives and proportionate to what it is intended to achieve. Findings on any issues of fact should be on the balance of probability.
- 5.7 It is important that a licensing authority should give comprehensive reasons for its decisions in anticipation of any appeals. Failure to give adequate reasons could itself give rise to grounds for an appeal.
- 5.8 **The Panel is asked to determine the application.**

By virtue of paragraph(s) 3 of Part 1 of Schedule 12A  
of the Local Government Act 1972.

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Premises Licensing  
Growth and Development  
Manchester City Council  
Level 1 Town Hall Extension  
Albert Square  
PO Box 532  
M60 2LA



Monday, 11<sup>th</sup> May 2020

**RE: [REDACTED] - Application for a Personal License**

Dear Sirs,

Please find enclosed a completed application for a personal license.

Please also find enclosed,

- 1 two passport photographs of me, one of which is endorsed as a true likeness by a person of standing in the community,
- 2 a licensing qualification certificate The validity of this certificate can be checked at [https //checkcert highfieldqualifications com/](https://checkcert.highfieldqualifications.com/) If this is not possible, you will need to contact Highfield on 01302 363277 or email [info@highfield.co.uk](mailto:info@highfield.co.uk);
- 3 a basic DBS criminal conviction certificate;
4. a completed disclosure of criminal convictions and declaration form;
- 5 proof of right to work in the United Kingdom (a copy of the photo/information page of passport number [REDACTED]).

I have NOT made or enclosed payment of the fee for the application. Please send me the link to pay the fee to [REDACTED]

If you need any further information, please do not hesitate to contact me on [REDACTED] or email me at [REDACTED]

Yours faithfully,

[REDACTED]  
[REDACTED]

RECEIVED

10 MAY 2023

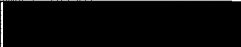
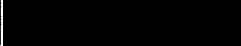

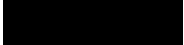



PREMISES TEAM

**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			
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			
Date of Birth			
Nationality			
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>			
			
Post town		Post code	
			
<b>TELEPHONE NUMBERS</b>			
Daytime			
Evening			
Mobile			
<b>FAX NUMBER</b>			
<b>E-MAIL ADDRESS (if you would prefer us to correspond with you by e-mail)</b>			
			

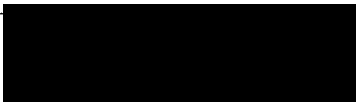
Address for correspondence associated with this application (if different to the address above)	
Post town	Post code
TELEPHONE NUMBERS	
Daytime	
Evening	
Mobile	
E-MAIL ADDRESS (if you would prefer us to correspond with you by e-mail)	

<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"/>
<p>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</p> <p>If you have ticked statement 4, please provide evidence that you are a person of prescribed description.</p>	
<p>Name of Qualification Highfield Level 2 Award for Personal Licence Holders (RQF)</p> <p>Date of issue 01 May 2020</p> <p>Issuing Body GlobeUs Training Ltd/Highfield Qualifications</p>	

<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 <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 3)</li> <li>included a proof of my right to work in the United Kingdom (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><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.</b></p> <p><b>The information contained in this form is correct to the best of my knowledge and belief.</b></p> <p>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</p>	
<b>SIGNATURE</b>	
<b>DATE</b>	07/05/2020

## NOTES

Information on the Licensing Act 2003 is available on [legislation.gov.uk](http://legislation.gov.uk) or from your local licensing authority


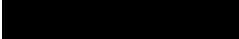


*[Insert name and address of relevant licensing authority and its reference number (optional)]*

### 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

<b>1. Your personal details</b>		
<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		
Forenames		
<b>PREVIOUS NAMES</b> (if relevant) please enter details of any previous names or maiden names. Please continue on a separate sheet if necessary.		
<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		

<b>2. Forfeiture by a court or revocation by a licensing authority of a personal licence in the last 5 years</b>		
<b>Please tick ✓</b>		
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  
☒

No  
☐

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

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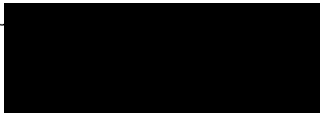
If you have been convicted of any foreign offence you must provide details for each conviction of the date of conviction, the name and location of the convicting court, offence of which you were convicted and the sentence imposed

n/a

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

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<b>4. Declaration</b>			
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			
<b>SIGNATURE</b>		<b>DATE</b>	

<b>5. Declaration</b>			
<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>			
<b>SIGNATURE</b>		<b>DATE</b>	07/05/2020



## Highfield Qualifications

Certifies that



has successfully passed an assessment in

**Highfield Level 2 Award for Personal Licence Holders (RQF)**

Qualification number



Date of award

01 May 2020

Certificate number



GlobeUs Training Ltd

Course Director

Training Organisation

  
Jason Sprenger - Chief Executive  
Highfield Qualifications



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By virtue of paragraph(s) 3 of Part 1 of Schedule 12A  
of the Local Government Act 1972.

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# GREATER MANCHESTER POLICE - REPRESENTATION

## About You

Name	PC Alan Isherwood
Address including postcode	Manchester Town Hall Extension Lloyd Street Manchester
Contact Email Address	alan.isherwood@gmp.police.uk
Contact Telephone Number	0161 856 6017

## About the Premises

Application Reference No.	LIA 246530
Name of the Applicant	[REDACTED]
Address of the Applicant including postcode	[REDACTED]

## Your Representation

Please outline your representation below and continue overleaf. This should describe the likely effect of the grant of the application on the licensing objectives.

The grounds for the objection are the undermining of the Prevention of Crime and Disorder licensing objective.

The applicant [REDACTED], has a relevant live conviction for a Fraud Offence, dated [REDACTED] for which he received a 10 month suspended custodial sentence. The conviction carries a rehabilitation period under the Rehabilitation of Offenders Act of 4 years, from the end of the sentence, so this conviction is live until October 2022.

As a result GMP feels that the applicant does not have the requisite integrity and good character to be a Personal Licence Holder.

Therefore GMP asks that this application is refused.

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of the Local Government Act 1972.

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