



## Licensing Sub-Committee minutes

Minutes of the meeting of the Licensing Sub-Committee held on Tuesday 27 February 2024 in Jubilee Room, The Gateway, Aylesbury, HP19 8FF, commencing at 5.03 pm and concluding at 5.12 pm.

### Members present

A Baughan, T Green and A Wood

### Others in attendance

E Cook, C Crelling, C Gray, A Thomlinson and J Viridi

### Agenda Item

**1 Introductory remarks by the Chairman**

**2 Apologies for absence**

There were none.

**3 Declarations of interest**

There were none.

**4 Exclusion of the Press and Public**

The Licensing Sub-Committee resolved to exclude the press and public due to the item being exempt by virtue of Paragraphs 1 and 2 of Schedule 12a of the Local Government Act 1972 as it contained information relating to an individual or was likely to reveal the identify of that individual.

**Resolved: that the press and public be excuded from the meeting for the reasons given above.**

**5 Consideration of a Personal Licence**

The Licensing Sub-Committee considered an application under Section 132(a), Licensing Act 2003 in respect of a Personal Licence.

Following a presentation by the officer of their report, the Sub-Committee retired to make its decision which can be seen in the attached Decision Notice.

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**SECTION 132A LICENSING ACT 2003**

**NOTIFICATION OF REVOCATION OF A PERSONAL LICENCE**

**To:**

The Personal Licence Holder: [REDACTED]  
The Responsible Authority  
The Chief Constable of Thames Valley Police

**Take Notice**

**THAT** following a determination of the Licensing Subcommittee

**ON 27<sup>th</sup> February 2024**

**BUCKINGHAMSHIRE COUNCIL as the Licensing Authority**

**HAS RESOLVED**

**TO REVOKE THE PERSONAL LICENCE**

In reaching their decision the Subcommittee took into account the following information:

1. The letter dated 28<sup>th</sup> March 2006 which was sent to the Personal Licence Holder at the time that his Personal Licence was issued.
2. The conviction of the Personal Licence Holder for a relevant offence under Para 14(c) of Schedule 4 Licensing Act 2003 (driving a vehicle with alcohol concentration above the prescribed limit) at Basingstoke Magistrates Court on 5<sup>th</sup> July 2022 for which he was fined £200 and disqualified from driving for a period of 127 months.
3. The contents of the email dated 13<sup>th</sup> February 2024 from the Personal Licence Holder.
4. Paragraphs 4.2 and 4.75 to 4.80 of the Section 182 Guidance.
5. The Buckinghamshire Council Alcohol and Entertainment Licence Policy Statement.

**Reasons for the Subcommittee's Decision**

The Subcommittee noted that the nature of the offence of driving a vehicle with alcohol concentration above the prescribed limit ran contrary to the licensing objectives within the Licensing Act 2003 including the prevention of crime and disorder; public safety; and public nuisance.

The Subcommittee considered the fact that the holder of a personal licence is able to take on the position of a Designated Premises Supervisor “who must make or authorise every sale” (Para 4.2 Section 182 Guidance) and did not have any faith in the ability of the Personal Licence Holder to take responsibility for the sale of alcohol to others when he was unable to judge his own alcohol consumption.

The Subcommittee took account of the fact that the Personal Licence Holder was nearly twice the prescribed limit at the time of the offence (67 micrograms of alcohol to 100 millilitres of breath where the limit is 35 micrograms of alcohol to 100 millilitres of breath). The

Subcommittee noted the seriousness of the offence was reflected in the fact that a 17 month driving ban was imposed although they did note that the Personal Licence holder had been offered and availed himself of the opportunity to reduce his driving ban by attending a Rehabilitation Course.

Whilst the Subcommittee took into consideration the reasons put forward by the Personal Licence Holder for his failure to notify the Council of the fact that he had been convicted of a relevant offence they were not persuaded by his pleas of ignorance. They observed that the letter dated 28<sup>th</sup> March 2006 set out the Personal Licence Holder's responsibilities including keeping the Council informed of any change of address and to notify the Court that he is a Personal Licence Holder.

The Panel considered the relevant provisions of the Human Rights Act 1998, namely:

- Article 6 – the right to a fair hearing
- Article 8 – respect for private and family life
- Article 1, First Protocol – peaceful enjoyment of possessions.

The Panel considered that, in all the circumstances, taking account of breach of the licensing objectives of prevention of crime and disorder; public safety and prevention of public nuisance was to revoke the Personal Licence Holder's personal licence that it was reasonable and proportionate decision in all the circumstances.

Any Party aggrieved by the Decision given in this Notice may make a written Appeal within 21 days to the Clerk to the Justices, Wycombe and Beaconsfield Magistrates Court, Milton Keynes Magistrates Court, 301 Silbury Boulevard, Milton Keynes, Buckinghamshire MK9 2AJ.

A handwritten signature in blue ink, consisting of a stylized initial 'L' followed by a horizontal line.

Clerk to the Licensing Sub-Committee

Date: 4<sup>th</sup> March 2024