

RYAN FISH

APPLICATION FOR A PERSONAL ALCOHOL LICENCE

DECISION NOTICE OF LICENSING ACT SUB-COMMITTEE

TUESDAY, 17 APRIL 2018

The Sub-Committee comprised of Councillor Claire Cozler (Chairman), Councillor June Ashworth and Councillor Sylvia Rogerson.

The Legal Adviser was Luke Gorst, Solicitor.

The Democratic Support Officer was Jane Glenton, Democratic Services.

An application for a personal alcohol licence had been made under Section 117 of the Licensing Act 2003 by Ryan Fish. The hearing was held in light of an objection notice issued by the Police due to the applicant having been convicted of a relevant offence.

Mr Fish was present at the hearing.

PC Andrew Taylor and Heather Crawshaw were in attendance to present the Police objection to the application.

The Chairman explained the procedure to those present, and stated that the hearing would be a discussion led by the licensing authority, and any questions would be put through the Chairman.

The Licensing Officer, David Eglin, introduced the report, and stated that the authority had given notice to the Police that the applicant had been convicted of a relevant offence. As a result of this the Police had issued an objection notice to the application.

PC Taylor then presented the Police's case.

Mr Fish then made representations on his own behalf.

The Sub-Committee then withdrew to make its decision, and sought advice from its legal adviser as to the appropriate phraseology of the decision.

DECISION

The Sub-Committee has today considered the application for a personal alcohol licence by Mr Fish made pursuant to s117 of the Licensing Act 2003.

The Sub-Committee have also taken into consideration the objection notice given by the Police under s120 of the Licensing Act 2003 and to all the representations made at the hearing today.

The Sub-Committee have listened carefully to both parties, viewed CCTV footage of an incident involving Mr Fish and have decided this case on its merits.

The test the Sub-Committee have to apply is whether it is appropriate to reject the application for the promotion of the crime prevention objective.

Mr Fish has been convicted, in 2016, of an offence of Battery occasioning actual bodily harm which is a relevant offence as listed under Schedule 4 of the Licensing Act 2003. Given the suspended prison sentence the conviction is not yet spent under the Rehabilitation of Offenders Act 1976. In addition the Sub-Committee have seen further evidence of Mr Fish losing his temper and becoming aggressive in licensed premises.

Mr Fish has stated that he cannot make excuses for his prior actions that were disgraceful. He has offered an apology for his previous behaviour and said that he has now addressed his issues with alcohol and his temper.

The Sub-Committee is of the opinion that insufficient time has elapsed since the relevant offence for them to be satisfied this is the case. It is a matter of fact that the conviction is not yet spent and that Mr Fish is on Pubwatch banned list which deems him unsuitable to go into many licensed premises in the district.

The application for a personal licence is therefore refused. The Sub-Committee feel that, at this time, this is appropriate as a means of upholding the prevention of crime and disorder licensing objective given the circumstances surrounding the unspent conviction and other incidents in licensed premises. The Sub-Committee do not believe that Mr Fish has shown enough evidence that he will be able to uphold the crime and disorder objective.

In accordance with Section 181 and Schedule 5 of the Licensing Act 2003, the parties have a right of appeal to the Magistrates' Court against this decision. Any appeal should be lodged within 21 days of receiving this written decision.

Signed.....Dated.....

Councillor Claire Cozler (Chairman)

**Any queries regarding these Minutes, please contact
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