

LICENSING SUB-COMMITTEE

**Venue: Town Hall, Moorgate
Street, Rotherham. S60
2TH**

Date: Tuesday, 26 February 2019

Time: 9.00 a.m.

A G E N D A

1. To determine whether the following items should be considered under the categories suggested in accordance with Part 1 of Schedule 12A (as amended March 2006) of the Local Government Act 1972.
2. To determine any item(s) which the Chairman is of the opinion should be considered later in the agenda as a matter of urgency.
3. Licensing Act 2003 - Review of Personal Alcohol Licence (Pages 1 - 19)

APPLICATION FOR HEARING.

DISCLOSURE OF CONVICTION.

PERSONAL LICENCE HOLDER

1. Angela Hunter is the holder of a personal alcohol licence issued by Rotherham MBC.
2. The licence was issued on 9th February 2017. Since the granting of her personal licence, she has not acted in the role of DPS at any premise.
3. On 26th June 2018, Angela Hunter appeared at Sheffield magistrates Court where she was convicted of an offence of Common Assault. The offence took place in January 2018.
4. As a result, she received a 12 month probation order, and a restraining order was issued preventing her going near the victim or her family. Additionally she was ordered to pay compensation of £200 with an order for £100 costs.
5. At the time of her conviction, Angela Hunter notified the Court that she is the holder of a personal alcohol licence issued by Rotherham MBC.
6. On 21st November 2018, Angela Hunter was invited into Riverside House where she was spoken to about the conviction. Notes were made of the conversation By LEO Rachel Williams and are attached to the bundle at Appendix A. A typed copy of the notes is at Appendix B
7. Angela HUNTER stated that the conviction related to an incident on 10th January 2018 where she head-butted a female called Jane, who was the current/ex-partner of her father. She stated there had been a degree of provocation from her Jane over a period of time which she had reported to the Police.
8. On 10th January 2018 Jane had made a number of public verbal allegations during the course of the evening. Angela Hunter ended up at The County public House in Rotherham where a fight took place between other persons which Angela HUNTER'S father tried to break up. As this was happening, Angela Hunter heard Jane shouting abusive comments which offended her. Angela HUNTER, in anger, went over to Jane and head-butted her. The head but was not sufficient to cause visual injury requiring any hospital treatment, but sufficient for Jane to suffer from issues with breathing and her ribs.

9. Angela HUNTER also described a very difficult past where her parents split up; she spent time in care and in 2014 her own two children were taken from her and fostered. She has and still is receiving counselling for anger management and depression although she states the counselling she now receives is more for depression, and the anticipation is that she will cease the treatment within 12 months.

10. The matter was subsequently reported to the Police and HUNTER was subsequently interviewed. She appeared before Sheffield Magistrates Court on 28th June 2018 where she was convicted for the offence of Common Assault.

11. On 10th January 2019, Formal notice of hearing was sent to Angela HUNTER, in accordance with S132A(4) Licensing Act 2003, inviting a response within 28 days. A copy of the notice is located at Appendix C.

12. As a result, a letter dated 30th January 2019 was received at the Licensing Department from Matthew Clarke, integrative Psychotherapist, a copy of which is located at Appendix D.

13. Additionally, a letter from South Yorkshire Probation Community Rehabilitation confirming she had received a 12 month probation order and had attended all her appointments to date with no disciplinary issues. A copy of the letter is located at Appendix E.

14. Personal alcohol licence holders must declare any “relevant offences” to the Magistrates at their first appearance. This is set out at S128 Licensing Act 2003:

128 Duty to notify court of personal licence

(1) Where the holder of a personal licence is charged with a relevant offence, he must, no later than the time he makes his first appearance in a magistrates' court in connection with that offence—

(a) Produce to the court the personal licence, or

(b) if that is not practicable, notify the court of the existence of the personal licence and the identity of the relevant licensing authority and of the reasons why he cannot produce the licence.

(2) Subsection (3) applies where a person charged with a relevant offence is granted a personal licence—

(a) after his first appearance in a magistrates' court in connection with that offence, but

(b) before—

(i) his conviction, and sentencing for the offence, or his acquittal, or,

(ii) where an appeal is brought against his conviction, sentence or acquittal, the disposal of that appeal.

(3) At his next appearance in court in connection with that offence, that person must—

(a) Produce to the court the personal licence, or

(b) if that is not practicable, notify the court of the existence of the personal licence and the identity of the relevant licensing authority and of the reasons why he cannot produce the licence.

(4) Where—

(a) a person charged with a relevant offence has produced his licence to, or notified, a court under subsection (1) or (3), and

(b) Before he is convicted of and sentenced for, or acquitted of, that offence, a notifiable event occurs in respect of the licence,

He must, at his next appearance in court in connection with that offence, notify the court of that event.

15. Relevant offences are set out at Schedule 4 Licensing Act 2003 and the list includes an offence of violence (S19 Schedule 4) (underline added)

[F619A violent offence, being any offence which leads, or is intended or likely to lead, to a person's death or to physical injury to a person, including an offence which is required to be charged as arson (whether or not it would otherwise fall within this definition).]

16. Whilst Angela HUNTER holds a personal alcohol licence, she has not taken up any role as a DPS at this moment, and has rightly notified the Licensing Authority of this conviction.

17. The revised S182 Guidance issued in 2017 sets out the revised position at part 4 of the guidance :

Licensing authority powers to revoke or suspend personal licences

4.45 The Policing and Crime Act 2017 gives licensing authorities the power to revoke or suspend personal licences, with effect from 6 April 2017. This is a discretionary power; licensing authorities are not obliged to give consideration to all personal licence holders subject to convictions for relevant offences, foreign offences or civil penalties for immigration matters. When a licensing authority has granted a personal licence and becomes aware that the licence holder has been convicted of a relevant offence or foreign offence or been required to pay an immigration penalty, a licensing authority may revoke the licence or suspend it for a period of up to six months. This applies to convictions received and civil immigration penalties which a person has been required to pay at any time before or after the licence was granted, as long as the conviction was received after 6 April 2017, or the requirement to pay the civil penalty arose after 6 April 2017. Only magistrates' courts can order the forfeiture or suspension of a personal licence for convictions received prior to 6 April 2017. The process which must be undertaken by the licensing authority to suspend or revoke a personal licence is set out at section 132A of the 2003 Act. The decision to revoke or suspend a personal licence must be made by the licensing committee or sub-committee, but the actions required before making a final decision may be made by a licensing officer.

4.46 The licensing authority may not take action if the licence holder has appealed against the conviction or the sentence imposed in relation to the offence, until the appeal is disposed of. Where an appeal is not lodged, the licensing authority may not take action until the time limit for making an appeal has expired.

4.47 If a licensing authority is considering revoking or suspending a personal licence, the authority must give notice to the licence holder. This notice must invite the holder to make representations about the conviction, any decision of a court in relation to the licence, or any decision by an appellate court if the licence holder has appealed such a decision. The licence holder may also decide to include any other information, for example, about their personal circumstances. The licence holder must be given 28 days to make their representation, beginning on the day the notice was issued. The licensing

authority does not need to hold a hearing to consider the representations. Before deciding whether to revoke or suspend the licence the licensing authority must consider any representations made by the licence holder, any decisions made by the court or appellate court in respect of the personal licence of which the licensing authority is aware, and any other information which the licensing authority considers relevant. The licensing authority may not be aware of whether the court considered whether to revoke or suspend the licence, and there is no obligation on the licensing authority to find this out before making a decision themselves. Where the court has considered the personal licence and decided not to take action, this does not prevent the licensing authority from deciding to take action itself. Licensing authorities have different aims to courts in that they must fulfil their statutory duty to promote the licensing objectives, and therefore it is appropriate for the licensing authority to come to its own decision about the licence.

4.48 If the licensing authority, having considered a suspension and revocation and subsequently considered all the information made available to it, proposes not to revoke the licence it must give notice to the chief officer of police in the licensing authority's area, and invite the chief officer to make representations about whether the licence should be suspended or revoked, having regard to the prevention of crime. The chief officer may make representations within the period of 14 days from the day they receive the notice from the licensing authority. Any representations made by the chief officer of police must be taken into account by the licensing authority in deciding whether to suspend or revoke the licence. Convictions may come to light via police in another area, for example if the personal licence holder no longer lives in the area of the licensing authority which issued the licence, or if the offence took place in another police force area. In this instance it would be good practice for the police providing the information to notify the police force in the licensing authority area, because it is the local chief officer who must provide representations if the licensing authority proposes not to revoke the licence. Where the licence holder is convicted of immigration offences or has been required to pay a civil penalty for immigration matters, the licensing authority should notify Home Office Immigration Enforcement and allow representations to be made in the same way.

4.49 The licensing authority must notify the licence holder and the chief officer of police of the decision made (even if the police did not make representations). The licence holder may appeal the licensing authority's decision to revoke or suspend their personal licence. A decision to revoke or suspend the licence does not take effect until the end of the period allowed for appealing the decision (21 days); or if the decision is appealed against, until the appeal is disposed of.

18. The procedure is set out at S138 Policing and Crime Act 2017

138 Personal licences: licensing authority powers in relation to convictions

(1) The Licensing Act 2003 is amended as follows.

(2) In section 10(4)(a) (functions that may not be delegated to an officer) after sub-paragraph (xii) insert—

“(xiii) section 132A(8) and (12) (revocation or suspension of licence by local authority where it becomes aware of convictions or immigration penalties),”.

(3) After section 132 (licence holder’s duty to notify licensing authority of convictions) insert—

“132A Convictions etc of licence-holder: powers of licensing authority

(1) This section applies where a licensing authority has granted a personal licence and it becomes aware (whether by virtue of section 123(1), 131 or 132 or otherwise) that the holder of the licence (“the licence holder”) has been, at any time before or after the grant of the licence—

(a) Convicted of any relevant offence or foreign offence, or

(b) Required to pay an immigration penalty.

(2) But this section does not apply at any ti

me when in the case of a licence holder who has been convicted of any relevant offence or foreign offence—

(a) the licence holder has appealed against a conviction for, or any sentence imposed in relation to, a relevant offence or foreign offence and that appeal has not been disposed of, or

(b) the time limit for appealing against such a conviction or sentence has not expired.

(3) The relevant licensing authority may—

(a) suspend the licence for a period not exceeding six months, or

(b) revoke the licence.

(4) If the relevant licensing authority is considering whether to suspend or revoke the licence, the authority must give notice to the licence holder.

(5) A notice under subsection (4) must invite the licence holder to make representations regarding—

(a) the relevant offence, foreign offence or immigration penalty that has caused the relevant licensing authority to issue the notice,

(b) any decision of a court under section 129 or 130 in relation to the licence, and

(c) any other relevant information (including information regarding the licence holder's personal circumstances).

(6) The licence holder may make representations under subsection (5) to the relevant licensing authority within the period of 28 days beginning with the day the notice was issued.

(7) Before deciding whether to suspend or revoke the licence the relevant licensing authority must take into account—

(a) any representations made by the licence holder under this section,

(b) any decision of a court under section 129 or 130 of which the licensing authority is aware, and

(c) any other information which the authority considers relevant.

(8) Having taken into account the matters described in subsection (7) the relevant licensing authority may make a decision whether to suspend or revoke a licence, unless subsection (9) applies.

(9) This subsection applies where the relevant licensing authority has taken into account the matters described in subsection (7) and proposes not to revoke the licence.

(10) Where subsection (9) applies the authority must—

(a) give notice to the chief officer of police for its area that it proposes not to revoke the licence, and

(b) invite the officer to make representations regarding the issue of whether the licence should be suspended or revoked having regard to the crime prevention objective.

(11) The chief officer of police may make representations under subsection (10)(b) to the relevant licensing authority within the period of 14 days beginning with the day the notice was received.

(12) Where the relevant licensing authority has given notice to the chief officer of police under subsection (10)(a), the authority must take into account—

(a) any representations from the officer, and

(b) The matters described in subsection (7),

and then make a decision whether to suspend or revoke the licence.

(13) The relevant licensing authority must give notice of any decision made under subsection (8) or (12) to the licence holder and the chief officer of police, including reasons for the decision.

(14) A decision under this section does not have effect—

(a) until the end of the period given for appealing against the decision, or

(b) if the decision is appealed against, until the appeal is disposed of.

(15)A decision under subsection (8) or (12) may be appealed (see paragraph 17(5A) of Part 3 of Schedule 5 (appeals: personal licences)).”

(4)In paragraph 17 of Part 3 of Schedule 5 (appeals: personal licences) after sub-paragraph (5A) insert—

“(5B) Where a licensing authority revokes or suspends a personal licence under section 132A(8) or (12) the holder of the licence may appeal against that decision.”

This matter is therefore passed to the Licensing sub committee for consideration of the offence and to determine the appropriate action in respect of the conviction.

A handwritten signature in black ink, appearing to read 'Chris', written in a cursive style.

Chris Burnett

Principal Licensing Officer

CB / EW / Ld

> Snatcher said to let us know

> CB explains re licensing ref. Sched 4.

rest 10 of 'relevant offences' - to licensees.

> one is 'violent offence' - led to scars & / phys. i.

> had pl 2 years.

> CB explains re revocation process. p not revoke,

> we have to tell cops - 14 days.

> Back story?

- was with Dad 5 + years, split 2.

- Dad not best person, but love out to
do with

- 2 kids ended up losing thanks to
ex. adopted now. 2011/12 ish.

- Amy - 2013/14.

- Currently going through counselling.
ape 20 child.

- 1st child was an issue.

- tough ex 20 child.

- all that time didn't communicate a
word.

- fled out for own treatment.

- was getting lost but not
worked out.

- Do history of ROM.

- stayed in own (single) Centre spot
in MANOR. Kelly - friend through
work. Di) training.

- counselling 3 years, still cont-

- Dad + Jane - prev. knife or accusations
more false.

- she thinks funny to call dad pedophile

June WEBB. Danno no 2nd relationship.

- Says my eldest is my Dido.
- Dido HUNTER.
- Unpaid even though I don't get on.
- She tells friends my daughter is his.
- Shouts at public, slender, have reported it to ceps - going through complaint re harassment from June - police station today.
- She contacts me, preads me, yoads me through pregnant sister.

~~Inc~~

- > been out, shades in int. binics.
- On Jan 18
- > bumped into Dido. ended up staying round him.
- > Angel, June was in so left.
- followed to watch a performance.
- > said I'd had enough
- > ~~held~~ tickets - June asking me preads
- > June shouting in middle of pub re preads comments.
- > ignored. Dido was tormenting her.
- > As going to leave, he blocks 'knife Dido' - Tenz.
- > This block - stab Dido - he returned - broke hit me so I showed him wrong.
- June swearing & missed
- > Shanie in pub & asked me re asking him

- > Shate had hit Jane - heavily injured.
(Jane tells path re parents dying).
- > As walking off, heading to pub from Jane
- > walked away
- > Got a taxi from county - visitor.
- > Jane upside of county.
- > Blake fighting dog, got in between, 'bitch slap' but didn't connect with male.
- > Suzanne person is my mum.
- > Jane keeps shouting same stuff again.
- > What was, ended up headbutting her, fell to floor, never went to hosp but she had issues re abs / hitting.
- > complaint on the night - arrested -
had by solicitor to say no comment. wish not listened.
- > bailed not charged. postal summons.
- > Court appearance - guilty / sentence 26/6/18.
- > sentenced receiving fine 500.
- > few adjustments. Condition = caution - 539.
- > sentence - community order 12 months.
prob.
restricting under 12 months.
£100, camp £200, £20.

thoughts:

- > Don't know why headbute. She'd already hit me 3 times that night.
- >

got PC 3/4 years ago. Not on pub on own.

> think app to na pub?

- have been going at since, new marks

@ vetrayn, pint pot thrown at me,
just got him escorted out. not kick
off.

> wouldn't kick off - capital reference -

> talks through recognising emotions per.

> hoping to be a DPS somewhere. Don't
want to be @ capital personal.

customer services - no issues

> manage to listen to screaming customers.

> CB captures difference re

> says when it puts not always nice,
take customers down.

> if i had a head, that aggression is
the issue, wouldn't have kept license.

> councillor happy to write letter.

>

11 Chapel row

18/12/18 – Asked to create a typed transcript of notes taken during a meeting with

CB/RW/Lady

- Solicitor said to let us know (us meaning licensing)
- CB complains re licensing act. Sched 4. List no. of 'relevant offences' – to licencees
- One is 'violent offence' – led to serious i./physical i. (injury)
- Had PL 2 years
- CB explains re revocation process., if not revoke we have to tell cops – 14 days.
- Back story?
 - Was with dad 5+ years, split 2
 - dad not best person, don't have anything to do with
 - 2 kids ended up losing thanks to ex. Adopted now, 2011/12 ish
 - Amy 2013/14
 - Currently going through counselling, rape as child
 - 1st child was an issue
 - tough experience as a child
 - all that time, hadn't committed a crime.
 - Paid out for own treatment
 - was getting 1st back but not worked out
 - Dv history in roth.
 - Stayed on own (single) centre sport in manor. Kelly – friend through work. Did training.
 - Dad and jane – prev. knife dv accusations were false
 - she thinks funny to call dad paedophile
 - jane WEBB (dunno re dad relationship)
 - says my eldest is my dads
 - David HUNTER
 - Unfair even though don't get on.
 - she tells friends my daughter is his
 - shouts in public, slander, have reported it to cops – going through complaint re harassment from jane – police station today
- She contacts me, friend request, goads me through pregnant sister.

INC:

- Been out, shandies. On anti-biotics. 10th jan 18
- Bumped into dad. Ended up staying around him.
- ANGEL – Jane was in so left. Followed to county then Effingham
- Said id had enough
- Toilets – Jane asking re friends
- Jane shouting in middle of pub re previous comments
- Ignored. Dad was tormenting her.
- As going to leave, in toilets – ‘knife ‘dad’ – Tina
- This bloke – stab dad – in between – bloke hit me so shoved him away
- Jane swung and missed
- Shanie in pub, asked me re abusing kids
- Shanie then hit jane. (jane tells folk re parents dying) – hearsay rumour.
- As walking off, handbag to face from jane
- Walked away
- Got a taxi from county – easier
- Jane outside of county
- Bloke fighting dad, got in between, ‘bitch slap’ but didn’t connect with male
- Suzanne pearson is my mum
- Jane keeps shouting same stuff again
- Went over, ended up headbutting her, fell to floor, never went to hosp but she had issues re ribs/breathing
- Complaint on the night – arrested – told by solicitor to say no comment. Wish not listened
- Bailed not charged. Postal summons.
- Court appearance – guilty / sentence 26/6/18
- Contacted licensing same day
- Few adjournments. Conviction = common. S.39
- Sentence – community order 12 months, probation, restraining order 12 months £100, comp £200, £20

Thoughts:

- Don’t know why headbut. She’d already hit me 3 times that night

Got PL ¾ years ago. Not run pub on own

>Think app. to run pub?

Have been going out since, mum works at octagon, pint pot thrown at me, just got him escorted out, not kick off.

- Wouldn’t kick off. – capita reference
- Talks through recognising emotions for.

- Hoping to be a DPS somewhere. Don't want to be at capita forever. Customer services – no issues
- Manage to listen to screaming customers
- CB explains difference re
- Says when in pubs not always nice, talk customers down
- If I had in head, that aggression is an issue, wouldn't have kept license.
- Counsellor happy to write letter

11 chapel ave.

Regeneration and Environment Services

3rd Floor Wing A, Riverside House, Main Street, Rotherham S60 1AE

Direct Line: (01709) 255044 Fax: (01709) 371149

Email: chris.burnett@rotherham.gov.uk

My Reference:	Your Reference:	Please ask for:	Date:
CJB/A		Chris Burnett	10/1/2019

Strictly Private & Confidential

Miss Angela Hunter
11 Chapel Avenue, Brampton
Barnsley
S73 0XH

Dear Miss. Hunter,

NOTICE OF APPLICATION FOR A HEARING**S132A(4) Licensing Act 2003, as amended by S138 Policing and Crime Act 2017**

You have recently notified the Licensing Department at Rotherham Council of a relevant conviction as set out in Schedule 4 of the licensing Act 2003, namely a conviction for a common assault.

In accordance with S132A(4) Licensing Act 2003, notice is hereby given that the matter will be considered by the Licensing Sub Committee who have the power to suspend or revoke your personal licence.

In accordance with S132A 5(1) Licensing Act 2003, you are invited to make representations regarding the relevant offence which has caused the licensing Authority to issue this notice, the decision of the Court in relation to the licence and any other relevant information (including information regarding your personal circumstances).

You may make representations to the licensing authority within the period of 28 days beginning with the date this notice is issued.

After this period, the licensing Authority will then consider the information and you will be informed of the decision in writing. You will be informed of the date of the hearing which you can attend if you wish, but there is no requirement to do so.

Please make any written representations to:

Chris Burnett
Principal Licensing Officer
Community Safety & Street Scene
Floor 3, Wing A
Rotherham Metropolitan Borough Council
Riverside House, Main Street,
Rotherham,
S60 1A

Yours Sincerely,

Chris Burnett.
Principal Licensing Officer
Rotherham Metropolitan Borough Council.



Matthew Clark
48 Wostenholm Road
Sheffield, S7 1LL
MClark_Psy@outlook.com
07709442012

30th Jan 2019

Your Ref: CJB/A

Dear Chris Burnett,

My name is Matthew Clark and I am a Psychotherapist based in Sheffield city centre. I am writing to you because Miss Angela Hunter is attempting to appeal the decision to revoke her personal licence. Miss Hunter has been engaged in weekly therapy with me since November 2016, with the goal of reducing her anger and addressing the complex trauma she has endured throughout her life. I believe Miss Hunter has made significant progress over this period and the recent conviction of common assault; was sadly, a consequence of unfortunate events. I do not believe Miss Hunter presents as a danger to the public and I hope that when the Licensing Sub Committee meet, they are able to take into account Miss Hunters commitment to therapy, as evidence for her wish to better herself and better serve those she works for.

If you have any further questions about this matter, please do not hesitate to contact me.

Kind Regards

Matthew Clark

Integrative Psychotherapist

*BACP Registered Integrative Psychotherapist
Counselling Psychologist in training
British Psychological Society Registered*

CC: Miss Angela Hunter

South Yorkshire
Community Rehabilitation Company

PROB

ur Ref: LC
2.1.19

Is Angela Hunter
1 Chapel Avenue ,
rampton,
otherham,
ostcode:
73 0XH

to whom it may concern,

I can confirm that Angela has received a 12 month probation order and has attended all of her
appointments and has had no disciplinary action taken against during the period of the order so far.

Yours sincerely

Sarah Clifford
Offender Manager
Direct No: 07341 509481
Office Address:
Timberley Court, 103 Effingham Street, Rotherham
Tel No: 0345 608 1275