

Summary of Licensing Sub-Committee Decision(s) taken on 20 November 2012

Part I

Declarations of Interest (Item 1)

There were no declarations of interest received.

Application No. 12/01615/LIA Application for a Personal Licence (Item 2(1))

NOTICE OF DECISION

The Licensing Sub-Committee of West Berkshire Council met on 20th November 2012 and resolved to reject Application Number 12/01615/LIA for a Personal Licence submitted by Raffaele Vigliotti.

In coming to their decision, the Sub-Committee had regard to the four licensing objectives, which are:

1. the prevention of crime and disorder;
2. public safety;
3. the prevention of public nuisance; and
4. the protection of children from harm.

They also considered the Department of Culture, Media and Sport Guidance on the Licensing Act 2003 and West Berkshire Council's licensing policy.

The Sub-Committee heard representations made by:

1. The Applicant: Mr Raffaele Vigliotti
2. The Objectors: Mike King on behalf of Thames Valley Police

Having taken those representations into account, the Licensing Sub-Committee RESOLVED to refuse Application Number 12/01615/LIA for a Personal Licence submitted by Mr Vigliotti, for the following reasons:

1. Mr Vigliotti was convicted of assault occasioning actual bodily harm at Reading Crown Court on the 25 August 2010. This is a relevant offence for the purposes of
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If you have any queries regarding this/these decision(s), please contact:

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Summary of Licensing Sub-Committee Decision(s) taken on 20 November 2012 (continued)

section 120 (2)(d) Licensing Act 2003 (as prescribed under section 113 and paragraph 19 of Schedule 4 of the Licensing Act 2003, being a violent offence which leads/is intended to lead/is likely to lead to physical injury to a person).

2. Following conviction, Mr Vigliotti was sentenced to a conditional discharge and was ordered to pay compensation. The rehabilitation period under the Rehabilitation of Offenders Act 1974 where a compensation order is imposed is five years from the date of conviction (see section 5 (2), Table A). Therefore the conviction is not spent.
3. The Sub-Committee noted that the conviction related to a very serious assault and that the matter had been referred to the Crown Court because it was so serious. The Sub-Committee also noted that there was more than half of the rehabilitation period remaining in respect of the offence, before it would become spent for the purposes of the Rehabilitation of Offenders Act 1974.
4. The Sub-Committee noted that Police objected to the grant of the licence and were mindful of paragraph 9.12 of the Statutory Guidance, which stated that the Police should be the Licensing Authority's main source of advice on matters relating to the promotion of the crime and disorder licensing objective.
5. The Sub-Committee also had regard to the guidance in Chapter 4 of the Statutory Guidance, which explained the significant responsibility placed on personal licence holders in connection with the sale and supply of alcohol, due to the impact of this on the wider community and on crime and anti-social behaviour.
6. The Sub-Committee had regard to the representations of Mr Vigliotti that prior to the incident, he was of good character with no convictions in the past 53 years, and it was noted that Mr Vigliotti stated that he did not suggest that his actions were right. However, it was considered that Mr Vigliotti's representations did not overcome the Police objection.
7. For all the reasons given above, the Sub-Committee determined to reject the application as it was considered that it was necessary to do so for the promotion of the crime prevention objective.

Cllr Jeff Beck:

(Chairman)

Cllr Billy Drummond:

Cllr Geoff Mayes:

Date: 20th November 2012

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