

LICENSING SUB-COMMITTEE

MINUTES OF THE MEETING HELD ON TUESDAY, 20 NOVEMBER 2012

Councillors Present: Jeff Beck (Chairman), Billy Drummond and Geoff Mayes

Substitute: Andrew Rowles

Also Present: Sarah Clarke (Team Leader - Solicitor) and Emilia Matheou (Technical Officer), Denise Anns (Policy & Communication)

PART I

8. Declarations of Interest

There were no declarations of interest received.

9. Application No. 12/01615/LIA Application for a Personal Licence

The Sub-Committee considered a report (Agenda Item 2(1)) concerning the application for a Personal Licence number 12/01615/LIA for Mr Raffaele Vigliotti.

In accordance with the Council's Constitution, Emilia Matheou (Licensing Officer, West Berkshire Council), Mr Raffaele Vigliotti (Applicant) and Mr Mike King (representative - Thames Valley Police) addressed the Sub-Committee on this application.

Ms Matheou, in addressing the Sub-Committee, raised the following points:

Mr Raffaele Vigliotti of The Hedges, Bath Road, Padworth, Reading, Berkshire RG7 8QS submitted an application on 08 October 2012 to West Berkshire Council Licensing for a Personal Licence to be granted under section 117 of the Licensing Act.

When submitting the application Mr Vigliotti provided a basic disclosure of convictions dated 03 October 2012 and completed a self declaration disclosing an unspent conviction for assault occasioning actual bodily harm.

This matter was heard on 25 August 2010 at Reading Crown Court and was disposed of by way of conditional discharge, costs and compensation.

The offence appeared to be a 'relevant' offence as specified under Section 113(1) of LA03 and is listed in Schedule 4 of the Act. Under section 120(4) of the Act; the Licensing Authority is required to give notice to the Chief Officer of Police for the area. Notice was given on 11 October 2012. Representations were made on 19 October 2012 by Mike King Thames Valley Police Licensing Officer. Nature of representations: Crime and Disorder objective. There was no evidence that mediation had taken place.

Mr Raffaele Vigliotti, in addressing the Sub-Committee, raised the following points:

Mr Vigliotti advised that he did not say that what he did was the right thing to do. He went on to say that all the evidence prior to the event was about how he had helped the people over a long period of time. His record over the past 53 years was crystal clear with no previous convictions; he had never before struck anyone and therefore asked the Licensing Sub-Committee to take this into account and for them to give careful consideration to those facts. He said that he was capable of holding a personal licence and would act responsibly.

Councillor Jeff Beck asked if there were any questions for Mr Vigliotti from the Licensing Sub-Committee. No questions were asked.

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Mr Mike King, in addressing the Sub-Committee, raised the following points:

The Police used the National Computer (PNC) to conduct searches on every individual that applied for a Personal Licence. Such a search was conducted on Mr Vigliotti and it came positive on a PNC record. The crime report was recovered and a copy of the report was enclosed with the papers for the hearing.

As the crime report advised, Mr Vigliotti and others were involved in a particularly serious assault in which the aggrieved was repeatedly kicked and punched resulting in him receiving a broken arm, lots of bruising, one eye completely closed and the other eye partially closed upon attendance at Hospital. Initially during conversation the aggrieved had concerns with engaging with the Police because of repercussions.

Mr Vigliotti was identified by the DNA and was sent to Reading Crown Court by the CPS where he was found guilty of assault occasioning actual bodily harm and was ordered to pay £250 costs and was further ordered to pay £500 in compensation.

The Rehabilitation of Offenders Act had been introduced by Parliament as a means of a measurement as to when a person found guilty of an offence was considered rehabilitated. The Act was quite specific on the periods for a large range of offences and has placed a rehabilitation period, for a person who had been ordered to pay compensation and aged eighteen or over at the time of conviction, of five years.

Mr Vigliotti was found guilty on 25 August 2010 which meant that his rehabilitation period would not be complete until 25 August 2015. That was nearly three years from the date of his application which was made on 08 October 2012.

The Police considered that given the offence, the period left remaining of the five year period prescribed in legislation, was much too long. In accordance with Part 9.12 of the Secretary of State's amended section 182 guidance, the written evidence and oral evidence heard, Thames Valley Police requested that the application be rejected.

Councillor Jeff Beck asked if there were any questions for Mr Mike King.

Councillor Billy Drummond asked Mr King if Mr Vigliotti had paid the costs promptly and on time. Mr King responded to say that he had no record. Councillor Drummond then asked Mr Vigliotti the same question and Mr Vigliotti advised that he had. Councillor Drummond then asked for the time period for the payments. Mr Vigliotti said that £250 had been paid immediately and the balance had been paid over 3 months.

Councillor Geoff Mayes asked Mr King if he could explain the interview dates and times that he had in front of him as he was finding the information confusing. Mr King explained that there were two crime reports and one reflected the other. Councillor Mayes said that he found them difficult to follow. Mr King said that the officers reported the events step by step as they were happening, initially the altercation was between two people, but then three further people turned up and joined in the assault.

There being no further questions Councillor Beck asked Mr Vigliotti if he wished to make any closing comments.

Mr Vigliotti advised that he had been accused of repeatedly kicking and punching the person, that was a lie which had been proved when he had appeared in court. He went on to say that the police had written the statements for the people, that the man had punched his wife and that was why the judge took a different view of the events. The evidence was incorrect and the witnesses had lied on the stand which was why the judge had viewed the offence differently.

The Sub-Committee retired at 11.47am to make its decision.

10. Application Document

11. Representation from Thames Valley Police

(The meeting commenced at 11.30 am and closed at 11.47 am)

Name Councillor Jeff Beck

Date of Signature

Name Councillor Geoff Mayes

Date of Signature

Name Councillor Billy Drummond

Date of Signature