

# Notice of Meeting

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## Licensing Sub-Committee

**Monday 25th February 2013 at 2.00 pm**

in Council Chamber, Council Offices,  
Market Street, Newbury, RG14 5LD

### **Members Interests**

Note: If you consider you may have an interest in any Application included on this agenda then please seek early advice from the appropriate officers.

Date of despatch of Agenda: Thursday, 14 February 2013

### **FURTHER INFORMATION FOR MEMBERS OF THE PUBLIC**

If you require further information about this Agenda, or to inspect any background documents mentioned in the reports, please contact Denise Anns - Tel: (01635) 519486 - Email: [danns@westberks.gov.uk](mailto:danns@westberks.gov.uk).

Further information and Minutes are also available on the Council's website at [www.westberks.gov.uk](http://www.westberks.gov.uk)

**Personal Licence for Harry Elliot Frampton**



**To:** Councillors Jeff Beck (Chairman), Paul Bryant and Mollie Lock

**Substitute:** Councillor Billy Drummond

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# Agenda

## Part I

**Page No.**

- |     |   |        |
|-----|---|--------|
| 1   | <b>Declarations of Interest</b><br>To receive any declarations of interest from Members.  |        |
| 2   | <b>Schedule of Licensing Applications</b>   |        |
| (1) | <b>Application No. 13/00235/LIA - Personal Licence</b><br><br><b>Proposal:</b> Application for a Personal Licence<br><b>Applicant:</b> Mr Harry Elliot Frampton |        |
| (2) | <b>Application for a Personal Licence</b>   | 1 - 6  |
| (3) | <b>Credit Certificate</b>   | 7 - 8  |
| 3   | <b>Representations</b>  | 9 - 14 |

Andy Day  
Head of Strategic Support

West Berkshire Council is committed to equality of opportunity. We will treat everyone with respect, regardless of race, disability, gender, age, religion or sexual orientation.

If you require this information in a different format or translation, please contact Moira Fraser on telephone (01635) 519045.



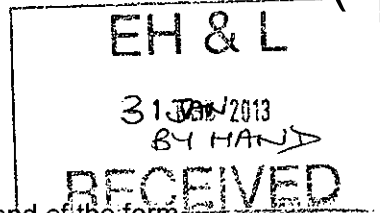
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# Agenda Item 2(2)

West Berkshire District Council

13/00235/L1A

Application for a personal licence



Before completing this form please read the guidance notes at the end of the form. If you are completing this form by hand please write legibly in block capitals. In all cases ensure that your answers are inside the boxes and written or typed in black ink. Use additional sheets if necessary.

You may wish to keep a copy of the completed form for your records.

<b>1. Your personal details</b>			
<b>TITLE</b> Please tick <input checked="" type="checkbox"/>			
Mr <input checked="" type="checkbox"/> Mrs <input type="checkbox"/> Miss <input type="checkbox"/> Ms <input type="checkbox"/> Other (please state)			
Surname	FRAMPTON		
Forenames	HARRY ELLIOT		
<b>PREVIOUS NAMES</b> (if relevant) please enter details of any previous names or maiden names. Please continue on a separate sheet if necessary.			
<b>TITLE</b> Please tick <input checked="" type="checkbox"/>			
Mr <input type="checkbox"/> Mrs <input type="checkbox"/> Miss <input type="checkbox"/> Ms <input type="checkbox"/> Other (please state)			
Surname			
Forenames			
I am 18 years old or over. Please tick <input checked="" type="checkbox"/>			Yes <input checked="" type="checkbox"/>
			No <input type="checkbox"/>
<b>ADDRESS WHERE ORDINARILY RESIDENT</b> (We will use this address to correspond with you unless you complete the separate correspondence box below).			
2. POUND LANE COTTAGES HALFWAY NEWBURY.			
<b>Post town</b> NEWBURY		<b>Post code</b> RG20 8NT.	
<b>TELEPHONE NUMBERS</b>			
Daytime	01488 658181		
Evening	01488 658181		
Mobile	07557 132929.		
<b>FAX NUMBER</b>			
<b>E-MAIL ADDRESS</b> (if you would prefer us to correspond with you by e-mail) harryframpton@icloud.com.			

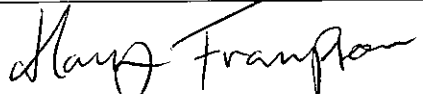
<b>Address for correspondence associated with this application (if different to the address above)</b>	
<b>Post town</b>	<b>Post code</b>
<b>TELEPHONE NUMBERS</b>	
Daytime	
Evening	
Mobile	
<b>E-MAIL ADDRESS (if you would prefer us to correspond with you by e-mail)</b>	

<b>2. Your licensing qualifications</b>	
Read Note 1	<b>Please tick ✓ yes</b>
Please indicate below which one of these statements applies to you:	
1. I hold an accredited licensing qualification	<input type="checkbox"/>
2. I hold a certified qualification	<input checked="" type="checkbox"/>
3. I hold an equivalent qualification	<input type="checkbox"/>
4. I am a person of prescribed description	<input type="checkbox"/>
If you have ticked either of statements 1, 2 or 3 please provide details of your qualification in the box below (name of qualification, date of issue, issuing body) and please enclose your qualification with your application. If you have ticked statement 4, please provide evidence that you are a person of prescribed description.	

<b>3. Previous or outstanding applications for a personal licence</b>		
Note: You may only hold one personal licence at a time.	<b>Please tick ✓</b>	
Do you currently hold a personal licence?	Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>
Do you currently have any outstanding applications for a personal licence, with this or any other licensing authority?	Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>

Has any personal licence held by you been forfeited in the last 5 years?		Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>
Licensing Authority			
Licence number			
Date of issue			
Date of expiry			
Any further details			

4. CHECKLIST:	
I have	Please tick ✓ yes
<ul style="list-style-type: none"> <li>enclosed two photographs of myself, one of which is endorsed as a true likeness of me by a solicitor or notary, a person of standing in the community or any individual with a professional qualification</li> </ul>	<input checked="" type="checkbox"/>
<ul style="list-style-type: none"> <li>enclosed any licensing qualification I hold or proof that I am a person of prescribed description</li> </ul>	<input checked="" type="checkbox"/>
<ul style="list-style-type: none"> <li>enclosed a criminal conviction certificate or a criminal record certificate or the results of a subject access search of the police national computer by the National Identification Service</li> </ul>	<input checked="" type="checkbox"/>
<ul style="list-style-type: none"> <li>enclosed a completed disclosure of criminal convictions and declaration form (Schedule 3)</li> </ul>	<input checked="" type="checkbox"/>
<ul style="list-style-type: none"> <li>made or enclosed payment of the fee for the application</li> </ul>	<input checked="" type="checkbox"/>

5. Declaration	
<p>The information contained in this form is correct to the best of my knowledge and belief.</p> <p>It is an offence knowingly or recklessly to make a false statement in or in connection with an application for the grant or renewal of a personal licence. A person is to be treated as making a false statement if he produces, furnishes, signs or otherwise makes use of a document that contains a false statement. To do so could result in prosecution and a fine not exceeding level 5 on the standard scale.</p>	
SIGNATURE	
DATE	31/1/13

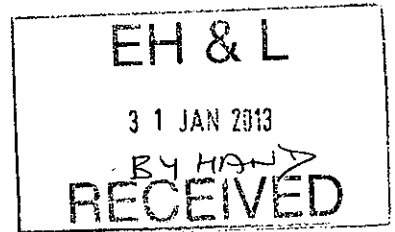
#### NOTES

##### 1. Licensing qualifications

Licensing qualifications are dealt with in section 120(8) and (9) of the Licensing Act 2003.

**West Berkshire District Council**

**Disclosure of convictions and declaration**



Before completing this form please read the guidance notes at the end of the form. If you are completing this form by hand please write legibly in block capitals. In all cases ensure that your answers are inside the boxes and written or typed in black ink. Use additional sheets if necessary.

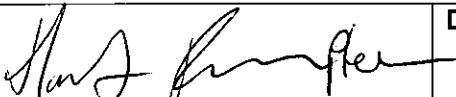
You may wish to keep a copy of the completed form for your records.

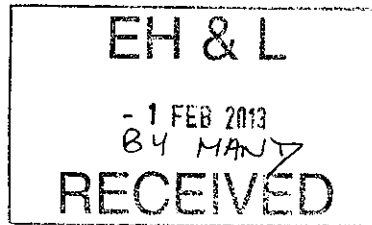
<b>1. Your personal details</b>	
TITLE Please tick ✓ Mr <input checked="" type="checkbox"/> Mrs <input type="checkbox"/> Miss <input type="checkbox"/> Ms <input type="checkbox"/> Other (please state)	
Surname	FRAMPTON
Forenames	HARRY ELLIOT.
PREVIOUS NAMES (if relevant) please enter details of any previous names or maiden names. Please continue on a separate sheet if necessary.	
TITLE Please tick ✓ Mr <input type="checkbox"/> Mrs <input type="checkbox"/> Miss <input type="checkbox"/> Ms <input type="checkbox"/> Other (please state)	
Surname	
Forenames	

<b>2. Forfeiture of a personal licence in the last 5 years.</b>		
Do not answer this question if you are applying under regulation 8 of the Licensing Act (Personal licences) Regulations 2005		
		Please tick ✓
Has any personal licence held by you been forfeited in the last 5 years? If yes, please provide details below:	Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>
Name of court		
Address of court		
Date of forfeiture		
Offence which resulted in the forfeiture		
Any additional details		

<b>3. Relevant or foreign offences</b>		
Read Note 1.	Please tick ✓	
Have you been convicted of any relevant offence or foreign offence?	Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/>
If you have been convicted of any relevant offences you must provide details for each conviction of the date of conviction, the name and location of the convicting court, offence of which you were convicted and the sentence imposed:		
<p>5/12/12 BERKSHIRE MAGISTRATES  DRIVING A VEHICLE WITH EXCESS ALCOHOL  DISQUALIFICATION</p>		
If you have been convicted of any foreign offences you must provide details for each conviction of the date of conviction, the name and location of the convicting court, offence of which you were convicted and the sentence imposed:		

<b>4. Declaration</b>			
I declare that I have not been convicted of any relevant offence or any foreign offence			
<b>SIGNATURE</b>		<b>DATE</b>	

<b>5. Declaration</b>			
The information contained in this form is correct to the best of my knowledge and belief.			
It is an offence knowingly or recklessly to make a false statement in or in connection with an application for the grant or renewal of a personal licence. A person is to be treated as making a false statement if he produces, furnishes, signs or otherwise makes use of a document that contains a false statement. To do so could result in prosecution and a fine not exceeding level 5 on the standard scale.			
<b>SIGNATURE</b>		<b>DATE</b>	
			31/1/13



Harry Frampton  
2 Pound Lane  
Halfway  
Newbury  
Berkshire  
RG20 8NT  
07557132929

Friday, 01 February 2013

To whom it may concern,

Please find attached my certificates for my personal licence that I did not include with my application.

Sorry for any problems incurred by this mistake

Kind Regards

Harry Frampton



# Credit Certificate

*This is to certify that*

**HARRY FRAMPTON**

*has been awarded credits for the following unit(s):*

		QCF Level	QCF Credits
EDI Level 2 Award for Personal Licence Holders	H/601/7631	2	1
*****			

*having satisfied the requirements of EDI*

The credit(s) listed above have been determined for the Qualifications and Credit Framework

Rod Bristow  
Chief Executive



Supporting learning  
and performance

HWRL17A71/12358081

Issued Date 12 Dec 2012

Serial No. 22183400

Regulated by



For more information see <http://register.ofqual.gov.uk>



Llywodraeth Cymru  
Welsh Government

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# Certificate

*This is to certify that*

**HARRY FRAMPTON**

*has been awarded the*

**EDI Level 2 Award for Personal Licence Holders**

(Accreditation No. 500/9146/3)

*having satisfied the requirements of EDI*



Rod Bristow  
Chief Executive

**EDI**

Supporting learning  
and performance

HWRL17A71/12358081

Issued Date 12 Dec 2012

Serial No. 22183401

Regulated by

**Ofqual**



For more information see <http://register.ofqual.gov.uk>

Llywodraeth Cymru  
Welsh Government



# Licence Application Notification

Licensing Officer **Mike King**

Application Type **New Personal Licence**

Date Received **1<sup>st</sup> February 2013** Date Due **24<sup>th</sup> February 2013**

Name **Mr Harry Frampton**

Address **2 Pounds Lane Cottages, Halfway, Newbury, West Berkshire**

**Content of Application:**  
**The applicant advises that he holds a certified qualification.**

**Licensing Officer's Comments:**  
**The applicant declares that he has an unspent conviction for a relevant offence in that he was convicted for driving with excess alcohol contrary to S(4)(5) of the Road Traffic Act 1988.**

**Outcome:**  
**Thames Valley Police therefore OBJECT to the granting of the licence. However, the applicant may apply again when the conviction has become spent.**

Signature:.....

Date **04 02 2013**

\*No signature is required if responding by email, as there will be an electronic trail

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**Mr Mike King  
Licensing Officer  
Reading & West Berkshire**  
The Police Station  
Castle Street  
Reading  
RG1 7TH

e-mail: [mike.king@thamesvalley.pnn.police.uk](mailto:mike.king@thamesvalley.pnn.police.uk)

07 February 2013

Dear Denise

**Licensing Act 2003  
Appeal Hearing, Mr Frampton**

Please find enclosed some supporting evidence in relation to the appeal hearing for Mr Frampton on 25<sup>th</sup> February 2013.

If you require any further information or assistance then please do not hesitate to contact me where every assistance will be given.

Yours sincerely



Mike King | Licensing Officer | Thames Valley Police | Reading & West Berkshire  
Local Police Areas | Telephone 101 | Internal 7516353 | Fax 01189 536058  
| Reading Police Station, Castle Street, Reading, RG12 7TH

STATEMENT OF DANIEL HOWARD (full name)

AGE IF UNDER 18. OVER 18 OCCUPATION POLICE OFFICER

ADDRESS. 90 NEWBURY POLICE STATION, MILL LANE, NEWBURY, BERKSHIRE, RG14 5QU Station/Base Code FA

This statement (consisting of            pages each signed by me), is true to the best of my knowledge and belief and I make it knowing that, if it is tendered in evidence, I shall be liable to prosecution if I have wilfully stated in it anything which I know to be false or do not believe to be true.

Dated the 15th day of NOVEMBER year 2012 Signed [Signature]

Surname of Suspect FRAMPTON Forenames HARRY

Title Mr/Mrs/Miss MR Date of Birth 02/11/1987 Occupation HOTEL MANAGER

Address 2 POUND LANE COTTAGES, HALFWAY, NEWBURY, BERKSHIRE RG20 8NT

PART 1 AT SCENE Location of incident A4 BATH ROAD, NEWBURY, BERKSHIRE

Give evidence leading to arrest under Road Traffic Act 1988 S. 4(6)(driving/in charge when under influence) OR to requirement of preliminary test under Road Traffic Act 1988 ss. 6A, 6B or 6C. (ANY evidence of unfitness to be included in ALL cases).

At (time) 03:00 HOURS ON (date) 15/11/2012

I WAS ON DUTY IN FULL UNIFORM, CREWED WITH PC ZEDD HUNKA. I WAS DRIVING CIVIL MARKED POLICE CAR FROM HUNGERFORD TO NEWBURY ALONG THE A4 BATH ROAD. AS I APPROACHED THE JUNCTION OF MILKHOUSE ROAD AND THE BATH ROAD A CAR EMERGED FROM THE JUNCTION AND PULLED OUT ONTO THE BATH ROAD IN FRONT OF ME, CAUSING ME TO BRAKE HARD AND SOUND MY HORN. I SAW THAT THE CAR WAS A WHITE MINI COOPER WITH A SINGLE MALE DRIVING UNACCOMPANIED. THE CAR DROVE OFF TOWARDS HUNGERFORD WITHOUT STOPPING, SO I TURNED AROUND AND STOPPED THE CAR, WHOSE REGISTRATION NUMBER WAS RV62 ZLE. PC HUNKA SPoke TO THE DRIVER AND INDICATED THAT HE COULD SMELL ALCOHOL ON HIS BREATH. I ISSUED A ROADSIDE BREATH TEST USING A HANDHELD DRAGONAL DEVICE, WHICH THE DRIVER COMPLETED. THE WORD "FAIL" WAS DISPLAYED ON DISPLAYING INDICATING EXCESS ALCOHOL AND AT 0325 HOURS I ARRESTED HIM ON SUSPICION OF DRIVING WHILEST OVER THE PRESCRIBED LIMIT AND DRIVING WHILEST UNFIT THROUGH DRINK OR DRUGS. THERE WAS NO REPLY TO CAUTION. HE WAS TAKEN TO NEWBURY POLICE STATION WHERE I COMPLETED THE EBM PROCEDURE WITH HIM.

Signed [Signature] Signature of Officer(s) Witnessing Procedure [Signature]

(If suspect is a patient at hospital and has not provided a breath test) Proceed as follows:-

At ..... (time) I went to ..... (name of Hospital) where I spoke to

Doctor ..... (name) who was the medical practitioner in immediate charge of the suspect.

Out of the suspects hearing I said to the Doctor

"I PROPOSE TO REQUIRE YOUR PATIENT ..... (name of suspect) TO PROVIDE AT THIS HOSPITAL A SPECIMEN OF BREATH FOR A BREATH TEST AND WARN [HIM][HER] THAT FAILURE TO DO SO MAY RENDER [HIM] [HER] LIABLE TO PROSECUTION. DO YOU OBJECT TO THE PROVISION OF THE SPECIMEN OF BREATH ON THE GROUND THAT ITS PROVISION, OR THE REQUIREMENT TO PROVIDE IT WOULD BE PREJUDICIAL TO THE PROPER CARE OR TREATMENT OF THE PATIENT?"

Reply .....

(If medical practitioner makes NO objection proceed as at Part 2(i))

**NO ARREST SHOULD BE MADE**

(If medical practitioner OBJECTS on the ground mentioned - NO FURTHER ACTION as to a breath test at the hospital will be taken).

**PART 2(i) REQUIREMENT OF PRELIMINARY TEST**

SUMMARY (tick ALL alternatives relied upon)

DRIVING

ATTEMPTING TO DRIVE

IN CHARGE

HAS BEEN DRIVING

HAS BEEN ATTEMPTING TO DRIVE

HAS BEEN IN CHARGE

SUSPICION OF ALCOHOL OR DRUG IN BODY

SUSPICION OF MOVING TRAFFIC OFFENCE

SUSPICION OF ALCOHOL OR DRUG AND STILL IN BODY

SUSPICION OF BEING UNDER THE INFLUENCE OF A DRUG

REASONABLE CAUSE TO BELIEVE:-

WAS DRIVING A MOTOR VEHICLE

WAS ATTEMPTING TO DRIVE A M/VEHICLE

WAS IN CHARGE OF A MOTOR VEHICLE

} INVOLVED IN ACCIDENT

At ..... 0300 ..... (time)

I said to the suspect "WHEN DID YOU LAST CONSUME ALCOHOL?"

Reply ..... ABOUT 5 MINUTES AGO.....

(If suspect has consumed alcohol or eaten anything within the last 20 minutes, allow appropriate time before proceeding further).

Signed ..... [Signature] 710 .....

Signature of Officer(s)  
Witnessing Procedure

[Signature]

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