

# **LICENSING SUB-COMMITTEE**

## **MINUTES OF THE MEETING HELD ON MONDAY, 19 AUGUST 2013**

**Councillors Present:** Peter Argyle (Chairman), Billy Drummond and Manohar Gopal

**Substitute:** Sheila Ellison

**Also Present:** Alison Beynon (Solicitor) and Emilia Matheou (Technical Officer), Denise Anns (Strategic Support)

### **PART I**

#### **6. Declarations of Interest**

There were no declarations of interest received.

#### **7. Application for a Personal Licence - Mr Louis Rushton**

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

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

Mr Louis Rushton submitted an application on the 12 July 2013 to West Berkshire Councils licensing team under section 117 of the Licensing Act. Mr Rushton provided a basic disclosure of convictions dated 10 July 2013 and completed a self declaration disclosing an unspent conviction for driving a motor vehicle with excess alcohol – contrary to S5 (1) b of the Road Traffic Act 1988.

The offence was heard on 02 March 2010 at Sussex (Northern) Magistrates Court and was disposed of by way of a disqualification from driving, driving licence endorsement, fine and costs. The offence was a 'relevant' offence as specified under Section 113 (1) of LA03 and was listed in Schedule 4 of the Act. Under section 120 (4) of the Act; the Licensing Authority was required to give notice to the chief officer of police for the area. Notice was given on 17 July 2013.

Thames Valley Police's objection notice was submitted on 31 July 2013 by Mr Mike King Thames Valley Police Licensing Officer. The nature of the representation was the crime and disorder objective.

There was no record of any mediation having taken place.

Mr Louis Rushton (Applicant), in addressing the Sub-Committee, raised the following points. Mr Rushton wanted to explain that the police report did not state exactly what had happened that night. His intention had been to stay the night in Brighton, but in the end he did not have anywhere to stay. He decided to sleep in his car but it was too cold and after trying to sleep and failing, decided to drive home. He fully admitted that it was a stupid thing to do and he agreed that the police statement was true as it stood, but wanted the panel to be aware that he had not been in trouble since and had learnt his lesson.

No questions were raised by the panel or Mr King.

Mr Mike King (Licensing Officer for Thames Valley Police), in addressing the Sub-Committee, raised the following points.

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Once the application had been received a search of the Police National Computer (PNC) was conducted which revealed the circumstances surround the admission of conviction.

In the early hours of 21 February 2013 Mr Rushton was stopped by Sussex Police because of his erratic driving. The officer asked if he had consumed any alcohol that evening to which he replied: "I've had one Jack Daniels and Coke". A roadside breath test was carried out which he failed and he was taken to Crawley Police Station where an evidential breath test was carried out. The test revealed that he had a level of 71 microgram's of alcohol to 100 millilitres of breath, the lower level of two samples taken. A reading that was substantially in excess of a single drink of alcohol. Mr Rushton was placed into custody.

The reading was twice the legal drink drive limit with consequences to the safety of other road users and pedestrians alike.

Mr Rushton was found guilty on 02 March 2010 under section 5(1)(a) of the Road Traffic Act 1988 and schedule 2 of the Road Traffic Offenders Act 1988 for driving with excess alcohol and was fined.

The Rehabilitation of Offenders Act was introduced by parliament as a means of establishing when a person found guilty of an offence is considered legally rehabilitated. The Act was another form of justice that classified lesser offences that did not require a substantial custodial sentence and applied a rehabilitation period to that offence. Mr Rushton's rehabilitation period would not be completed until 02 March 2015.

The police considered that justice would not have been achieved for this dangerous conviction until the recommended rehabilitation period as prescribed by the legislation had been satisfied. Therefore the police requested that the application be rejected until such time as the rehabilitation period had been achieved. Thames Valley Police called for consideration to be given to Section 9.12 of the Secretary of State's amended Section 182 guidance in relation to the application.

Councillor Billy Drummond asked Mr King if two drinks could have resulted in the readings stated. Mr King advised that without certain criteria, weight, heights etc he could not work that out and therefore could not comment.

There being no further questions Councillor Peter Argyle asked Mr Rushton if he wished to address any comments made. Mr Rushton replied that he had nothing further to add.

Councillor Peter Argyle closed the meeting.

*(The meeting commenced at 2.00 pm and closed at 2.20 pm)*

**Name: Cllr Peter Argyle (Chairman** .....

**Date of Signature** .....

**Name: Cllr Billy Drummond** .....

**Date of Signature** .....

**Name: Cllr Manohar Gopal** .....

**Date of Signature** .....