

# Notice of Meeting

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## Licensing Sub-Committee

**Monday 19th August 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: Friday, 9 August 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 Mr Louis Rushton**



## Agenda - Licensing Sub-Committee to be held on Monday, 19 August 2013 (continued)

**To:** Councillors Peter Argyle (Chairman), Billy Drummond and Manohar Gopal  
**Substitute:** Councillor Sheila Ellison

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# Agenda

<b>Part I</b>	<b>Page No.</b>
1 <b>Declarations of Interest</b> To receive any declarations of interest from Members.	
2 <b>Schedule of Licensing Applications</b>	
(1) <b>Application for a Personal Licence - Mr Louis Rushton</b>	1 - 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.



# Agenda Item 2(1)

## Licensing Act 2003

**Application for a Personal Licence Number 13/01217/LIA**

**Mr Louis Rushton**

Application

Disclosure Statement

Objection from Thames Valley Police

Witness Statement from Thames Valley Police

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R/10226500088921  
 West Berkshire District Council  
 £37.50

EH & L  
 12 JUL 2013  
 RECEIVED

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.

1. Your personal details		
<b>TITLE</b> Please tick ✓ Mr <input checked="" type="checkbox"/> Mrs <input type="checkbox"/> Miss <input type="checkbox"/> Ms <input type="checkbox"/> Other (please state)		
Surname	Rushton	
Forenames	Louis	
<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 ✓ 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 ✓		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).		
King Charles Tavern 54 Cheap Street Newbury Berkshire RG14 5BX		
Post town	Newbury	Post code
		RG14 5BX
<b>TELEPHONE NUMBERS</b>		
Daytime	07522286660	
Evening	" "	
Mobile	" "	
<b>FAX NUMBER</b>		
<b>E-MAIL ADDRESS</b> (if you would prefer us to correspond with you by e-mail) Louisrushton@hotmail.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	Please tick ✓ yes
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.	
<p>BIIAB level 2 for personal license holders 27<sup>th</sup> October 2009</p>	

<b>3. Previous or outstanding applications for a personal licence</b>		
Note: You may only hold one personal licence at a time.	Please tick ✓	
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
• 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	<input checked="" type="checkbox"/>
• enclosed any licensing qualification I hold or proof that I am a person of prescribed description	<input checked="" type="checkbox"/>
• 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	<input checked="" type="checkbox"/>
• enclosed a completed disclosure of criminal convictions and declaration form (Schedule 3)	<input checked="" type="checkbox"/>
• made or enclosed payment of the fee for the application	<input checked="" type="checkbox"/>

5. Declaration	
<p><b>The information contained in this form is correct to the best of my knowledge and belief.</b></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>	
<b>SIGNATURE</b>	
<b>DATE</b>	12/07/13

## NOTES

### 1. Licensing qualifications

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

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**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.

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

2. Forfeiture of a personal licence in the last 5 years		
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		

3. Relevant or foreign offences		
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>DR10 - Driving with excess alcohol            2/3/10            Sussex Magistrates            12 month Driving ban.</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:		

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

5. Declaration			
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.			
SIGNATURE		DATE	12/07/13

## NOTES

### 1.Relevant or foreign offences

**Relevant offences** are the offences listed in Schedule 4 to the Licensing Act 2003:

The meaning of **foreign offence** is dealt with in section 113 of the Licensing Act 2003.

If you are the holder of a justices' licence and you are applying for a personal licence under regulation 8 of the Licensing Act (Personal licences) Regulations 2005 see paragraphs 23 and 28 in Part 3 of Schedule 8 to the Licensing Act 2003 for the information you are required to give.

If you are convicted of any relevant or foreign offence during the period between when your application is made and when your application is determined or withdrawn, you must notify the authority to which your application was made. Failure to do so without reasonable excuse could lead to prosecution and a fine not exceeding level 4 on the standard scale.

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# Licence Application Notification

Licensing Officer **Mike King**

Application Type **New Personal Licence**

Date Received **17<sup>th</sup> July 2013** Date Due **31<sup>st</sup> July 2013**

Name **Louis Rushton**

Address **54 Cheap Street, Newbury West Berkshire**

**Content of Application:**  
The applicant admits to having an unspent conviction.

**Licensing Officer's Comments:**  
Mr Rushton was convicted on 2<sup>nd</sup> March 2010 of driving a mechanically propelled vehicle at a time while driving, unfit to drive through drink. The offence is a relevant offence under the Licensing Act 2003.

**Outcome:**  
Therefore, Thames Valley Police wish to **OBJECT** to the application as the conviction will not be spent under the Rehabilitation of Offenders Act 1974 until 2<sup>nd</sup> March 2015.

Signature:..... 14 June 2013

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

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**RESTRICTED (when complete)**

**WITNESS STATEMENT**

(CJ Act 1967, s.9; MC Act 1980, ss.5A(3) (a) and 5B: Criminal Procedure Rules 2005, Rule 27.1

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Statement of: Lee HOLMES

Age if under 18: Over 18 (if over 18 insert 'over 18') Occupation: Police Constable CH837

This statement (consisting of 2 page(s) 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.

Signature: \_\_\_\_\_ Date 21<sup>st</sup> February 2010

Tick if witness evidence is visually recorded  (supply witness details on rear)

At approximately 04:10 hours today, 21/02/2010, I was in uniform and on motor patrol travelling north on the onslip of Junction 11 on the M23 with my colleague PC Cole CC601, when we saw a vehicle travelling at excessive speed, also northbound, on the M23 itself.

We caught up with the vehicle and followed it for a short time whilst we checked it on PNC. The vehicle was a green VW Passat Estate registration number N853BCF. As we did so, and observed it, I could see that the vehicle was not holding a steady line in the road as it travelled in lane two of three. As we continued to observe, the vehicle drifted several times from side to side touching both the near and off side lane markers for lane two. In view of this, we required the vehicle to stop in the approved manner by illuminating our blue lights and indicating for it to pull over onto the hard shoulder. It eventually drew to a stop, albeit some distance further on to where we had made the original attempt, at traffic lights showing red at the top of the off slip, Junction 10 of the M23 northbound.

I got out and approached the vehicle, only for it to start moving forward again without warning. Due to how long it had taken to stop, and the fact it was now moving off again, I thought it may be failing to stop. However, after several feet it stopped with it's nearside wheels on the grass verge.

I again approached the vehicle and opened the nearside front passenger door. It was then that I spoke to the driver, a male I now know to be a Louis John Mark RUSHTON DOB 22/01/1985, and told him to turn the engine off. He did so and I stepped round to the driver's door and said to him, "THE REASON WE HAVE STOPPED YOU IS BECAUSE YOU WERE TRAVELLING AT EXCESS SPEED AND NOT HOLDING A STEADY LINE IN THE ROAD. CAN YOU TELL ME IF YOU'VE DRUNK ANY ALCOHOL THIS EVENING?"

He replied "I'VE HAD ONE JACK DANIELS AND COKE".

I then said "BECAUSE OF THE MANNER OF YOUR DRIVING AND BECAUSE YOU'VE TOLD ME YOU'VE DRUNK ALCOHOL THIS EVENING, I NOW REQUIRE A SPECIMEN OF BREATH FROM YOU, HERE AT THE ROADSIDE, FOR THE PURPOSE OF ANALYSIS BY WAY OF A BREATH TEST. FAILURE OR REFUSAL TO PROVIDE ME WITH AN ADEQUATE SAMPLE OF BREATH FOR THE TEST MAY RENDER YOU LIABLE TO ARREST AND OR PROSECUTION. DO YOU AGREE TO PROVIDE A SAMPLE OF BREATH FOR ANALYSIS?"

He replied "YES."

I then asked him to step out of the car and join me at the curb side, which he did. I then asked "HAVE YOU SMOKED, DRUNK ANY ALCOHOL OR USED ANY MOUTH SPRAY OR MOUTH WASH IN THE LAST 20 MINUTES?"

To which he replied "NO."

PC Cole then took RUSHTON through the procedure of administering the breath test, recording several

Signature: \_\_\_\_\_ Signature witnessed by: \_\_\_\_\_

MG11 5/2007

**RESTRICTED (when complete)**

details on the device itself before asking him to seal his lips around the tube and blow. RUSHTON gave an adequate sample of breath which resulted in the device showing he had 'failed' the test. PC Cole showed the device to RUSHTON. I then said to RUSHTON "I AM ARRESTING YOU ON SUSPCION OF DRIVING WHILST OVER THE PRESCRIBED LIMIT", and cautioned him. The time was 04:15 hours and he said "SO WHAT DOES THIS MEAN NOW?"

Once I had explained, we enlisted the help of our colleagues PC Mills CM027 and PC Brown CB485 who helped convey RUSHTON and his friend to Crawley Custody where we arrived at approximately 04:35 hours. Once there we presented him to PS Abbot CA017 who authorised his detention.