Notice of Meeting

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.

Further information and Minutes are also available on the Council's website at 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

Agenda

Part I Page No.

- Declarations of Interest
 To receive any declarations of interest from Members.
- 2 Schedule of Licensing Applications
- (1) Application for a Personal Licence Mr Louis Rushton

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

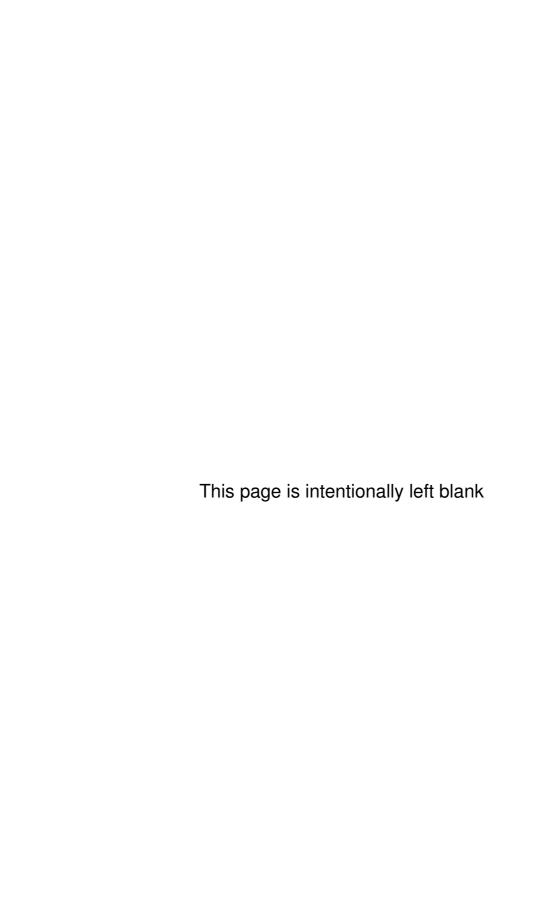
Application for a Personal Licence Number 13/01217/LIA Mr Louis Rushton

Application

Disclosure Statement

Objection from Thames Valley Police

Witness Statement from Thames Valley Police



R N2ZwSGGG 88 9 2 (West Berkshire District Council よ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					
TITLE Please	tick 🗸				
	ss Ms Other (ple	ease state)			
Surname (ushlon				
Forenames L	_				
maiden names.	IES (if relevant) pleas Please continue on a				s or
TITLE Please	tick 🗸				
Mr Mrs Mis	ss Ms Other (ple	ease state)	<u></u>		
Surname					
Forenames					
! am 18 years old	d or over. Please tick	~		Yes	No
correspond with below).	RE ORDINARILY RES				юх
King Charles Tavern 54 Cheap Street					
Newburg Berkshine	4				
Berkshine					
RG14 5BX					
Post town		Post code			
Newb	_00	RG14	SUX		
TELEPHONE NUMBERS					
Daytime	07522286	6660			
Evening	4	"			
Mobile		"			
FAX NUMBER					
E-MAIL ADDRESS (if you would prefer us to correspond with you by e-mail) Louisrushton@ Motmail.com					

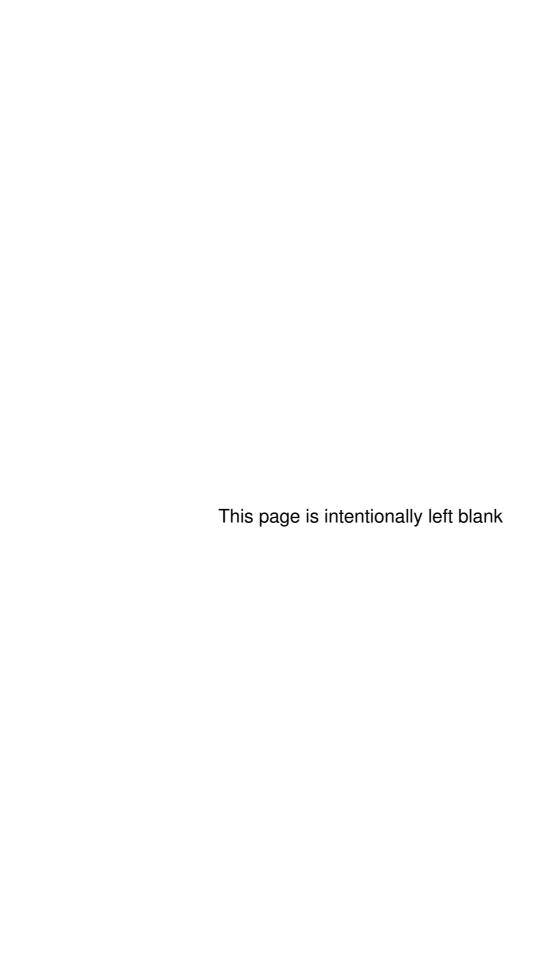
Address for correspondence associated with this application (if different to the address above)				
Post town		Post code		
TELEPHONE NU Daytime	<u>IMBERS</u>			
Evening				
Mobile		4 - 464	P	
E-MAIL ADDRES	SS (if you would prefer us to	correspond with you	by e-mail)	
2. Your licensing	n qualifications			
Read Note 1	3 qualifications	Plea	se tick v yes	
	elow which one of these stater	ments applies to you:		
	dited licensing qualification			
2. I hold a certified qualification 3. I hold an equivalent qualification				
4. I am a person of prescribed description				
	either of statements 1, 2 or 3			
1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1	e box below (name of qualification our qualification with your appli	-	ling body) and	
	i statement 4, please provide e		person of	
prescribed descri	ption.			
BITAG	A			
1 and 2	for personal lie Tober 2009	iense holde	75	
neucr 2	=1 2==9			
27" Oc	lober 12009			
THE RESERVE OF THE PARTY OF THE	utstanding applications for a		Please tick >	
	nly hold one personal licence a hold a personal licence?	it a time.	Yes No.	
Do you currently	have any outstanding applicati or any other licensing authority	ons for a personal	Yes No	
incernce, with this	or any other licensing authority	f &		

Has any personal lice years?	nce held by you been forfeited in the last 5	No/		
Licensing Authority				
Licence number				
Date of issue				
Date of expiry				
Any further details				
4. CHECKLIST:				
I have	Please tick ✓	yes		
likeness of me	photographs of myself, one of which is endorsed as a true by a solicitor or notary, a person of standing in the any individual with a professional qualification	Ø		
enclosed any licensing qualification I hold or proof that I am a person of prescribed description				
 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 				
enclosed a completed disclosure of criminal convictions and declaration form (Schedule 3)				
1	sed payment of the fee for the application	V		
5. Declaration				
The information contained in this form is correct to the best of my knowledge and belief.				
with an application for treated as making a fa makes use of a docur	ngly or recklessly to make a false statement in or in connect the grant or renewal of a personal licence. A person is to alse statement if he produces, furnishes, signs or otherwise ment that contains a false statement. To do so could result a not exceeding level 5 on the standard scale.	be		
SIGNATURE	DATE			

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.

1. Your perso	nal details
TITLE Ple	ase tick 🗸
	Miss Ms Other (please state)
Surname	Rushlon
	Louis
	AMES (if relevant) please enter details of any previous names or s. Please continue on a separate sheet if necessary.
	ase tick 🗸
Mr Mrs Mrs Surname	Miss Ms Other (please state)
Forenames	
	of a personal licence in the last 5 years
	er this question if you are applying under regulation 8 of the (Personal licences) Regulations 2005
	Please tick ✓
	nal licence held by you been forfeited in the last 5 years? Yes No provide details below:
Name of court	
Address of cou	ırt
Date of forfeitu	ire
Offence which	resulted
in the forfeiture	
Any additional	details

3. Relevant or	foreign offences				
Read Note 1				Please tick	V
	convicted of any relevant offence or	foreign of			lo I
each conviction	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:				
DR10-1	Priving with excess a	icohol			
Sussex	Magistrates He Priving bon				
12 000	the Driving bon.				
	n convicted of any foreign offences you				cin
offence of which	h you were convicted and the sentend	ce impose	ed:		
	19				
19					
4. Declaration I declare that I offence	have not been convicted of any re	levant of	fence or	any foreig	n
SIGNATURE		DATE			
20					
5. Declaration					
o. Deciaration					
The information and belief.	on contained in this form is correct	to the be	est of my	knowledge	е
	knowingly or recklessly to make a falstion for the grant or renewal of a perso				
treated as maki makes use of a	ing a false statement if he produces, f document that contains a false state d a fine not exceeding level 5 on the s	urnishes, ment. T o	signs or do so co	otherwise	
SIGNATURE	111	DATE	12/	07/13	

NOTES

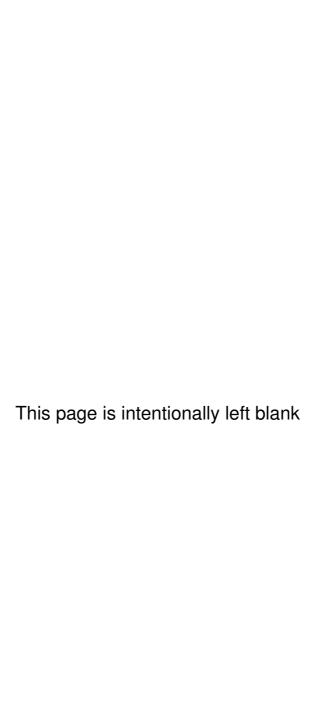
1.Relevant or foreign offences

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.





Licence Application Notification

Licensing Officer	Mike King

Application Type	New Personal Licence
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Name	Louis Rushton
Address	54 Cheap Street, Newbury West Berkshire

Content of Application:

The applicant admits to having an unspent conviction.

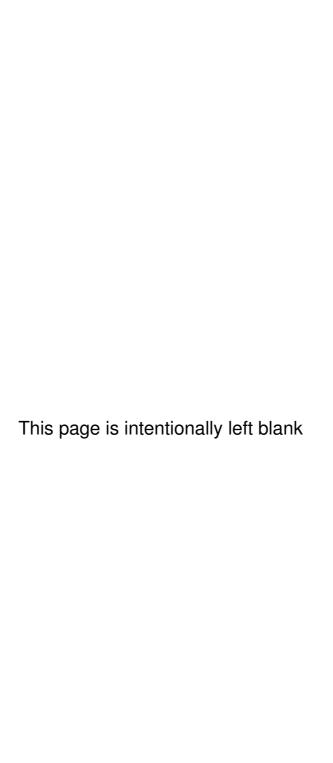
Licensing Officer's Comments:

Mr Rushton was convicted on 2nd 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 $\begin{tabular}{c} \textbf{OBJECT} \end{tabular}$ to the application as the conviction will not be spent under the Rehabilitation of Offenders Act 1974 until 2^{nd} March 2015.

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



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 **URN** Statement of: Lee HOLMES Age if under 18: Over 18 (if over 18 insert 'over 18') Occupation: Police Constable CH837 page(s) each signed by me) is true to the best of my knowledge This statement (consisting of 2 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. Date 21st February 2010 Signature: 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.				


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