

Notice of Meeting

Licensing Sub-Committee

Tuesday 18th February 2014 at 10.00am

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: Monday 10 February 2014

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 Stephen Chard - Tel: (01635) 519462 - Email: schard@westberks.gov.uk.

Further information and Minutes are also available on the Council's website at www.westberks.gov.uk

(Personal Licence Application for Mr Karol Mitrik)



To: Councillors Peter Argyle, Paul Bryant and Mollie Lock (Chairman)

Substitute: Councillor Geoff Mayes

Agenda

Part I	Page No.
1 Declarations of Interest To receive any declarations of interest from Members.	
2 Schedule of Licensing Applications	
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Proposal: Personal Licence Application Applicant: Mr Karol Mitrik	
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Andy Day
Head of Strategic Support

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



14/00017/KIA

Agenda Item 2(1)

R1022WS00115589
Application for a personal licence £37

EH & L

07 JAN 2014

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.

RECEIVED

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

1. Your personal details			
TITLE Please tick			
Mr <input checked="" type="checkbox"/> Mrs <input type="checkbox"/> Miss <input type="checkbox"/> Ms <input type="checkbox"/> Other (please state)			
Surname	MITRIK		
Forenames	KAROL		
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			
I am 18 years old or over. Please tick			Yes <input checked="" type="checkbox"/>
			No <input type="checkbox"/>
ADDRESS WHERE ORDINARILY RESIDENT (We will use this address to correspond with you unless you complete the separate correspondence box below).			
35 THE KNOLL READING TLEHURST			
Post town.		Post code	
READING		RG31 6GW	
TELEPHONE NUMBERS			
Daytime			
Evening			
Mobile	07853166899		
FAX NUMBER			
E-MAIL ADDRESS (if you would prefer us to correspond with you by e-mail)			

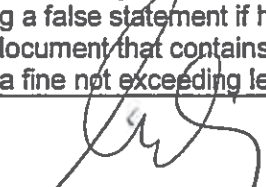
Address for correspondence associated with this application (if different to the address above)	
CPL TRAINING EGERTON HOUSE 2 TOWER ROAD BIRKENHEAD WIRRAL	
Post town	Post code CH41 1FN
TELEPHONE NUMBERS	
Daytime	0151 650 6910
Evening	
Mobile	
E-MAIL ADDRESS (if you would prefer us to correspond with you by e-mail)	
licensing@cpltraining.co.uk	

2. Your licensing qualifications	
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 checked="" type="checkbox"/>
2. I hold a certified qualification	<input 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.	
EDI - LEVEL 2 AWARD FOR PERSONAL LICENCE HOLDER	
ISSUED: 19 Nov 2008	

3. Previous or outstanding applications for a personal licence		
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>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
		30/10/13

*Confirmed
20/12/13*

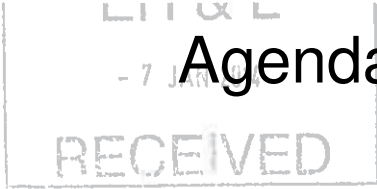
NOTES

Information on the Licensing Act 2003 is available on the website of the Department for Culture, Media and Sport
http://www.culture.gov.uk/alcohol_and_entertainment/default.htm
 or from your local licensing authority.

1. Licensing qualifications

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

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Agenda Item 2(2)

Disclosure of convictions and declaration

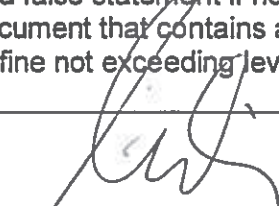
Before completing this form please read the guidance notes at the end of the form. If you are completing this form by hand please write legibly in block capitals. In all cases ensure that your answers are inside the boxes and written or typed in black ink. Use additional sheets if necessary. You may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

1. Your personal details	
TITLE Please tick Mr <input checked="" type="checkbox"/> Mrs <input type="checkbox"/> Miss <input type="checkbox"/> Ms <input type="checkbox"/> Other (please state)	
Surname	MITRIK
Forenames	KAROL
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	

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>- DRIVING -> ATTEMPT TO DRIVE OR DRIVE A MOTOR VEHICLE. MAY 2011 THE 29th.</p> <p>- READING MAGISTRATES COURT</p> <p>- BANNED FROM DRIVING FOR 18 MONTHS AND PAID PENALTY £500</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	30/10/13

*Confirmed
20/12/13*

NOTES

Information on the Licensing Act 2003 is available on the website of the Department for Culture, Media and Sport

(http://www.culture.gov.uk/alcohol_and_entertainment/default.htm)

or from your local licensing authority.

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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THAMES VALLEY POLICE Agenda Item 3

Division/Station : Wokingham

From : Steve Deane
Licensing Officer

To : Licensing Dept
West Berkshire Council

Ref :

Date : 8th January 2014 Tel.No. 0118 936 5919

Subject :

PERSONAL LICENCE APPLICATION & POLICE OBJECTION - Mr. Karol Mitrik

On 7th January 2014, Thames Valley Police as a responsible authority under the Licensing Act 2003, received from West Berkshire Council, an application for a Personal Licence for a Mr. Karol Mitrik, born 17/05/83.

The applicant on 13th June 2011, appeared before +Reading & Sonning Magistrates Court and was convicted of an offence of Driving a Motor Vehicle with Excess Alcohol, Fined £400, Costs of £85 and Disqualified from driving for 18 months. He therefore fails to meet the condition in section 120(2)(d) of the Licensing Act 2003.

Having formally received a notice from the licensing authority under section 120(4), Thames Valley Police are submitting an objection notice under section 120(5).

Having regard to the applicant's convictions, Thames Valley Police are satisfied that granting this application would undermine the crime prevention objective under the Licensing Act 2003.

In summary, the reasons for being so satisfied are as follows:

- (i) The offence for which the applicant was convicted was an offence of driving or being in charge of a motor vehicle with alcohol concentration above the prescribed limit. This is a relevant offence for the purposes of section 120 of the Licensing Act 2003 (see paragraph 14(c) of Schedule 4).
- (ii) That offence involves the misuse of alcohol.
- (iii) Driving with excess alcohol is probably one of the most serious motoring offence which can cause danger to other road users.
- (iv) As a personal licence holder, the applicant would be expected to play an important role in controlling the supply of alcohol to others.
- (v) Insufficient time has passed since the applicant's conviction in June 2011 to show that he can now be expected to fulfil the important duties of a personal licence holder. The Rehabilitation of Offenders Act states this offence shall become spent five years after the date of conviction i.e. 13/06/2016.
- (vi) For all those reasons, granting a personal licence to this applicant would undermine the objective of preventing crime and disorder.

We reserve the right to expand on these reasons at the hearing of the application.

Steve Deane
Licensing Officer

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