

BARNSLEY METROPOLITAN BOROUGH COUNCIL

**Report of the Assistant
Director of Regulatory Services
to the meeting of the Statutory
Licensing Regulatory Board
Sub Committee to be held on
the 18th July 2008.**

LICENSING ACT 2003**APPLICATION FOR A PERSONAL LICENCE**

Applicant : Mr Shaun Mark Houghton, 23 Carlton Road, Smithies, Barnsley.

1. Background

- 1.1 In May 2008 an application was received from Mr. Shaun Mark Houghton for a personal licence.
- 1.2 Members are requested to determine the application for the Personal Licence.

2 The Application for a Personal Licence

- 2.1 On the 29th May 2008 an application was made to the Licensing Authority by Mr. Shaun Houghton for his Personal Licence to authorise the sale of alcohol. The application contained Mr. Houghton's SA1 disclosure which revealed the following convictions:-

DATE	COURT	OFFENCE	DISPOSAL
30/5/2002	Barnsley Magistrates Court	1) Driving a Motor Vehicle with Excess Alcohol.	Fine £400 Disqualified From Driving Obligatory 2 Years Costs £50.00 Driving Licence Endorsed.

		2) Driving Otherwise than in Accordance with a Licence. 3) Using Vehicle While Uninsured	No separate penalty. No Separate Penalty.
29/03/2006	Barnsley Magistrates Court	Driving a Motor Vehicle With Excess Alcohol	Fine £250.00 Disqualified from Driving Obligatory 36 Months Driving Licence Endorsed Costs £43.00

3 Promotion of licensing objectives

3.1 On receipt of the application from Mr. Houghton and taking into consideration the relevant offences under Schedule Four of the Licensing Act 2003, and the convictions stated on his SA1 Disclosure the Licensing Authority informed the Licensing Sergeant at South Yorkshire Police of the application for a Personal Licence in accordance with the requirements of the legislation.

4 Responsible Authorities

4.1 As a responsible authority the Licensing Sergeant Derek responded by stating:

“On behalf of the Chief Constable that we (the Police at South Yorkshire) wish to raise an objection against the issue of such a licence to Mr Houghton on the grounds of preventing Crime and Disorder.

Mr Houghton was convicted at Barnsley Magistrates Court (May 2002) for offences related to drinking and driving, driving not in accordance with his drivers licence and driving a motor vehicle without insurance. Mr Houghton was banned from driving for a period of 2 years.

Less than 2 years after the ban had elapsed, Mr Houghton was again charged and convicted for the same offence. On this occasion he was banned for a further three years commencing on 29th March 2006.

Mr Houghton clearly has little regard for the laws involving alcohol and driving, the effects of alcohol or regard for members of the public put at risk by these activities. I would have grave concerns for the safety of the public should this man be issued with the authorisation to sell alcohol.”

Please accept this e-mail as official representation against the issuing of a Personal licence under the Licensing Act 2003 to Mr Houghton. A copy of this objection is attached as Appendix 1.

5 Compatibility with the European Convention on Human Rights

The decision of the Board will amount to a determination of the Council and the rights of the applicant. Therefore, as far as it is possible to do so, the board must comply with the requirements of Article 6 (the right to a fair trial). This means the applicant and should be afforded the right to make oral representations at the meeting.

If Members determine to refuse the application, it is necessary for the reasons to be clearly stated.

6 Financial implications

N/A.

7 List of appendices

Appendix 1 – Objection received from Responsible Authority.

Officer Contact: Mrs. D Rimmington

Tel: 01226 5696

APPENDIX 1

Good afternoon Mrs Rimmington.

With reference to the below information regarding the application for a personal licence to authorise the sale of alcohol by Mr Shaun Mark HOUGHTON. I state on behalf of the Chief Constable that we (the Police at South Yorkshire) wish to raise an objection against the issue of such a licence to Mr Houghton on the grounds of preventing Crime and Disorder and public safety.

As stated below, Mr Houghton was convicted at Barnsley Magistrates Court (May 2002) for offences related to drinking and driving, driving not in accordance with his drivers licence and driving a motor vehicle without insurance. Mr Houghton was banned from driving for a period of 2 years.

Less than 2 years after the ban had elapsed, Mr Houghton was again charged and convicted for the same offence. On this occasion he was banned for a further three years commencing on 29th March 2006.

Mr Houghton clearly has little regard for the laws involving alcohol and driving, the effects of alcohol or regard for members of the public put at risk by this activity. I would have grave concerns for the safety of the public should this man be issued with the authorisation to sell alcohol.

Please accept this e-mail as official representation against the issuing of a Personal licence under the Licensing Act 2003 to Mr Houghton

Derek Barker PS 1327
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