

To: Licensing and Gambling Acts Sub-Committee
Date: 28th August 2024
Report of: Executive Director for Communities and People.
Title of Report: Hugh Wayne Anderson – determine the Notification to Suspend or Revoke a Personal Licence
Application Ref: 05/01415/PER

Summary and recommendations	
Purpose of report:	To inform the determination of the Notification to Suspend or Revoke a Personal Licence.
Corporate Priority:	Enable an Inclusive Economy
Recommendation(s):	That the Licensing and Gambling Acts Sub-Committee resolves to:
1.	Determine the Notification to Suspend or Revoke a Personal Licence taking into account the details in this report and any representations made at this Sub-Committee meeting.

Appendices	
Appendix 1	Thames Valley Police Notification of Mr Andersons conviction to the Licensing Authority
Appendix 2	The Licensing Authority’s Notification to Suspend or Revoke a Personal Licence to Mr Hugh Anderson
Appendix 3	The Licensing Authority’s Notification to Suspend or Revoke a Personal Licence to Thames Valley Police
Appendix 4	Thames Valley Police Representation to the Notification to Suspend or Revoke a Personal Licence to Mr Hugh Anderson

Introduction and background

1. This report is made to the Licensing & Gambling Acts Casework Sub- Committee so it may determine in accordance with its powers and the Licensing Act 2003 whether **to revoke Mr Anderson’s Personal Licence following his relevant conviction under the Licensing Act 2003.**

Licensing History

2. Mr Anderson was issued a Personal Licence by Oxford City Council on 4th August 2005. Personal licences do not have an expiry date under the Licensing Act 2003.
3. On 11th April 2024 Mr Hugh Anderson was convicted of two offences deemed relevant under the Licensing Act 2003:
 - Two counts of Sexual Assault on a Female Over 13 by way of intentionally touching a female (no penetration)

Disposal:

- Suspended Imprisonment for 26 weeks wholly suspended for 2 years.
- Sex Offenders Notice for 10 years.
- Costs £3500.00.
- Victim Surcharge £156.00

A copy of the email correspondence with Thames Valley Police confirming this conviction can be found at **Appendix One**.

4. On 6th June 2024 the Licensing Authority sent Mr Anderson a Notice of Consideration to Suspend or Revoke a Personal Licence following the notification of his relevant convictions (s132A (4) Licensing Act 2003). Mr Anderson was permitted 28 days to make a representation to the notice, of which none was received.

A copy of the Notice under s132A (4) Licensing Act 2003 can be found at **Appendix Two**.

5. A copy of this notice and notification of the conviction was sent to Thames Valley Police Licensing Department via email on 5th July 2024 proposing to **revoke** Mr Anderson's personal licence in light of his convictions for relevant offences. Thames Valley Police were permitted 28 days to make representation to the notice.

A copy of the email sent to Thames Valley Police can be found at **Appendix Three**.

6. In making a recommendation to **revoke** (rather than suspend) the Licensing Authority has taken the following factors into account:

- (a) **the serious nature of offences that resulted in the convictions.**
- (b) **the offences are relevant under the Licensing Act 2003.**
- (c) **the offences took place on a licensed premises where Mr Anderson is the premises licence holder.**

7. On 12th July 2024 Thames Valley Police Force Licensing Officer responded to the request for representation to the notice; their representation detailed the circumstances of the incidents that resulted in Mr Anderson’s convictions and stated:

“Mr Anderson has been found guilty of serious relevant offences and as such, it is the recommendation of the police to the licensing committee to revoke the personal licence.”

A copy of the Thames Valley Police full representation can be found at **Appendix Four**.

Statement of Licensing Policy

8. The Sub-Committee is referred to the Council’s Statement of Licensing Policy*. In particular, the following paragraphs have a bearing upon the application:

Relevant Policy Matters	Section	Policy
Personal Licences	7.2.1, 7.2.3 and 7.2.6	N/A

9. A copy of the Statement of Licensing Policy may be obtained from the Council Offices or found online at:
<https://www.oxford.gov.uk/downloads/download/307/download-the-statement-of-licensing-policy>.

Home Office Statutory Guidance

10. Members are also referred to the statutory guidance issued by the Home Office. Of relevance to this personal licence are the following matters:

Relevant Sections	Relevant Paragraphs
Personal Licences – Licensing Authority Powers to Revoke or Suspend Personal Licences	4.75 to 4.77 and 4.79

11. A copy of the Home Office Statutory Guidance may be found online at:
<https://www.gov.uk/government/publications/explanatory-memorandum-revised-guidance-issued-under-s-182-of-licensing-act-2003>

Other Relevant Considerations

12. The Sub-Committee is reminded of its responsibilities under the Crime and Disorder Act 1998 (to co-operate in the reduction of crime and disorder in Oxford) and the Human Rights Act 1998 (which guarantees the right to a fair hearing for all parties in the determination of their civil rights, and also provides for the protection of property, which may include licences in existence, and the protection of private

and family life) when considering the fair balance between the interests of the licensee and the rights of local residents. Any decision taken by the Sub-Committee must be necessary and proportionate to the objectives being pursued.

13. Members are reminded that whenever they make a decision under the Licensing Act 2003, they have a duty to act with a view to promoting the licensing objectives, when determining the suitability of a personal licence holder with a relevant conviction, consideration of crime prevention objective must be paramount.
14. In making its decision, Members must also have regard to the Home Office statutory guidance issued under section 182 of the Licensing Act 2003 and the Council's own Statement of Licensing Policy.
15. The Sub-Committee must take such of the following steps as it considers appropriate for the promotion of the licensing objectives:
 - a) to take no action.
 - b) issue a warning.
 - c) suspend the personal licence, or
 - d) revoke the personal licence.
16. Members should note that the licence holder or Responsible Authorities have the right of appeal against the decision made by the Sub-Committee.

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