

EAST DEVON DISTRICT COUNCIL

Minutes of the meeting of Licensing and Enforcement Sub Committee held Online via the Zoom app on 24 August 2022

Attendance list at end of document

The meeting started at 9.31 am and ended at 9.44 am

11 Minutes of the previous meetings held on 8 June 2022 and 15 June 2022

The minutes of the previous meetings held on 8 June 2022 and 15 June 2022 were agreed.

12 Declarations of interest

There were no declarations of interest.

13 Matters of urgency

There were no matters of urgency.

14 Confidential/exempt items

There were no confidential / exempt items.

15 To consider the suspension or revocation of a personal licence issued by this Licensing Authority

The Licensing Officer outlined the matter which was before the Sub Committee for consideration.

The personal licence holder, Mr Hayball, has held a personal licence since 2005 when the current Licensing Act commenced, and prior to that held a position as a licensee under the 1964 Licensing Act.

The Licensing Act 2003 states that a Licensing Authority may suspend or revoke a personal licence when it becomes aware that the holder of a personal licence has been convicted of any relevant offence. Mr Hayball has been convicted of three counts of sexual assault with confirmation of the convictions and the sentence imposed set out at Appendix B of the report. Mr Hayball has received a custodial sentence of 18 months.

The Licensing Officer set out a timeline of events as to how the Licensing Authority came by the information.

Mr Hayball was convicted at Exeter Crown Court on the 28 March 2022. This information came to the attention of the Licensing Authority on 19 May 2022 when a member of the Licensing team contacted Mr Hayball's partner by telephone regarding a discrepancy with her address. Mr Hayball came to the telephone and explained that he had been convicted of three offences and was awaiting sentencing which was due to take place on the 24 May 2022. Mr Hayball was advised that he would need to contact the Licensing Authority once sentencing had taken place. The Licensing Authority

received no communication from Mr Hayball and obtained details of the sentencing through the local press. A certificate of conviction had been obtained from the Crown Court.

The Licensing Officer advised that personal licence holders have a number of obligations. These are clearly set out on page 2 of Mr Hayball's personal licence, and, it was noted that these obligations had not been met. As far as the Licensing Authority is aware, Mr Hayball had not advised the Crown Court that he is a personal licence holder, which he also had a duty to do if charged or goes to Court for a relevant offence. Personal licence holders are also required to give written notice of conviction and any sentence to the Licensing Authority, and Mr Hayball had failed to give such notice.

The Licensing Act sets out that if a Licensing Authority is considering suspension or revocation, it must notify the personal licence holder and invite them to make any representations. The notice and Mr Hayball's response are set out at Appendix C and Appendix D respectively of the report.

The Sub Committee was asked to consider whether to suspend the licence for a period not exceeding six months, or revoke the licence, with a view to promoting the licensing objectives. It was also open to the Sub Committee not to revoke the licence, in which case the Licensing Authority would have a duty to notify the Police and invite the Police to submit their own representation, which would then come back to the Sub Committee for further consideration.

In response to a question regarding the disclosure and barring service, the Licensing Officer advised that Mr Hayball would be entered onto the sex offenders register for a period of ten years. The Legal Advisor advised that if Mr Hayball applies for a personal licence again, details of the offence and barring would come up on his application.

The Legal Advisor further advised that with regard to the rehabilitation of offenders, Mr Hayball would not be rehabilitated until four years from the date of completion of his sentence.

There were no further questions. The Legal Advisor noted that the Sub Committee would make its decision today and notify Mr Hayball who has the right of appeal within 21 days of the decision. The Sub Committee would provide the Legal Advisor with detailed points as to how it reached its decision.

The Chair thanked those attending and watching online. The Sub Committee retired to make its decision which would be notified in writing to the personal licence holder.

Attendance List

Councillors present:

K Bloxham (Chair)

O Davey

A Dent (Vice-Chair)

Councillors also present (for some or all the meeting)

None

Officers in attendance:

Lesley Barber, Licensing Officer
Sarah James, Democratic Services Officer
Sarah Jenkins, Democratic Services Officer
Giles Salter, Solicitor
Phillippa Norsworthy, Licensing Officer

Councillor apologies:

None

Chair

Date: