

DUDLEY METROPOLITAN BOROUGH

LICENSING COMMITTEE

REPORT OF THE DIRECTOR OF LAW AND PROPERTY

APPLICATION FOR A PERSONAL LICENCE MADE BY THE HOLDER OF A JUSTICES LICENCE DURING THE TRANSITIONAL PERIOD

1.0. PURPOSE

- 1.1. To consider the application made by Mr Jaswant Rai Mehta for the grant of a personal licence.

2.0. BACKGROUND

- 2.1. On the 4th April 2005 an application was received from TLT Solicitors for the grant of a personal licence on behalf of Mr Jaswant Rai Mehta of 37 Roper Way, Woodsetton, Sedgley.
- 2.2. The application had the following requisite documentation enclosed:-
- (1) Copy of current Justices Licence held by Mr Mehta.
 - (2) Two photographs.
 - (3) A completed disclosure of criminal convictions and declaration form.
 - (4) The application fee.
- 2.3. On the 7th April 2005 a notice of objection was received from West Midlands Police on the grounds that Mr Mehta has been convicted of a relevant offence which he has failed to disclose on his application form. A copy of the notice is attached to this report as appendix 1.

3.0 PROPOSAL

- 3.1. That the Committee consider Mr Mehta's application for a personal licence.

4.0 FINANCE

- 4.1. There are no financial implications.

5.0 LAW

- 5.1. The law relating to the granting of personal licences is governed by the Licensing Act 2003, in particular Section III, Part 6 and Schedule 8, Part 3.
- 5.2 Pursuant to Section 26 (3) Schedule 8 of the Licensing Act of 2003, where a notice of objection has been received, the Licensing Authority must:-
- (a) Hold a hearing to consider the objection notice, and
 - (b) Having regard to the notice, must:-
 - (i) Reject the application if it considers it necessary for the promotion of the crime prevention objective to do so, and
 - (ii) Grant the application in any other case.
- 5.3 In pursuance of Regulation 26 (1) of the Licensing Act 2003 (Hearing) Regulations 2005 the Licensing Authority must make its determination at the conclusion of the hearing.
- 5.4 If the Licensing Authority refuse to grant the application for a personal licence, there is a right of appeal to the Magistrates' Court pursuant to Section 17(1), Schedule 5, of the Licensing Act 2003.
- 5.5 If the Licensing Authority grant the application for a personal licence, the Police have a right of appeal to the Magistrates' Court pursuant to Section 17(2), Schedule 5 of the Licensing Act 2003.

6.0 EQUAL OPPORTUNITIES

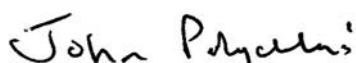
- 6.1. This report complies with the Council's policy on equal opportunities.

7.0 RECOMMENDATION

- 7.1. That the Committee determine the application.

8.0 BACKGROUND PAPERS

- 8.1 Application form.



.....
DIRECTOR OF LAW & PROPERTY

Contact Officer: Mrs. J. Elliott, Ext. 5377