

Procedure to Consider Relevant Convictions of a Personal Licence Holder

1. Before making a decision regarding the status of a personal licence, the Authority must invite the licence holder to make representations regarding:
 - a. the relevant offence,
 - b. any decision of the Court in relation to the personal licence, and
 - c. any other relevant information (including information regarding the licence holder's personal circumstances).
2. A period of 28 days must be given in order for the licence holder to make the above representations. The proposed procedure is that an Officer will write to the licence holder inviting the representations.
3. Once the relevant information is gathered, licensing officers in consultation with the legal department consider whether it is a case which should be referred to a licensing sub-committee panel hearing.
4. If a decision is made to refer to a sub-committee licensing panel, then a report is prepared with the information gathered and presented at a Licensing sub-committee hearing.
5. Sub-Committee considers case and determines outcome:
 - No further action
 - To issue a warning letter
 - To suspend the personal licence for a period not exceeding 6 months
 - To revoke personal licence
6. If Sub-Committee determines to take no action, send a warning letter or suspend, then officer notifies chief of police and/or Home Office (as appropriate).
7. Any comments, or lack of comments, received from chief of police or Home Office within 14 days must be considered by Sub-Committee and a final decision made. Where those comments request revocation a second Sub-Committee hearing will occur. Where other comments, or no comments, are received Sub-Committee will determine if the original decision stands or if a second hearing will take place
8. Where the chief of police or Home Office have made comments and Licensing Sub-Committee determines an action other than revocation, then they have a right to appeal to the magistrates' court.
9. In all cases, having made their decision Sub-Committee must record the outcome of that decision and the reasons for the decision reached.
10. After the full process and once a final decision has been made, in all cases officers will write to both the personal licence holder and the chief of police / Home Office (as appropriate) confirming the final decision reached by Licensing Sub-Committee and confirming their right to appeal to the Magistrates Court within 21 days. Any suspension or revocation of the licence will not take effect until the end of the period for the submission of an appeal or if an appeal is submitted until such time as the appeal is determined.