

REPORT TO LICENSING & APPEALS SUB-COMMITTEE

Agenda Item: 3

Hearing Date: Tuesday, 27 June 2023

Contact Officer: Emma McHugh

HEARING FOR GRANT OF A PERSONAL LICENCE ISSUED UNDER THE LICENSING ACT 2003

Applicant's Name	Mr Edward Richard James Felix
Address	Address withheld

1. PURPOSE

- 1.1 To determine the application for a personal licence received from Mr Edward Richard James Felix under the Licensing Act 2003.

2. DETAILS FOR CONSIDRATION

- 2.1 On 24th April 2023, an application for received from Mr Felix for the grant of a personal licence. A copy of the application is attached as **Appendix 1**. As part of the application, Mr Felix must provide a basic criminal record certificate. Mr Felix's basic criminal record certificate detailed the following convictions:

Date	Conviction Details	Disposal
31 st March 2017	1. Voyeurism – record a person doing a private act on 1 st February 2009	1. Imprisonment 5 months Forfeiture of laptops and mobile phone. Compensation £1000 Sex Offenders Notice 10 years
	2. Voyeurism – record a person doing a private act on 17 th September 2010	2. Imprisonment 5 months concurrent
	3. Voyeurism – record a person doing a private act on 17 th September 2010	3. Imprisonment 5 months concurrent
	4. Voyeurism – record a person doing a private act on 5 th November 2010	4. Imprisonment 5 months concurrent
	5. Voyeurism – record a person doing a private act on 11 th March 2011	5. Imprisonment 5 months concurrent
	6. Voyeurism – record a person doing a private act on 16 th November 2011	6. Imprisonment 3 months concurrent
	7. Voyeurism – record a person doing a private act on 26 th December 2011	7. Imprisonment 3 months concurrent
	8. Voyeurism – record a person doing a private act on 26 th December 2011	8. Imprisonment 3 months concurrent

	<p>9. Sexual assault – intentionally touch female – no penetration on 26th December 2011</p> <p>10. Sexual assault – intentionally touch female – no penetration on 26th December 2011</p> <p>11. Voyeurism – record a person doing a private act on 3rd October 2013</p> <p>12. Voyeurism – record a person doing a private act on 19th February 2014</p> <p>13. Assault occasioning actual bodily harm on 21st June 2014</p>	<p>9. Imprisonment 11 months concurrent</p> <p>10. Imprisonment 11 months consecutive to count 1</p> <p>11. Compensation £1000 Imprisonment 3 months consecutive to count 1</p> <p>12. Imprisonment 3 months concurrent</p> <p>13. Imprisonment 3 months consecutive to count 1</p> <p>Overall length of sentence 22 months</p>
3 rd June 2019	Sexual assault – intentionally touch female – no penetration on 9 th June 2018	<p>Imprisonment 18 months</p> <p>Victim surcharge £140</p> <p>Restraining order – protection from harassment</p> <p>Sex offenders notice 10 years</p>

2.2 On 26th May 2023, Officers sent notice of the application to the Chief Officer of Police due to the relevant convictions detailed on the basic criminal record certificate.

2.3 On 31st May 2023, an objection was received from the Chief Officer of Police on the grounds that the grant of the application would undermine the prevention of crime and disorder licensing objective. A copy of the objection is attached as **Appendix 2**.

3. OTHER RELEVANT CONSIDERATIONS

3.1 Any decision taken by the Sub-Committee must be appropriate and proportionate to the licensing objectives.

3.2 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.

3.3 In making its decision, Members must also have regard to the Statutory Guidance issued under section 182 of the Licensing Act 2003 and the Council's own Licensing Policy. If Members depart from either, they must specify their reasons for doing so.

4. DETERMINATION

4.1 The Sub-Committee may take any of the following steps as it considers appropriate for the promotion of the licensing objectives:

1. Grant the application;
2. Refuse the application.

5. RIGHT OF APPEAL

- 5.1 Members should note that the applicant or Derbyshire Constabulary have the right of appeal against any decision made by the Sub-Committee.

9. APPENDICES

1. Application for grant of a personal licence
2. Chief Officer of Police Objection