

Representation re Edward FELIX application to be a Personal Licence Holder

I am P.C. 2815 Phillips, attached to the South Alcohol Licensing Unit as a Police License Enforcement Officer based at Saint Mary's Wharf Police Station, Prime Park Way, Derby.

This representation from Derbyshire Police refers to the application of a Personal License by Edward FELIX [REDACTED]

It was brought to my attention on the 26th of May 2023 by Emma McHugh the Senior Licensing Officer of South Derbyshire District Council that a male name Edward Richard James FELIX 18/01/1980 had made an application for a personal licence.

As part of this application process, I conducted checks on Police National Computer and the Derbyshire Police Niche system to make sure that the applicant is suitable to hold a personal licence and to be able to uphold the responsibilities that holding a personal licence entail.

On conducting these checks, I noted that FELIX had the below previous convictions that are of a serious nature and determined as "Relevant Offences" in relation to such applications. Sexual offences are classed as a relevant offence under the Licensing Act 2003

31/03/17 DERBY CROWN

1. ASSAULT OCCASIONING ACTUAL BODILY HARM IMPRISONMENT 3 MTHS

ON 21/06/14 (PLEA:GUILTY)

OFFENCES AGAINST THE PERSON ACT

s.47 22 MONTHS

.....

2. VOYEURISM - RECORD A PERSON DOING A

PRIVATE ACT CONCURRENT

ON 19/02/14 (PLEA:GUILTY)

SEXUAL OFFENCES ACT 2003 s.67(3)

IMPRISONMENT 3 MTHS

.....

**3. VOYEURISM - RECORD A PERSON DOING A
PRIVATE ACT CONSECUTIVE TO COUNT 1
ON 03/10/13 (PLEA:GUILTY) COMPENSATION 1000.00
SEXUAL OFFENCES ACT 2003 s.67(3)
IMPRISONMENT 3 MTHS**

.....
**4. VOYEURISM - RECORD A PERSON DOING A
PRIVATE ACT CONCURRENT
ON 26/12/11 (PLEA:GUILTY)
SEXUAL OFFENCES ACT 2003 s.67(3)
IMPRISONMENT 3 MTHS**

.....
**5. SEXUAL ASSAULT -INTENTIONALLY TOUCH
FEMALE - NO PENETRATION CONSECUTIVE TO COUNT 1
ON 26/12/11 (PLEA:GUILTY)
SEXUAL OFFENCES ACT 2003 s.3
IMPRISONMENT 11 MTHS**

.....
**6. VOYEURISM - RECORD A PERSON DOING A IMPRISONMENT 3 MTHS
PRIVATE ACT CONCURRENT
ON 26/12/11 (PLEA:GUILTY)
SEXUAL OFFENCES ACT 2003 s.67(3)**

.....
**7. SEXUAL ASSAULT -INTENTIONALLY TOUCH
FEMALE - NO PENETRATION CONCURRENT
ON 26/12/11 (PLEA:GUILTY)
SEXUAL OFFENCES ACT 2003 s.3
IMPRISONMENT 11 MTHS**

.....

8. VOYEURISM - RECORD A PERSON DOING A

PRIVATE ACT CONCURRENT

ON 16/11/11 (PLEA:GUILTY)

SEXUAL OFFENCES ACT 2003 s.67(3)

IMPRISONMENT 3 MTHS

.....

9. VOYEURISM - RECORD A PERSON DOING A

PRIVATE ACT SEX OFFENDERS NOTICE 10 YRS

ON 01/02/09 - 31/08/11 (PLEA:GUILTY) COMPENSATION 1000.00

SEXUAL OFFENCES ACT 2003 s.67(3) FORFEITURE OF LAPTOPS AND

MOBILE PHONE MADE AT DERBY

CROWN COURT 31/03/17

IMPRISONMENT 5 MTHS

.....

10. VOYEURISM - RECORD A PERSON DOING A

PRIVATE ACT CONCURRENT

ON 17/09/10 (PLEA:GUILTY)

SEXUAL OFFENCES ACT 2003 s.67(3)

IMPRISONMENT 5 MTHS

.....

11. VOYEURISM - RECORD A PERSON DOING A

PRIVATE ACT CONCURRENT

ON 17/09/10 (PLEA:GUILTY)

SEXUAL OFFENCES ACT 2003 s.67(3)

IMPRISONMENT 5 MTHS

.....

12. VOYEURISM - RECORD A PERSON DOING A

PRIVATE ACT CONCURRENT

ON 05/11/10 (PLEA:GUILTY)

SEXUAL OFFENCES ACT 2003 s.67(3)

IMPRISONMENT 5 MTHS

.....

13. VOYEURISM - RECORD A PERSON DOING A

PRIVATE ACT CONCURRENT

ON 11/03/11 (PLEA:GUILTY)

SEXUAL OFFENCES ACT 2003 s.67(3)

IMPRISONMENT 5 MTHS

.....

2. 03/06/19 DERBY CROWN

1. SEXUAL ASSAULT -INTENTIONALLY TOUCH

FEMALE - NO PENETRATION SEX OFFENDERS NOTICE 10 YRS

ON 09/06/18 (PLEA:GUILTY) RESTRAINING ORDER -

SEXUAL OFFENCES ACT 2003 s.3 PROTECTION FROM HARASSMENT

VICTIM SURCHARGE 140.00

IMPRISONMENT 18 MTHS

.....

Police National Computer shows that on the 15th of May 2019 Edward FELIX was given an 18-month prison sentence by Derby Crown Court and released under supervision on licence on the 3rd of March 2020 after having served 10 months with the remainder of the sentence being served while on licence.

Being on license continued to 2nd of December 2020, the "Buffer rehabilitation Period" then commenced until 2nd of December 2024

Derby Crown Court have also issued a Protection from Harassment Order made on the 3rd of June 2019 for Edward FELIX that is live for 10 years and ends on the 3rd of June 2029 whereby FELIX can have no contact with the victim in the case or witness.

Mr Edward FELIX is also has a Sex Offender Notification Requirement whereby he is on the Sex Offenders Register from the 31st of March 2017 until the 31st of March 2027.

Mr Edward FELIX is also having a Sex Offender Notification Requirement whereby he is on the Sex Offenders Register from the 3rd of June 2019 until the 3rd of June 2029.

Rehabilitation of Offenders Act 1974 and The Exceptions Order 1975

The rehabilitation period (the length of time before a caution or conviction becomes spent) is determined by the type of disposal administered or the length of the sentence imposed.

Rehabilitation periods that run beyond the end of a sentence are made up of the total sentence length plus an additional period that runs from the end of the sentence, which we have called the 'buffer period'. Other rehabilitation periods start from the date of conviction or the date the penalty was imposed.

Buffer period for adults (18 and over at the time of conviction or the time the disposal is administered). This applies from the end date of the sentence (including the licence period).

So on this guidance Mr FELIX would not be eligible for a personal licence until 2nd of December 2024, due to his custodial sentence and buffer period.

Although this act does not make specific reference to sex offender notification registrations if we were to take this into account the date that he would be eligible to apply would be the 3rd of June 2029.

As the result of the above points, I believe that FELIX is unsuitable to hold a Personal License and make a representation on the behalf of the Chief Constable that the panel reject Edward FELIX Personal Licence application with immediate effect because as a personal licence holder there is a likelihood that he would encounter vulnerable people and going by his previous history the safety of others cannot be guaranteed.

Steve Phillips

Police Constable 2815

Licensing Unit

Derby North

South Division

St Marys Wharf Police Station

Derbyshire Constabulary

☎: 101 (Internal: 750 2815)

✉: stephen.phillips.2815@derbyshire.pnn.police.uk

@: www.derbyshire.police.uk