MINUTES

of the

LICENSING COMMITTEE

held on 22nd October 2026 at 10am

Present:

Councillor A. Thompson (Chair)

Councillors H. Clark, S. Goldman and S. Manley

1. Apologies for Absence

No apologies for absence were received.

2. Declaration of Interests

All Members were reminded to declare any interests where appropriate in any items of business on the meeting's agenda. None were made.

3. Minutes of the last meeting

The minutes of the meeting on 2nd October 2026 were confirmed as a correct record.

Exclusion of the Public

Resolved that under Section 100A (4) of the Local Government Act 1972 the public be excluded from the meeting for Item 4 on the grounds that it involved the likely disclosure of exempt information falling within paragraph 1 of Part 1 of Schedule 12A to the Act.

4. Licensing Act 2003 – Determination of whether to revoke or suspend a personal licence

Public interest statement: It is not in the public interest to disclose the content of the report because the information in it concerns the interests and circumstances of an individual who has an expectation that such information would not normally be released to the public. To do otherwise would establish a precedent for the future treatment of personal information.

Officers informed the Committee that the consideration of the suspension or revocation of a personal licence held by Mr P under Section 132A of the Licensing Act 2003, following a request from Essex Police. It was noted that Mr P had held a personal licence issued by Chelmsford City Council since December 2005.

The Committee was advised that the matter had come to the attention of the Licensing Authority following enquiries relating to an application to vary the

Designated Premises Supervisor at premises in Billericay. The variation application was subsequently withdrawn.

The request related to a relevant offence described as ‘trafficking in drugs without serious damage to health,’ the licence holder was convicted on 30 October 2025 at the Provincial Court of Malaga, Spain. The licence holder was sentenced to imprisonment and fined. It was also noted that Mr P did not notify the Licensing Authority of the conviction under section 132 of the Licensing Act 2003.

The Committee was advised that notice had been served on Mr P inviting representations and that written representations had subsequently been received on his behalf. Members were informed that the representations outlined the circumstances surrounding the conviction, acknowledged the failure to notify the Licensing Authority and requested that, if the Committee considered action necessary, a suspension of the personal licence be imposed rather than revocation.

It was noted that supporting documentation had also been submitted, including a character reference and correspondence relating to potential employment opportunities within the licensed trade.

It was noted by the Committee that there were two options namely;

- Suspend the Licence not exceeding six months
- Revoke the Licence

The Chair advised that the written representations had been read and considered by the members of the Committee in advance of the meeting.

The Committee was informed by Mr P's legal representative that, whilst Mr P had entered a guilty plea to the offence, the circumstances surrounding the conviction were more complex than they initially appeared.

It was shared that Mr P had been operating a haulage business in Spain when he was detained by Spanish authorities following the discovery of a large quantity of cannabis in connection with work being undertaken for a client.

The Committee was informed that Mr P spent approximately three years in custody awaiting trial and was advised that he faced a substantially longer sentence if the matter proceeded to a full hearing. It was noted that he subsequently accepted a plea agreement which resulted in a sentence equivalent to the time already spent in custody.

Mr P accepted responsibility for failing to notify the Licensing Authority of the conviction, although it was explained that, due to the circumstances at the time, this had not been prioritised.

The Committee was informed that Mr P wished to rebuild his life and career within the hospitality industry in the United Kingdom and that revocation of the personal licence would significantly impact his future employment prospects.

The Committee was referred to character references submitted in support of Mr P, including one from a longstanding business associate who intended to employ him as a Designated Premises Supervisor at new licensed premises, together with evidence that another employment opportunity had been withdrawn as a result of uncertainty regarding his personal licence.

The Committee was asked to consider imposing a suspension rather than revoking the licence and was informed that Mr P would not undermine the licensing objectives if permitted to retain his personal licence. The representative also noted that Essex Police would remain able to make representations in relation to any future licensing applications submitted by Mr P.

In response to questions from Members, it was noted that Mr P was continuing his haulage transport business in the UK and assisting a colleague with establishing licensed premises.

At this point of the meeting, the Committee retired to deliberate. It was noted that due to the remote nature of the meeting, the decision would be circulated to all parties via email.

The Committee concluded that, whilst it had sympathy for the personal circumstances outlined by Mr P and had carefully considered the representations made on his behalf, the offence in question was a serious one.

The Committee considered that holders of personal licences occupied positions of responsibility within licensed premises and were expected to uphold and promote the licensing objectives at all times.

The Committee concluded that the nature of the offence was incompatible with the promotion of the prevention of crime and disorder licensing objective and that significant weight should be attached to this consideration.

In reaching its decision, the Committee balanced the personal circumstances of Mr P against the need to protect the licensing objectives.

RESOLVED that that the Director of Sustainable Communities be authorised to revoke the premises licence of Mr P.

Reasons for decision

1. The Committee had due regard to its statutory duty to take such steps as it considers necessary to promote the licensing objectives. The Committee also took into account section 132A of the Licensing Act 2003, the current Statutory Guidance under section 182 and Chelmsford City Council's licensing policy.

2. In reaching its decision, the Committee took into consideration, as required by s.132A (7) of the Licensing Act 2003;
    a. any representations made by the licence holder under this section,

b. any decision of a court under section 129 or 130 of which the licensing authority is aware, and

c. any other information which the authority considers relevant.

3. The Committee gave due consideration to the request for revocation received by the Police on the information that Mr P had been convicted of a relevant offence described as 'trafficking in drugs without serious damage to health,' the licence holder was convicted on 30 October 2025 at the Provincial Court of Malaga, Spain.

4. The Committee carefully considered Mr P's representations through his solicitor, including that he had held a licence since 2005 and had a good reputation and track record. The Committee considered the assertion that Mr P did not have any knowledge of what the consignment contained.

5. The Committee also considered the fact that Mr P did not notify the Licensing Authority of the conviction, despite this being a requirement under s.132 of the Licensing Act 2003. (In fact, it is a criminal offence under the s.132, for the licence holder to fail, without reasonable excuse, to fail notify the Licensing Authority as soon as reasonably practicable after conviction of details of the nature and date of the conviction, and any sentence imposed.) The Committee considered, on the facts, this failure on the part of Mr P to notify the conviction to be inexcusable and a matter of grave concern.

6. The Committee was reminded that decisions on licensing applications must be evidence based.

7. The evidence before the Committee (the conviction for drug trafficking and failure to notify the Local Authority of the conviction) led the Committee to conclude that if the personal licence were allowed to continue, the licensing objectives would be undermined.

8. The Committee concluded that, whilst they appreciated the difficult circumstances outlined by Mr P's representative and had carefully considered the representations made on his behalf, the offence in question was of a serious nature.

9. The Committee considered that holders of personal licences occupied positions of responsibility within licensed premises and were expected to uphold and promote the licensing objectives at all times.

10. The Committee concluded that the nature of the offence was incompatible with the promotion of the prevention of crime and disorder licensing objective and that significant weight should be attached to this consideration.

11. In reaching its decision, the Committee balanced the personal circumstances of Mr P against the need to protect the licensing objectives.

12. The Committee further noted that whilst the Committee considered Mr P's failure to notify the conviction to be a matter of grave concern and conduct that fell to be taken into account by the Committee under s.132A(7)(c) (i.e. "any other information which the authority considers relevant") the Committee would have reached the same decision to revoke the licence irrespective of Mr P's failure to notify.

INFORMATIVE

It was noted that the decision would take effect after 21 days had elapsed from receipt of notice of the decision. (Decision being sent via email on 29th October, so 21-day period ends on 19th November).

The meeting closed at 10.25am

Chair