

REPORT TO: LICENSING COMMITTEE - 31 OCTOBER 2006

REPORT BY: SENIOR ENFORCEMENT OFFICER

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Recent Prosecutions – Licensing Matters

1. PURPOSE

The purpose of this report is to advise Members of recent prosecutions instigated by the City Solicitor at the request of the Licensing Manager. It is the normal policy of your reporting officer to forward details of prosecutions to the Committee for information.

2. RECOMMENDED that the report be noted.

3. BACKGROUND INFORMATION

3.1 Two cases recently dealt with at the Portsmouth Magistrates' are shown below:-

3.2 Mr Terence Victor Robinson – Unlicensed Private Hire Driver

On 2 March 2006 Mr Robinson was stopped by Ministry of Defence staff whilst entering HM Naval Base driving a licensed private hire vehicle. Enquiries by naval base security staff revealed that Mr Robinson was using a "forged" private hire driver's licence for the purposes of confirming his identity and licensing status.

Subsequent investigation by both MOD police and licensing staff revealed that Mr Robinson had driven, without the benefit of a private hire driver's licence between February 2005 and March 2006. In that time he completed over 4,500 jobs with a local company.

During interview Mr Robinson admitted being the driver of a private hire vehicle using a forged driver licence and stated that he could not afford the annual licensing fee of £53.

The City Solicitor was requested to instigate proceedings against Mr Robinson for the offence of driving without the benefit of a current driver licence contrary to Section 46 of the Local Government (Miscellaneous Provisions) Act 1976. The maximum fine for this offence is £1000.

Mr Robinson did not attend the first court hearing and a warrant for his arrest was issued. He was subsequently arrested and appeared at the Magistrates' Court on 7 August 2006. He pleaded guilty to the offence of driving a private hire vehicle without a licence together with other offences preferred by the Ministry of Defence police in relation to using forged documents to obtain entry to the Naval base contrary to byelaws.

Mr Robinson was fined £100 and ordered to pay Council costs of a further £100.

This case was "unique" as Robinson admitted using a scanned forgery to replicate his previously expired private hire driver's licence. As a result, the Licensing Manager has instigated a review of the driver identification badges in order to further enhance security. Further, details of all licensed drivers are now posted on the Council's website for operators and/or any other interested party to check at a glance whether a driver holds a current valid licence to drive a vehicle.

3.3 Mr Barry Zee – Majestic Snooker Club, 223-225 Kingston Road, Portsmouth – Breach of Licensing Act 2003

Mr Barry Zee is the holder of a premises licence granted in respect of the Majestic Snooker Club situated at 223-225 Kingston Road in Portsmouth. The premises licence authorises the supply of alcohol subject to mandatory conditions imposed under the Licensing Act 2003. In the case of alcohol sales, no sales can take place without a recognised designated premises supervisor (DPS) for the premises.

Despite previous verbal warnings and visits, Mr Zee continued to supply alcohol contrary to the provisions of the Licensing Act 2003. Consequently the premises were visited on the evening of 18 May 2006 by licensing staff together with officers from Hampshire Constabulary. This was a joint "pro-active" partnership enforcement visit. Evidence of alcohol being sold at the premises with no DPS was noted and Mr Zee was subsequently reported for breaching the terms and conditions of his premises licence contrary to Section 136 of the Licensing Act 2003. The maximum fine for this offence is £20,000 and/or 6 months imprisonment.

The City Solicitor was requested to instigate proceedings against Mr Zee as this was considered to be a serious offence contrary to the new Licensing Act. The view of the Licensing Manager was that the control and supervision of alcohol-related sales is perhaps the most important and fundamental licensable activity within the meaning of the new Licensing Act and correspondingly, Mr Zee had committed a serious offence which could not be dealt with by way of written warning.

On 11th September 2006 Mr Zee appeared before Portsmouth Magistrates' and pleaded guilty to the offence. In mitigation, Mr Zee advised the Magistrates' that he was "confused" by the new licensing regime but admitted that he had been warned and advised by licensing staff in April 2006 yet ignored this advice. Mr Zee was fined £500 and ordered to pay Council costs of £250.

There are no background papers to this report.

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Senior Enforcement officer
For City Solicitor