

## **Briefing Note for Licensing Panel on 9<sup>th</sup> February 2018**

### **S132A (3) (a) and (b) Licensing Act 2003 – Licensing Authority consideration of suspension or revocation of a Personal Licence.**

**Ref: Personal Licence number: 2015/01368/LAPER**

**Name: Mr Kenneth McGrath**

A personal licence was issued to Mr Kenneth McGrath by Brighton & Hove City Council Licensing Authority under the Licensing Act 2003 in July 2005.

We have been notified that Mr Kenneth McGrath has recently been convicted of a relevant offence under Schedule 4 of the Licensing Act 2003 namely, S47 of the Sexual Offences Act 2003 (Paying for sexual services of a child). He has received a prison sentence of 3 years.

The Licensing Authority now has the power to revoke or suspend personal licences under Section 132A of the Licensing Act 2003 (as amended).

A letter was sent to Mr McGrath to the prison on 12<sup>th</sup> December 2017 informing him that we were considering suspending or revoking his personal licence in light of the relevant conviction. Mr McGrath was given 28 days to make written representations regarding this consideration. No written representations have been received.

The matter is now to be put before the Licensing Panel on 9<sup>th</sup> February to consider suspension or revocation of Mr Kenneth McGrath's Personal Licence. The Licensing Panel may suspend (for a period not exceeding 6 months) or revoke the Personal Licence under subsection (8). The panel must take into consideration any representations made by the licence holder, any decision of the Court under section 129 or 130 of which the licensing authority is aware, and any other information which they consider relevant. If they decide not to revoke they must notify the Chief Officer of Police and invite them to make representations under subsection (10) (b). The panel still has to make the decision whether to revoke and if the licence is revoked the licence holder has a right of appeal (paragraph 17 (5A) of Part 3 of Schedule 5 (appeals: personal licences)).

Please also note that DPS variations have been received for both the Pussycat Club and the Bugle Public House so Mr McGrath is no longer the DPS at either premises or any other premises in Brighton & Hove.

Sarah Cornell  
Senior Licensing Officer  
Regulatory Services

