



City of Westminster Licensing Sub-Committee

Meeting:	<i>Licensing Sub-Committee</i>
Date:	<i>24th March 2022</i>
Classification:	<i>General Release</i>
Application:	<i>Revocation of Personal Licence – Paul Rajasegaram (21/00418/LIPERS)</i>

1. Executive Summary

- 1.1 The purpose of this report is for Members to consider a request from the Metropolitan Police Service for the revocation of the above personal licence due to a number of convictions pursuant to paragraph 18A, Schedule 4 of the Licensing Act 2003 (Personal Licence relevant offences)
- 1.2 The relevant offences are:
- 18A sexual offence, being an offence —
- (a) listed in Part 2 of Schedule 15 to the Criminal Justice Act 2003, other than the offence mentioned in paragraph 95 (an offence under section 4 of the Sexual Offences Act 1967 (procuring others to commit homosexual acts);
- (aa) listed in Schedule 3 to the Sexual Offences Act 2003 (sexual offences for the purposes of notification and orders);]
- (b) an offence under section 8 of the Sexual Offences Act 1956 (intercourse with a defective);
- (c) an offence under section 18 of the Sexual Offences Act 1956 (fraudulent abduction of an heiress).]

2. Recommendations

- 2.1 That following consideration of this report, any information given orally at the hearing and/or in writing by the applicants and objectors the Licensing Sub-Committee may determine that:
- No further action is required.
 - A warning letter is required.
 - They suspend the personal licence for a period not exceeding 6 months.
 - They revoke the personal licence.

3. Relevant history

- 3.1. On 3rd June 2021, the Licensing authority were notified that Mr Paul Rajasegaram had been convicted of offences and given a custodial sentence.

- 3.2 The Licensing Authority notified the Metropolitan Police Service of the offences and requested their submissions as to whether they deemed the offences to warrant a revocation of the personal licence.
- 3.3 After the Metropolitan Police Service had confirmed that the offences were “relevant” to the revocation of the personal licence the Licensing Service contacted the personal licence holder on 10th August 2021 advising that the Licensing Authority were considering the revocation of his personal licence and advising that any representations were to be received within a 28 day period beginning with the day the notice was issued. A copy of the correspondence appears at Appendix A

4. Police Submissions

- 4.1 After a thorough investigation into the charges and convictions, the Metropolitan Police Service provided a witness statement on 9th March 2022 detailing all the “relevant offences” of which the personal licence holder had been convicted and reaffirmed the need for the personal licence to be revoked. The witness statement of PC Reaz Guerra appears at Appendix B

5. Personal licence holder’s submissions

- 5.1 At the time of writing this report, no submissions have been received from the personal licence holder.

6. Legal Implications

- 6.1 Prior to April 2017, only the magistrates’ court had the power to revoke or suspend a personal licence where the licence holder had been convicted of a relevant offence. However, Section 138 of the Policing and Crime Act 2017 amended the Licensing Act 2003, by introducing Section 132A. This new section, gave licensing authorities the power to revoke or suspend personal licenses with effect from 6th April 2017.
- 6.2 The implication is that if a licensing authority has granted the personal licence and becomes aware that the licence holder has been convicted of a relevant offence or foreign offence or has been required to pay an immigration penalty on or after 6th April 2017, the authority has the discretionary power to revoke the licence or suspend it for a period of up to six months.
- 6.3 Section 138 of the Policing and Crime Act 2017 additionally confirmed that the decision to revoke or suspend a personal licence (following a relevant conviction or immigration penalty) may not be delegated to an officer.
- 6.4 In determining this matter, the Licensing Sub Committee may:
- Determine that no further action is required.
 - Issue a warning letter.
 - Suspend the personal licence for a period not exceeding 6 months.
 - Revoke the personal licence.
- 6.5 If the Sub-Committee determines to take no action, send a warning letter or suspend, then the Licensing Authority will notify the Chief of Police and/or Home Office (as appropriate).
- 6.5.1 Any comments, or lack of comments, received from the Chief of Police or Home Office within 14 days must be considered by the Sub-Committee and a final decision made. Where those comments request revocation a second Sub-Committee hearing will occur. Where other comments, or no comments, are received the Sub-Committee will determine if the original decision stands or if a second hearing will take place

6.5.2 Where the Chief of Police or Home Office have made comments and the Licensing Sub-Committee determines an action other than revocation, then they have a right to appeal to the magistrates' court.

6.5.3 In all cases, having made their decision the Sub-Committee must record the outcome of that decision and the reasons for the decision reached.

6.6 After completion of the full process and once a final decision has been made, the Licensing Authority will write to both the personal licence holder and the Chief of Police / Home Office (as appropriate) confirming the final decision reached by the Licensing Sub-Committee and confirming their right to appeal to the magistrates' court within 21 days from the date of the Full written Decision.

7. Equality Implications

The Council in its capacity as Licensing Authority has a duty to have regard to its public sector equality duty under section 149 of the Equality Act 2010. In summary, section 149 provides that a Public Authority must, in the exercise of its functions, have due regard to the need to:

- (a) eliminate discrimination harassment, victimisation and any other conduct that is prohibited by or under this Act;
- (b) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it; and
- (c) foster good relations between persons who share a relevant protected characteristics and persons who do not share it.

Section 149 (7) of the Equality Act 2010 defines the relevant protected characteristics as age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex, and sexual orientation.

8. Appendices

Appendix A – Copy of Notices sent to Personal Licence holder

Appendix B – Witness Statement of PC Reaz Guerra

Appendix C - List of relevant offences pursuant to schedule 4 of the Licensing Act 2003

If you have any queries about this report or wish to inspect any of the background papers please contact: Kevin Jackaman at kjackaman@westminster.gov.uk

Background papers

Background papers used in the preparation of this report:

- (a) The Licensing Act 2003
- (b) Home Office Guidance issued under section 182 of the Licensing Act 2003
- (c) The Policing and Crime Act 2017
- (d) Section 132A of the Licensing Act 2003

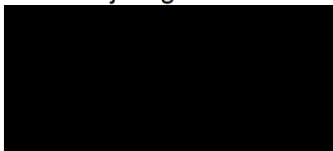
APPENDIX A: Notices sent to Personal Licence Holder



City of Westminster

15th Floor
Westminster City Hall
64 Victoria Street
London SW1E 6QP

Paul Rajasegaram



Tel: 0207 641 6500

Date: 10th August 2021

Ref: 21/00418/LIPERS

Dear Paul Rajasegaram,

Licensing Act 2003 – Notice to consider whether to revoke or suspend a Personal Licence.

I write regarding information provided by Metropolitan Police Service stating that on the 19th May 2021 you were convicted of;

- Three Counts of Making Indent images of Children
- Two Counts of Distributing Images of Children

The Licensing Act 2003, Schedule 4 sets out the relevant offences in regards to a personal licence holder. A conviction for Sexual Offence is classed as a relevant offence.

Under section 132A of the Licensing Act 2003, local authorities can revoke or suspend (maximum of 6 months) a personal licence.

In light of the above convictions for Sexual Offences (Schedule 4 Section 18 of the Licensing Act 2003 – Personal Licence: Relevant Offences), the licensing authority for City of Westminster is giving you notice that they are considering revoking or suspending your personal licence, **21/00418/LIPERS**.

You have 28 days beginning from the date this notice was issued to provide representations that will be considered before a final decision is made.

Your representation can make comments in regards to the following:

- The relevant offences that caused City of Westminster to issue this notice, namely the Three Counts of Making Indent images of Children and Two Counts of Distributing Images of Children.
- Any decision of the court under section 129 or 130 of the Licensing Act 2003 in relation to your personal licence. Section 129 allows the court to order the forfeiture of the licence or order its suspension for a period not exceeding six months. Section 130 relates to an appeal of the decision made by the court in regard to a decision made under section 129.
- Any other relevant information. This can include information regarding personal circumstances etc.

Please provide any representation by the **6th September 2021**.



City of Westminster

Once your representation is received, a meeting of the Licensing Sub-Committee will be held where a decision will be made to revoke your personal licence, suspend your personal licence, issue a written warning or take no further action. You will be informed of the date of the hearing and be invited to attend and speak if you wish to do so.

If the Sub-Committee decide to suspend, issue a written warning, or take no further action, we are required by law to inform the Chief of Police, and ask them to provide representations on your case considering the objective of the prevention of crime and disorder. Any response received from the police will be considered, and a second hearing may take place to consider the information available (e.g. if the police object to the original decision). Should such a second hearing be appropriate, then you will be informed of the date of the hearing and be invited to attend and speak if you wish to do so.

Following the hearing and decision process outlined above, you will be notified of the final decision.

If the decision of the Sub-Committee is to revoke or suspend your licence at either of these hearings you will have the right to appeal that decision. Further information will be provided to you in the event such a decision is made.

If you have any questions relating to this matter, please do not hesitate to contact the Licensing Service on 020 7641 6500 or email licensing@westminster.gov.uk

Yours faithfully

Karyn Abbott
Senior Licensing Officer
Licensing Team
Public Protection & Licensing



City of Westminster

15th Floor
Westminster City Hall
64 Victoria Street
London SW1E 6QP

HMP Wandsworth
17 Heathfield Road
London
SW18 3HR

Tel: 0207 641 6500

Date: 10th August 2021

Ref: 21/00418/LIPERS

RE: Prisoner Name: Mr Paul Rajasegaram – Prisoner Number: [REDACTED]

Dear Mr Paul Rajasegaram,

Licensing Act 2003 – Notice to consider whether to revoke or suspend a Personal Licence.

I write regarding information provided by Metropolitan Police Service stating that on the 19th May 2021 you were convicted of;

- Three Counts of Making Indent images of Children
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City of Westminster

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If you have any questions relating to this matter, please do not hesitate to contact the Licensing Service on 020 7641 6500 or email licensing@westminster.gov.uk

Yours faithfully

pp Steven Rowe
Licensing Manager
Licensing Team
Public Protection & Licensing

APPENDIX B: Witness Statement of PC Reaz Guerra

RESTRICTED (when complete)

MG 11 (T)

WITNESS STATEMENT

CJ Act 1967, s.9; MC Act 1980, ss.5A(3)(a) and 5B; Criminal Procedure Rules 2005, Rule 27.1

Statement of **PC Reaz Guerra 1614CW** URN:

Age if under 18 **Over 18**..... (if over 18 insert 'over 18') Occupation: **Police Officer**.....

This statement (consisting of: **2**..... pages each signed by me) is true to the best of my knowledge and belief and I make it knowing that, if it is tendered in evidence, I shall be liable to prosecution if I have wilfully stated anything in it which I know to be false, or do not believe to be true.

Signature: *Reaz Guerra 1614CW* Date: 09/03 2022.....

Tick if witness evidence is visually recorded (supply witness details on rear)

I am the above-named person, currently employed in the Westminster Police Licensing Unit.

I joined the Metropolitan Police Service in 2002 and was posted to the Borough of Westminster in 2003, working in numerous operational roles. I moved to the Westminster Police Licensing Unit in April 2011. Since my appointment in the Licensing Unit I have dealt with a wide range of licensing matters including applications for new premises licences, variations to existing premises licenses, licensing committee hearings, licensing reviews and a large number of licensing visits to licensed premises within the City of Westminster. I am also a specially trained search officer, Licensed by the Home Office, with over 15 years experience performing this role.

I submit the below information in relation to an application for the revocation of a personal licence issued to Mr Paul Rajasegaram by Westminster City Council, on 4th March 2021, Reference 21/00418/LIPERS

The holder of the licence Mr Paul Rajasegaram has been convicted of the following offences

- 1. 19/05/21 SOUTHWARK CROWN
 - 1. DISTRIBUTING INDECENT PHOTOGRAPHS OR PSEUDO-PHOTOGRAPHS OF CHILDREN ON 01/01/12 - 31/01/12 (PLEA:NOT KNOWN) PROTECTION OF CHILDREN ACT 1978 s.1 IMPRISONMENT 27 MTHS SEXUAL HARM PREVENTION ORDER

- 2. 19/05/21 SOUTHWARK CROWN
 - 1. MAKING INDECENT PHOTOGRAPH OR PSEUDO-PHOTOGRAPH OF CHILDREN ON 04/01/18 (PLEA:GUILTY) PROTECTION OF CHILDREN ACT 1978 s.1(a) IMPRISONMENT 9 MTHS CONCURRENT T20210144

Signature: *Reaz Guerra 1614CW* Signature witnessed by:

RESTRICTED (when complete)

Continuation of Statement of **PC Reaz Guerra 1614CW**

- | | |
|---|--|
| 2. MAKING INDECENT PHOTOGRAPH OR PSEUDO-PHOTOGRAPH OF CHILDREN ON 04/01/18 (PLEA:GUILTY) PROTECTION OF CHILDREN ACT 1978 s.1(a) | IMPRISONMENT 4 MTHS
CONCURRENT |
| 3. MAKING INDECENT PHOTOGRAPH OR PSEUDO-PHOTOGRAPH OF CHILDREN ON 04/01/18 (PLEA:GUILTY) PROTECTION OF CHILDREN ACT 1978 s.1(a) | IMPRISONMENT 2 MTHS
CONCURRENT |
| 4. DISTRIBUTING INDECENT PHOTOGRAPHS OR PSEUDO-PHOTOGRAPHS OF CHILDREN ON 09/06/14 - 24/03/15 (PLEA:GUILTY) PROTECTION OF CHILDREN ACT 1978 s.1 | IMPRISONMENT 27 MTHS
VICTIM SURCHARGE 120.00
SEX OFFENDERS NOTICE 10 YRS
SEXUAL HARM PREVENTION ORDER
LIFE |
| 5. DISTRIBUTING INDECENT PHOTOGRAPHS OR PSEUDO-PHOTOGRAPHS OF CHILDREN ON 09/06/14 - 24/03/15 (PLEA:GUILTY) PROTECTION OF CHILDREN ACT 1978 s.1 | IMPRISONMENT 12 WKS
CONCURRENT |

These are defined as a "specified offence" which is a violent, sexual or terrorism offence listed in Part 2, Schedule 15 Criminal Justice Act 2003, therefore a relevant offence which should prohibit Mr Paul Rajasegaram from holding a personal licence. Police seek that his personal licence is revoked.

Paul Rajasegaram 1614AW

Signature: *Paul Rajasegaram* 1614AW Signature witnessed by:

Continuation of Statement of **PC Reaz Guerra 1614CW**.....

Signature: Signature witnessed by:

Witness contact details

Home address:
 Postcode:
 Home telephone number Work telephone number
 Mobile/pager number Email address:
 Preferred means of contact:
 Male / Female (delete as applicable) Date and place of birth:
 Former name: Ethnicity Code (16+1): Religion/belief:

Dates of witness non-availability

Witness care

- a) Is the witness willing and likely to attend court? Yes / No. If 'No', include reason(s) on **MG6**.
- b) What can be done to ensure attendance?
- c) Does the witness require a Special Measures Assessment as a vulnerable or intimidated witness?
Yes / No. If 'Yes' submit **MG2** with file.
- d) Does the witness have any specific care needs? Yes / No. If 'Yes' what are they? (Disability, healthcare, childcare, transport, language difficulties, visually impaired, restricted mobility or other concerns?)

Witness Consent (for witness completion)

- a) The criminal justice process and Victim Personal Statement scheme (victims only) has been explained to me Yes No
- b) I have been given the Victim Personal Statement leaflet Yes No
- c) I have been given the leaflet 'Giving a witness statement to police — what happens next?' Yes No
- d) I consent to police having access to my medical record(s) in relation to this matter: Yes No N/A
(obtained in accordance with local practice)
- e) I consent to my medical record in relation to this matter being disclosed to the defence: Yes No N/A
- f) I consent to the statement being disclosed for the purposes of civil proceedings e.g. child care proceedings, CICA Yes No
- g) The information recorded above will be disclosed to the Witness Service so they can offer help and support, unless you ask them not to. Tick this box to decline their services:

Signature of witness: Print name:
 Signature of parent/guardian/appropriate adult: Print name:
 Address and telephone number if different from above:

Statement taken by (print name): **PC1614CW P207028 PC GUERRA**..... Station: **City Hall Westminster**

Time and place statement taken:

LICENSING ACT 2003 SCHEDULE 4

RELEVANT OFFENCES

This reproduces Schedule 4 of the Licensing Act 2003 as amended by SI 2005/2366 The Licensing Act 2003 (Personal licence : relevant offences) (Amendment) Order 2005. NB. A violent offence under paragraph 19 is 'any offence which leads, or is intended or likely to lead to a person's death or to physical injury to a person'. This would include Actual Bodily Harm and, common assault where it leads to physical injury.

SCHEDULE 4

Section 113

PERSONAL LICENCE: RELEVANT OFFENCES

1 An offence under this Act.

2 An offence under any of the following enactments-

- (a) Schedule 12 to the London Government Act 1963 (c. 33) (public entertainment licensing);
- (b) the Licensing Act 1964 (c. 26);
- (c) the Private Places of Entertainment (Licensing) Act 1967 (c. 19);
- (d) section 13 of the Theatres Act 1968 (c. 54);
- (e) the Late Night Refreshment Houses Act 1969 (c. 53);
- (f) section 6 of, or Schedule 1 to, the Local Government (Miscellaneous Provisions) Act 1982 (c. 30);
- (g) the Licensing (Occasional Permissions) Act 1983 (c. 24);
- (h) the Cinemas Act 1985 (c. 13);
- (i) the London Local Authorities Act 1990 (c. vii).

3 An offence under the Firearms Act 1968 (c. 27).

4 An offence under section 1 of the Trade Descriptions Act 1968 (c. 29) (false trade description of goods) in circumstances where the goods in question are or include alcohol.

5 An offence under any of the following provisions of the Theft Act 1968 (c. 60)-

- (a) section 1 (theft);
- (b) section 8 (robbery);
- (c) section 9 (burglary);
- (d) section 10 (aggravated burglary);
- (e) section 11 (removal of articles from places open to the public);
- (f) section 12A (aggravated vehicle-taking), in circumstances where subsection (2)(b) of that section applies and the accident caused the death of any person;
- (g) section 13 (abstracting of electricity);
- (h) section 15 (obtaining property by deception);
- (i) section 15A (obtaining a money transfer by deception);
- (j) section 16 (obtaining pecuniary advantage by deception);
- (k) section 17 (false accounting);

- (l) section 19 (false statements by company directors etc.);
- (m) section 20 (suppression, etc. of documents);
- (n) section 21 (blackmail);
- (o) section 22 (handling stolen goods);
- (p) section 24A (dishonestly retaining a wrongful credit);
- (q) section 25 (going equipped for stealing etc.).

6 An offence under section 7(2) of the Gaming Act 1968 (c. 65) (allowing child to take part in gaming on premises licensed for the sale of alcohol).

7 An offence under any of the following provisions of the Misuse of Drugs Act 1971 (c. 38)-

- (a) section 4(2) (production of a controlled drug);
- (b) section 4(3) (supply of a controlled drug);
- (c) section 5(3) (possession of a controlled drug with intent to supply);
- (d) section 8 (permitting activities to take place on premises).

8 An offence under either of the following provisions of the Theft Act 1978 (c. 31)-

- (a) section 1 (obtaining services by deception);
- (b) section 2 (evasion of liability by deception).

9 An offence under either of the following provisions of the Customs and Excise Management Act 1979 (c. 2)-

- (a) section 170 (disregarding subsection (1)(a)) (fraudulent evasion of duty etc.);
- (b) section 170B (taking preparatory steps for evasion of duty).

10 An offence under either of the following provisions of the Tobacco Products Duty Act 1979 (c. 7)-

- (a) section 8G (possession and sale of unmarked tobacco);
- (b) section 8H (use of premises for sale of unmarked tobacco).

11 An offence under the Forgery and Counterfeiting Act 1981 (c. 45) (other than an offence under section 18 or 19 of that Act).

12 An offence under the Firearms (Amendment) Act 1988 (c. 45).

13 An offence under any of the following provisions of the Copyright, Designs and Patents Act 1988 (c. 48)-

- (a) section 107(1)(d)(iii) (public exhibition in the course of a business of article infringing copyright);
- (b) section 107(3) (infringement of copyright by public performance of work etc.);
- (c) section 198(2) (broadcast etc. of recording of performance made without sufficient consent);
- (d) section 297(1) (fraudulent reception of transmission);
- (e) section 297A(1) (supply etc. of unauthorised decoder).

14 An offence under any of the following provisions of the Road Traffic Act 1988 (c. 52)-

- (a) section 3A (causing death by careless driving while under the influence of drink or drugs);
- (b) section 4 (driving etc. a vehicle when under the influence of drink or drugs);
- (c) section 5 (driving etc. a vehicle with alcohol concentration above

prescribed limit).

15 An offence under either of the following provisions of the Food Safety Act 1990 (c.16) in circumstances where the food in question is or includes alcohol-

(a) section 14 (selling food or drink not of the nature, substance or quality demanded);

(b) section 15 (falsely describing or presenting food or drink).

16 An offence under section 92(1) or (2) of the Trade Marks Act 1994 (c. 26)

(unauthorised use of trade mark, etc. in relation to goods) in circumstances where the goods in question are or include alcohol.

17 An offence under the Firearms (Amendment) Act 1997 (c. 5).

18 A sexual offence, being an offence -

(a) listed in Part 2 of Schedule 15 to the Criminal Justice Act 2003[2], other than the offence mentioned in paragraph 95 (an offence under section 4 of the Sexual Offences Act 1967 (procuring others to commit homosexual acts));

(b) an offence under section 8 of the Sexual Offences Act 1956 (intercourse with a defective);

(c) an offence under section 18 of the Sexual Offences Act 1956 (fraudulent abduction of an heiress).

19 A violent offence, being any offence which leads, or is intended or likely to lead, to a person's death or to physical injury to a person, including an offence which is required to be charged as arson (whether or not it would otherwise fall within this definition).

20 An offence under section 3 of the Private Security Industry Act 2001 (c. 12)

(engaging in certain activities relating to security without a licence)