

# LICENSING COMMITTEE

4 JUNE 2013

## REPORT OF HEAD OF REGULATORY SERVICES

### LICENSING ACT 2003 - AUTHORITY TO SUSPEND PREMISES LICENCES/CLUB CERTIFICATES ON NON PAYMENT OF ANNUAL FEE

#### 1.0 PURPOSE OF REPORT

- 1.1 The purpose of this report is to inform Members of a change in legislation to enable Licensing Authorities to suspend a Premises Licences or Club Certificates on non payment of the annual fee and to obtain delegated authority to suspend licences where the annual fee is not paid.

#### 2.0 RECOMMENDATIONS

- 2.1 **It is recommended that the Licensing Committee delegate the authority to suspend a Premises Licences or Club Certificates under Licensing Act 2003 to the Head of Regulatory Services.**

#### 3.0 KEY ISSUES

- 3.1 On 25 April 2012 the Police Reform and Social Responsibility Act amended the Licensing Act 2003 to impose a requirement on Licensing Authorities to suspend premises licences and club certificates on non payment of the annual fee.
- 3.2 Premises licence and club certificate holders are sent an invoice on the anniversary of the issue of the original licence.
- 3.3 Non payment of this fee is recoverable as a civil debt and the licence or certificate itself remains in force in these situations. This means that premises can legitimately trade year after year with debts outstanding.
- 3.4 The Licensing Act is the only piece of legislation that requires non-payment of the fee to be pursued as a civil debt and could be seen as an oversight in the original act. This change brings the Licensing Act into line with other licensing law where the ruling principle is 'no fee, no licence'.
- 3.5 This amendment to the Licensing Act allows Licensing Authorities to suspend the licences or certificates of licence holders who do not pay their fees, until the fee is paid.
- 3.6 S.55A sets out that '*A licensing authority must suspend a premises licence if the holder of the licence has failed to pay the authority an annual fee that has become due*'. S.92A does the same for the suspension of a Club Certificate for the failure to pay the annual fee. This is not a discretionary power and the only reason not to suspend licences is if there is an administrative error.

#### 4.0 POLICY AND CORPORATE IMPLICATIONS

- 4.1 The delegation of this authority will avoid the need to convene a meeting of the licensing committee to suspend a licence or certificate when fees are not paid. It does not seem appropriate to bring every suspension of a licence or club certificate before Licensing Sub Committee when the Sub Committee would have no choice but to suspend the licence.

#### 5.0 FINANCIAL AND OTHER RESOURCE IMPLICATIONS

5.1 It is anticipated that there will be a swifter resolution to unpaid invoices which will help cash flow and reduce debt collection activity.

## 6.0 **LEGAL IMPLICATIONS/POWERS**

6.1 There are no direct legal implications as a result of this report

## 7.0 **COMMUNITY SAFETY**

7.1 There are no direct community safety implications as a result of this report

## 8.0 **EQUALITIES**

8.1 There are no direct equalities issues as a result of this report

## 9.0 **RISKS**

9.1 There are no risks identified with this report.

## 10.0 **CLIMATE CHANGE**

10.1 There are no direct climate change implications as a result of this report

## 11.0 **CONSULTATION**

11.1 None

## 12.0 **WARDS AFFECTED**

12.1 All wards

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Date: 15.5.2013

Appendices :

Background Papers: None

Reference : X: Committees\?