

**BROMSGROVE DISTRICT COUNCIL**

**LICENSING  
COMMITTEE**

11th June 2012

**THE LICENSING ACT 2003 AS AMENDED BY THE POLICE  
REFORM AND SOCIAL RESPONSIBILITY ACT 2011**

Relevant Portfolio Holder	Councillor Kit Taylor
Portfolio Holder Consulted	No
Relevant Head of Service	Steve Jordan – Head of Worcestershire Regulatory Services
Wards Affected	All Wards
Ward Councillor Consulted	N/A
Non-Key Decision	

**1. SUMMARY OF PROPOSALS**

- 1.1 The Police Reform and Social Responsibility Act 2011 amended the Licensing Act 2003 in relation to suspension of licences due to non payment of fees. The purpose of this report is to explain the changes to Members and to ask for authority to suspend Premises Licences and Club Premises Licences on non payment of fees to be delegated to officers.

**2. RECOMMENDATIONS**

- 2.1 That Members note the report and;
- 2.2 Grant delegated authority to the Head of Worcestershire Regulatory Services to suspend Premises and Club Premises Licences following non payment of fees under sections 55A and 92A of the Licensing Act 2003 (as amended).

**3. KEY ISSUES**

**Financial Implications**

- 3.1 Currently non payment of the annual fee is only recoverable as a civil debt and the premises licence or club premises certificate itself still remains in force in situations where the fee is not paid. This means that premises can legitimately continue to trade year after year whilst owing the Licensing Authority money. This change will enable the Licensing Authority to suspend those licence holders who do not pay their fees until the debt is paid; once paid the licence will automatically be re-instated.

**Legal Implications**

- 3.2 Under section 120 of the Police and Social Responsibility Act 2011 two new sections (“55A and 92A”) have been inserted into the Licensing Act 2003. The new sections impose a mandatory duty on

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Licensing Authorities to suspend premises licences (55A) and Club premises certificates (92A) where the licence holder has failed to pay the annual fee. The relevant section of the Act is attached at Appendix 1. The legislation provides that once the fee has been paid that the period of suspension automatically comes to an end.

- 3.3 Members are asked to note that the suspension of the licence must be carried into effect and is not discretionary. This being the case and to avoid having to convene a meeting of the Licensing Committee to make the decision to suspend the licence when fees are not paid the Committee are being asked to delegate this function to the Head of Worcestershire Regulatory Service.

### **Service / Operational Implications**

- 3.4 On 25th April 2012 the Police Reform and Social Responsibility Act amended the Licensing Act as set out in paragraph 3.2 above to impose a requirement on Licensing Authorities to suspend premises licences and club premises certificates if the annual fees are not paid.
- 3.5 Premises Licence holders are sent an invoice from the finance department annually. In future the invoice will include a statement reminding licence holders of their duty to pay the invoice in a timely manner and setting out the consequences should they fail to do so.
- 3.6 Finance will then provide WRS Licensing Officers with a monthly debtors list and Licensing Officers will ensure that if payment has not been made then a suspension notice will be issued; once paid the licence will automatically be re-instated.
- 3.7 As can be seen, under the new changes the system of monitoring licence fees is going to be an administrative process carried out by officers. As stated at 3.3 above, to save time and to ensure a more responsive service it is proposed that the function of suspending licence be delegated to officers.
- 3.8 For further information the Home Office guidance in suspension of fees is attached at Appendix 2 and a copy of the relevant part of the section 183 guidance is attached at Appendix 3.

## **4. RISK MANAGEMENT**

- 4.1 The only possible risk relates to the processing of annual fee payments and ensuring that receipt of late payments is communicated in a timely fashion by finance to WRS. Officers intend to keep this under review.

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**5. APPENDICES**

- Appendix 1 - Sections 55A and 92A of the Licensing Act 2003 ( as amended).
- Appendix 2 - Home Office guidance for Suspension for non-payment of fees
- Appendix 3 – copy of Section 14 of Section 182 guidance of the Licensing Act 2003 (April 2012)

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