

# **REPORT OF THE DEPUTY CHIEF EXECUTIVE**

## **LICENSING COMMITTEE – 28 APRIL 2014**

### **LICENSING ACT 2003 – SUSPENSION OF PREMISES LICENCES OR CLUB PREMISES CERTIFICATES IN THE CASE OF NON-PAYMENT OF ANNUAL FEES.**

#### **1.0 Purpose of the Report**

- 1.1 To request the Committee to delegate to specified officers the power to suspend Premises Licences or Club Premises Certificates in situations where an annual fee has not been paid.

#### **2.0 Description of Decision (Recommendation)**

- 2.1 The Committee is recommended to delegate to the Assistant Head of Street Scene (Public Protection and Regulatory Services) and the Trading Standards and Licensing Manager the power to suspend Premises Licences and Club Premises Certificates where an annual fee has not been paid in accordance with Section 55A or 92A of the Licensing Act (“the Act”) respectively.

#### **3.0 Background**

- 3.1 All holders of a Premises Licence or a Club Premises Certificate are required by the Act to pay an annual fee to the licensing authority.
- 3.2 The Act allows the Licensing Committee to delegate certain functions of the licensing authority to officers.
- 3.3 The Licensing Act 2003 has been amended to allow a licensing authority to suspend a licence or certificate where the annual fee had not been paid. This would mean that the licence may not be used until and unless the suspension is removed.
- 3.4 Since 2005 a number of licensees have ceased using their licence without surrendering the licence. These licensees continue to be responsible for the payment of the annual fee yet, in some cases, have failed to pay the fees due. In other cases, some licensees, while continue to use their licences, have nevertheless failed to pay the annual fee.
- 3.5 To improve the efficiency of service delivery and to encourage the payment of fees due it would be useful to use the powers made available to the Council by the Act to suspend licences in the case of non-payment of the annual fee.

#### **4.0 Current Position**

- 4.1 It would be more efficient, operationally, for officers to suspend licences where necessary rather than report each case to the Licensing Committee.

4.2 Before suspending any licence officers would contact the licensee, where possible, to advise of the possible suspension of the licence should fees due remain unpaid. Officers would remove any suspension if and when the fee is paid.

## **5.0 Reasons for the Decision**

5.1 To improve operational effectiveness.

## **6.0 Alternative Options**

6.1 None submitted.

## **7.0 Relevant Considerations/Consultation**

7.1 None.

## **8.0 Appearance before Committee**

8.1 None.

## **9.0 Glossary**

9.1 None.

## **10.0 List of Appendices**

None.

## **11.0 Background Papers**

11.1 None.