

**At a meeting of the LICENSING COMMITTEE held in the CIVIC CENTRE on MONDAY, 28<sup>th</sup> APRIL, 2014 at 2.00 p.m.**

**Present:-**

Councillor A. Wilson in the Chair

Councillors Emerson, Farthing, P. Gibson, MacKnight, Marshall, Mordey, Richardson, D. Smith and Wiper

**Declarations of Interest**

There were no declarations of interest.

**Apologies for Absence**

Apologies for absence were submitted to the meeting on behalf of Councillors Bonallie, Dixon, Thompson and Waller

**Minutes of the Last Meeting of the Committee held on 24<sup>th</sup> March, 2014**

1. RESOLVED that the minutes of the last meeting of the Committee held on 24<sup>th</sup> March 2014 be confirmed and signed as a correct record.

**Licensing Act 2003 – Suspension of Premises Licences or Club Premises Certificates for the Non-Payment of Annual Fees**

The Deputy Chief Executive submitted a report (copy circulated) which requested Members to delegate to specified officers the power to suspend Premises Licences or Club Premises Certificates in situations where an annual fee had not been paid.

(For copy report – see original minutes)

Richard Reading, Trading Standards and Licensing Manager, introduced the report and informed Members that previously there had been no provision to suspend licences should the licence holder have not paid the fees. Members were recommended to delegate the power to suspend licences for non payment of annual fees to the Assistant Head of Streetscene (Public Protection and Regulatory Services) and the Trading Standards and Licensing Manager.

Councillor Wiper queried how much the fees were. Mr Reading advised that the fees were based on the rateable value of the property but were between £100 and £315.

Councillor Mordey asked how much leeway was given before the licence would be suspended. He was informed that the enforcement policy would be followed and that this involved an advisory notice being issued. 28 days after this a warning notice would be issued and then 14 days after the warning enforcement action could be taken.

In response to Councillor D. Smith Mr Reading advised that the licence would run from the date the fees were due regardless of when they were paid for example if the fee was due on January 1<sup>st</sup> and the payment was made in March following the enforcement process the licence would still run from January 1<sup>st</sup>.

The Chair stated that there had not been any cases reported to the Committee as the act had just been amended. She felt that it would be preferable if the committee were given the powers rather than the power being delegated to officers.

Councillor Wiper queried how many licensees had failed to pay. Mr Reading advised that there were 6 licences with outstanding fees and that on average there was 20-25 per year. A number of these were businesses which had ceased trading but had not surrendered the licence.

Councillor P. Gibson suggested that officers could deal with this unless there were any issues identified in which case it could then be referred to the Committee; he did not see the need for all of the cases to come to the committee.

Councillor D. Smith commented that this seemed straightforward; he suggested that the responsibility be delegated to officers.

The Chairman suggested that those premises which were operating still but had not paid should have to come to the Committee.

Councillor Mordey suggested that licensees could be required to come to the committee to get the suspension lifted after the payment had been made. Mr Reading advised that this would not be possible as the legislation required that the suspension be lifted once the fee had been paid.

Councillor Farthing queried whether there would be interest charged on the outstanding fees. Mr Reading advised that there was no provision for this in the legislation.

Councillor D. Smith commented that admin fees should be able to be imposed to cover the cost of officer time in dealing with the late payment. Mr Reading advised that the fees were set by statute and there was no leeway to change them.

Councillor Farthing queried how the payments were made and was informed that there was an invoice raised and this would then be paid by BACS or cheque. She suggested that direct debits could be used as this would be more efficient. Mr Reading agreed to speak to Finance to determine whether this would be possible.

Councillor Wiper moved that a warning letter be sent to licensees warning that the unpaid fees needed to be paid within 30 days otherwise the case would be referred to the Committee. Councillor Gibson seconded this.

It was therefore:-

2. RESOLVED that licensees who did not pay their licence fees be sent a letter advising that payment was required within 30 days otherwise it would be referred to the Licensing Committee for suspension of the licence.

(Signed) A. WILSON,  
Chairman.