



LICENSING COMMITTEE
21 March 2019

ITEM 06

Report sponsor: Director of Public Protection & Streetpride
Report author: Sandra Mansell Team Leader
Licensing

Suspension & Revocation of Personal Licences

Purpose

- 1.1 The report sets out details of the amendments to the Licensing Act 2003 made by the Policing & Crime Act 2017.
- 1.2 The amendments allow the Licensing Authority to suspend or revoke a Personal Licence; previously only the Magistrates Court had such powers.

Recommendation(s)

- 2.1 To note the amendments to the Licensing Act 2003 made by the Policing & Crime Act 2017 which gives the Licensing Authority powers to suspend or revoke Personal Licences.
- 2.2 To approve the decision making powers relating to the suspension or revocation of a Personal Licence will be undertaken by the General Licensing Sub-Committee.

Reason(s)

- 3.1 To implement the legal changes, relating to Personal Licences made by the Policing and Crime Act 2017.

Supporting information

- 4.1 Every premises (other than Club Premises), where alcohol is supplied under the authority of a Premises Licence requires a Designated Premises Supervisor (DPS), who must hold a Personal Licence.
- 4.2 A Personal Licence ensures that anyone running/managing a business that sells or supplies alcohol does so in a professional manner.

- 4.3 A Personal Licence holder has a duty under Section 132 of the Licensing Act 2003 to notify the relevant authority in writing, as soon as reasonably practicable, if convicted of a relevant offence as detailed in the Schedule 4 of the Licensing Act 2003 (as amended). Failure to notify the Licensing Authority, without reasonable excuse, is an offence. Further information about relevant offences is set out at Appendix 1 for information. This needs to be amended following some recent changes and officers will ensure this done.
- 4.4 Previously only the Magistrates Court had the power to suspend or revoke a Personal Licence, if the holder is convicted of a relevant offence. The amendments to the Licensing Act 2003 now give this power to the Licensing Authority. The Court must also notify the Licensing Authority when it is aware a Personal Licence holder has been convicted of a relevant offence.
- 4.5 If the Licensing Authority has granted a Personal Licence and becomes aware that the licence holder has been convicted of a relevant offence, foreign offence, or civil penalties for immigration matters on or after 6 April 2017, it has the discretionary power to suspend the licence for a period up to six months or revoke the licence.
- 4.6 Section 138(2) of the Policing and Crime Act 2017 states that these powers cannot be delegated to officers, but does allow them to consider whether a Personal Licence Holder should be referred to a hearing.
- 4.7 Before making a decision regarding the status of a Personal licence, the Licensing Authority must invite the licence holder to make any representations. A period of 28 days must be given.
- 4.8 If the Licensing Authority is minded not to revoke a Personal Licence they must notify the Chief Officer of the Police. If the police do not support that decision, if satisfied that granting the licence would undermine the crime prevention objective, the Licensing Authority must reconsider its original decision.
- 4.9 If action is taken against a Personal Licence, the holder has 21 days to appeal the decision to the Magistrates Court. The action does not have effect until the end of the appeal period, or if the action is appealed against, until the appeal is concluded.

Public/stakeholder engagement

- 5.1 Not applicable.

Other options

- 6.1 None.

Financial and value for money issues

7.1 Decisions made by the Licensing Authority can be appealed and if upheld, costs may be awarded against the Council. However, it is not possible to quantify these costs.

Legal implications

8.1 As set out in the report.

Other significant implications

9.1 None.

This report has been approved by the following people:

Role	Name	Date of sign-off
Legal	Florence Harper	08/03/19
Finance		
Service Director(s)	Richard Antcliff	12/03/19
Report sponsor	Richard Antcliff	12/02/19
Other(s)	Michael Kay	11/03/19