

**LICENSING  
COMMITTEE**

**11th July 2012**

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

Relevant Portfolio Holder	Councillor Rebecca Blake, Community Safety & Regulatory Services
Portfolio Holder Consulted	Yes
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. The purpose of this report is to ask Members of the Committee to delegate to Officers the power to suspend Premises Licenses and Club Premises Licenses on non payment of fees.

**2. RECOMMENDATIONS**

**The Committee is asked to RESOLVE that**

- 1) the report be noted and;**

**RECOMMEND that**

- 2) the Scheme of Delegation be amended to authorise the Head of Worcestershire Regulatory Services to suspend Premises and Club Premises Licenses following non payment of fees.**

**3. KEY ISSUES**

**Financial Implications**

- 3.1 Currently non payment of the annual fee is only recoverable as a civil debt and the licence itself still remains in force and premises could legitimately continue to trade year after year whilst owing the Licensing Authority money. This change will enable the Licensing Authority to suspend those unscrupulous licence holders until the debt is paid; once paid the licence will automatically be re-instated.

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## **Legal Implications**

- 3.2 The Licensing Act 2003 as amended by the Police and Social Responsibility Act 2011 affects the Council's role as a Licensing Authority.

## **Service / Operational Implications**

- 3.3 On 25th April 2012 the Police Reform and Social Responsibility Act amended the Licensing Act 2003.
- 3.4 On 25th April 2012 the power to suspend a premises licence if the annual fee is not paid was introduced.
- 3.5 Section 55A of the Licensing act states "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 under section 55(2)".
- 3.6 Premises Licence holders are sent an invoice from the finance department annually, in future the invoice will hold a statement reminding licence holders of their duty to pay the invoice in a timely manner and consequences of failure to do so.
- 3.7 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.

## **4. RISK MANAGEMENT**

None.

## **5. APPENDICES**

- Appendix 1 - Home Office guidance for Suspension for non-payment of fees.
- Appendix 2 - copy of Section 14 of Section 182 guidance of the Licensing Act 2003 (April 2012).

## **AUTHOR OF REPORT**

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