

# LICENSING COMMITTEE (LICENSING ACT 2003 FUNCTIONS)

## Agenda Item 29

Brighton & Hove City Council

<b>Subject:</b>	<b>Renewal of Personal Licences</b>		
<b>Date of Meeting:</b>	<b>5 March 2015</b>		
<b>Report of:</b>	<b>Director of Public Health</b>		
<b>Contact Officer:</b>	<b>Name:</b>	<b>Jean Cranford</b>	<b>Tel:</b> 29-2550
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<b>Ward(s) affected:</b>	<b>All</b>		

### FOR GENERAL RELEASE

#### 1. PURPOSE OF REPORT AND POLICY CONTEXT

- 1.1. This report is to update Members on the 10 year renewal of personal licences.
- 1.2. That Members are apprised of local and national issues.

#### 2. RECOMMENDATIONS:

- 2.1 That Members note the contents of this report.

#### 3. CONTEXT/ BACKGROUND INFORMATION

##### 3.1 Licensing Act 2003 – Personal Licences

- 3.1.1 When the Licensing Act 2003 was introduced in November 2005, the local authority became responsible for issuing personal licences. These licences were valid for 10 years at which time they would need to be renewed.
- 3.1.2 The Government is aiming to remove the requirement for personal licence holders to renew their licence every 10 years through the Deregulation Bill, which is currently before Parliament. The first personal licences were granted in February 2005. However, the Bill is unlikely to receive Royal Assent before the tenth anniversary of the date on which the first personal licences were granted. To ensure that personal licence holders are not disadvantaged by this position, the Government will introduce new arrangements through secondary legislation for those whose licences are due for renewal before the proposal in the Bill comes into force.
- 3.1.3 The first applications for personal licences were received and processed by BHCC during April and May 2005. The number of licences issued during that period is approximately 70.
- 3.1.4 The application form to renew a licence has been amended so that licence holders are required to provide only essential information to the licensing authority. The application form is available on our website.

- 3.1.5 Applicants must complete the form and submit it to their licensing authority no later than one month before their licence expires. They will also have to enclose their licence or a copy. Section 119 of the Licensing Act 2003 provides that where an application for renewal is pending and the application has not been determined before the licence expires, the licence continues to have effect. To ensure that applicants have certainty that their forms have been received, licensing authorities should acknowledge receipt of the application. This could be achieved, for example, by setting up an automated email address where applications are received by email.
- 3.1.6 Personal licence holders will each need to submit a completed form to the licensing authority which granted the licence. A copy of the renewal form will **not** have to be sent to the Police. Applicants will **not** have to enclose an application fee, photographs, a criminal convictions certificate, criminal record certificate or the results of a subject access search of the Police National Computer. Applicants **will** have to provide their licence with their application or state why it is not practicable to do so. Individual licensing authorities can decide whether applicants are required to submit the original licence or a copy (e.g. a scanned version or a photocopy). If licensing authorities permit applicants to provide a copy of the licence, it will enable applicants to apply by email. That is our intention.
- 3.1.7 If an original licence is returned with the renewal form, the licensing authority will need to return the licence to the licence holder, unless the licence holder has declared relevant convictions. Where a relevant conviction has been disclosed, the original licence should not be returned until the period allowed to the police for giving an objection notice has expired or, if an objection notice is received, the authority determines to grant the renewal.
- 3.1.8 If a licence holder discloses a relevant offence, the licensing authority should notify the police. The police may issue an objection notice to the licensing authority. If an objection notice is received the authority must then decide whether to reject or grant the application. A hearing must be held to consider the application and objection notice unless all the parties agree that a hearing is not necessary.
- 3.1.9 There will be no charge for renewal. Licensing authorities may charge a fee of £10.50 to cover administrative costs if a personal licence holder asks for a new licence to be issued as a result of a change of name, a change of address or as a result of having lost the licence.
- 3.1.10 Licences with an expiry date will remain valid provided they have submitted a completed renewal application to the relevant licensing authority for renewal not later than one month before their expiry date. The licence holder may use the acknowledgement from the licensing authority as proof that they have applied for their licence to be renewed.
- 3.1.11 Personal licences which are due to expire must be renewed. Failure to do so will mean that the licence will expire. If a personal licence does expire the holder may apply for a new licence but they will be required to pay the fee, provide a criminal conviction certificate, criminal record certificate or the results of a subject access

search of the Police National Computer and also provide a declaration form and two photographs. They may also be required to obtain a relevant licensing qualification if one is not already held as this must also be submitted with the application for a new licence.

#### **4. ANALYSIS & CONSIDERATION OF ANY ALTERNATIVE OPTIONS**

None – this is a statutory duty.

#### **5. COMMUNITY ENGAGEMENT & CONSULTATION**

5.1 Licensing Strategy Group, finance and legal services.

#### **6. CONCLUSION**

6.1 The council has a duty to process personal licence renewal applications until Government removes that requirement as part of Deregulation.

#### **7. FINANCIAL & OTHER IMPLICATIONS:**

##### 7.1 Financial Implications:

There are no direct financial implications from the recommendations in this report.

The costs associated to renewal of personal licences are allowable under the Licensing Act 2003 and therefore funded by licence fee income; any variation between expenditure and income generated from licence fees is funded from existing revenue budgets. Licence fees are set by central government. The implications of removing the requirement for personal holders to renew their licence is not expected to impact on current budgeted levels of income.

*Finance Officer Consulted:* Steve Bedford

*Date:* 21/01/15

##### 7.2 Legal Implications:

Legal implications are contained within the body of this report.

*Lawyer Consulted:* Rebecca Sidell

*Date:* 23/01/15

##### 7.3 Equalities Implications:

There are no direct equalities implications.

##### 7.4 Sustainability Implications:

There are no direct sustainability implications.

##### 7.5 Any Other Significant Implications:

None.

## SUPPORTING DOCUMENTATION

### **Appendices:**

None..

### **Documents in Members' Rooms**

None.

### **Background Documents**

None.