

**STROUD DISTRICT COUNCIL**  
**COMMUNITY SERVICES AND LICENSING COMMITTEE**

**AGENDA  
ITEM NO**

**28 MARCH 2018**

**7**

<b>Report Title</b>	<b>DELEGATION OF NEW POWERS TO REVOKE OR SUSPEND A PERSONAL LICENCE UNDER THE LICENSING ACT 2003</b>
<b>Purpose of Report</b>	To consider an amendment to the Licensing Act 2003 which gives new powers to Licensing Authorities to revoke or suspend personal licences where the licence holder has been convicted of a relevant offence, foreign offence or been required to pay an immigration authority.
<b>Decision(s)</b>	<b>The Committee RESOLVES:</b> To delegate the function to revoke or suspend a personal licence under section 132A of the Licensing Act 2003 to a sub committee (a hearing panel) made up of 3 members of the Committee that deal with licensing matters.
<b>Financial Implications and Risk Assessment</b>	There are no direct financial implications arising from this report.  Adele Rudkin, Accountant Tel: 01453 754109 Email; <a href="mailto:adele.rudkin@stroud.gov.uk">adele.rudkin@stroud.gov.uk</a>  Risk Assessment Failure to have a delegation in place would mean that personal licence revocations and suspensions have to be dealt with by the full Community Services and Licensing Committee rather than a panel which would have resource implications.
<b>Legal Implications</b>	The relevant statutory provisions and legal procedures are set out in the body of the report and there are no additional legal implications.  In the absence of the proposed delegation, personal licence suspensions and revocations may only be dealt with by the Community Services and Licensing Committee as a whole, which would be inconsistent with the way in which other functions of that committee are discharged.  Mike Wallbank Solicitor Advocate and Deputy Monitoring Officer Tel: 01453 754362 Email: <a href="mailto:mike.wallbank@stroud.gov.uk">mike.wallbank@stroud.gov.uk</a>

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<b>Appendices</b>	None

## **1 Background**

- 1.1 The Licensing Act 2003 allows for an individual to be granted a personal licence which authorises that individual to supply, or authorise supply of alcohol.
- 1.2 A new applicant for a personal licence must apply to the local authority where they reside at the time of application.
- 1.3 Once a personal licence has been granted it lasts indefinitely. If the licence holder moves home they remain licensed with the original issuing authority, even if they move outside of that area.
- 1.4 Stroud District Council currently has 1,360 current issued licences.
- 1.5 If a personal licence holder is charged with a relevant offence or immigration penalty, after the licence has been granted, he/she is obliged to notify the court dealing with the case that they hold a personal licence. The Magistrate can revoke the personal licence if they feel it is appropriate. Nationally Magistrates' very rarely do this.
- 1.6 Up until April 2017 the Council (as the Licensing Authority) had no power itself to revoke a personal licence. The only action the Council could take was to note the details of any relevant convictions on the personal licence certificate.

## **2 New Power for a Council to Revoke or Suspend a Personal Licence**

- 2.1 Section 138 of the Policing and Crime Act 2017 has inserted a new section into the Licensing Act 2003 (section 132A). The new section had effect from 6 April 2017.
- 2.2 The new section 132A states that, where a Council has become aware that a licence holder has been convicted of any relevant offence, foreign offence or an immigration penalty it may,
  - suspend the personal licence for up to 6 months or;
  - revoke the personal licence
- 2.3 When considering the above the Council must give the personal licence holder 28 days to make representation in support of their case. If the Council then decides not to revoke the licence it must give the Police 14 days to make representation as to why the licence should be revoked.

- 2.4 Under the new powers Council's can only take into account relevant offences, foreign offences or immigration penalties that a licence holder has been convicted of after 6 April 2017

### **3 Delegation to a Licensing Panel**

- 3.1 Section 7.1 of the Licensing Act 2003 states that all licensing functions under the Act are referred to the Licensing Committee.
- 3.2 Section 10 of the Licensing Act 2003 allows the Licensing Committee to delegate any of its functions to a sub committee (a Hearing Panel) or to an officer.
- 3.3 Stroud District Council's current Table of Delegations under the Licensing Act 2003 delegates other types of functions where there is representation or objection to a Hearing Panel. This enables the applicant or licence holder to have a fair hearing before a decision is made.
- 3.4 In order to be consistent with Stroud District Council's current delegations it is recommended that this Committee also delegates the new power to revoke or suspend a personal licence to a hearing panel made up of 3 members of the Committee that deals with licensing matters.