

LICENSING COMMITTEE 21 March 2019

Minute Extract

35/18 Suspension and Revocation of Personal Licences under Section 132A of the Licensing Act

Cllrs Peatfield and Smale both left the meeting whilst this item was discussed

The Committee considered a report from the Director of Public Protection and Streetpride setting out details of the amendments to the Licensing Act 2003 made by the Policing & Crime Act 2017. The amendments would allow the Licensing Authority to suspend or revoke Personal Licences, where previously only the Magistrates Court had such powers. Although the Committee welcomed this change to legislation, it raised concern that a licence holder may have had their Personal Licence suspended or revoked in one city, but may be able to operate in another as there was no means of knowledge sharing. Discussion was held around this issue and due regard was given to data protection matters.

It was confirmed that if a Personal Licence holder has their licence revoked, they were required to fill in a declaration, which stays in place for 5 years, when trying to gain a Personal Licence in another area. The Police have 14 days to check their records and raise an objection if they wish to do so.

The Committee also discussed which authority would be liable to decide whether to suspend or revoke a Personal Licence: would it be the local authority who issued the Personal Licence or would it be the authority where the licence holder was operating. The Committee felt the Magistrates Court should be at liberty to notify both the authority issuing the Personal Licence and the authority where the licence holder was operating. The Committee felt that concerns about the management of licensed premises that had been brought before sub-committees that resulted in a change of personal licence holder but which were not the subject of a criminal conviction should also be notified and recorded in addition to convictions. Committee felt it would be appropriate to write to the Home Office thanking them for this extra legislation but raising their concerns as discussed. It was also suggested that a letter be sent to the LGA to see if other authorities were of the same view and seek broader support to lobby for further changes to address the issues raised.

Resolved to:

- 1. note the amendments to the Licensing Act 2003 made by the Policing & Crime Act 2017 giving the Licensing Authority powers to suspend or revoke Personal Licenses, which they welcomed in the interim**
- 2. Recommend Council delegate approval to the General Licensing Sub-Committee to exercise powers in relation to the suspension or revocation of a Personal License.**

- 3. Write to the Home Office, expressing thanks for the change in legislation, but raising concerns as discussed and seeking further clarity on these matters.**
- 4. Write to the LGA to seek views and support from other Local Authorities as discussed.**