

PERSONAL LICENCE PROCESS

SUMMARY

- 1.1 Councillor Barker contacted the Licensing Team to raise his concerns about the process for administering information relating to Personal Licence Holders.
- 1.2 Councillor Barker has requested that the issues he raised were brought to committee for discussion.

RECOMMENDATION

- 2.1 To discuss the concerns of Councillor Barker.
- 2.2 To make recommendations on the outcome of those discussions to the appropriate Government Department and the Local Government Group (formally the LGA).

REASONS FOR RECOMMENDATION

- 3.1 This follows the request from Councillor Barker as a Vice Chair of the General Licensing Committee.

SUPPORTING INFORMATION

- 4.1 Following a recent sub-committee hearing, Councillor Barker contacted the Licensing Team to raise his concerns about the process for administering information relating to Personal Licence Holders. During the sub-committee hearing, it became apparent that a personal licence holder had received a police caution for handling stolen goods.
- 4.2 Members may recall that this matter has been discussed previously during the consultation exercise on 'Rebalancing the Licensing Act'. At the time, the Chair had written to the Parliamentary Under Secretary of State at the Home Office on behalf of Committee raising our concerns but no response was ever received.
- 4.3 The concerns raised by Councillor Barker are set out at Appendix 2.

OTHER OPTIONS CONSIDERED

5.1 Not applicable.

This report has been approved by the following officers:

Legal officer	Olu Idowu
Financial officer	-
Human Resources officer	-
Service Director(s)	-
Other(s)	-

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Background papers:	None

List of appendices:	Appendix 1 – Implications Appendix 2 – Concerns Raised by Councillor Barker
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IMPLICATIONS

Financial

- 1.1 None directly arising.

Legal

- 2.1 As set out in the report and appendices.

Personnel

- 3.1 None directly arising.

Equalities Impact

- 4.1 None directly arising.

Health and Safety

- 5.1 None directly arising.

Carbon commitment

- 6.1 None directly arising.

Value for money

- 7.1 None directly arising.

Corporate objectives and priorities for change

- 8.1 The proposal supports the corporate priorities to ensure the people in Derby will enjoy **good quality services that meet local needs** and **being safe and feeling safe**.

Concerns Raised by Councillor Barker

As you are aware it has long been one of my deep concerns re the Personal Licence system that a licence issued elsewhere than the local licensing area is never reported to that issuing authority when the holder has transgressed- Similarly as is the case today - if the PLH decides enough is enough in Derby there is nothing to stop him applying for a premises licence elsewhere- and getting it – if he does not personally declare the ‘disposal’ by way of caution, the Handling offence he has committed. Whilst I realise that only a Court of Law can revoke his PL there should be a history of transgressions available to Licensing Depts. by which to judge the issue of a licence when applications are received.

I was present in the House of Lords when a nationwide computer system recording such information was promised as a ‘sop’ during the passing of the Bill, now the 2003 ACT – Needless to say – from the passage of the Bill in 2003 to enactment in 2005 this was conveniently forgotten and never implemented. In our submission to the Govt last year we resurrected this idea – to which we never received a reply- in November last year I attended a seminar in London where I asked the question of the Home Office Official present (they having undertaken the review of an Act put into place under the Dept of Culture) I was told in no uncertain terms that no recording system re PLH’s was liable to see the light of day for the foreseeable future due to lack of finances.

I therefore firmly believe we can set a standard here by recording a list of transgressions in relation to PLH issued by ourselves and reporting proceedings – as today - to other authorities where Personal licenses have been issued - attaching a suggestion that they may wish to do likewise in the future. I realise this is a long winded way of achieving a common aim- but if we do not help ourselves and introduce some commonality in relation to the history of a PLH – when it comes to renewals in 2015 – there will be a plethora of renewals which will slip the net in respect of relevant convictions due to non –disclosure – and/or a imposition on Licensing Authorities to make time consuming enquiry’s as to applicants which will be pointless as we are only able to enquire at the authority of issue and our own experience of a PLH working within the City area. A potential for a ten year gap in the history of the PHL should he/she have worked elsewhere during that period of time.

The above is a start with 4 years remaining for that process to expand- I would further suggest that our application form for renewal seeks the applicant to state previous experience over the past ten years and where? Whilst I am not naïve enough to expect them to cite a licensing area where they have had ‘problems’, I would expect numerous transfers around the country to trigger suspicion in the minds of the licensing team when considering renewal to the extent where they may wish to concede the decision to the Licensing Sub Committee. Whilst it is quite clear that a PLH must disclose a criminal conviction upon application – it is less clear as to what

becomes a 'Relevant' offence as in the case of today where it was an official caution – that will no doubt be conveniently forgotten when the particular renewal is due in 2018 and will that renewal return to Croydon as the issuing authority or does the Act allow for renewal to be made at any Authority where the applicant is then living which makes it more important that SOMEBODY has a record of relevant offences ranging from underage sales, illicit tobacco sales and counterfeit booze through to the criminal offences which will automatically be recorded on Police Computers.

Sorry to go on- but we need to address this now – if not through Central Government, certainly through the LGA to get some consensus of agreement.

I would ask that DCC and the Licensing Committee address this important issue again, perhaps we need a paper outlining the potential problem and solutions in the absence of Government support?