

**Manchester City Council
Report for Resolution**

Report to: Licensing Committee - 21 January 2013

Subject: Licensing Act 2003 – Suspension of Premises Licences and Club Premises Certificates for Non-Payment of Annual Fee

Report of: Head of Business Units

Summary

The report outlines additional provisions introduced in 2012 to require the suspension of premises licences and club premises certificates issued under the Licensing Act 2003 for non-payment of annual fees. The report informs the committee how such matters are currently dealt with under the Councils Constitution and makes a recommendation in respect an additional delegation to the Deputy Chief Executive (Neighbourhoods) in order to clarify the delegations under the constitution.

Purpose of Report

The report seeks to clarify the constitutional arrangements in place regarding the use of suspension powers introduced in 2012, in respect of non payment of annual fees for premises licences and club premises certificates

Recommendations

1. The Committee delegate to the Deputy Chief Executive (Neighbourhoods) the power to suspend premises licences and club premises certificates following non-payment of annual fees under Sections 55A and 92A of the Licensing Act 2003

Wards Affected: All

Community Strategy Spine	Summary of the contribution to the strategy
Performance of the economy of the region and sub region	Not applicable to content this report
Reaching full potential in education and employment	Not applicable to the content of this report

Individual and collective self esteem – mutual respect	Not applicable to the content of this report
Neighbourhoods of Choice	Not applicable to the content of this report

Full details are in the body of the report, along with any implications for:

- Equal Opportunities Policy
 - Risk Management
 - Legal Considerations
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Financial Consequences – Revenue

There are no financial consequences arising from the content of this report, however the amendments to the Licensing Act arising from the introduction of section 55 (A) and 92 (A) have resulted in a reduction in non payment of Licensing fees.

Financial Consequences – Capital

None

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Background documents

The following documents disclose important facts on which the report is based and have been relied upon in preparing the report. Copies of the background documents are available up to 4 years after the date of the meeting. If you would like a copy please contact one of the contact officers above.

Sections 55A and 92A Licensing Act 2003

Manchester City Council constitution – July 2012

1. Background

- 1.1 Although premises licences and club premises certificates are granted in perpetuity, licence holders are required to pay an annual fee to the Licensing Authority in relation to both the above
- 1.2 The annual fee becomes payable upon the anniversary of the grant of the premises licence/club premises certificate.
- 1.3 Historically non payment of annual fees was only recoverable as a civil debt and the premises licences/club premises certificates remained in place regardless of whether payment was received.
- 1.4 During 2012 the Police Reform and Social Responsibility Act amended the Licensing Act 2003 to impose a requirement on Licensing Authorities to suspend premises licences and club premises certificates, where the annual fees were not paid.
- 1.5 The effect of this provision is that Licensing Authorities must now suspend premises licences and premises licence certificates until the fee is paid, and does not have any discretion as to whether or not to impose such a suspension. In accordance with the new provisions once the fee has been paid the licence is automatically re-instated

2. The Constitution

- 2.1 Although the Councils constitution was revised in 2012, the revisions were made during the time the changes to the Licensing Act were taking place and therefore no explicit delegation is currently detailed in the constitution in respect of sections 55A and 92A.
- 2.2 The constitution currently gives the following delegation to the Deputy Chief Executive (Neighbourhoods)

Without prejudice to the specific delegations of the Assistant Chief Executive (Neighbourhood Strategy and Delivery), the Director of Commercial Services, the Head of Community and Cultural Services and the Head of Business Units, to exercise a strategic overview of the Council's functions and services relating to private sector housing, environmental health, environmental services, waste, environmental protection, street management and enforcement, licensing, operational services, commercial and trading services, highways, environmental strategy and community and cultural services, including Art Galleries, Museums, Libraries, Theatres, Sport and Leisure.

- 2.3 Further delegations in respect of licensing are given within the Constitution to the Assistant Chief Executive (Neighbourhood Strategy and Delivery) and the Head of Business Units, however these delegations are broadly split between enforcement and administrative functions

- 2.4 Suspension of premises licences and club premises certificates for non-payment of annual fees could be either an enforcement or an administrative function, therefore for the purposes of clarity the committee are requested to delegate to the Deputy Chief Executive (Neighbourhoods) the power to suspend premises licences and club premises certificates following non-payment of annual fees under Sections 55A and 92A of the Licensing Act 2003.

3. Other legal implications

- 3.1 There are no other legal implications to consider.

4. Contributing to the Community Strategy

- (a) Performance of the economy of the region and sub region
- (b) Reaching full potential in education and employment
- (c) Individual and collective self-esteem – mutual respect
- (d) Neighbourhoods of Choice

5. Key Policies and Considerations

- (a) Equal Opportunities
- (b) Risk Management
- (c) Legal Considerations

These have been highlighted within the body of the report

6. Conclusion

The report provides information in respect of powers introduced in 2012 which require the suspension of premises licences and club premises certificates, and the report makes a recommendation as to the delegation of these matters.