

SUSPENSION OF PREMISES LICENCES FOR NON-PAYMENT OF ANNUAL LICENSING FEES

Committee	Licensing Sub-Committee (South)
Officer Contact	Stephanie Waterford, Residents Services
Papers with report	Appendix 1 - Schedule of outstanding fees (Update to be presented on the day of the Committee meeting)
Ward(s) affected	All

SUMMARY

To consider the suspension of premises licences for non-payment of annual licence fees.

RECOMMENDATION

That the Licensing Sub Committee suspend the licences on the attached schedule

INFORMATION

1. The Police Reform and Social Responsibility Act 2011, which inserted Section 55A into the Licensing Act 2003, gives powers to Licensing Authorities to suspend Premises Licences for non-payment of annual licence fees.
2. Invoices are raised each year and sent to the premises licence holder and follow up actions are carried out by Licensing Officers where payments have not been made. Follow up actions include letters to the premises, phone-calls and visits in person to the licensed premises.
3. The Licence holder is sent an invoice two months before the fee is due. They are then sent a reminder on the due date. A final reminder is then sent out 21 days after.
4. The schedules of fees set out in Appendix 1 remain unpaid despite attempts to recover the fees.
5. The Committee are therefore requested to consider the suspension of the licences of the premises set out in schedule in Appendix 1.
6. During the period of suspension, the relevant premises may not engage in the licensable activity for which a licence was issued. However the premises may remain subject to any pending enforcement action and/or transfer of the licence.
7. In the event that the relevant premises licence is transferred, licensable activity may only take place and a new licence will only be issued when all outstanding dues are settled in full.
8. Metropolitan Police Services and/or relevant enforcement authorities will be advised of the suspension of the licence.

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9. Any licences subject to suspension will be re-instated immediately upon receipt of payment of the outstanding fees.

FINANCIAL IMPLICATIONS

None.

LEGAL IMPLICATIONS

It is mandatory for the Licensing Sub-Committee to suspend a premises licence or club premises licence if it is satisfied that a premises or club has failed to make payment of the annual fee when it became due. However, a decision to suspend the licence does not take effect if the payment was not made before or at the time of the due date because of an administrative error, or because the holder disputed liability for the fee before or at the time of the due date.

The decision of the Sub-Committee to suspend the licence takes effect at least two working days after the decision is made. Notice of the suspension must be given in writing to the licence holder and must specify the date upon which the suspension takes effect. Where payment of outstanding monies is made, the Licensing Service must issue a receipt on the first working day that the payment is received and in any event no later than the end of the second working day after receipt of payment.

BACKGROUND DOCUMENTS

The Licensing Act 2003
Guidance under Section 182 of the Licensing Act 2003
The Council's Statement of Licensing Policy