

Report of	Meeting	Date
Director of Customer and Digital	Licensing and Public Safety Committee	13 th November 2019

Confidential report	Yes	No
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REASON FOR REFERRAL

1. To request that members determine the procedure to be followed when the Authority becomes aware that a Personal Licence holder has been convicted of a relevant offence.

RECOMMENDATIONS

2. That members:
 1. Consider the process for deciding whether to consider revoking or suspending a Personal Licence where the holder has been convicted of a relevant offence before or after the grant of the personal licence.
 2. Consider the process for deciding whether to revoke or suspend a Personal Licence where the holder has been convicted of a relevant offence before or after the grant of the personal licence, where the holder has made representations.
 3. Consider the process for deciding whether to revoke or suspend a Personal Licence where the holder has been convicted of a relevant offence before or after the grant of the licence, where the police have made representations.

CORPORATE PRIORITIES

3. This report relates to the following Strategic Objectives:

Involving residents in improving their local area and equality of access for all		A strong local economy	
Clean, safe and healthy homes and communities	X	An ambitious council that does more to meet the needs of residents and the local area	

BACKGROUND

4. The Policing and Crime Act 2017 empowered a Licensing Authority which had issued a Personal Licence to suspend (for up to 6 months) or revoke a Personal Licence where it became aware that the holder had been convicted of a relevant offence or a foreign offence or been ordered to pay an immigration penalty. A list of relevant offences is appended at [Appendix A](#).
5. Where an Authority becomes aware of this, it must first decide whether it is to consider revoking or suspending the licence. It is possible for this function to be delegated to officers. Where it decides to consider revoking or suspending the licence, the Authority must issue a notice to the licence holder, inviting them to make representations within 28 days.
6. Following this 28 day period, the Authority must decide whether to revoke or suspend the licence. If the Authority proposes not to revoke the licence, it must give a notice to the Chief Officer of Police of Lancashire Constabulary that it proposes not to revoke the licence and invite them to make representations within 14 days of the notice being received.

7. Following receipt of these representations, the Authority must decide whether to suspend (for up to 6 months) or revoke the Personal Licence.
8. A flowchart which summarises these steps is appended at Appendix 2.

IMPLICATIONS OF REPORT

9. This report has implications in the following areas and the relevant Directors' comments are included:

Finance		Customer Services	
Human Resources		Equality and Diversity	
Legal	X	Integrated Impact Assessment required?	
No significant implications in this area		Policy and Communications	

COMMENTS OF THE STATUTORY FINANCE OFFICER

10. No comments

COMMENTS OF THE MONITORING OFFICER

11. The range of recommendations are within the discretion described in paragraphs 4.45 onwards of the Section 182 national guidance.

Subject to certain exemptions, under Section 10(2) of the Licensing Act 2003 a sub-committee may arrange for the discharge of a function by a licensing officer. The exemptions include revocation of a personal licence where convictions during the application period come to light after grant; and revocation or suspension of a personal licence following convictions or immigration penalties at any time before or after the grant of the licence.

The decision whether to refer the holder of a taxi driver licence to General Licensing Sub-Committee (GLSC) for minor offences or cautions is taken at present by licensing officers in consultation with Chair or Vice Chair of GLSC, so the recommendation involving consultation with Chair or Vice Chair is consistent with that.

OPTIONS

12. The Policing and Crime Act 2017 does not set out any hearing procedures for determining whether to suspend or revoke a Personal Licence. It does not specify whether a hearing needs to take place.

Section 7(1) of the Licensing Act 2003 empowers a Licensing Authority to determine the decision-making process for applications under the Act. The committee can therefore determine to dispose of these hearings.

20. In determining the procedure for Recommendation 1, members can:

- Not delegate the power and that this decision must continue to be exercised by the Licensing Act 2003 Committee.
- Delegate the power to an Authorised Officer, in consultation with the Chair/ Vice Chair of the Licensing and Public Safety Committee.
- Delegate the power to an Authorised Officer.

21. In determining the procedure for Recommendation 2 and 3, members can:

- Decide that the matter be determined by the Licensing Act 2003 Sub Committee on the papers only and without the need for a formal hearing, or
- Decide that the matter be determined by a hearing of the Licensing Act 2003 Committee following a formal hearing in all cases. The hearing procedure and timescales for a contested Personal Licence application can apply.

Asim Khan
DIRECTOR OF CUSTOMER AND DIGITAL

APPENDICES

Appendix	Description
Appendix 1	List of relevant offences
Appendix 2	Flowchart of procedure

BACKGROUND PAPERS

Document	Date	Place of Inspection
The Council's Statement of Licensing Policy	2016 - 2021	The Council's Statement of Licensing Policy
Secretary of State Section 182 Guidance	April 2018	Secretary of State Section 182 Guidance

Report Author	Ext	Date
Nathan Howson	5665	19.09.19