

Classification: Public

Key Decision: No

Gravesham Borough Council

Report to: Licensing Committee
Date: 4 March 2015
Reporting officer: Assistant Director (Communities)
Subject: Personal Licence renewals under the Licensing Act 2003

Purpose and summary of report:

To inform Members of the procedure to be followed to renew Personal Licences issued under the Licensing Act 2003

Recommendations:

Members to note the contents of the report

1. Background

- 1.1 The scheme established by the Licensing Act 2003 for the regulation of the supply of alcohol includes a regime for the granting of personal licence to individuals to supply, or to authorise the supply of alcohol. A personal licence is separate from a premises licence.
- 1.2 The licensing of individuals separately from the licence of premises allows for the movement of personal licence holders from one premises to another, thus providing greater flexibility. The Act also provides the police and licensing authority with powers to deal with errant personal licence holders.
- 1.3 A personal licence does not authorise its holder to supply alcohol anywhere, but only from establishments with a premises licence.
- 1.4 To obtain a personal licence, applicants must pass an accredited licensing qualification and provide a basic disclosure and barring service criminal check in addition to completing an application form, provide two photographs that will be used to make an identity badge and pay the requisite fee of £37.00.
- 1.5 When the Licensing Act 2003 was in its transition phase between February and August 2005 individuals who held a licence to sell alcohol under the provisions of the Licensing Act 1964 were able to obtain a personal licence under the new regime under 'grandfather rights' that negated the need for a licensing qualification to be obtained.

- 1.6 All personal licences last for a period of 10 years and the first personal licences due for renewal in Gravesham Borough occur in March 2015.

2. Proposed changes

- 2.1 The Government is working to remove the requirement for personal licence holders to renew their licence every 10 years through the Deregulation Bill, which is currently before Parliament. However, the Deregulation Bill will not receive Royal Assent before the Spring 2015. When it becomes law anyone with a personal licence will hold it for their lifetime subject to it not being forfeited or surrendered.
- 2.2 To ensure that personal licence holders whose licences will expire before the enactment of the Bill the Government has introduced new arrangements and guidance to ensure they are not disadvantaged by the changes. This has been accompanied by guidance to local authorities on how this is to be managed.
- 2.3 For anyone affected during this interim period, they will need to complete an application form but will only need to provide basic information and either their original licence or a copy of the same. This application will need to be submitted to the authority who first issued the licence ie where the individual had their home address at the time. They will not need to provide a criminal records check, new photographs and there will be no fee. An acknowledgement will be given to the licence holder and this will be kept with their personal licence for production to authorised officers of the police or licensing authority if required.
- 2.4 Applications will need to be submitted at least one month before existing licence expire otherwise they will lapse and a new personal licence will need to be applied for. In the case of anyone who had a licence granted under 'grandfather rights' this would mean that they would have to obtain a licensing qualification.
- 2.5 In order to assist holders of Personal Licences issued about to expire, these persons have been notified of the interim arrangements by newsletter/personal letter. Further notifications will be made if the Deregulation Bill is delayed in its passage.

3. BACKGROUND PAPERS

3.1

Anyone wishing to inspect background papers should, in the first place, be directed to Committee & Electoral Services who will make the necessary arrangements.

IMPLICATIONS

APPENDIX 1

Legal	The Deregulation Bill contains the provision for personal licences to have no expiry date.		
Finance and Value for Money	Personal licences cost £37.00. Significant anticipated income will be lost when they do not have to be renewed every ten years (approximately £18,000 in 2015/16 and approximately £4,500 in subsequent years).		
Risk Assessment	There are no immediate risks associated with the abolition of the requirement for a ten yearly renewal of personal licences as changes of names/addresses and criminal convictions will still need to be notified to the Council.		
Equality Impact Assessment	Screening for Equality Impacts		
	Question	Answer	Explanation
	a. Does the decision being made or recommended through this paper have potential to cause adverse impact or discriminate against different groups in the community?	No	All new controls or deregulation applies to all licensees
	b. Does the decision being made or recommended through this paper make a positive contribution to promoting equality?	No	N/A
	c. What steps are you taking to mitigate, reduce, avoid or minimise the impacts identified above?		
<i>In submitting this report, the Chief Officer doing so is confirming that they have given due regard to the equality impacts of the decision being considered, as noted in the table above</i>			
Corporate Business Plan	There are links to Strategic Objective 1 – Community Wellbeing		
Crime and Disorder	Licensing regulation provides the council with a means of reducing crime and disorder as well as an ability to protect vulnerable persons		