

FLINTSHIRE COUNTY COUNCIL

REPORT TO: **LICENSING COMMITTEE**

DATE: **THURSDAY, 3 JULY 2014**

REPORT BY: **CHIEF OFFICER, PLANNING AND THE ENVIRONMENT**

SUBJECT: **LICENSING ACT 2003 - PERSONAL LICENCES**

1.00 PURPOSE OF REPORT

1.01 To inform Members of issues surrounding the renewal of Licensing Act personal licences in 2015

2.00 BACKGROUND

2.01 The Licensing Act 2003 came into effect in 2005. It requires that sales of alcohol cannot be made unless there is a Designated Premises Supervisor (DPS) appointed and that he or she holds a personal licence.

2.02 The personal licence holder does not have to attend or oversee each sale – it is sufficient that such sales are made under the authority of the DPS.

2.03 Back in 2005 many hundreds of applications were received as existing licensees utilised their ‘grandfather rights’ to transfer from the magistrate’s court system to the new arrangements overseen by Licensing Authorities.

2.04 By June 2014 Flintshire had issued 1,495 Personal Licences.

3.00 CONSIDERATIONS

3.01 Personal Licences are valid for 10 years unless surrendered. The Government was considering dispensing with the need to renew such licences as a deregulation measure, but after representations have decided that renewal will now take place.

3.02 This means that in 2015 there will be an additional heavy workload as the originally issued licences reach their 10 year expiry point.

3.03 Applications had to be made to the Licensing Authority in which the person was ordinarily resident. That authority remains the ‘relevant authority’ even though the individual may have moved out of the area or taken employment elsewhere.

3.04 Any changes of name or address should have been notified to the issuing authority though we know this has not always happened. Details of any relevant convictions received by the holder since the date of issue should also have been notified.

3.05 Renewal for those who are still living and working in Flintshire should be relatively straightforward e.g. confirmation of name & address details, submission of an up to date criminal convictions certificate and a new photograph for the ID badge part of the licence. There will be significant work, however, in tracking down people who have left the area - particularly if they have not been conscientious in informing the Licensing Authority of their relocation.

4.00 RECOMMENDATIONS

4.01 That Members note that the renewal of hundreds of personal licences in 2015 will lead to a significant additional workload.

5.00 FINANCIAL IMPLICATIONS

5.01 No details have yet been published on the fee that applicants will have to submit with their renewal application. This will be set by the Government. The fee for a Personal Licence is currently £37.00 (unchanged since 2005)

6.00 ANTI POVERTY IMPACT

None

7.00 ENVIRONMENTAL IMPACT

None

8.00 EQUALITIES IMPACT

None

9.00 PERSONNEL IMPLICATIONS

9.01 The Licensing Section is currently working at full capacity and the personal licence renewals will represent a significant but defined additional workload. Depending upon what the application fees are when published a judgement can be made about additional staffing.

10.00 CONSULTATION REQUIRED

None

11.00 CONSULTATION UNDERTAKEN

None

12.00 APPENDICES

None

**LOCAL GOVERNMENT (ACCESS TO INFORMATION ACT) 1985
BACKGROUND DOCUMENTS**

Licensing Act 2003
Section 182 Guidance for Local Authorities
FCC Statement of Licensing Policy

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