

NORTHAMPTON BOROUGH COUNCIL

Licensing Committee

Your attendance is requested at a meeting to be held at The Jeffrey Room, St. Giles Square, Northampton, NN1 1DE. on Tuesday, 19 June 2012 at 6:00 pm.

D Kennedy
Chief Executive

AGENDA

1. Apologies
2. Minutes
(Copy herewith)
3. Deputations / Public Addresses
4. Declarations of Interest
5. Matters of Urgency which by reason of special circumstances the Chair is of the opinion should be considered
6. Late Night Levy
(Copy herewith)
7. Annual Fees - Suspension of Licence
(Copy herewith)
8. Exclusion of Public and Press
The Chair to Move:
“that the public and press be excluded from the remainder of the meeting on the grounds that there is likely to be disclosure to them of such categories of exempt information as defined by section 100(1) of the Local Government Act 1972 as listed against such items of business by reference to the appropriate paragraph of Schedule 12a to such act.”

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Public Participation

Members of the public may address the Committee on any non-procedural matter listed on this agenda. Addresses shall not last longer than three minutes. Committee members may then ask questions of the speaker. No prior notice is required prior to the commencement of the meeting of a request to address the Committee.

LICENSING COMMITTEE

Tuesday, 8 May 2012

COUNCILLORS PRESENT: Councillors Malpas (Chairman) Capstick, Conroy, Eales, Nunn, Patel and Sargeant and Strachan.

OFFICERS: Mohammed Rahman (NBC Solicitor)
Mehboob Kassam (NBC Solicitor)

1. APOLOGIES

Apologies were received from Councillors Duncan, Ford and Wire DL.

2. MINUTES

The minutes of the meeting held on the 20th March 2012 were agreed and signed by the Chairman.

3. DEPUTATIONS / PUBLIC ADDRESSES

That Councillor Caswell, Messrs Hills, S Wilshire, K Wilshire, Maintsone, Ward, Russell and Shah be granted leave to address to Committee in respect of Item 6 – Hackney and Private Hire Age Limit and Engine Capacity and Associated Amendments.

4. DECLARATIONS OF INTEREST

There were none.

5. MATTERS OF URGENCY WHICH BY REASON OF SPECIAL CIRCUMSTANCES THE CHAIR IS OF THE OPINION SHOULD BE CONSIDERED

There were none.

6. HACKNEY AND PRIVATE HIRE AGE LIMIT AND ENGINE CAPACITY AND ASSOCIATED AMENDMENTS

The Chairman asked for papers to be circulated to Committee members, which had been sent to him via email and some of the other Councillors by Mr Bruere. The Chair commented that any documents or notes should not be sent direct to Committee Members, but should be sent to the appropriate licensing officers in future.

The Senior Licensing Officer submitted a report and explained that on the 27th September 2011, the Licensing Committee had agreed to consult on the feasibility on introducing age limits for Hackney Carriages and Private Hire Vehicles, to increase the engine capacity of Private Hire Vehicles (from 1400 cc to 1600cc) and associated exemptions. For clarification purposes, it was noted that Appendix 2, page 38, bullet point 4, should have read 'If an upper age limit of 12 years' and not 10 years as stated in the report.

The Committee had requested that all interested parties be given the opportunity to feedback any concerns or opinions to the Committee as part of the consultation period which had run from the 5th December 2011 to the 29th February 2012 - the key findings of which had been summarised in the Executive Summary of Appendix 2.

It was explained that over 1000 letters had been sent out by officers to the trade and a number of adverts placed in the Northampton Chronicle and Echo as part of the consultation including local radio broadcasts. It was noted that there had been a good response rate, which included over 900 comments, which had been submitted – attached at Appendix 3a

of the report. It was further noted that vehicle-testing reports from both the contracted MOT inspectors, for Hackney and Private Hire Vehicles, Jackson MOT Centre and NCS MOT Centre, had been obtained as part of the consultation. The Senior Licensing Officer read out the proposed recommendations as set out in the report.

The Chairman introduced Councillor Caswell as the former Chair of the Licensing Committee – who was the Chair at the meeting of the 27th September 2012 where Committee had resolved to proceed with the consultation.

Councillor Caswell addressed the Committee and encouraged continued work between the Licensing Department and the Taxi Trade. He commented that he wanted to see a good standard of Private Hire Vehicles and Hackney Carriages on the road and that were maintained to a high standard. He further commented that some drivers were themselves aggrieved by the standard and maintenance of some vehicles and wanted to see a well-presented fleet of Hackneys and Private Hire Vehicles in Northampton. He requested that the Committee continue to work together with Private Hire and Hackney carriage drivers.

Mr Hills (Secretary - Northampton Hackney Carriage Association) addressed the Committee and commented that he had been disappointed with the consultation and commented that he considered face-to-face meetings with those affected to have been more appropriate. He expressed concern that the current Council's policy, with regards to Hackney carriages, stipulated that the carriages must be less than 3 years old when licensed for the first time and commented that if this were to be removed, there would be an increase in the number of Hackney Carriages in Northampton and thus the standard amongst the trade would drop. He argued that the town centre already had excessive number of licensed vehicles and any further increase would have detrimental financial effects on the current drivers. He also stated that there should be a reduction in plate capping within Northampton.

Mr Bruere (Chair of the Northampton Hackney Drivers Association) – Stated that Mr Hill had covered everything he wished to say and wished to pass his right to speak up.

Mr S Wilshire addressed the Committee and commented that he considered the recommendations to be sensible. He reported that there had not been a fare increase for 4 years as there was a need to retain competition. He commented that it was not necessary for 6 monthly council tests to be carried out for new vehicles as they were all serviced and under warranty and largely the responsibility of the owner and would also encourage people to opt for new vehicles and thus reduce emissions and pollution. With regards to the current policy relating to the engine capacity of 1400 cc, Mr Wilshire argued that new vehicles and technological advances meant that the rule was unnecessary and a policy should be put in place to reduce the cc of engines as a means of encouraging people to opt for smaller, more efficient vehicles.

Mr K Wilshire (Chairman - Northampton Private Hire Association) addressed the Committee and commented that in recommendation 1 of the report, mention was made to 'penalties' being imposed on drivers whose vehicles were not maintained to high standards both internally and externally. He explained that the penalties had not been made known to the drivers and therefore urged the Committee not to agree to the recommendation until the trade had been consulted on the matter. He further commented that the Government were encouraging people to be more ecologically conscious with their choice of vehicles and therefore the Committee should decrease the current engine capacity policy limit from 1400 cc.

Mr Mainstone addressed the Committee and commented that if any further conditions were imposed on drivers, there would be a profound impact on trade and people would suffer severe financial hardship as a result. He commented that he was aware of a number of

drivers who were considering leaving the trade due to financial concerns. To address some of the financial issues, he suggested that a cap be placed on licensed vehicles.

In answer to a question, put forward by the Committee, Mr Mainstone commented that specifically the number of Hackney Carriage Licenses should be capped and not Private Hire vehicles.

Mr Ward addressed the Committee and commented that as long as Private Hire Vehicles were tested by an MOT centre there was no need for age limits to be introduced. He stated that the three-year age limit restricted newer vehicles and encouraged an older fleet because the inflated price of Hackneys due to the 3 year rule would mean that second hand Hackneys would push newer vehicles out of the price range of most. He also suggested that the stipulated engine capacity be deleted, as it was obsolete due to advances in technology.

Mr Russell addressed the Committee and commented that he wanted to convey the negative financial impacts that would be incurred as a result of placing more conditions on Licensed Vehicles. He commented that the Committee should wait for the outcome of the Law Commissions findings due later in the year. He stated that if the Committee felt it necessary to make a decision, that they accept all of the recommendations – apart from recommendation 1, as he expressed concerns about what ‘penalties’ drivers would face in relation to the condition of their vehicles.

Mr Shah addressed the Committee and stated that he was there in his capacity as a solicitor to represent a number of concerned drivers. He requested that the Committee follow the advice and opinions that had been given as part of the consultation process and argued that there was no justification for an Age Policy to be introduced. He stated that if the Committee did not follow the recommendations and advice collated, they could potentially leave the Council vulnerable to action such as a Judicial Review. He questioned the recommendation 1 and the penalties and commented that this had not been a consideration or proposal at the last meeting where the consultation process had been agreed and had been asked that clarification be given with regards to the aforementioned penalties. He urged Members to consider the recommendations very carefully before agreeing them especially before gaining clarification.

The Chairman thanked Councillor Caswell and the members of the public for their input in the meeting and having expressed their views.

The Committee discussed the recommendations and a number of Members expressed concern about the ‘penalty’ issue noted in recommendation 1 of the report. The Committee concurred the importance of working with the trade and it noted that whilst safety was of paramount importance, an awareness of financial implications that could be incurred by the drivers should also be given consideration. Members further discussed the advances in technology and gave consideration to green issues, and questioned whether or not it was necessary for a restriction to be in place on engine capacity as it could be considered as excessive and outdated.

RESOLVED:

1. That a working group be established in order to consult on potential changes to the conditions policy booklet for vehicles and penalties to be imposed with an aim to complete within 6 months and to be brought before the Committee. The working group to be made up of the following Members: - Councillors Malpas, Eales, Sargeant and Patel.
2. That there be no age limit imposed on Private Hire Vehicles and there be a removal

of age limits on Hackney Carriages, the latter to take effect after the working party agreed the conditions (as above).

3. That engine capacity restrictions be removed, to take effect after the working party agreed the conditions (as above) and after the working party has been completed and a conditions policy booklet has been bought back before the Committee.
4. That the current requirement for 2 MOT tests per year be maintained.
5. That newly registered vehicles at the DVLA that are subsequently licensed operate for a full 12 months without the requirement to be routinely tested following its initial plating to take effect after the working party agreed the conditions (as above).

7. EXCLUSION OF PUBLIC AND PRESS

The Chair moved that the Public and Press be excluded from the remainder of the meeting on the grounds that there was likely to be disclosure to them of such categories of exempt information as defined by Section 100(1) of the Local Government Act 1972 as listed against such items of business by reference to the appropriate paragraph of Schedule 12A to such Act.

The Motion was Carried.

The meeting concluded at 7.08pm



LICENSING COMMITTEE REPORT

| | |
|---------------------|------------------------|
| Report Title | Late Night Levy |
|---------------------|------------------------|

AGENDA STATUS: PUBLIC

| | |
|--------------------------------|----------------------------------|
| Committee Meeting Date: | 19 th June 2012 |
| Directorate: | Customers and Communities |

1. Purpose

1.1 This report will provide the Licensing Committee an update in relation to the proposed introduction of the Late Night Levy and an approximation of the income and expenditure associated with it.

2. Recommendations

2.1 That the report be noted and no action or decisions will be taken until legislative changes confirmed

3. Issues and Choices

3.1 Report Background

3.1.1 The Police Reform and Social Responsibility Act has introduced amendments to the Licensing Act 2003. Further amendments are expected in October and those changes are expected to include the introduction of a Late Night Levy.

3.1.2 The late night levy is a power for licensing authorities to introduce a charge for premises that have a late alcohol license between the hours of midnight and 6 a.m. It allows licensing authorities to charge those businesses for the extra enforcement costs that the night-time economy generates for police and local authorities. Whether or not to implement the levy will be left entirely at the discretion of the licensing authority that will make the decision based on the situation in their local area. In the areas that it is introduced the levy will be collected annually and the revenue will be split between licensing authorities

and the police. After deductions for administering the levy, the rate of the split is currently 70% Police, 30% Local Authority. The Police do not have to spend their proportion of the levy in the local area where it has been collected, or on policing associated with alcohol related crime and disorder. Should the Committee decide for the introduction of a late night levy, a period of public consultation will be required.

3.1.3 The late night levy will be set at a national level. While the final detail will be confirmed in secondary legislation. It is currently anticipated the following charges will be:

| Rateable value bands | A No rateable value to £4,300 | B £4,301 to £33,000 | C £33,001 to £87,000 | D £87,001 to £125,000 | E £125,001 and above | Dx2 Multiplier applies to premises in category D that primarily or exclusively sell alcohol | Ex3 Multiplier applies to premises in category E that primarily or exclusively sell alcohol |
|-----------------------------|---|-------------------------------|--------------------------------|---------------------------------|--------------------------------|---|---|
| Annual levy charge | £299 | £768 | £1,259 | £1,365 | £1,493 | £2,730 | £4,440 |

In areas where the licensing authority decides to apply the levy it will affect all premises (both in the on-trade and the off-trade) that are licensed to sell alcohol during the hours to which the levy applies. It will be up to the licensing authorities to decide the time at which the levy applies in their area, although it will be restricted to applying between the hours of midnight and 6am.

3.1.4 Exemptions and Reductions.

Consideration is being given centrally for reductions or exemptions from the levy for businesses that are for example, in a Business Improvement District or members of Pubwatch. Further, there may be types of premises - such as certain hotels with a late night license for mini-bars in rooms - who do not benefit from the policing of the late night economy. There will be hotels whose guests drink in the hotel bar or at functions, such as weddings and parties, who go out later in the evening and benefit from the policing of the late night economy. And there may be bars who are members of best practice schemes but who are not fulfilling their duties under these schemes. For these reasons, the categories of exemptions and reductions will be optional so that licensing authorities have the discretion to decide what is appropriate for their own circumstances.

3.2 Income and Expenditure

3.2.1 Disregarding potential exemptions or reductions in the levy to be charged, the table below shows the number of premises that would be affected by the Levy and the income generated.

| | Number of businesses | Band Income | Administration Deductions * | Police | NBC |
|---------------|-----------------------------|--------------------|------------------------------------|-----------------|-----------------|
| Band A | 21 | £ 6,279 | £ 630 | £ 3,954 | £1,694 |
| Band B | 84 | £64,512 | £2,520 | £43,394 | £18,597 |
| Band C | 39 | £49,101 | £1,170 | £33,551 | £14,393 |
| Band D | 13 | £17,745 | £ 390 | £12,148 | £5,206 |
| Band E | 18 | £26,874 | £ 540 | £18,433 | £7,900 |
| Total | 178 | £164,511 | £5,340 | £111,480 | £ 47,790 |

*Administration cost based on average cost of £30 per invoice

- 3.2.2 The Committee should consider that a significant number of businesses that would currently be liable, and are included in the table above have licenses to sell alcohol up until 1 a.m. There are 24 premises permitted to sell until 00:30 a.m. and a further 60 until 1 a.m. There are also 5 premises that are only permitted to sell after midnight on bank holidays. It is possible that some of these premises will decide that the cost of the levy may not be worth the continued selling of alcohol after midnight.
- 3.2.3 If all of the premises that are currently allowed to sell alcohol up until 1 a.m. were to apply for a variation to midnight, this would result in a reduction in the amount levied before any deductions to £75,503. After deductions this would result in £51,088 being allocated to the Police, and £21,894 allocated to the Licensing Authority.
- 3.2.4 The Committee should also note that the Licensing Authority would not be allowed to charge for any variation to reduce hours of sale of alcohol as a result of the implementation of the late night levy. This would have an impact on the Licensing service as the relevant number of variations would need to be processed. However, this would be a one off process and any financial impact would be offset against the income received from the late night levy.
- 3.2.5 Further work needs to be undertaken when secondary guidance is received to ascertain potential exemptions from the Levy for business in the Business Improvement District, members of Pubwatch etc. This could have a significant income on the Committee's final decision as to introduce the levy.
- 3.2.6 The Committee will also need to consider the impact of Early Morning Restriction Orders (EMRO) which are also likely to be introduced in October. A report will be provided for the Committee at a future meeting to discuss their potential impact.

3.3 Choices (Options)

At this stage, this report is for information only and to give an idea of the considerations that the committee will need to give to implementing a night levy.

4. Implications (including financial implications)

None at this stage

4.1 Policy

4.1.1 Not at this stage.

4.2 Resources and Risk

4.2.1 None at this stage

4.3 Legal

The Committee should be aware that this Legislation has not yet come into force and there are still a lot of discussions taking place with regards to secondary legislation and Government Guidance. Therefore, the content of this report is subject to change

4.4 Equality

4.4.1 No equality issues have been identified at this stage but an Equality Impact Assessment will need to be completed prior to any decision being made.

4.5 Consultees (Internal and External)

4.5.1 All relevant internal departments have been consulted.

4.6 Other Implications

4.6.1 None

5. Background Papers

5.1 Home Office Guidance – Late Night Levy

Bill Edwards, Senior Licensing Officer
8986

Appendices 1



NORTHAMPTON
BOROUGH COUNCIL

LICENSING COMMITTEE REPORT

| | |
|---------------------|--|
| Report Title | Annual Fees - Suspension of Licence |
|---------------------|--|

AGENDA STATUS: PUBLIC

| | |
|--------------------------------|----------------------------|
| Committee Meeting Date: | 19 th June 2012 |
| Directorate: | Customers & Communities |

1. Purpose

1.1

This document sets out the responsibilities and procedures in relation to the collection of the annual fees due under the Licensing Act 2003. It sets down guidance and responsibilities of staff for the purposes of collecting, maintaining systems and suspension of licences. This guidance exists to protect both the Council and its employees from legal challenges and maximising the income due.

2. Recommendations

2.1 That the committee agree to the introduction of the billing procedure as 3.1.7 and 3.1.8 below.

3. Issues and Choices

3.1 Report Background

3.1.1 Prior to the 25th April 2012, the Licensing Act 2003 (The 2003 Act) set down a statutory annual fee due by all Licence Holders. Following consultation on rebalancing the 2003 Act, it became evident that the vast majority of Local Authorities, including Northampton Borough Council, found these fees difficult to collect and no real powers or incentives existed to enforce overdue debts.

- 3.1.2 The Police Reform & Social Responsibility Act 2011 (The 2011 Act) introduced changes to The Licensing Act 2003, to make provision for licensing authorities to suspend licences due to non-payment of fees. The Government felt this amendment would provide a much stronger incentive for businesses to pay their fee in a timely manner and save licensing authorities the time and cost of pursuing non-payment. **This change became law on the 25th April 2012.**
- 3.1.3 The new legislation allows for a minimum period of 21 days for licence holders to pay their fees and for the licence to be reinstated as soon as the fee is paid. The licensing authority must give the licence holder two days notification that the licence will be suspended and must notify the licence holder when their licence has been reinstated.
- 3.1.4 There is provision within the act, that if an administrative error has occurred or there is a dispute about liability to pay a fee, the licence cannot be suspended.
- 3.1.5 Under section 182 of the 2003 Act, a Local Authority in carrying out its functions must have regard to any guidance issued by the Secretary of State. The amended guidance relating to the new legislation in respect of the suspension of licences for non-payment of the annual fee is detailed in Annex A.

3.1.6 Maintenance of Fees

No changes are proposed to the existing maintenance of fees as detailed below:

- Annual fees in respect of the Licensing Act 2003 are collected by invoicing, using the corporate Agresso software.
- The Exchequers Department is responsible for : setting up Direct Debits, collecting the Direct Debits, the production of subscription invoices, sending out ad-hoc invoices.
- The responsibility for authorising and amending Customer Masterfile Information falls within the Exchequers Department
- The responsibility for inputting and amending ad-hoc invoices, reoccurring subscriptions and credit notes, falls within the Licensing Team.
- The responsibility for producing the arrears list falls within the Recovery Team.

3.1.7 Billing Procedures

No billing procedures exist at present and it is proposed to adopt the following procedures:

- Issue invoice with a “Due Date” from the grant date of the Licence, responsibility of the Licensing Team.
- 14 days after the “Due Date” a normal reminder is sent by exchequers.
- 14 days after that (28 days after Due Date) a Final letter is sent by the Exchequers team informing the Licence Holder that their Licence will be suspended within 7 days*.
- At the same time as step 3* details and copies of the letter will be sent to the Senior Licensing Officers (SLO), in order that a visit and a copy of the letter can be hand delivered to the premises, within 2 working days.
- The SLO must check if a Registered Interest 3rd party application has been lodged in respect of the Licence and contact the 3rd party immediately to warn of the impending suspension and possible loss of business.
- The SLO must check the billing details are consistent with the information held on file and check if any complaint regarding an administration error has been lodged with the Local Authority.
- If still no payment is received, the SLO will send notice of the suspension date to the Licence Holder at both the billing address and hand deliver the notice to the premises. The SLO will also notify the police that the Licence has been suspended and update the Agresso Customer Information Notebook.
- Payment for suspended licences should be directed to the Licensing Team and will be requested by debit or credit card, in order to ensure that licences are reinstated as quickly as possible, instead of waiting for cheques to clear.
- Upon receipt of payment, the SLO must no later than the end of the next working day, give written notice to the licence holder that the licence has been reinstated and inform the police.

3.1.8 Proposed Exchange of Information with Exchequers

Reports of the outstanding licensing fees are currently received on an ad-hoc basis and it is proposed to adopt the following exchange of information with the exchequers department:

- Recovery will send a weekly report that identifies those invoices that have gone passed the "X" date and are not paid. It would be the responsibility of the Senior Licensing Officers to suspend the licence.

- Recovery will use a specific "Complaint Code" with a Complaint Date towards the year-end. This would mean that the Recovery Team in Revenues and Benefits would take no action on these invoices until the complaint date is expired and they have received instruction from the Licensing Team to take further action.
- Once the complaint date has expired, the Licensing Team will be responsible for raising credit notes and/or instructing the Recovery Team to pursue through the Debt Collection Agents.
- The Exchequers/Recovery Sections, and the Licensing Team must ensure that any complaints lodged regarding an issue concerning an administration error, or a dispute over the charges, are recorded in the Customer Information Notebook on the Agresso system. Complaints will only be accepted as valid, once the complaint has been received in writing or by email.
- The Licensing Team will update the individual Agresso Customer Information Notebook that a Licence has been suspended.
- Customers who request a change of billing address must be referred to the Licensing Team. These customers will be asked to return their premises licence for updating in accordance with s.33 of the Licensing Act 2003.

3.3 Choices (Options)

This report proposes a process to implement this legislation within the councils Licensing service. It is proposed that this council allow longer than the statutory minimum period as above. Another option would be to be less generous and require payments within the minimum times, however this would not align with the billing and payment policies of other service area and may be considered too onerous on the businesses concerned.

4. Implications (including financial implications)

4.1 Policy

- 4.1.1 No annual fees procedure currently exists for the Licensing Act 2003. These procedures may need to be integrated into policies/procedures that exist within the exchequers/recovery teams; they have been consulted with and the Licensing Team will continue to work with those departments, in order to ensure that staff are made aware of these changes.

4.2 Resources and Risk

- 4.2.1 No financial risk identified in respect of staffing costs
- 4.2.2 Payment received by cheque and subsequently returned by bankers. There is often a time delay when receiving notification of cheques being returned by banks, this will result in a delay with the suspension of the licence. Cheques may be used as a method to delay either a suspension, or as a means to reinstate a licence, knowing the funds are not available.
- 4.2.3 Payment might be taken by Exchequers/Recovery and licence holder not notified that suspension lifted.
- 4.2.4 Billing address updated without the licence being updated.

4.3 Legal

- 4.3.1 A legal challenge may result in costs being claimed against the council.
- 4.3.2 Financial risk may arise if suspension in a licence is challenged. A legal challenge may result in costs being claimed against the council.

4.4 Equality

- 4.4.1 No equality issues have been identified at this stage.

4.5 Consultees (Internal and External)

- 4.5.1 Recovery Team, Exchequers Team, Legal Team

4.6 Other Implications

- 4.6.1 None

5. Background Papers

- 5.1 Licensing Act 2003
- 5.2 S .182 Guidance of the Licensing Act 2003
- 5.3 Home Office Guidance

Louise Faulkner, Senior Licensing Officer, Ext 8393

Licensing Act 2003 – s.182 Guidance paragraphs 14.1 – 14.7

The 2003 Act requires a licensing authority to suspend a premises licence or club premises certificate if the annual fee is not paid when it is due. However, this does not apply immediately 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. In either of these cases, there is a grace period of 21 days. This period is intended to allow the licensing authority and the licence or certificate holder an opportunity to resolve the dispute or error. If the dispute or error is not resolved during this 21-day period, the licence will be suspended.

Dispute

The 2003 Act describes a dispute as one relating to liability to pay the fee at all or relating to its amount. In either case, the licence or certificate holder must notify the licensing authority of the dispute on or before the date on which the fee to which it relates becomes due.

Administrative Error

There is no definition of “administrative error” in the 2003 Act, but it can include an error on the part of the licensing authority, the licence or certificate holder, or any other person. Therefore, “administrative error” will be given its plain, ordinary meaning. An example might be where post has been misdirected.

Suspension

If a licensing authority suspends a licence or certificate, it must notify the holder in writing and specify the date on which the suspension takes effect; this date must be at least two working days after the day the authority gives the notice. It should be noted that this is the minimum period only, and licensing authorities should consider applying longer periods. The authority may wish to inform the police and other responsible authorities that the licence or certificate has been suspended.

A suspension ceases to have effect on the day on which the licensing authority receives payment of the outstanding fee from the licence or certificate holder. To enable the licence holder to demonstrate that the licence has been reinstated, the licensing authority is required to give the holder written acknowledgment of receipt as soon as practicable following receipt, and:

- a) If payment was received on a working day, no later than the end of the next working day, or;

- b) If payment was received on a day when the authority is not working, no later than the end of the second working day after the day on which the fee was received.

Licensing authorities may wish to consider requesting, in the notice of suspension mentioned above, that subsequent payment of the outstanding fee may be made in such manner as would most expeditiously bring it to the attention of the authority. The licensing authority may also wish to inform the police and other responsible authorities that the licence or certificate has been reinstated.

Effects of Suspension

A premises licence or certificate that has been suspended does not have effect to authorise licensable activities. However, it can for example be subject to a hearing or, in the case of a premises licence, an application for transfer. The licence will nevertheless only be reinstated when the outstanding fee has been paid. Formally, the debt is owed by the holder who held the licence at the time it was suspended. However, it may be more likely in practice that the new holder will actually make the payment. In the case of a licence or certificate where more than one payment year has been missed (since the coming into force of sections 55A and 92A of the 2003 Act) payment of the outstanding fee in relation to each year will be required to reinstate the licence.