

Allerdale Borough Council

Licensing Committee – 31 January 2022 Licensing Compliance Aug 2021 – Jan 2022

Portfolio holder	Councillor Colin Sharpe Portfolio Holder for Legal and Finance
Report from	Gillian Collinson – Senior Specialist - Licensing & Compliance
Wards affected	All Wards
Is this a key decision	Yes

1.0 The reason for the decision

- 1.1 To note the work undertaken by the temporary Licensing Compliance Officer and to consider the appropriate action to be taken to streamline the licensing records where premises with licences no longer exist.

2.0 Recommendations

- 2.1 To note the work completed by the Temporary Licensing Compliance Officer; and
- 2.2 To approve the Licensing Authority acting as a responsible authority to instigate applications for review of premises licences where it can be shown the premises/businesses have closed or have multiple licences. This would include the writing off of outstanding debts where they are considered unrecoverable.

3.0 Background and Introduction

- 3.1 In August 2021, a temporary Licensing Compliance Officer was appointed for six months. The main objective of the temporary post was to visit as many licensed premises as possible.

In carrying out the role, the officer has been asked to complete an audit questionnaire for each (appendix 1). The purpose behind this is to assess the current situation in the premises following lockdown, to consider other business restrictions imposed by Covid-19 regulations (and whether these are being complied with) and to establish whether any amendments to the licence are

required. A further aim of the role, is to identify any premises which may have closed and no longer exist. Outstanding annual fees have also been collected and where appropriate, licences suspended for non-payment.

Pubs, clubs and late night takeaways have been the focus of the role. Any gambling provided in the pubs and clubs is also being checked. Where any required amendments are identified, in terms of licence holders, designated premises supervisors or the business model, advice is provided at the visit, with assistance being given to complete forms if required. The officer then conducts the appropriate follow-ups which may include further visits, telephone calls or emails/letters. This has proved very effective and has generated a number of licence applications, the collection of outstanding annual fees and identification of closed premises. This is enabling the updating and streamlining of the licensing records and debt recovery.

4.0 Details of inspections and outcomes

4.1 The Officer has completed inspections in Cockermouth, Keswick and Workington. He is presently conducting inspections in Maryport, Allonby and Silloth and outlying areas before continuing to Wigton and Aspatria. The audits are predominantly completed on site but if the relevant person is not available it is conducted over the phone.

4.2 Details of inspections:

Town/Area	Number inspected
Cockermouth	44 including revisits
Keswick	55 including revisits
Workington	73 including revisits
Maryport	15 including revisits and ongoing
Allonby	ongoing
Silloth	ongoing
Wigton	pending
Aspatria	pending
Outlying areas	pending

4.3 Outcomes

4.3.1 The inspections have revealed a number of issues resulting in revisits, lots of advice given both on site and in the form of letters/emails, suspension of licences for non-payment of annual fees and the cancellation or surrender of some licences.

Applications to rectify licences have been generated together with advice and assistance with the completion of those applications. Each premises visited has been allocated a risk factor with referrals being passed to relevant responsible authorities. Environmental Health receives the completed audits to ascertain what action they need to take separately, particularly regarding food registrations and inspections. Many visits have led to successful and much improved partnership working with the Police, Fire Service and Environmental Health.

4.3.2 Applications

Of the 45 premises identified so far as requiring amendments or further action, the following is a summary of progress:

Number of applications received and processed = 13

New premises licence applications = 1

Change of names/copy licences = 6

The remainder are made up of various matters. Some applications cannot be submitted yet for example, some businesses will be changing ownership soon. Some applications have been received but require additional documentation before processing, others just require copy licences for display. They are being followed up by a dedicated licensing Business Support member of staff. This post has also been recently recruited to, with a view to providing dedicated support to the temporary Licensing Compliance Officer and to complete the additional licensing work generated. Application fees generated so far total £540.50.

One building which contains multiple premises, was identified during audit, as having a number of quite serious issues, but most importantly, concerns around fire safety. A referral to the Fire Service has resulted in long-term improvements being required. The improvements required are being overseen by the Fire Service with input from the Licensing Compliance Officer. Progress so far indicates no action is required against the licence at the current time, but this is being actively monitored to ensure the relevant legislation and licensing objectives are being adhered to.

4.3.3 Annual Fees

The Licensing Act 2003 (the Act) provides that annual fees are payable which cover the costs associated with the ongoing maintenance and development of the licensing regime and for ensuring compliance with the Act.

Premises Licence and Club Premises Certificate holders must pay an annual fee before the anniversary of the original grant date for that licence. Failure to pay the fee prior to this date will result in the Council suspending the relevant licence or certificate.

It is the responsibility of each licence holder to ensure that the fee is paid to the Council in time. The Council will assist licensees by writing to them prior to the annual fee payment due deadline to inform them of this payment and how it can be made.

The Police Reform and Social Responsibility Act 2011 amended the Licensing Act 2003 to make provision for the suspension of the premises licence due to non-payment of the annual fee.

A significant number of annual fees owing have been recovered. The figures are illustrated in appendix 2. Please note the figures fluctuate as annual fees are due each month with the bulk of fees due in November each year. The figures also include some debts cancelled as surrenders of a number licences have been obtained. At the time of writing there are 148 premises with overdue invoices to be suspended.

Closed Premises

There is no provision for the Licensing Authority to revoke a licence for non-payment of the annual fee if the premises no longer exists. It relies on the licence holder surrendering the licence. If they are not traceable the licence remains valid on the system and although it may be suspended for non-payment of annual fee it continues to stay on the licensing system and generate an annual fee resulting in the amount of debt owed to the council being falsely inflated and unrecoverable.

In an effort to streamline the licensing records, the Licensing Compliance Officer has been identifying closed premises or business which no longer exist. If the licence holders were traceable they have surrendered the licences and the subsequent debt cancelled. Ones which cannot be traced are in the process of being suspended and further information will be given in paragraph 5 as to a possible way forward with these.

4.3.4 Covid-19

Part of the questionnaire includes the possible modification of the business model in light of the restrictions introduced by Covid-19 regulations and advice being given. Before Christmas the government introduced new regulations for premises falling within the specified criteria to check Covid passes for customers. The most likely premises were targeted by the Licensing Compliance Officer, who sent the relevant information to those premises and answered enquiries raised by those premises. He is currently following up with them as to their experiences over the Christmas and New Year period and to assist where necessary.

5.0 Reviews

- 5.1 Businesses with premises licences have been identified which no longer exist with some having been converted into houses or other property types, or operating as unrelated businesses. Licence holders cannot be traced and the licence therefore remains live on the system generating more fees and incorrectly representing licensing figures which are supplied in government returns. They will also be receiving updates being sent to all licensed premises.
- 5.2 With other attempts to remedy this being exhausted the remaining option to remove the licences from the system is for the licence to be revoked. This would be done by way of an application for a review of the licence instigated by the Licensing Authority acting in its capacity as a Responsible Authority. It does involve a

significant amount of administration work and each application will be presented to the Licensing Panel in due course.

5.3 At least eight premises have been identified so far as no longer in existence and the annual fees owing on those premises total £5950. As the inspections continue there will be more plus some premises have multiple licences which need revoked and annual fees written off.

6.0 Delivery arrangements

6.1 Not applicable.

7.0 Implications and Impact

7.1 Contribution to Council Strategy Priorities, Outputs and Outcomes

Financially Secure – The collection of annual fees and identification of closed premises with the subsequent write off of unrecoverable debts will give an accurate budget and projected budget. Streamlining the licensing records will save resource in the long term and create efficiencies.

7.2 Finance/Resource implications

Initially the dedicated work to collect fees, process the increased number of applications generated by the inspections and produce reports regarding closed premises for the Licensing Panel's consideration is taking additional resource. This is balanced by the debts owed to the Council being recovered, generating extra income from applications, ensuring premises are compliant and ultimately holding an updated set of licensing records.

By holding an updated set of licensing records resource will be saved in the licensing and finance departments in terms of administrating the recovery of annual fees and the legal department through debt recovery.

7.3 Legal and governance implications

There are no legal and governance implications arising from the report. The relevant legislation in respect of recovery of annual fees, suspension of licences and the ability to review licences is contained within the Licensing Act 2003 and the Police Reform and Social Responsibility Act 2011.

7.4 Risk analysis

A scored and mitigated risk log

Risk	Consequence	Controls required	Mitigated score
Financial – Not collecting annual fees and streamlining records to reflect current licences	Gives an inflated and inaccurate record of debt owing to the Council leading to budget inaccuracies. Inaccurate information	Maintenance of records, suspension of licences and dedicated work to recover the fees.	4

	being reported to Senior Management and on government returns.		
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7.5 Increasing satisfaction and service

Licence holders have already expressed their satisfaction with the inspections carried out, the increased communication and the opportunity to have queries resolved immediately.

7.6 Equality impacts

Not applicable.

7.7 Health and Safety impacts

Not applicable.

7.8 Health, wellbeing and community safety impacts

Not applicable.

7.9 Environmental/sustainability impacts

Not applicable.

7.10 Other significant implications

Not applicable.

Appendices attached to this report

Appendix number	Title of appendix
1	Template Audit questionnaire
2	Annual fee recovery figures

Background documents available

Name of background document	Where it is available
N/A	

Report author(s) and contact officer(s):

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