

General Procedure for Revoking or Suspending a Personal Licence

1. Licensing officer becomes aware of a conviction of a *relevant offence* or immigration penalty. **Note:** The personal licence holder is under a duty to *inform* both the licensing authority and the court on conviction. Information to the local authority should come from the individual but may also originate from Police or Court service.
2. After the officer determines that it is a relevant offence, a decision will be made by the officer whether it may be appropriate for the licence to be considered for revocation or suspension. Where there is a delay between conviction and notification the officer must consider the Rehabilitation of Offenders Act. Where any conviction is likely to be spent before completion of this process, it should not be started, unless exceptional circumstances apply.
3. If the officer believes it may be appropriate to refer the matter to members for consideration, a notice must be given to the licence holder confirming the intention.
4. The Personal licence holder has 28 days to provide any relevant information as explained in the notice.
5. The licensing officer also collects any addition information that may be relevant to the case and prepares the information to be placed before the Licensing Sub Committee. This guidance is not intended to be prescriptive as to the scope of any investigation; however, established Licensing Objectives; the Council Business Plan, relevant local context and public interest may be reasonable considerations.
6. Representation made by the licence holder will be considered along with any other information received from the officer investigation. This could involve any evidence and statements provided by the Police or Home Office regarding the circumstances surrounding the convictions. Context of the offending and established Licensing Objectives / Statement of Licensing Policy are key considerations.
7. A report will be produced for the Licensing Sub Committee detailing the convictions, sentence received and relevant offence, information supplied by licence holder and any further information gathered during course of the wider investigation.
8. A Licensing Sub Committee hearing will be held where the report will be presented, and the Personal licence holder invited to attend to provide a submission and answer any questions from members.
9. Members will have the option of 3 or if approved 4 decisions that can be made:
 - To take no action
 - To issue a warning letter
 - To suspend the personal licence for a period not exceeding 6 months
 - To revoke the personal licence

Such hearings ought to be held in private on the basis that an individual's conviction/s might be reasonably considered to be private information and not for discussion in public forum. It is recognised that Courts themselves are public and convictions are publicised at the time. The licensing authority may wish to consider publicising the outcome of a hearing after a determination in some cases. Consultation at executive level and appropriate legal advice should be sought in such circumstances.

- 10.** If the decision made is anything other than revocation the officer must then notify the Chief Constable and/or Home Office of the decision and give them 14 days to make any representations. This notification should pass via the Police Licensing Officer and Community Policing Inspector for the geographic area concerned.
- 11.** If the Police and/or Home Office respond and ask for the revocation of personal licence, a second hearing will be held for members to reconsider the original information, the new representations from Police or Home Office and give a final decision. Following consideration of the new information, the same three or four options apply:
 - To take no action
 - To issue a final warning letter
 - To suspend the personal licence for a period not exceeding 6 months
 - To revoke the personal licence
- 12.** If no response is received from Police or Home Office, or the response indicates it is for information only, then Licensing Manager will need to confirm if the original decision stands. This may be done via email/phone or similar method. There is no requirement for a second hearing.
- 13.** Once a final decision has been made, a decision letter will be sent to licence holder, Police and/or Home Officer detailing the decision made and reasons for it. All parties will have 21 days to appeal to Magistrates Court.