

LICENSING AND SAFETY COMMITTEE

26 APRIL 2005

LICENSING ACT 2003 - PROGRESS REPORT ON IMPLEMENTATION

Report from: Mark Bowen, Assistant Director (Legal and Contract Services)

Author: Chris Webb, Licensing Manager

1. Summary

1.1 The purpose of this report is to update the Licensing and Safety Committee on the implementation of the Licensing Act 2003.

2. Decision Issues

2.1 The committee has delegated powers to consider this matter.

3. Introduction

3.1 The Licensing Act 2003 became operative on 7 February 2005. There is currently a nine month transition period and it is anticipated that the "second appointed day" will be 7 November 2005. On that day, the old licensing system (public entertainments, liquor licences, late night refreshment, cinemas) will cease completely. Premises and personal licences under the Licensing Act 2003 will then become operative.

3.2 Existing licensees have until 6 August 2005 to convert their existing licences to the new system. This report briefly updates Members on the implementation of the new Act.

4. Implementation Update

4.1 It is currently estimated that the Council will issue approximately 1200 premises licences and 4000 personal (sale of alcohol) licences under the Licensing Act 2003.

4.2 To date, the following is a breakdown of numbers of applications received:-

Personal Licences

48 applications received
26 licences issued to applicant
20 in progress
2 returned to applicant, as incomplete

Premises Licences

22 applications received
1 ready to issue
3 in progress
18 returned to applicant, as incomplete

Club Premises Certificates

3 applications received
1 ready to issue
1 in progress
1 returned to applicant, as incomplete

Members will be updated on the above figures at the meeting.

- 4.3 Consultation arrangements with the “responsible authorities” (Police, Fire, internal Council departments) have been put in place and a weekly list of valid premises licence applications will be circulated to parish councils and all Members.
- 4.4 With regard to premises licensee applications, Members are reminded that if a relevant representation is made the application must be determined by a Licensing Hearing Panel. The same procedure also applies if a police objection is made to a personal licence application. A relevant representation is one which relates to the likely effect of the grant of the licence on the promotion of at least one of the four licensing objectives specified in the Act (prevention of crime and disorder, public safety, prevention of public nuisance and protection of children from harm).
- 4.5 Given the current incoming rate of applications being validated, it is unlikely that a Licensing Hearing Panel would need to be called until late May 2005 at the earliest. If applications continue at the current “slow” rate, there is a strong likelihood, the Government will need to postpone the second appointed day.
- 4.6 As the committee is aware, full consultation took place with the trade, the public, interested parties etc prior to the approval of the statement of licensing policy by full Council on 9 December 2004.
- 4.7 Since June last year, officers have widely publicised the new Act and held regular meetings with the Medway Licensed Victuallers Association and individual major trade operators in the area to provide advice, information and assistance, including how to complete the new application forms. Recently, Ian Webster from LGS.uk gave a presentation on the new Act to the Medway Licensed Victuallers Association which was well attended by licencees. A further session for licencees is planned in the near future. Three separate mailshots to all current and potential licensees have been undertaken and the licensing team now has two

dedicated phone lines to answer queries. Information leaflets have been prepared which indicate guidance on how to complete the application forms. The leaflets cover 18 areas of the Act and are despatched with each application form or where requested separately. Copies of the leaflets will be available for Members perusal at the meeting.

- 4.8 The Licensing Unit is fully operational to accept and process licensing applications made under the new Act. The initial indications are that some premises may apply for a marginal increase in hours, whilst some will wish to only keep their current hours.

5. Financial Implications

- 5.1 The budget for 2005/2006 was constructed in anticipation of a spread of income across the years 2004/2005 and 2005/2006. In the event, applications received in 2004/2005 were much less than expected which is likely to impact upon 2005/2006 as additional income above budget. However, this remains based on estimates of applications received under the new legislation and, as the report indicates, the receipt of applications remains slow at present. The position will be closely monitored through the year.

6. Legal Implications

- 6.1 The legal implications are set out in the body of this report

7. Recommendations

- 7.1 That the committee note the progress report and the areas of concern highlighted in paragraphs 4.5 and 5.1.

8. Background Papers

Licensing Act 2003
Medway Council statement of licensing policy
Information leaflets

Lead Officer Contact:

Chris Webb, Licensing Manager, Telephone 01634 337114
E mail: chris.webb@medway.gov.uk