**Carlisle City Council**

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| **Report to:-** | **The Chairman and Members of the Licensing Committee** | | | |  | |  |
| **Date of Meeting:-** | 2 June 2010 | | | **Agenda Item No:-** | |  | |
| **Public** | | Operational | **Delegated Yes** | | | | | |
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| Accompanying Comments and Statements | | **Required** | **Included** |
| Cumbria Fire Service | | No | No |
| Cumbria Constabulary | | No | No |
| Environmental Services | | No | No |
| Planning Services | | No | No |
|  | |  |  |
| Title:- | LICENSING ACT 2003 UPDATE | | |
| Report of:- | **ASSISTANT DIRECTOR (GOVERNANCE)** | | |
| Report reference:- | **GD 25/10** | | |
|  |  | | |

Summary:-

This report gives an update on the current position regarding applications under the Licensing Act 2003.

Recommendation:-

Members are requested to note the information.

J A Messenger

Licensing Manager

Governance Directorate

Note: in compliance with section 100d of the Local Government (Access to Information) Act 1985 the report has been prepared in part from the following papers:- Records of Licences issued, recent legislation

**To the Chairman and Members of the Licensing Committee on 2nd June 2010**

This report is presented to give an update on the current position under the Licensing Act 2003.

**Background**

* 1. The Licensing Act 2003 took effect on 24th November 2005, from which date this Council administered all licences issued.
  2. This report summarises the current situation with regard to licences issued under the Act and explains recent changes in the legislation.

**Licence figures – as at 24th May 2010**

2.1 **Personal Licences**

Previous Report - 1036

Current Licences – 1044

Total licences surrendered/revoked - 6

2.2 **Premises Licences**

With alcohol

Previous Report - 367

Current Licences –371

Total licences surrendered - 46

Without alcohol

Previous Report - 94

Current Licences – 94

Total licences surrendered - 8

2.3 **Club Premises Certificate**

With alcohol

Previous Report - 21

Current Licences – 21

Total licences surrendered - 5

Without alcohol

Previous Report - 0

Current Licences – 0

* 1. **Temporary Event Notices**

|  |  |  |
| --- | --- | --- |
|  | No. Received | No. Refused |
| 2006 | 199 | 5 |
| 2007 | 261 | 3 |
| 2008  2009  2010 to date | 267  203  131 | 2  12  2 |

* 1. **Current applications – Includes new, change of DPS, variation of hours, transfers etc.**

Pending applications – 15

**Current Issues**

* 1. A number of amendments to licensing legislation have either recently taken place or are currently in the process of changing:

**Elected Members of Licensing Authority – Interested Parties**

The Policing and Crime Act 2009 section 33 introduced an amendment to the Licensing Act 2003 with regard to interested parties.

The effect is that the definition of “interested parties” (s13(3) Licensing Act 2003) has been expanded to include all members of local authorities that are also licensing authorities, so that elected councillors of the licensing authority can now make representations or seek a review in their own right.   
  
Elected councillors are not required to live in the vicinity or in the same ward as the licensed premises they are making a representation about, and are not required to have been requested to act by any other person or body.  
  
The term "member of the licensing authority" refers only to elected councillors, and not officers or other employees of the authority.

A copy of LACORS Guidance to Elected Members will be sent to all Members and additional copies are available from the licensing office.

**Mandatory Conditions – Licensing Act 2003**

Schedule 4 of the Policing and Crime Act 2009 amends the Licensing Act 2003 to give the Secretary of State the power to impose up to nine mandatory licensing conditions in relation to the supply of alcohol under a licence.

New mandatory conditions have been published, some to take effect on 6th April and the remaining two on 1st October 2010. The conditions override any conditions already included in a premises licence or club premises certificate, so far as they are identical to the existing conditions or inconsistent with, and more onerous than, the existing conditions.

Very briefly the new mandatory conditions are as follows:

Effective date: 6th April 2010

* Ban irresponsible drinks promotions
* Ban the dispensing of alcohol directly into the mouth
* Ensure that customers have access to free tap water

Effective Date: 1st October 2010

* Require age verification policy to be in place to prevent underage sales
* Ensure customers have the opportunity to choose small measures of beers, ciders, spirits and wine

The Home Office have not issued advice on how local authorities should implement the new conditions. Cumbria Licensing Managers decided upon a common approach to this. All licensed premises have been sent a copy of the new mandatory conditions with a letter instructing them to attach them to their licences and inform relevant staff of their existence. As and when licenses come in for variation, transfer etc. the new conditions will be added as a permanent fixture.

**Sex Entertainment Venues**

Prior to the Licensing Act 2003 (LA2003), public entertainment was licensed by local authorities who could impose ‘reasonable conditions’ on the licence. Any premises wanting to hold ‘adult entertainment’ had additional conditions attached to their licence for the protection of the public and performers. The LA2003 changed the legislation whereby applicants propose their own Operating Schedule and if there are no representations from responsible authorities, the licence must be granted.

Sex establishments are covered by Schedule 3 of the Local Government (Miscellaneous Provisions) Act 1982 (LGMPA1982) which is adoptive legislation. Carlisle City Council adopted this Act in 1983.

Section 27 of the Policing and Crime Act 2009 introduced a new category of sex establishment under Schedule 3 of the LGMPA1982 called Sexual Entertainment Venue, which will allow local authorities to regulate certain types of ‘adult entertainment’.

Local Authorities will have more powers to control the number and location of lap dancing clubs and similar venues in their area. These powers are not mandatory and will only apply where they are adopted by local authorities. Where adopted, these provisions will allow local authorities to refuse an application on potentially wider grounds than is permitted under the LA2003 and will give local people a greater say over the regulation of ‘adult entertainment ‘in their area.

A full report will be submitted to this committee in due course outlining the options available regarding adoption of this legislation.

* 1. **Best Bar None 2010**

Carlisle & Eden CDRP Best Bar None Scheme 2010 was launched just before Christmas at a Carlisle Pubwatch meeting. This year, for the first time, it included Brampton town centre establishments.

Thirty licensed premises in Carlisle/Brampton applied and assessments took place in February/March this year. The independent judging to determine the winners took place on 23rd April and the Awards were presented at a ceremony at the Racecourse on 11th May. The winners were:

Carlisle Overall Best Bar None Walkabout

Carlisle Best Pub Turf Tavern

Carlisle Best Bar Unit Bar

Carlisle Best Club Walkabout

Brampton Best Premises Shoulder of Mutton

# RECOMMENDATION

Members are asked to note this report.

Prepared by:

J A Messenger

Licensing Manager