

# CARLISLE CITY COUNCIL

Report to:- **The Chairman and Members of the Licensing Committee**

Date of Meeting:- 4<sup>th</sup> January 2006

Agenda Item No:-

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<b>Public</b>	<b>Operational</b>	<b>Delegated Yes</b>
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<b>Accompanying Comments and Statements</b>	<b>Required</b>	<b>Included</b>
Cumbria Fire Service	No	No
Cumbria Constabulary	No	No
Environmental Services	No	No
Planning Services	No	No

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**Title:- LICENSING ACT 2003 APPLICATION UPDATE**

**Report of:- ENVIRONMENTAL PROTECTION SERVICES**

**Report reference:- EP. 01/06**

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**Summary:-**

The Licensing Authority took over full responsibilities under the Licensing Act 2003 on 24<sup>th</sup> November 2005. This report gives an update on the current position.

**Recommendation:-**

Members to note the information.

J A Messenger  
Licensing Manager

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:- Nil

## To the Chairman and Members of the Licensing Committee on 4<sup>th</sup> January 2006

### **Background**

- 1.1 The Licensing Act 2003 consolidates a number of existing licensable activities including sale and supply of alcohol, entertainment, cinema, theatre and late night refreshment.
- 1.2 Applications could be made for conversion and variation by existing licence holders between 6<sup>th</sup> February and 6<sup>th</sup> August 2005. Many members will have been involved in the sub committee hearings where interested parties or responsible authorities made representations.
- 1.3 Although there was a six month period of transition, the majority of the applications were received in the last three weeks.
- 1.4 From October, the licensing section began completing the application process and issuing licences. This process is extremely time consuming in respect of premises licences and club premises certificates. Each licence must have its hours and conditions tailored to the individual premises. Consideration must be given to the mandatory conditions, embedded conditions, the operating schedule, any conditions agreed with responsible authorities and any imposed as a result of a sub-committee hearing. The determination of embedded conditions was the most problematic, as even lawyers in the licensing field have different opinions as to what should be carried forward.

### **Application figures – As at 19<sup>th</sup> December 2005**

#### **2.1 Personal Licences**

Applications received – 504  
Licences issued - 504

#### **2.2 Premises Licences**

With alcohol  
Applications received – 350  
Licences issued – 242

Without alcohol  
Applications received – 70  
Licences issued - 32

#### **2.3 Club Premises Certificate**

With alcohol  
Applications received – 26  
Licences issued – 3

Without alcohol  
Applications received – 1  
Licences issued – 0

#### 2.4 Temporary Event Notices

Notices received - 28  
Notices acknowledged – 28  
Notices refused - 2

#### 2.5 Variations to licences – Includes change of DPS, variation of hours etc.

Applications received – 26  
Licences issued – 18

2.6 The original estimate early in 2005 was that we would receive about 450 applications for premises licences and club premises certificate. The actual figure received to date is 447.

#### National Response

3.1 The Licensing Manager attended the national conference of the Institute of Licensing on 22<sup>nd</sup> November 2005, where approximately 150 local authorities were represented. The feedback on the licensing application and determination process was common throughout the country. All councils had experienced difficulties, especially with regard to embedded conditions. Some authorities had not started issuing premises licences and the average appeared to be about 40% issued. On that date we had issued approximately 45%.

#### Cumbria Response

4.1 The situation in Cumbria reflects the national picture. One authority has just started issuing licences, whereas another one completed the process this week. At Carlisle we have issued 100% of personal licences and 62% of premises/clubs.

#### Current position

- 5.1 The licensing section is working to issue the outstanding licences before the end of January 2006. All premises have been sent a letter to say that their licence has been granted and therefore authorising them to operate under the new licensing regime. This is in accordance with the advice received from LACORS.
- 5.2 Cumbria Constabulary are fully aware of the position and the Chief Constable has endorsed the action taken.

#### OPTIONS

Members are asked to note the current position.

Prepared by J A Messenger, Licensing Manager