

CARLISLE CITY COUNCIL

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

Date of Meeting:- **5 January 2011**

Agenda Item No:-

Public

Operational

Delegated Yes

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 01/11**

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 5th January 2011

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

1 Background

1.1 The Licensing Act 2003 took effect on 24th November 2005, from which date this Council administered all licences issued.

1.2 This report summarises the current situation with regard to licences issued under the Act and explains recent changes in the legislation.

2 Licence figures – as at 16th December 2010

2.1 Personal Licences

Previous Report - 1057
Current Licences – 1094
Total licences surrendered/revoked - 7

2.2 Premises Licences

With alcohol
Previous Report - 367
Current Licences – 374
Total licences surrendered - 58

Without alcohol
Previous Report - 93
Current Licences – 93
Total licences surrendered - 9

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

2.4 Temporary Event Notices

| Year | No. Received | No. Refused |
|--------------|--------------|-------------|
| 2006 | 199 | 5 |
| 2007 | 261 | 3 |
| 2008 | 267 | 2 |
| 2009 | 203 | 12 |
| 2010 to date | 225 | 5 |

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

Pending applications – 15

3 Current Issues

3.1 Police Reform and Social Responsibility Bill

This Bill had its second reading in Parliament on 13 December 2010 and has now gone to the committee stage. Brief details on the section dealing with the Licensing Act 2003 amendments are attached at **Appendix 1**.

3.2 Carlisle & Eden Best Bar None Awards 2011

The fourth annual Best Bar None accreditations will be launched in January 2011.

The awards seek to establish a standard of excellence within the pubs, clubs and bars in both Carlisle and Penrith. The aims of the scheme are:

- To reduce the incidents of crime and disorder associated with the consumption of alcohol
- To promote Carlisle and Penrith as a safe and professional environment in which to live, work, visit and socialise
- To identify and reward responsible operators
- To share good practice with others in order to raise standards

Multi agency assessors will visit premises in February/March, with finalists being judged in April and the Award Ceremony held in May.

4 RECOMMENDATION

Members are asked to note this report.

Prepared by:

J A Messenger

Licensing Manager

Police Reform and Social Responsibility Bill

The Police Reform and Social Responsibility Bill had its 2nd reading in the House of Commons on 13th December 2010 and has now progressed to committee stage.

Part 2 of the Bill deals with the reform of the Licensing Act 2003 and includes proposed amendments to the following:

RESPONSIBLE AUTHORITIES

Primary Care Trusts (and Local Health Boards in Wales) to be a responsible authority under the Act.

REPRESENTATIONS / REQUESTS FOR REVIEW

Representations and requests for review will not be restricted to 'interested parties' and responsible authorities. The vicinity requirement will be removed, and representations will be allowed by responsible authorities or 'other persons'.

PROMOTION OF THE LICENSING OBJECTIVES

The 'necessary' test in relation to the licensing objectives will now refer to the licensing authority taking such steps as are 'appropriate' to promote the licensing objectives.

TEMPORARY EVENT NOTICES

Gives local authorities exercising environmental health functions the ability to object to a temporary event notice. All objections (police and local authority) will be able to be made on the basis of all the licensing objectives in the Licensing Act 2003.

Licensing authorities will be able to impose conditions on a temporary event notice in limited circumstances.

Provisions will also enable premises users, in any calendar year, to hold a single event under a temporary event notice for up to seven days, use a single premises for up to 21 days and to give a limited number of temporary event notices later than the existing process permits.

UNDERAGE SALES

Provision for doubling the maximum fine for premises which persistently sell alcohol to those under 18, and increasing the period of suspensions which can be imposed on such premises.

EARLY MORNING RESTRICTION ORDERS

Gives licensing authorities' greater flexibility in making early morning restriction orders; they will be able to make such orders for the whole, or part, of their areas for a period of any duration between midnight and 6am, and will be able to impose different restrictions on different days.

NON-PAYMENT OF ANNUAL FEE

Gives Licensing authorities power to suspend a premises licence or club premises certificate for non-payment of an annual fee.

LATE NIGHT LEVY

Licensing authorities will be able to introduce a levy in their areas which will be payable by premises which supply alcohol as a part of the late night economy. Licensing authorities will be able to impose the levy on such premises for a period of any duration between midnight and 6am, although some premises may benefit from an exemption or discount. At least 70% of the funds generated by the levy will be paid to the police and crime commissioner and it is intended to also pay such funds to bodies which operate measures to address the effect of alcohol related crime and disorder.

LICENSING POLICY STATEMENTS

Policies will have to be reviewed every 5 years rather than every 3 years.

PERSONAL LICENCES – RELEVANT OFFENCES

New offences now included:

- * Road Traffic Act 1988, Section 6(6) (Failing to co-operate with a preliminary test)
- * An offence under section 1 of the Criminal Attempts Act 1981 of attempting to commit an offence that is a relevant offence
- * An offence under section 1 of the Criminal Law Act 1977 of conspiracy to commit an offence that is a relevant offence
- * The offence at common law of conspiracy to defraud

5 YEAR REVIEW OF AMENDMENTS

Provisions also impose a requirement on the Secretary of State to review the impact of all the amendments introduced by Part 2 into the regulatory regime under the Licensing Act 2003 after a period of five years following their coming into force.