

CARLISLE CITY COUNCIL

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

Date of Meeting:- 14th September 2005

Agenda Item No:-

A.2

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 APPLICATION UPDATE

Report of:- ENVIRONMENTAL PROTECTION SERVICES

Report reference:- EP.45/05

Summary:-

The transitional period of the Licensing Act 2003 ended on 6th August 2005. This report gives an update on the position to date

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 14th September 2005

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 Members will be aware that the Council approved the Statement of Licensing Policy in December 2004 and at the same time the Government were publishing regulations in relation to the fee structure, application forms and committee hearings.
- 1.3 There has been a 'transitional period' of six months that ended on 6th August 2005, during which existing licence holders were able to apply to convert their licences to the new licensing regime under the same terms and conditions as currently held.

Relevant Dates

2.1 7th February 2005

This is the 'first appointed day' from which applications to convert licences may be made to the Licensing Authority. Only the Police may make representations under the crime and disorder objective. At the same time applicants may apply to vary their licences, however this would be subject to consultation and may invite representations.

2.2 6th August 2005

Applications to convert existing licences must be received and accepted by the local authority. Conversion applications not received by this date will be rejected and a new application must be made. This will entail sending copies to all responsible authorities, placing adverts in the newspaper and on the premises and the chance that interested parties may make representations.

2.3 14th November 2005

The Government has announced this as the 'second appointed day'. From this day the new licences under the Licensing Act 2003 will take over from current legislation, which will be repealed. Applications not received, or determined, by this day will be invalid. Premises that have delayed their application will not be able to carry out a licensable activity, or face possible prosecution.

Trade Awareness

- 3.1 A number of methods have been used to make the trade aware of the changes to the licensing laws.
- 3.2 **March 2004** – the Licensing Justices renewed all liquor licences for a three year period. A letter was enclosed from the Clerk to the Justices introducing the new licensing system. A letter from the Council was also enclosed going into greater detail and giving contact details.
- 3.3 **April 2004 and April 2005** – public entertainment licences were renewed for a 12 month period and information on the new Licensing Act was included.
- 3.4 **February 2005** – all current licence holders were invited to attend a workshop at Tullie House, where guest presenters gave an overview of their expectations. One hundred and thirty people attended and were given application packs. This event was held in association with Cumbria Chamber of Commerce.
- 3.5 **April/May 2005** – an article was placed in the Cumberland News advertising an Open Day at the Civic Centre, where applicants could bring their application forms and discuss them with a Licensing Officer. Ten people attended.
- 3.6 **May 2005** - a letter was sent to all firms of Solicitors in the Council area, inviting them to meet confidentially with a Licensing Officer to discuss any problems or queries with applications on a one to one basis. Four solicitors took advantage of this offer.
- 3.7 **May 2005** – a letter was sent to all food premises reminding them of the requirement to obtain a premises licence to trade after 11pm, before the 'second appointed day'.
- 3.8 **June 2004 to date** – numerous presentations have been given to groups explaining the requirements of the Licensing Act 2003 e.g. Neighbourhood Forums, Licensed Victuallers Association and Cumbria Chamber of Commerce.
- 3.9 **February to May 2005** – in conjunction with the Council's Communications Unit, information has been supplied regularly to the local media. The most recent being an article and photograph of the Mayor presenting the first personal and premises licences to applicants.

Local Response

- 4.1 The transitional period lasts for 6 months (26 weeks). At the time of this report we are entering week 16, well over half way through this period. The charts at Appendix 'A' and 'B' clearly show the application position.
- 4.2 **Premises Licence and Club Premises Certificate**

We were expecting to receive up to 450 applications for premises licences and club premises certificates. This included an allowance for new premises coming into the

licensing regime i.e. late night takeaways. A total of 386 applications have been received. The figure of 450 was an estimate and may have been on the high side.

4.3 Personal Licences

On the formula published by the DCMS, we were expecting up to 800 applications for Personal Licences. To date 450 applications have been received, however there is still a steady trickle coming in as applicants pass the new exams.

National Response

- 5.1 The national picture is the same with very few applications being received. Oxford City Council has collated the figures from 60 local authorities, which are produced at Appendix 'C', and 'D'. This clearly shows the poor take up by the trade nationwide.
- 5.2 The Department of Culture Media and Sport (promoters of the Act) are being updated regularly on the application figures by licensing authorities, the Local Government Association and LACORS.

OPTIONS

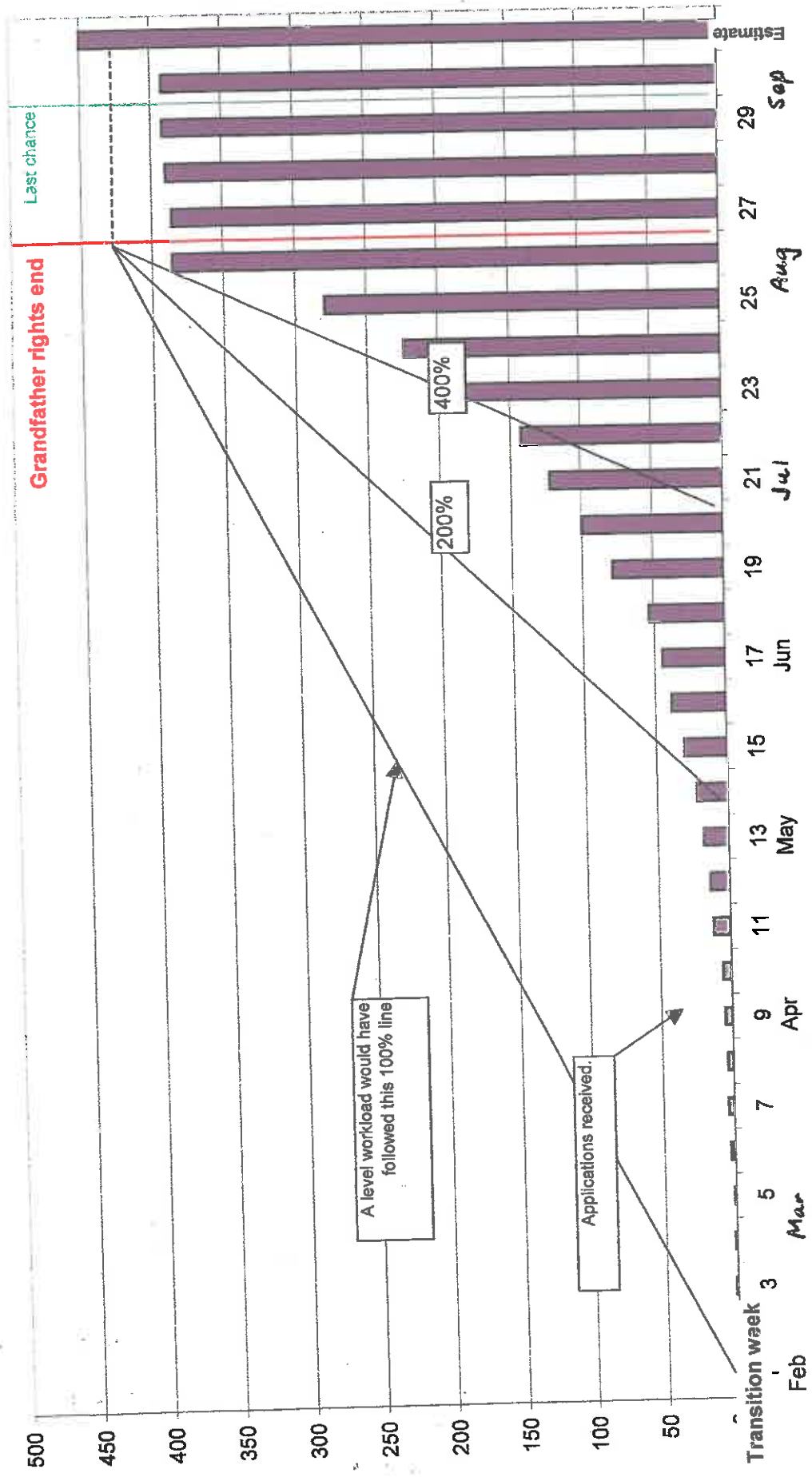
Members are asked to note the current position.

Prepared by J A Messenger
Licensing Manager

'APP 1'

Carlisle City Council

Licensing applications for Premises & Clubs



App 2

Carlisle City Council

Personal licence applications

