**Carlisle City Council**

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| **Report to:-** | **The Chairman and Members of the Licensing Committee** |  |  |
| **Date of Meeting:-** | 20 January 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 06/10** |
|  |  |

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

**To the Chairman and Members of the Licensing Committee on 20th January 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. We are now in a position where variations are down to about two per month, with transfers and changes of Designated Premises Supervisor becoming the more common application. Temporary Event Notices (TEN’s) have continued to be popular with many villages/communities taking advantage of this ‘non bureaucratic’ method of holding an event. Full licence holders have also been using TEN’s for one off events and a number of personal licence holders are specialising in running these events on behalf of organisations.
	3. Recent legislation to allow a minor variations procedure and further legislation to allow the disapplication of the Designated Premises Supervisor condition in ‘Community Premises’ has also proved to be popular.

**Licence figures – as at 11th January 2010**

2.1 **Personal Licences**

Previous Report - 985

Current Licences – 1016

Total licences surrendered/revoked - 6

2.2 **Premises Licences**

With alcohol

Previous Report - 371

Current Licences –370

Total licences surrendered - 63

Without alcohol

Previous Report - 93

Current Licences – 93

Total licences surrendered - 8

2.3 **Club Premises Certificate**

With alcohol

Previous Report - 22

Current Licences – 22

Total licences surrendered - 4

Without alcohol

Previous Report - 0

Current Licences – 0

* 1. **Temporary Event Notices**

|  |  |  |
| --- | --- | --- |
|  | No. Received | No. Refused |
| 2006 | 199 | 5 |
| 2007 | 261 | 3 |
| 200820092010 to date | 26720312 | 2121 |

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

Pending applications – 6

**Current Issues**

* 1. I have previously reported on new Regulations under the Licensing Act 2003 which came into force in September 2009 which have significant consequences for licensing departments:

**Minor variation procedure**

Previously any variation, be it an extension of hours or moving a fire extinguisher from one corner of the bar to another, required the licence holder to comply with the full variation procedure. This includes advertising the variation on the premises, in the local newspaper, sending copies to the seven Responsible Authorities and waiting 28 days in case of representations. The new legislation allows minor variations to be dealt with by officers within 15 days, advertising on the premises only and officers to consult with the appropriate Responsible Authority where they consider it will affect the licensing objectives. Typical applications will include minor changes to plans, addition of conditions that enhance the licensing objectives, removal of conditions and the addition of other licensable activities that have no effect on the licensing objectives.

To date 7 premises have taken advantage of this new procedure.

**Disapplication of the requirement to have a Designated Premises Supervisor in Community Premises**

The sale and supply of alcohol, because of its impact on the wider community and on crime and anti-social behaviour, carries with it greater responsibility than the provision of regulated entertainment. This is why those premises supplying alcohol must have a designated Premises Supervisor (DPS) who is a personal licence holder. Over the last four years this has been found to be restrictive to village halls in particular, who rely financially on letting out their premises and have to use the restricted number of Temporary Event Notices to allow the provision of entertainment and alcohol. This severely restricts the letting ability of the premises.

The new legislation allows recognised ‘Community Premises’ to supply alcohol without the requirement for a DPS. Where a successful application is made to disapply this requirement, the management committee would be collectively responsible for ensuring compliance with the licence conditions and the law. This is a big responsibility for management committees and in order to assist them, the licensing section attended the annual village hall workshops to explain the process.

To date 3 village halls have taken advantage of this change.

* 1. Carlisle & Eden CDRP Best Bar None Scheme 2010 was launched just before Christmas at Carlisle Pubwatch meeting. Applications have been sent out to all premises within the eligible catchment area. This year, for the first time, it will include Brampton town centre establishments.

# RECOMMENDATION

Members are asked to note the current information.

Prepared by:

J A Messenger

Licensing Manager