

A BRIEF INTRODUCTION TO THE LICENSING ACT 2003



What Is The Act About?

The Act brings in a completely new system for the licensing of the following "licensable activities"

- The sale of alcohol
- The supply of alcohol to club members
- The provision of "regulated entertainment" (which includes music, dancing, films exhibitions, plays performances, indoor spectator sports and outdoor boxing and wrestling) and the provision of facilities for music and for dance
- The provision of "late night entertainment" (involving the sale of hot food and drink after 11.p.m.)

Why Has It Been Introduced?

The aim of the new law is to

- Provide a simplified licensing system by cutting down the number of different types of licence and making one body (the local Council) responsible for them all
- Increase the range of leisure and cultural opportunities available in the community, while boosting the local economy and tourism, by ending current restrictions on licensed hours
- In doing so, reduce the level of crime and disorder caused at traditional "closing time" as licensed premises close at the same time
- Provide extra safeguards to the local community to ensure that later opening hours does not affect day to day living

So What Is The Effect of All This?

By November 2005

- Any person who wishes to sell alcohol will have to hold a "Personal Licence" issued by the Council
- Any person who wishes to use a premises for the sale of alcohol or the provision of "regulated entertainment" will have to hold a "Premises Licence" issued by the Council
- Any person who wishes to supply alcohol to club members or provide "regulated entertainment" at club premises will have to obtain a "Club Premises Certificate" issued by the local Council.

- Any person who wishes to organise occasional “regulated entertainments” for less than 500 persons will have to give a “Temporary Events Notice” to the Council and the Police

When Can Applications For These New Licences Be Made?

Applications can be made to the Council from 7 February 2005. Anyone who currently holds a Justices Licence, Public Entertainment Licence or Night Café Licence under the present licensing systems has six months from this date to transfer their existing rights over into the new system. It should be noted

- Applications for “Personal Licences” are made to the local Council for the area in which the applicant lives
- While applications for “Premises Licences”, “Club Premises Certificates” and “Temporary Event Notices” are dealt with by the local Council in which the premises is located.

What Does An Applicant Have To Do?

New applicants for “Personal Licences” will have to

- Be over 18 years of age”
- Possess a relevant qualification
- Pass a criminal record check

Applicants for “Premises Licences” and “Club Premises Certificates” will need to provide

- Full details of the intended premises operation, including the intended days and hours of operation and the activities to be carried on
- Provide scale plans of the premises
- Detail in a document called an “Operating Schedule” how it is intended to ensure that “Licensing Objectives” set under the Act are achieved
- Provide the name of the “Designated Premises Supervisor” who will be in control of the day to day operation

What Are The Licensing Objectives?

The four licensing objectives are

- To prevent crime and disorder
- To ensure public safety
- To prevent nuisance
- To protect children from harm

What Does The Application Process Involve?

Except where an applicant wishes only to transfer existing rights into the new system, applications for “Premises Licences”

- Will be advertised
- And it is open for the Police, local residents and others to raise representations.

If no representations are made the licence applied for is issued by the Council, subject to licence conditions that are consistent with the controls proposed by the applicant in his "Operating Schedule".

If representations are received the Council can consider whether to

- Add additional conditions to secure the licensing objectives or
- Restrict the licensable activities

How Long Do These Licences Last?

A "Personal Licence" is renewable every 10 years.

A "Premises Licence" or "Club Premises Certificate" lasts for the length of the business unless it is returned or revoked.

What Happens If Once A Licence Is Issued A Premises Operation Causes Problems?

In such circumstances

- The Police or local residents can seek an immediate review by the Council of the "Premises Licence";
- Both the local Council and the local Police have enforcement powers
- These include a new Police power of temporary premises closure

Where Can I Find Out More?

The Government's Department of Media Culture and Sport is currently drafting out the detail of the new licensing process and the schedule of fees that local authorities can charge for licence applications. Once these are confirmed we will be publishing and publicising this information.

Can I Make My Views Known On The Introduction of the New Licensing System?

Yes. On 1 September 2004 the Council will be publishing a draft document called "The Licensing Statement of Policy". This document sets out how the Council intends to approach the new licensing system and how it intends to secure the licensing objectives.

A copy of the draft can be obtained from the Licensing Service at The Chaplin Centre, Thurlow Street, SE17 2DG (telephone 020 7525 5748) or from the licensing web site at www.southwark.gov.uk/business/licensing. Views are sought up to 15 October 2004.