

**LICENSING ACT 2003 – PROGRESS TOWARDS IMPLEMENTATION
(Report by the Head of Administration)**

1. INTRODUCTION

- 1.1 The intention of this report is to update Members on the implementation of the Licensing Act 2003 in Huntingdonshire and the work still being undertaken before the second appointed day, 24th November 2005. Information has also now become available on the actions being taken by the DCMS in assessing the performance of authorities and other outstanding issues.

2. NUMBER OF APPLICATIONS

- 2.1 To date a total of 538 applications for premises licences and club premises certificates have been received and 570 for personal licences. Many applicants for premises licences applied shortly prior to the last day for the conversion of existing licences on 6th August 2005 which generated particular problems, especially as many of those attracted representations from responsible authorities and interested parties. The latter has resulted in seventy four hearings by a Sub Committee having to be arranged. Twenty four were cancelled after notice of the hearing had been given, either because the applicant withdrew the request for a variation or more often because they were prepared to accept conditions imposed by responsible authorities. Forty nine hearings have taken place in which all Members of the Committee have been involved.
- 2.2 An exercise has been undertaken to identify any potential outstanding premises which require licensing and explanatory letters have been despatched both by the Council and the Police. On closer examination of the records transferred from the Licensing Justices, it now appears that only a handful of premises with justices on licences may be outstanding although there are more with public entertainment licences who have yet to apply. Information is not available on the number of late night food outlets who may require a licence but have failed to apply to date.
- 2.3 In terms of income, a total of £115,000 has been received for premises licences and club premises licences and £20,000 for personal licences. An assessment is currently being made as to the probable income from premises licences and club premises certificates in subsequent years arising from the payment of the annual fee.
- 2.4 With regard to staffing, the additional resources made available by the Council were insufficient to deal with the late influx of applications which has resulted in the need to employ temporary staff and authorise overtime payments for a number of months over the summer period.

3. DCMS

3.1 The Secretary of State and Minister have written jointly to local authorities expressing their appreciation to licensing teams and councillors for their work in implementing the Act. They have also sought to clarify that the Act and statutory guidance do not contain a presumption in favour of longer opening hours, thereby constraining a licensing authority's ability to reject or modify applications. Where there are representations and a licensing authority believes that extended hours would undermine the statutory licensing objectives, the Secretary of State and Minister have made it clear that the authority can reject the application or grant it with appropriate conditions and/or different hours. Ultimately, of course, this will be a matter for the appropriate Magistrates Court to determine in the event of an appeal being submitted.

3.2 The Secretary of State and Minister have also indicated that –

- ◆ they will listen to arguments for a change in the size of an authority's licensing committee;
- ◆ the DCMS will publish further guidance to residents on the making of representations and the effectiveness of arrangements for the notification of applications;
- ◆ they encourage licensing authorities to adopt a pragmatic and flexible approach to simple errors and omissions which are made on applications;
- ◆ they reiterate that the licensing regime will provide for the recovery of full costs of a licensing authority's functions under the Act although an independent review of the position is currently taking place;
- ◆ they intend to review the statutory guidance that accompanies the Act now that the transitional period is coming to an end; and
- ◆ the DCMS will work with a sample of local authorities to monitor how the Licensing Act is being delivered on the ground and whether the system is helping to achieve the aims set out in each area's local licensing strategy.

3.3 In addition the DCMS have been consulting on the regulations for temporary events notices which are expected shortly in advance of the receipt of notices by licensing authorities after 24th November 2005.

4. CONCLUSION

4.1 The vast majority of premises undertaking licensable activities have now applied and their licences determined. The staff of the Licensing Section have been complimented by licensees, solicitors and interested parties for the way in which they have assisted throughout the transitional period. With the second appointed day approaching, the impact of the variations sought by licensees should become apparent which may trigger requests from responsible authorities and interested parties for reviews. In addition the impact of temporary events notices has yet to be assessed.

5. RECOMMENDATION

5.1 It is

RECOMMENDED

that the Committee note the content of the present report.

BACKGROUND PAPERS

Letter to local authorities dated 30th September 2005 from Secretary of State for Culture, Media and Sport and Minister for Creative Industries and Tourism.

Contact Officer: R Reeves, Head of Administration
☎ 01480 388003