

**Committee:** CONSTITUTION TASK GROUP  
**Date:** 24 MARCH 2003  
**Agenda Item No:** 6  
**Title:** LICENSING  
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### **Summary**

- 1 This report is to inform Members of the proposed changes to the current licensing laws which are contained in the Licensing Bill currently before Parliament and to seek Members' views as to how the Council should address such changes. It also recommends that a separate Licensing Committee should be established at the Council's Annual Meeting on 20 May 2003.

### **Background**

- 2 The Licensing Bill was introduced in the House of Lords on 14 November 2002. The aim of the Bill is to reform the controls over the sale of alcohol, the provision of entertainment and the provision of late night refreshment. The Bill has passed through Committee stage in the Lords and, at the time of writing this report, is at Report Stage. The scheduled date for the Bill to be given its third reading in the Lords is 11<sup>th</sup> March.
- 3 At present the licensing regime is split. Premises supplying alcohol and persons who manage such premises are subject to regulation by the Magistrates Court. Where public entertainment is provided (whether or not the premises have the benefit of a justices licence), a Public Entertainment Licence is required. Such licences are issued by local authorities and are dealt with in this Council by the Development Control and Licensing Committee.
- 4 The significant change in control proposed by the Bill is that all licences should be dealt with by local authorities. The Bill anticipates that councils will be exclusively responsible for licensing matters with effect from August 2004, with a 12 month transitional period which would commence in August 2003.
- 5 The Bill will require licensing authorities to establish a licensing committee which must comprise at least 10 but no more than 15 members. It will be a mandatory function of Full Council to formulate a licensing policy for periods of three years, to publish a licensing statement and to keep the policy and

statement under review. All other licensing functions of the authority MUST be dealt with by the Licensing Committee.

- 6 Sub-committees of not less than three members are proposed by the Bill and regulations will be made to deal with proceedings of the Licensing Committee and its sub-committees. Delegation to officers will also be permitted except where representations (currently whether for or against) have been made with regard to the application.
- 7 The types of application the Licensing Committee will need to deal with are:-
  - a) Applications for provisional statements (that premises being constructed or adapted for use as licensed premises will be granted a premises licence if constructed or adapted in accordance with approved plans)
  - b) Applications for premises licences
  - c) Applications to vary premises licences
  - d) Applications to transfer premises licences
  - e) Applications to review premises licences
  - f) Applications for the grant of personal licences (for an individual to supply alcohol)
  - g) Applications for the renewal of personal licences
  - h) Applications to revoke personal licences
- 8 Decisions of the Licensing Committee can be the subject of an appeal to the magistrates court. A member of the Committee or sub-committee would be required to attend court and give evidence on such occasions
- 9 The transitional period for premises will commence on a date to be appointed. Within six months of that date, licensees will be able to apply to convert existing licences to premises licences. Such applications must be dealt with within two months and if not will be deemed to be granted. New licences granted under this provision will be effective from a second date to be appointed.
- 10 A transitional period of not less than six months will be designated for personal licences. During this period licensees may apply to the authority for a personal licence. Such applications must be dealt with within three months and if not will be deemed to be granted.
- 11 Licences not converted within the transitional period will lapse when the Bill has full effect. Consequently, the transitional period is likely to place a strain on both Member and Officer resources.
- 12 Although there is no prohibition in the Bill upon the Licensing Committee carrying out other functions, Officers take a view that the demands of the licensing function are likely to be such that it would not be reasonable to expect the Development Control and Licensing Committee to continue to fulfil both functions. If separate Development Control and Licensing Committees are to be formed, consideration will need to be given as to when this should be done. The current licensing work load of the present Development Control and Licensing Committee is not great. Five meetings are scheduled each year

and meetings are not infrequently cancelled for lack of business. Individual applications are added to the Development Control agenda as required. Prior to the transitional provisions coming into force, Members are unlikely to have a great deal of business to conduct. However, it is apparent that Members of a new Licensing Committee will need training both in the new regime proposed by the Bill and other areas of regulation e.g. hackney carriage and private hire vehicles. The Members of a Licensing Committee may be able to assist in formulating suggested policies for consideration by Full Council. Members may also consider that to commence the new Council year with a committee structure identical to that at present which would need to be revised when the new law took effect may be unnecessarily disruptive during the course of the Council year.

RECOMMENDED that

- 1 Members recommend to Full Council that it should form a Licensing Committee separate from the Development Control Committee to fulfil the Council's obligations under the Licensing Bill when the same becomes law
- 2 Members recommend to Full Council that the Committee be established at the Council's Annual meeting on 20 May 2003.

Background Papers: The Licensing Bill