

PROGRESS WITH THE LICENSING ACT 2003

Purpose of this report

To inform Members of the range of work carried out by the Licensing Office in relation to the Licensing Act and the progress made to date.

Information

Officers have been working hard to implement the new regime of licensing introduced by the Licensing Act against the national timetable. All affected businesses wishing to trade are required to have their new licences by 24th November 2005 (Second appointed day). On this date the role of the Licensing Justices ends.

Between 7th February 2005 until 6th August 2005 existing licensees are able to make a conversion application for their business and apply for their new premises and club premises licences under favourable terms known as, 'grandfather rights applications'. Applications to vary a premises licence and all applications made after 6th August must follow a more extensive consultation procedure. On each anniversary of the issue of a premises licence an annual fee becomes payable to the Licensing Authority. Personal licences remain valid for up to ten years.

Members are aware that the law is intent on balancing the competing commercial requirements of licensed businesses with the concerns of local residents. Members and officers each have roles in relation to the determination of applications.

During late November 2005 the first temporary event notices (TEN's) will begin to be received by the Licensing Office.

During December 2005 a meeting of the Licensing Act Committee will receive licensing reports, including from the police and fire services on the progress made with licensing and on topical issues during the year.

Premises License applications

At the time of writing the number of premises applications nationally has been less than originally anticipated. The following table details the position for applications in the borough on 4th July. Officers will give an update of the current position at the meeting.

Business type	Number of premises requiring licensing	Number of applications received
Clubs	45	10
Care homes	3	0
Off licence stores and supermarkets	91	18
Public houses	71	18
Restaurants	22	4
Village hall, Centres-entertainment/alcohol	15	2
Takeaways-hot food	42*	-
Total	289	52 (18%)

*Currently only 42 of 78 takeaways in the area trade after 11.00PM and hot food takeaways may apply for a licence after 6th August.

Premises licence applications made- 25 conversions, 17 variations.

Club premises certificate applications made- 4 conversions, 6 variations.

Personal Licence applications

It is estimated that over 247 personal license applications to sell or supply alcohol will be made to the Authority based upon on one person per business. Currently 121 personal licence applications have been received (49%) , 31 having been issued with 56 licenses awaiting issue and a further 34 awaiting a reply from the police. No personal licence applications have so far been objected to by the police.

Income

Income from Licensing Act fees currently amounts to £17,179, broken down as:

- Personal licence applications £ 4,334
- Premises licence applications £ 11,470
- Club certificate licences applications £ 1,375

Consultation on Licensing Policy

During the preparations leading up to the adoption of their Licensing Statements of Policy in January 2005 officers publicised the draft policy at a series of local events concerned with crime and anti-social behaviour in Gedling and in the Winter 2004 edition of the "Contacts" magazine. Co-operation amongst all the eight Nottinghamshire licensing authorities produced draft policies with a strong, shared content to aid consistency. Our Statutory consultation included sending out over 500 copies of our draft policy for comment to businesses and the local public and yielded 96 consultation points that further helped shape the final policy.

Licensing leaflets

The eight licensing authorities in the Nottinghamshire area and Magistrates' Courts Service jointly produced two leaflets that were sent to every licensed premises in the county. The last leaflet, entitled, "Licensing Laws" was issued in November 2004 and remains current and is available to download from our licensing web pages.

Licensing business seminars

One hundred and ten Gedling businesses attended one of four licensing business seminars held at the Broadway cinema in November 2004 which were jointly organised by Nottingham City Council, Broxtowe and Gedling Borough Councils, the Police, local licensing solicitors.

Computerisation of licensing

The CAPS-based Licensing module for recording licence applications is working well in the Licensing Office.

Providing information to businesses and residents

Officers have also been busy attempting to raise the awareness of businesses and residents with regard to licensing matters and by providing information and advice including:

- Writing to all affected premises including the availability of large type and alerting ethnic minorities to the implications of the Act as appropriate.
- Answering enquiries and visiting business to discuss licensing issues;
- Attending the periodic meetings of the four local Pub watches along with the Police Licensing Officer and providing updates there on licensing matters and advice on applications;
- Publicising progress with licensing in issues of the "Contacts" magazine for residents.
- Producing several licensing web pages with information, including a main licensing page with news, links and downloads to the DCMS and LACORS sites, downloadable copies of our own series of eight guideline publications for applicants:
 - § "Applying for premises licences in the transition period"
 - § "Children"
 - § "Clubs"
 - § "Community premises"
 - § "Late night refreshments"
 - § "Offices and garages"
 - § "Temporary event notices"
 - § "Village shops and post offices"

Another page provides advice to residents on making a representation against an application; whilst another publicises the addresses where premises licences have been applied for locally; others provide details of forthcoming hearings by the Licensing Panels, information on licence fees and about our licensing policy.

Training for Members and staff

Two Licensing Act training events have been held for Members and officers the last being held in February 2005. A further Notts-wide training event for Members and officers is being arranged for September to consider the lessons learned from Licensing Panel Hearings held during the transition period.

Workloads and issues

So far 18% of premises applications and 49% of personal licence applications have been received. This level of applications is mirrored across the county and nationwide. Officers have worked hard to set up the administrative systems to deal with the applications and to provide information and advice. The experience gained in the initial period will greatly help in dealing more effectively with the remaining workload.

Changes have been introduced in the distribution of work in the Licensing Office to provide more capacity to deal with Licensing Act work. One part-time Licensing Officer post in the office has been made full-time and the part-time hours of the other Licensing Officer altered to three days per week to allow additional back up. The Licensing Assistant in the office has been trained to take on much of the taxi licensing work in the office. The agreement of the Head of Planning and Environment has been obtained for the Licensing Officers to work overtime to deal with applications if this proves necessary in the remainder of the transition period. Workloads will continue to be monitored in the run up to the second appointed day.

Dialogue with local businesses and organisations has revealed that the major hold up in submitting premises applications is concerned with providing scale plans to accompany the detailed application paperwork, with most such applications in the hands of solicitors. Many of the variation applications submitted through solicitors are much more complex in their detail, reflecting the longer time spent upon them for clients. While this scenario is true for the larger businesses a number of smaller businesses converting their existing premises licence have successfully made their own applications.

'End to end' licensing service

During the coming year officers will be looking into the further electronic development of the licensing service, allowing for the on line submission of applications etc.

Resolving representations

Licensing Authorities can assist in bringing together the parties making representations to an application to discuss and agree matters with the applicant thus saving the need for an application to be determined by a Licensing Panel. To date attempts to help resolve disputed matters involving residents have not been taken up by one or more of the parties concerned. Agreement on matters has occurred however between responsible authorities and applicants on several occasions.

Hearings

At the time of writing one application has been determined by a Licensing Panel. A number of 'false alarms' have occurred reflecting several representations made by the fire service against licences that have later been mutually agreed with the brewery concerned requiring the arrangements for a Licensing Panel to be cancelled. This matter was discussed at the recent Licensing Chairs meeting at Newark and Sherwood District Council and it was agreed that the Nottinghamshire Licensing Act Group would raise the matter with the fire service.

One factor that is likely to affect the number of Licensing Panel meetings necessary after 6th August will be the number of representations received from concerned residents to premises variation applications. It is anticipated that many of the remaining applications from public houses and some licensed clubs will result in the Licensing Panels having to meet more often to determine these applications. The future Licensing Panel arrangements will need to be robust to allow Members to take part in Panel meetings within the strict time constraints laid out by the legislation.

Other issues

The Gambling Act 2005 intends to modernise the current law on gambling giving more decision-making powers to local authorities. The current timeframe of consultation by central Government involves the production of guidance and codes of practice starting in the autumn of this year and will be subject to wide national consultation until finalised during late 2006. The initial part of the consultation phase will occur during the last months of the liquor licensing transfer taking with it some officer time.

Recommendation

Members are requested to note the work and progress made with the Licensing Act requirements.