

AMENDMENTS TO THE LICENSING ACT 2003

Several changes to the licensing regime have been introduced from 29 July 2009 by amendments to the Licensing Act 2003. This is a short note informing Members of the changes. New guidance has also been produced to support these changes.

1. New Procedure for Minor Variations to Premises Licences

Minor variations are those which do not impact adversely on any of the 4 licensing objectives (it is suggested in the guidance that these are likely to fall into four categories – minor changes to the structure or layout of the premises; small adjustments to the licensing hours; the removal of out of date, irrelevant or unenforceable conditions or the addition of volunteered conditions; the addition of certain licensable activities).

Changes, even if they fall into the above categories, which do impact adversely on any of the licensing objectives will have to follow the existing application process for a variation.

The procedure for a minor variation is simplified and straightforward; an application is made but is not copied to the responsible authorities, and advertising is simply by displaying a white notice at the premises for 10 working days. Even if there are any representations from interested parties (which would not be expected since the change would not impact on the licensing objectives) there is no provision for a hearing to be held.

In making its decision the licensing authority must consider the effect of the change and whether it does or does not impact on the licensing objectives, and any representations made.

The Licensing Authority must respond within 15 working days - if not then the application is deemed to be refused (but there is a process for changing it to a full variation application).

The decision is with the Licensing Act Committee but the guidance recommends that it is delegated down to licensing officers. This is sensible both in relation to the minor nature of the matters on the applications, and also the timescale within which the decisions have to be made.

This Council's Constitution already allows for any decisions of this nature (i.e. those not delegated to the Licensing Panels or reserved under the Act to the Licensing Committee) to be delegated to the Head of Planning and Environment; there is no need for any further delegations to be made.

2. Changes for Community Premises

The requirement for a designated premises supervisor and personal licence at community premises (church and village halls) etc has been removed. The

premises must be run by a management committee or board and it is they who supervise the sale of alcohol.

This is not automatic for any community premises – they have to apply (as a variation if they already have a premises licence, or on a new application if not) to disapply the mandatory conditions which require them to have a designated premises supervisor with a personal licence. There is standard wording for an alternative condition. Updated guidance has also been issued.

Applications will be dealt with under the existing delegations.

Members are asked to note this information.