

C04/06976/DC

Rob Hayward OBE  
Chief Executive  
The British Beer and Pub Association  
Market Towers  
1 Nine Elms Lane  
LONDON  
SW8 5NQ



24 March 2005

*Dear Rob*

#### TRANSFERS FOLLOWING THE FIRST APPOINTED DAY

In the High Level Group meeting on 22 March, you raised with me the question of whether the transfer of an existing licence after the first appointed day prevented an application being made for its conversion under paragraph 2 of Schedule 8 to the Licensing Act 2003. You had previously raised the point in meetings with BBPA itself and with the Tourism Alliance.

We were grateful for sight of counsel's opinion which members of the industry had obtained and which appears to be soundly reasoned. It said that where an existing licence (that existed on the first appointed day) was transferred to another person after the first appointed day, it remained open to the new person holding the licence to apply to convert it and therefore enjoy the relevant grandfather rights.

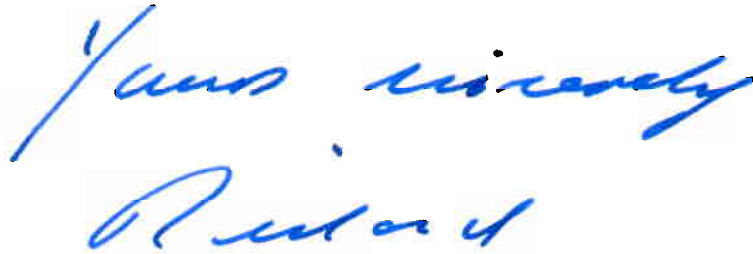
The administration of the 2003 Act has been devolved to licensing authorities who must make their own judgements about such issues on the basis of their own legal advice. I cannot therefore direct them to adopt one position or another; and where any licensing authority is challenged on a point of interpretation, it would ultimately be for the courts to rule on the issue. I do, however, want to make it clear that I have no policy objection whatsoever if the position described above is generally adopted by licensing authorities when considering applications.



INVESTOR IN PEOPLE

I shall be copying the details of this letter to all members of the High Level Group and the Advisory Group and I hope that LACORS, in particular, will be able to disseminate it to licensing authorities. We shall also ensure that the details are on the DCMS website.

I hope that you have an enjoyable Easter break.

A handwritten signature in blue ink, consisting of two lines. The top line reads "Yours sincerely" and the bottom line reads "Richard".

**RT HON RICHARD CABORN MP**  
**Minister for Sport and Tourism**