

# LICENSING Countdown



Keeping you informed throughout the implementation of the Licensing Act 2003.

AUGUST 2004



Tessa Jovan.

## Secretary of State welcome

"Welcome to the first edition of Licensing Countdown, produced by the DCMS Licensing team to keep you informed throughout the implementation of the Licensing Act 2003.

The countdown to the start of the new licensing laws began with the publication of my Guidance on 7th July 2004. The Guidance will assist licensing authorities in delivering the reforms to be brought about by the Act, including flexible opening hours. Licensing authorities can now prepare, consult on and publish their licensing policy statements and get ready for the transitional period starting on 7th February 2005, when they can begin processing applications for licences and certificates under the new regime. Reforming our archaic licensing laws will help turn our town and city centres into safer, sustainable and vibrant places that the entire community can enjoy.

I fully appreciate the challenges involved in implementing such a significant piece of legislation, and the effort required to prepare for and deal with the transitional arrangements. During this time, **Licensing Countdown** will highlight areas of common concern and seek to provide clarification and encourage the exchange of good practice. It is aimed at helping those who will have a role in the new regime to use the opportunities to secure the biggest possible gains for the cultural and economic life of the country. We welcome your input and suggestions.

The Licensing Act 2003 will give people more choice and generate the biggest reform of our leisure industry in 40 years. Change on this scale is not going to be easy, however, I know the new opportunities brought about by the Act will deliver benefits for us all."

## The Act – an introduction

The Licensing Act ("the Act") received Royal Assent on 10th July 2003. It provides a single integrated scheme for licensing premises used for the supply of alcohol, the provision of regulated entertainment and the provision of late night refreshment. Permission to carry on some or all of these activities will be contained in a single premises licence or club premises certificate. The Act replaces six existing licensing regimes, sweeping away considerable red tape.

The Act transfers licensing powers to new licensing authorities, which are generally local authorities, establishing a more democratically accountable system. For the first time, local residents will have a say in licensing decisions and the licensing authority will be accountable to the local electorate for its decisions.

The reforms within the Act provide a balance by promoting freedom of choice whilst providing safeguards. The powers will target problem premises. Flexible opening hours will help reduce public disorder, currently resulting from fixed opening times and help combat anti-social behaviour. Deregulation will give the responsible majority more freedom and choice about how they spend their leisure time.

The Act marks the end of the existing outdated licensing regimes. The new legislation responds to a modern, vibrant society that deserves a more streamlined and unified licensing system.

## Highlights of the Act:

- The introduction of flexible opening hours for premises, with the potential for up to 24 hour opening – but giving local residents, businesses, and responsible authorities a say.
- Premises licences to incorporate conditions (e.g. hours, fire exits, capacity) that are necessary for the promotion of the four licensing objectives: the prevention of crime and disorder, public safety, the prevention of public nuisance and the protection of children from harm.
- A new system of personal licences relating to the supply of alcohol, that will enable holders to move between premises where a premises licence is in force, subject to police objection where the applicant has been convicted of certain offences.
- Premises licences granted by licensing authorities after notification and scrutiny by the police and other responsible authorities. Those living and working in the vicinity of the premises will also be able to make representations.
- A simple system of notification for permitted temporary activities to authorise small-scale ad hoc events.
- Preservation of the special status for non-profit making clubs supplying alcohol.

## Proposed timetable for implementation

10th July 2003	7th July 2004	August 2004	7th February 2005	November 2005
The Licensing Act 2003 receives Royal Assent.	DCMS issue Guidance under section 182 of the Act. Licensing Authorities begin preparing and consulting on policy statements.	DCMS begins consultation on draft regulations.	<b>1st Appointed Day.</b> Licensing Authorities begin processing applications.	<b>2nd Appointed Day.</b> End of old licensing laws. New premises licences and club premises certificates given effect.



## Each Licensing Countdown will feature 'Frequently asked Questions'

In this issue we discuss the guidance issued on 7th July by the Secretary of State, under section 182 of the Licensing Act 2003.

### Q *What is the purpose of the Guidance?*

A Section 182 of the Licensing Act 2003 stipulates that the Secretary of State must issue guidance to licensing authorities on the discharge of their functions.

### Q *Where can I get hold of a copy of the Guidance?*

A It can be downloaded or printed from the DCMS website at:  
[www.culture.gov.uk/alcohol\\_and\\_entertainment](http://www.culture.gov.uk/alcohol_and_entertainment)

### Q *Can the Guidance override or modify the 2003 Act?*

A No. The Guidance cannot change the primary legislation.

### Q *Is the Guidance mandatory for licensing authorities/local authorities?*

A Yes. Under the 2003 Act, it is the duty of all licensing authorities to have regard to the Guidance issued by the Secretary of State under section 182.

### Q *Can local authorities depart from the Guidance to reflect local circumstances?*

A The Guidance cannot anticipate every possible set of circumstances. Provided that they have properly understood and considered the Guidance, licensing authorities may depart from it, if they have a legitimate reason to do so. However, as they are under a duty to have regard to the Guidance, they will need to give full reasons for this. This would be a key consideration for the courts should departure from the Guidance result in a scenario which gives rise to an appeal or judicial review.



## Diary of events

### 20-22 September

The Restaurant Show at London's Olympia  
[[www.therestaurantshow.co.uk](http://www.therestaurantshow.co.uk)]

### 26 September

Bar Entertainment and Dance Association Annual Awards at The Metropole Hotel, NEC, Birmingham  
[[www.beda.org.uk](http://www.beda.org.uk)]

### 4 November

The Publican Conference at the Queen Elizabeth Conference Centre [[www.thepublican.com](http://www.thepublican.com)]

### 16-17 November

Federation of Licensed Victuallers Associations' AGM at The Hotel St Nicholas, Scarborough [[www.flva.co.uk](http://www.flva.co.uk)]

### 23 November

Business in Sport and Leisure Annual Conference at The Royal Lancaster Hotel, Hyde park [[www.bisl.org](http://www.bisl.org)]



## Summer enforcement campaign

The Licensing Act 2003 is a key part of the Government's strategy for combating alcohol-related crime and anti-social behaviour. Once fully in force, it will help to reduce the problems of disorder and nuisance associated with fixed closing times for pubs, clubs and other outlets selling alcohol. The overwhelming message from all expert bodies, including the police, is that crime and disorder peaks at 'chucking out' time, when large numbers of people are forced out onto the streets at the same time.

This summer the Police Standards Unit and Association of Chief Police Officers are co-ordinating a fresh campaign to tackle alcohol-related violence and disorder. This will see police focussing on those who sell alcohol to under 18s, bars and clubs who promote irresponsible and rowdy behaviour and "drunken yobs" who cause violence.

The campaign was launched on 8th July and will run until the end of the August Bank Holiday weekend. Work will include:

- 'Sting' operations, such as sending under 18s into off-licences and bars to catch those encouraging under-age drinking
- 'Naming and shaming' of irresponsible off-licences, bars and clubs, once they have been convicted
- The issuing of 'on the spot' £40 fixed penalty fines to people who are drunk and disorderly
- Closing down rowdy premises for up to 24 hours

For further information, visit the Home Office website:  
[www.homeoffice.gov.uk/crime/alcoholrelatedcrime](http://www.homeoffice.gov.uk/crime/alcoholrelatedcrime)

For 'Violent Crime – Tackling Violent Crime in the Night Time Economy' Guidelines, visit:  
[www.policereform.gov.uk/psu](http://www.policereform.gov.uk/psu)



## Live music made easy



The new licensing laws will increase the opportunities for live music, enabling greater numbers of people to enjoy it. In the past venues wanting to promote live music events, accompanied by a bar, had to apply for a separate entertainment licence. In the future only a single licence will be needed to provide alcohol, regulated entertainment and late night refreshment.

To help venues and promoters in staging live music events, the Musicians' Union (MU) is creating a "Live music kit". This provides information on how to stage live music events under the new licensing system, contact details for sourcing professional acts and information about permitted temporary events. Over 30,000 flyers entitled 'Music to your Ears' were distributed to venues in June and July, to gauge the likely demand for the proposed "Kit" and to position the MU as the source for assistance on organising live music events.

The response so far has been overwhelming, indicating a real commitment to public entertainment and live music in particular. As a result further copies of the flyer are being printed to handle demand.

For further information, visit the Musicians' Union website: [www.musiciansunion.org.uk](http://www.musiciansunion.org.uk)

**Next issue – September 2004. For more information about the Licensing Act 2003 and how it will affect you, visit our website at [www.culture.gov.uk](http://www.culture.gov.uk). If you have any comments or suggestions for articles email: [licensing.newsletter@culture.gsi.gov.uk](mailto:licensing.newsletter@culture.gsi.gov.uk)**

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