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Chief Executive of the Council of the Isles of Scilly  
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7 July 2004

Dear Colleague

**LICENSING ACT 2003: GUIDANCE ISSUED UNDER SECTION 182 AND GUIDANCE ON THE OPERATION OF CLOSURE POWERS IN PART 8**

I am writing to you formally to issue the Guidance to licensing authorities under section 182 of the Licensing Act 2003 (the 2003 Act), which has been approved by both Houses of Parliament. The enclosed Guidance also includes guidance to police officers on the operation of closure powers in Part 8 of the 2003 Act, which has been written in consultation with the Association of Chief Police Officers and agreed by them.

I am also laying an Order before Parliament today to appoint 7 February 2005 as the first appointed day for the purposes of Parts 1 and 2 of Schedule 8 to the 2003 Act. Applications to convert an existing licence or club certificate to a new premises licence or club premises certificate may only be made in respect of existing licences that have validity or are held on the first appointed day. The Order will also specify the transitional period for the holder of a justices' licence to apply for a personal licence under Part 3 of Schedule 8 to the 2003 Act.

The first appointed day will mark the beginning of the period of six months during which applications for the conversion of an existing licence or an existing club certificate may be made to licensing authorities in accordance with Schedule 8 to the 2003 Act. The period of transition (six months) plus the period for determining those applications made at the end of that period (2 months in the case of new premises licences and new certificates and 3 months in the case of personal licences) is 9 months. I therefore expect the full implementation of the 2003 Act to be complete by November next year.



Licensing authorities have a seven month period from today to prepare for transition. A priority is to prepare, consult on and publish local licensing policy statements under the terms of section 5 of the 2003 Act. Any licensing decision taken during the period of transition must have regard to both the Guidance I am today issuing and the licensing authority's own statement of licensing policy. We will shortly bring forward draft secondary legislation, including details of hearings, forms and fees, for public consultation to enable these to be in place for the start of the transitional period.

When implemented, the licensing reforms will mark a significant shift in the way we approach the licensing of sales of alcohol, regulated entertainment and the provision of late night refreshment. The 2003 Act modernises the outdated licensing laws, bringing six existing licensing regimes into one and should significantly reduce the amount of bureaucracy involved.

The role for local authorities in the context of the 2003 Act is not restricted to their role as licensing authorities, but will also affect other key areas of local authority activity and functions, including local crime prevention, environment, trading standards, culture and the arts, economic regeneration and tourism. As stated in the Guidance, licensing policy statements should provide clear indications of how the licensing authority will secure proper integration of its licensing policy with policies in these other areas and should therefore be brought to the attention of the relevant local authority officers.

This includes officers responsible for arts, culture and entertainment. The 2003 Act provides a genuine opportunity for the local development of our rich culture of live music, dancing, theatre and the arts. These, and other forms of entertainment, provide a diversity of activities for local people and visitors, help invigorate the leisure and night time economy and provide pursuits for young people that are not based around drinking. I hope local authorities will give serious consideration to the suggestion in the Guidance that they seek premises licences from the licensing authority for public spaces. I believe this is an excellent way to support the provision of cultural and arts events such as live music, theatre, street art and circuses.

It is important that licensing authority licensing officers and members of licensing committees are also familiar with the provisions relating to crime and disorder in the 2003 Act. The Guidance includes a lot of advice and ideas on how best to consider and respond to crime and disorder issues that arise in the context of individual applications or, indeed, where there is a need for a special policy because of the cumulative impact of a particular concentration of licensed premises in a part of the licensing authority area.

I appreciate the amount of work that will be required to get policies in place for the first appointed day and then to deal with the transitional arrangements. Significant change is never easy and there are bound to be teething problems. But I have no doubt that those involved will play their part in effecting the biggest social change and reform of our leisure industry in the last 40 years.

In line with the Department's green policies and E-business strategy, additional copies of the Guidance are available electronically from our website on [www.culture.gov.uk/alcohol\\_and\\_entertainment](http://www.culture.gov.uk/alcohol_and_entertainment) . Please do not hesitate to contact the Department if this causes you any difficulties.

> A copy of this letter and the Guidance also goes to other stakeholders including Fire Authorities, Health and Safety Executive, Crime and Disorder Reduction Partnerships, community and residents' organisations and the Department's Advisory Group on licensing reform.

Tessa Jowell.

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