



DERBY CITY COUNCIL

GENERAL LICENSING COMMITTEE 5 OCTOBER 2005

Report of the Director of Corporate Services

LIQUOR LICENSING ACT UPDATE

RECOMMENDATION

1. To note the report.

SUPPORTING INFORMATION

- 2.1 The deadline for existing licence holders to transfer their licences to the new regime passed on 6 August 2005. Uptake had been very slow both here in Derby and nationally but a last minute push saw the number of applications received locally rise significantly. 81% of the expected licences came in on time. This was well above the national average and compared favourably with reported figures of 17% for Trafford MBC, 20% for Wolverhampton MBC and 24% for Birmingham MBC.
- 2.2 This success has been due to the cooperation between Councillors, Constitutional Services, Legal and Environmental Health staff. A programme of business forums, information letters and personal visits also seems to have paid dividends. Despite negative national press stories, the local licensed trade's response has been very positive. A local solicitors firm who are dealing with applications nationally has praised the Council as being one of the best it has dealt with.
- 2.3 The next important date is 24 November 2005. This is when the new licences come into force. Every premises that sells alcohol, provides regulated entertainment or sells hot food after 11.00 pm at night will need a licence by this date. If they don't, they will not be able to trade or run the risk of being prosecuted.
- 2.4 The number of applications received by the Council up to 6 August 2005 is shown at Appendix 2. More up to date information will be provided by officers at the meeting.
- 2.5 There are approximately 130 existing premises who have not applied yet. They will now have to apply for new licences. They run the risk of not being granted the licence they previously held. These are being dealt with as and when they apply.
- 2.6 Officers are now concentrating their efforts on the smaller local takeaways who will need a new licence. It will be important to ensure that they get their applications in on time, so they can carry on trading after the final November deadline. There are approximately 30 premises that this may apply to.

- 2.7 After the November deadline, officers will begin visiting unlicensed premises with a view to restricting licensable activities and/or prosecution. Licensed premises will also start being visited to ensure their licence conditions are being followed.
- 2.8 Further updates will be reported to the committee in the future.

For more information contact:	Michael Kay 01332 716340 e-mail michael.kay@derby.gov.uk
Background papers:	General Licensing Committee 13 July 2005 Item 5 – Liquor Licensing Act Update
List of appendices:	Appendix 1 – Implications Appendix 2 – Applications received up to 6 August 2005

IMPLICATIONS

Financial

1. Additional funding for the implementation of the Licensing Act has already been approved and included in the 2005/06 budget process.

Legal

2. The Licensing Act 2003 requires the Council to determine any relevant applications made under the terms of the Act.

Personnel

3. The initial slow response by businesses to the new licensing regime has resulted in a large proportion of applications being made towards the end of the 'conversion' period. This has had a significant impact on workload and staffing requirements leading up to the second appointed date of 24 November 2005.

Equalities impact

4. The Council as the licensing authority, through the Licensing Act 2003, its licensing policy, and guidance issued by Central Government promotes the principles of openness, fairness and equality.

Corporate themes and priorities for change

- 5.1 The new licensing regime contributes to the Council's objectives of **healthy, safe and independent communities, a lively and energetic cultural life and a diverse, attractive and healthy environment.**
- 5.2 The new licensing regime furthers the Council's priorities of **improving customer service, in the city centre and locally.**

Derby City Council Licensing Act 2003 Applications (Up to 06/08/05)		
	Premises Licences	Personal Licences
How many received?	549 Existing 61 Existing Club 44 New 654 total	684 Existing 12 New 696 total
How many granted?	318	326
How many in system?	31 hearings pending 305 in consultation 336 total	370 in consultation
Appeals to Magistrates?	0	0