



DERBY CITY COUNCIL

## GENERAL LICENSING COMMITTEE 13 JULY 2005

Report of the Director of Corporate Services

### LIQUOR LICENSING ACT UPDATE

#### RECOMMENDATION

1. To note the report.

#### SUPPORTING INFORMATION

- 2.1 The second appointed date for the Licensing Act has been announced by Department of Culture, Media and Sport. The Council takes on the full responsibility for enforcing the new legislation as from 24 November 2005 (the 'second appointed date').
- 2.2 Since 7 February 2005, the first appointed date, existing licence holders selling or supplying alcohol, providing entertainment, showing films, holding indoor sporting events and theatres have been able to apply for a conversion of their existing licence to the new regime. They also have the opportunity to apply for a variation of their licence simultaneously.
- 2.3 Receipt of applications in the first 3 months has been slow. During this time the Licensing Team has been working with the trade to encourage businesses to apply for the new licences. This work has included meetings with business and trade organisations, community groups, statutory responsible authorities and personal visits to the smaller, independent traders.
- 2.4 This proactive approach has led to an increase in applications in recent weeks, via the post and significantly more personal visits to the Environmental Health & Trading Standards offices at Celtic House. Many of the personal visits have been made by the smaller businesses.
- 2.5 At the time of writing this report the Licensing Team has received:
  - 215 premises licence applications
    - 120 'straight' conversions
    - 64 variation applications have been granted
    - 31 are still within the consultation period
  - 208 personal licences have been granted.
- 2.6 From receipt of the application, responsible authorities and interested parties have 20 working days to lodge any representations and the Council as the licensing authority has 2 months to determine the application.

- 2.7 After the consultation period, a hearing must be arranged if relevant representations have been received, giving at least 10 working days notice in writing, of the date and time of the hearing to the applicant.
- 2.8 Representations concerning 19 premises licence variation applications have been received to date, for each a hearing has been arranged. However, only one has required presentation to the General Licensing Sub-Committee to be determined. This situation has arisen due to organisations and individuals withdrawing their representations before the hearing takes place, which is permitted under the Act.
- 2.9 Further updates will be reported to the committee in the future.

<b>For more information contact:</b>	Michael Kay 01332 716340	e-mail michael.kay@derby.gov.uk
<b>Background papers:</b>	None	
<b>List of appendices:</b>	Appendix 1 – Implications	

IMPLICATIONS
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**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 will result in a large proportion of applications being made towards the end of the 'conversion' period. This will have 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.**