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25th June 2004

To: Members of the Licensing Committee

Dear Councillor

You are invited to attend a Training Session, which will be held in the **GROUND FLOOR MEETING ROOM** at South Cambridgeshire Hall on **MONDAY, 5 JULY 2004** at **10.00 a.m.**

Lunch will be provided for those Members attending both the training session and Licensing Committee in the afternoon.

Yours faithfully
GJ HARLOCK
Finance and Resources Director

LICENSING TRAINING

PAGES

The session will be run by Fiona McMillan (Assistant Solicitor) and Myles Bebbington (Licensing officer). The object will be to give a relatively simple introduction to various aspects of Licensing and legal procedures, the issues most likely to be covered will be:-

1. The scope of Licensing, ie what do we licence!
2. Role of the committee
3. Where does the committee fit into the various licensing procedures
4. What type of reports/appeals can a committee be expected to receive
5. What key procedures must be followed to prevent problems such as judicial reviews
6. What can the committee expect from its officers
7. The Licensing Act 2003
8. An introduction to the more formal training arranged in August and its importance.

Leaflets on the main licensing areas are attached for Members information and whilst it is intended to be a very informal session, Members will be encouraged to ask questions.

INFORMATION LEAFLETS

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SOUTH CAMBRIDGESHIRE DISTRICT COUNCIL**LICENCE CONDITIONS – DRIVERS’ LICENCES**

It is important that you read these conditions.

As a South Cambridgeshire Private Hire or Hackney Carriage Driver you are NOT permitted to ply for hire in the Cambridge City Boundary or at any of the taxi ranks within that area, which includes the Railway Station.

Any person caught doing so will be subject to investigation for breach of licence conditions with the possibility of suspension or revocation of their licence.

1. **CONDUCT OF DRIVER**

The driver shall:-

- (a) afford all reasonable assistance with passengers’ luggage;
- (b) at all times be clean and respectable in his dress and person and behave in a polite and orderly manner;
- (c) take all reasonable steps to ensure the safety of passengers conveyed in, entering or alighting from the vehicle driven by him;
- (d) not without the express consent of the passengers smoke, drink or eat in the vehicle during the course of a hiring;
- (e) not without the express consent of the passengers play any radio or sound reproducing instruments or equipment in the vehicle other than for the purpose of sending or receiving messages in connection with the operation of the vehicle; and
- (f) at no time cause or permit the noise emitted by any radio or other previously mentioned equipment in the vehicle which he is driving to be a source of nuisance or annoyance to any person, whether inside or outside the vehicle.

2. **PASSENGERS**

- (1) The driver shall not convey or permit to be conveyed in the vehicle a greater number of persons than that prescribed in the licence for the vehicle, provided however, for this purpose.
- (2) The driver shall not allow there to be conveyed in the front of any licensed vehicle beside him:-
 - (a) any child below the age of ten years; or
 - (b) more than one person;and at all times the driver shall ensure compliance with any relevant regulations regarding seat belt and restraints.
- (3) The driver shall not without the consent of the passengers convey or permit to be conveyed any other person in that vehicle.
- (4) It is the driver’s responsibility to ensure that for every journey there is appropriate third party insurance cover in the event of all passengers’ personal injury.

- (5) *Unless further authorised by the Council in WRITING, this licence does NOT permit there to be conveyed in the vehicle in the course of business at any time any child under the age of 16, or under the age of 18 who has special needs or under the age of 18 who is looked after by a local authority (for residential care only) if the journey is on behalf of a local authority or a self-governing (grant maintained) school or independent school or further education establishment, whether the journey is under contract directly by them or through volunteer or voluntary body directly engaged by them (including foster parents, adoptive parents or childminders) UNLESS in all of such cases there is another accompanying responsible adult in the vehicle at all relevant times.

3. LOST PROPERTY

- (1) The driver shall immediately after the end of any journey, or as soon as practicable thereafter, carefully search the vehicle for any property which may have been accidentally left there.
- (2) If any property accidentally left in a licensed vehicle by any person who may have been conveyed therein is found by or handed in to the driver, he shall take it as soon as possible and in any event within twenty-four hours if no sooner claimed by or on behalf of its owner to the Chief Executive officer or to the Property Store at Parkside Police Station, Cambridge or to Royston Police Station and leave it in the custody of the Chief Executive or the Officer in charge of the Police Station on their giving a receipt for it.

4. WRITTEN RECEIPTS

The driver shall if requested by the hirer or passenger of a licensed vehicle provide him with a written receipt for the fare paid.

5. ANIMALS

The driver shall not convey in any licensed vehicle any animal belonging to or in the custody of himself or the proprietor or operator of the vehicle and he shall ensure that any animal belonging to or in the custody of any passenger is adequately restrained and kept in such a position so as not to distract the driver or otherwise be a cause of danger or nuisance. In the case of hackney carriages guide dogs accompanied by their owners shall be carried free of charge.

The Disability Discrimination Act 1995 – Carriage of Guide, Hearing and other assistance Dogs in Taxis and Private Hire Vehicles came into effect on the 1st April 2001. This act means that no Taxi or Private Hire vehicle in this District may refuse to carry an assistance dog of a passenger, unless they hold a valid medical exemption notice. This exemption order is only issued if you have a medical condition that prevents you from the carriage of animals. Further details can be obtained from The Department of Environment Transport Regions, Zone 1/18, Great Minister House, 76 Marsham Street, London. SW1P 4DR.

6. PROMPT ATTENDANCE (PRIVATE HIRE VEHICLES ONLY)

The driver of a Private Hire Vehicle shall, if he is aware that the vehicle has been hired to be in attendance at an appointed time and place or he has otherwise been instructed by the operator or proprietor of the vehicle to be in attendance at an appointed time and place, punctually attend at that appointed time and place, unless unavoidably delayed or prevented.

7. COPY OF CONDITION

The driver shall at all times when driving any licensed vehicle carry with him a copy of these conditions and shall make it available for inspection by the hirer or any other passenger on request.

8. DEPOSIT OF LICENCE (PRIVATE HIRE VEHICLES ONLY)

If the driver is permitted or employed to drive a Private Hire Vehicle of which the proprietor is someone other than himself, he shall before commencing to drive that vehicle deposit his licence with that proprietor for retention by him until such time as the driver ceases to be permitted or employed to drive the vehicle or any other vehicle of his.

9. CHANGE OF ADDRESS

The licensee driver shall notify the Licensing Officer in writing of any change of his address during the period of the licence within seven days of such change taking place.

10. CONVICTIONS

Any licensed driver shall within seven days disclose to the Licensing Officer in writing details of any conviction arising from Court action imposed on him during the period of the licence.

11. RENEWAL

The driver shall, at least two weeks prior to the date of the licence expiry, make application to the Authority for a renewal. If an application for renewal is not received by the renewal date the licence will lapse. A renewal application received more than three weeks after the normal renewal date will be classified as a new application and the appropriate fee and procedure will apply.

Where operations continue after a failure to renew, prosecutions are likely to be authorised without notice. In most cases of non-renewal especially with regard to vehicle licensing the third party insurances are placed in jeopardy.

12. RETURN OF BADGE

The driver shall upon the expiry (without immediate renewal), revocation or suspension of his licence forthwith return to the Council the driver's badge issued to him by the Council when granting the licence. The badge shall remain the property of the Council.

13. VEHICLE LICENCE DISC

- a) The driver shall not drive for hire or reward any unlicensed vehicle, nor any licensed vehicle that is not displaying in the front windscreen a current licence disc for that vehicle.
- b) The driver, unless he is a holder of a Private Hire Vehicle Operator's Licence, shall upon the expiry (without immediate renewal), revocation or suspension of his licence forthwith return to the Council all vehicle licence discs issued to him by the Council.
- c) The licence discs shall remain the property of the Council.

14. CONVEYANCE OF DEAD BODY

If the driver shall knowingly convey in the vehicle the dead body of any person he shall, immediately thereafter, notify the fact to the Environmental Health Officer of the Council.

15. RIGHT OF APPEAL

Anyone with a licence under Local Government (Miscellaneous Provisions) Act 1976 or the Town Police Clauses Act 1847 and aggrieved by any of the conditions attached to the licence may appeal to a Magistrates' Court within twenty-one days of the grant of the licence.

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LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1976

PRIVATE HIRE VEHICLE LICENCE

The **SOUTH CAMBRIDGESHIRE DISTRICT COUNCIL** pursuant to the powers conferred upon it by the Local Government (Miscellaneous Provisions) Act 1976 and upon the application of:

MR I AHMED

of

24 MAITLAND AVENUE, CAMBRIDGE

being the proprietor of a vehicle, registration number N940JLB and the sole proprietor concerned in keeping, employing or letting on hire such vehicle, **HEREBY LICENSE** such vehicle as a private hire vehicle to carry 4 persons subject to the conditions set out below, the number of this Licence being set out above.

This Licence shall be in force from the date hereof until 10th May 2005 (unless previously suspended or revoked¹).

Dated: 10th May 2004

Signed

The Licensing Officer

The Officer appointed for this purpose

Please see attached conditions.

¹ This period shall not exceed one year.

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SOUTH CAMBRIDGESHIRE DISTRICT COUNCIL

HACKNEY CARRIAGE AND PRIVATE HIRE LICENSING

NOTES FOR APPLICANTS

*** PLEASE NOTE – HOURS OF OPENING FOR COUNTER ENQUIRIES ARE 9.00 A.M TO 12.00 NOON, MONDAY TO FRIDAY. IF YOU CANNOT MAKE YOUR VISIT BETWEEN THESE TIMES YOU WILL NEED TO MAKE AN APPOINTMENT ON THE FOLLOWING TELEPHONE NUMBER (01223) 443024 OR (01223) 443132 FOR FURTHER ASSISTANCE.**

GENERAL

- (1) Section 15 of the 1985 Transport Act applies the taxi licensing provisions of the 1847 Act throughout the district of South Cambridgeshire.
- (2) After 1st January 1987, it will be an offence for a vehicle to stand or ply for hire in a street or public place in South Cambridgeshire unless it is licensed for that purpose.
- (3) Part II of the Local Government (Miscellaneous Provisions) Act 1976 provides for the licensing of hire cars and modifies the licensing of taxis under the 1847 Act. This came into force in South Cambridgeshire on 9th February 1987 and from that date private hire vehicles, drivers and operators must be licensed.

FEES

Fees for any applications are non-refundable. Please refer to the separate sheet for fees relevant to your application.

DEFINITIONS

- (1) A hackney carriage is able to ‘ply for hire’ which includes taking passengers from the street without any pre-arranged booking.
- (2) A private hire vehicle cannot ‘ply for hire’. It can only convey passengers who have booked the vehicle through the operator.
- (3) A driver may be either an owner/driver or employed by the owner of a vehicle.
- (4) A vehicle adapted to carry more than eight passengers that is used for hire or reward is a public service vehicle and is licensed under different legislation.

OPERATOR LICENSING

Private Hire Operator licences will usually only be granted to applicants who have a control centre or business address within the South Cambridgeshire District boundary from where bookings are taken.

If you are a Council Tenant, permission to run a business from your home address must be sought in writing from the Housing Office, South Cambridgeshire District

Council, 9-11 Hills Road, Cambridge CB2 1PB, before your application is submitted to the Licensing department.

If you own the property you wish to run a business from, the Licensing Department will make enquiries to the Planning Department to confirm that Planning permission is not required. This will be done prior to any application being processed.

If the property you live in is owned by a Housing Association or Privately Rented Accommodation you must provide written permission to allow you to run a business from that address before applying.

VEHICLE TESTING

- (1) The 1976 Act provides powers for ensuring that vehicles are suitable for use as taxis or private hire vehicles and that they are maintained in a satisfactory condition. It also contains specific powers to inspect and test vehicles and to suspend, revoke or refuse to renew a licence.
- (2) Testing of vehicles will take place at the Council's Depot, Water Lane, Oakington. The cost is normally included in the licence fee. The proprietor and driver's knowledge of the Council's conditions and byelaws will also be tested. **The testing by the Council will not avoid the need for annual MOT testing for vehicles more than one year old.** This should be obtained by applicants independently (if required) and the Test Certificate must be produced on the Council's inspection and have at least three months before it expires.

In the case of hackney carriage drivers, a driving test and a short area knowledge test may also be carried out.

- (3) **Safety Equipment is required for every vehicle test. You will need to provide the following:-**
 - **An efficient fire extinguisher (minimum capacity 0.6 kg) carried in a position so as to be readily available for use**
 - **A suitable First Aid Kit containing appropriate first aid dressings and appliances.**

DOCUMENTS (apart from application form and fee)

- (1) An applicant for a vehicle licence must produce a valid vehicle registration document, and a Certificate of Insurance or policy that must include an endorsement covering fare-paying passengers.
These must be produced at South Cambs Depot, Dickerson site, A10, Waterbeach on the day of the vehicle test.
- (2) No licence will be issued until the above documents have been produced.
- (3) An applicant for a driver's licence must produce a valid full driving licence, two passport size photographs, an Enhanced Police Disclosure and medical certificate if required.
- (4) On renewal of Operator's licences, record books must be produced.

DRIVERS

PREAMBLE: The grant of a License is subject to satisfactory checks with the Criminal Records Bureau, The Driver Vehicle Licensing Agency and where required a Medical Practitioner. We may get information about you from certain third parties, or give information to them to check the accuracy of information, to prevent or detect crime or to protect public funds in other ways as permitted by law. These third parties include other Local Authorities and Government departments.

- (1) The Council is permitted to satisfy itself that an applicant for a vocational driving licence is a fit and proper person.
- (2) Applicants are advised that references are likely to be taken up. In the case of renewal, references will be taken up if there is a material change in circumstances. References will be taken up in appropriate cases in respect of criminal and medical disclosures.
- (3) Applicants are requested in the application form to declare any convictions or cautions they may have, including those that are regarded as “spent” under the Rehabilitation of Offenders Act 1974 and all future convictions. All relevant convictions, spent or otherwise may be considered by the Council when determining an application by virtue of the Rehabilitation of Offenders Act 1974 2002 amendment s75. The information given will be treated in confidence and will only be taken into account in relation to the application. **Please read the accompanying Policy Statement before making your application.**

The licensing authority is empowered in law to check with the Criminal Records Bureau for the existence and content of any criminal record held in the name of an applicant. Information received from the Criminal Records Bureau will be kept in strict confidence while the licensing process takes its course and will be retained for no longer than is necessary.

The disclosure of a criminal record or other information will not debar an applicant from gaining a licence unless the authority considers that the conviction renders them unsuitable. In making this decision the authority will consider the nature of the offence, how long ago and what age you were when it was committed and any other factors which may be relevant.

- (4) Applicants should request their GP’s to examine them in accordance with the medical certificate unless specifically exempted. Any fee will be directly payable by the applicant.

A licensee is examined:

- (a) on first applying for a hackney carriage or private hire vehicle driver’s licence;
- (b) on reaching the age of 55 years;
- (c) on reaching the age of 60 years;
- (d) on reaching the age of 65 years;

LENGTH OF LICENCE

- (1) Driver’s licences will normally be valid for a period of three years.

- (2) Vehicle licences will be valid for a period of one year, and should be renewed at least one week before expiry.
- (3) Operator's licences will be valid for a period of one year, and must be renewed at least 2 weeks prior to expiry.

APPEALS

An applicant who is refused a licence will have a right of appeal to the Magistrates' Court. There is also a Review Procedure operated by the Council where aggrieved applicants may have their cases reviewed by members of the appropriate Licensing Committee, without prejudice to the applicant's statutory rights of appeal to the Magistrates' Court.

LICENCE BADGES (DRIVERS) AND PLATES (VEHICLES)

The Council now operate a straightforward system of allocating identification badges to drivers (for which there is a fee on issue to cover the cost of the badge) and licence plates for vehicles.

The Council views with seriousness the operation of any business without having and displaying the badges and plates and without having appropriate third party insurance. It may summarily suspend or revoke licences on complaint, pending inquiries, so you should ensure that the formalities are observed at all times.

Nothing in this, or the enclosed documents, shall be interpreted as overriding the provisions of the Town Police Clauses Act 1847 (as amended) or the Local Government (Miscellaneous Provisions) Act 1976.

Licensing Act 2003

What is happening in South Cambridgeshire

Licensing is already dealt with in one department - environmental health. The Licensing section currently has responsibility for Taxi Licensing, Public Entertainments, Street trading, House to house collections, Street collections, Lotteries, Gaming and betting, Theatre and Cinema licensing and Late night refreshment houses.

We are already working to jointly develop a licensing policy framework between neighbouring authorities - which will be soon be ready for public comment.

The licensing team is currently working on a draft policy and will soon be sending information to businesses likely to be affected. The Council will be consulting with various people to seek information to help answer questions and shape development of the licensing policy (see below). People interested in participating should contact us.

Licensing Committee members and staff will be given specific training on this new law, which will bring responsibility for liquor licensing to the council.

This new regime will be an opportunity for South Cambridgeshire to rise to the challenge and continue to encourage commerce whilst protecting the public.

The Cabinet Organisation of South Cambridgeshire District Council already contains a separate Licensing Committee, so no restructure of our Committee system is required.

Policy:

We shall be required to publish a Licensing Policy (and review it every three years). This document will describe in principle how the Licensing Act will be administered in South Cambridgeshire.

The first draft guidance produced by the Secretary of State was very prescriptive. The final guidance is expected probably mid to late 2004, after which we can begin the consultation process

Anyone willing to be involved in the consultation process is asked to contact us. The Licensing section can be contacted in the following ways:-

Tel No:- 01954 713132 or 713024

E.Mail :- myles.bebbington@scambs.gov.uk

By post :- South Cambs Hall, Cambourne Business Park, Cambourne CB3 6EA

The Transition Year:

We think that the year from late 2004 will be very busy as all existing licence holders will have to transfer to the new scheme. In addition they are also able to apply to vary their existing licence and probably vary their closing times.

We anticipate writing to existing licence holders in good time, telling them how to apply. An initial mailshot will be sent out once the final guidance has been issued by Government.

We will give information to the press and offer a free advisory service via the Licensing section (businesses are still advised to seek their own independent advice.)

Entertainment, theatre and cinema licences will need to be renewed as usual in 2004. New applications will need to be made under the existing regime, until the "second appointed date" likely to be in 2005.

New (liquor) applications are likely to still be made to the Courts, until the second appointed date.

We will have to accept applications and transfer existing licences to the new regime - where there is no variation - except where the police object. However where people want to change existing licences, there will be more opportunity for consultation. But as the main thrust of the new Law is to reduce red tape, it is likely that grounds for objection will be limited. However there will be far more scope for persons either public or official bodies to ask the Authority to review a licence after it is granted if problems occur

Instead of obstructing business on the basis of what "might become a problem," protection for the public will be gained by the power for affected persons to ask us to "review" existing licences where there is actual evidence of a problem in the way that a business is operated. If the objections are upheld we will have power to restrict or remove licences.

Reviews may be called for example where we have evidence of ongoing Nuisance despite service of a noise abatement Notice by the Environmental Protection Team; or where the Police or Council Officers bear witness to licence condition breaches. In any case, there MUST be evidence in support of requests for review. The Council will have the ability to dismiss complaints that it considers "vexatious."

After Transition:

There should be a minimum of red tape for persons seeking licences - at least where those applications are not contentious. Licenses for premises are likely to last the "life of the business."

Unlike now, there will generally be no requirement for persons to appear in person (unless there are objections to the application).

It would appear that persons requiring "Occasional Licenses" for example, for School PTA dinner dances, will simply have to give ten days written notice.

Applications to licence premises will have to be accompanied by various documentation - probably including a scaled drawing, and an "operating plan." Full details will be available shortly: please contact us if you need help.

Contents of Operating Schedules are yet to be defined, but the principle is that licensees will detail the proposed Licensable activities, including whether or not alcohol is to be sold, the type of Regulated entertainment to be provided, and how they satisfy the Licensing objectives.

This information is designed as a brief overview and is not exhaustive. Businesses are advised to seek independent advice for more details

Latest - the Licensing Act 2003 received Royal assent in July 2003. Guidance to the Act is expected November/December - the new measures are expected to come into force 6 months later.

Frequently Asked Questions (FAQs) on Licensing Bill 2003

(Information supplied by LACORS)

Please note this list of FAQs is not exhaustive, and some of the information given is an interpretation of current thinking from Government rather than confirmed policy. The information given was correct at time of writing and South Cambridgeshire District Council will endeavour to update as further information is made available.

What is the purpose of the Bill?

The main aim of the Bill is to modernise the legislation governing the sale and supply of alcohol and control of public entertainment. Responsibility for licensing personnel and premises will transfer from magistrates and become the sole responsibility of District, Borough and Unitary Authorities in England and Wales.

Who is taking the lead on the Bill?

The Department for Culture, Media and Sport (DCMS). The Department's Secretary of State is supported by Richard Caborn and Dr Kim Howells in the House of Commons and by Baroness Blackstone in the House of Lords.

Where can I get a copy of the Bill?

The Bill and explanatory notes can be viewed at:

<http://www.publications.parliament.uk/>

The Regulatory Impact Assessment is available at:

http://www.culture.gov.uk/new_responsibilities/ria_licensing.pdf

Where can I get hold of a copy of the Guidance?

(Due to be published in September 2003)

Does the Bill apply to the whole of the UK?

No, the Bill is applicable to England and Wales only

When will the new licensing regime start?

Royal assent was gained in July 2003. The actual transition period and timings are still under negotiation, indications however are that the transition date will commence in mid 2004. Government have proposed 12 months from Royal Assent to have the process fully up and running. However, South Cambs District Council along with others do not feel that this is a realistic

period, and that it is in the interest of all stakeholders to allow a fair and reasonable period in order to effect the transition as smoothly as possible and would like to see a period of at least 18 months for transition. It seems possible that Government may allow an initial 6 month period from Royal Assent for local authorities to consult on and write their Licensing Policies, before they have to receive and consider any applications under the new regime. There may then be a further period of 12 months to process all the applications. This means it could potentially be 2005 before the system is fully implemented.

What are the aims of the new licensing regime?

The four licensing objectives that local authorities are under a duty to promote are:-

1. The prevention of crime and disorder
2. Public safety
3. The protection of children from harm
4. The prevention of public nuisance

What are licensable activities?

According to Clause 1(1), and Schedules 1 and 2 of the Bill

The sale of alcohol by retail

The supply of alcohol by or on behalf of a club to, or to the order of, a member of a club

The provision of regulated entertainment

The provision of late night refreshment

What is Regulated Entertainment?

Subject to qualifying conditions, and exemptions, the definitions contained in Schedule 1, state that it is:

A performance of a play

An exhibition of a film

An indoor sporting event

A boxing or wrestling entertainment (indoors or outdoors)

A performance of live music

Any playing of recorded music

A performance of a dance

Entertainment of similar description to that falling within the performance of live music, the playing of recorded music and the performance of dance

Does the Bill cover entertainment outdoors?
Yes, the definition of 'premises' given in clause 188 states that it means 'any place and includes a vehicle, vessel or moveable structure'. Unlike the current system, outdoor entertainment (or any other licensable activity) can take place on either private or public land and still require a licence.
What is late night refreshment?
Late night refreshment, and the exemptions, are defined in Schedule 2 of the Bill. It is worth remembering that because the definition of premises includes vehicles, a burger van which has regular pitches will require a premises licence for each of these.
The Bill received royal assent on the 10 th July 2003. Secondary legislation that will determine more detailed parts of the bill such as fees, information required by applicants etc will be announced in November/December 2003
Will there be any additional funding to assist local authorities set up the new system?
DCMS is currently resisting the provision of any additional funding to assist local authorities in starting up the new system. Their opinion is that there will be little enforcement during the transition period, and therefore the licence fee income will cover the start up costs. However there will be work to do before any licence fee income is received, and that there will still be enforcement relating to existing Public Entertainment Licences. Examples of start up costs include, training of Members and officers, staffing and recruitment, software and hardware, transfer of records from Licensing Justices to local authorities and producing and consulting on licensing policies.
How will fees be determined under the new legislative system?
DCMS have stated that there will be a system of standard fees set by the Secretary of State. These are outlined in the Regulatory Impact Assessment to accompany the Bill. The proposed estimates are:
Premises Licence – Between 100-500 pounds
Personal Licence – Approximately 30 pounds
Temporary Event Notice – Approximately 20 pounds
In addition there will be an annual fee for on-going enforcement costs, but there has been no official indication of what this might be.
LAGA/LACORS do not feel that these proposed fees are sufficient to cover the costs to local authorities of administering the system, and they continue to lobby for discretion in setting fees, or at least some form of regional banding. This should be based on full cost recovery.

What training will be required ?
Training in the new legislative regime will be important for both local authority officers and Elected Members in order to assist with the smooth implementation of the new scheme.
How often does a licensing policy need to be published?
It will need to be reviewed every three years. The first must be published before the local authority can carry out any function in respect of individual applications made under the terms of the new Act. Further details are contained in Clause 5 of Bill and Section 4 of the Draft Guidance. LACORS is proposing to issue a framework or guidance document to assist local authorities in writing and consulting on their Licensing Policies.
What is a personal licence?
This is a portable licence granted by the local (licensing) authority of residence to an individual enabling the right to sell alcohol at any premise licensed for the sale of alcohol.
How long is it valid?
10 years. Then, as the Bill currently stands, the licence holder reapplies to the authority which originally issued the licence irrespective of where they live now.
Are there any qualification requirements for personal licences?
Yes, there will be a requirement for new personal licence holders to take a qualification approved by the Secretary of State. This will not apply to licences issues under 'grandfather rights' i.e. the holders of current Justices Licences. LACORS/LGA has a representative attending the DCMS working group set up to examine the structure and content for the new personal licence holders qualification.
What is an Operating Schedule?
The operating schedule is a mandatory requirement of a Premises Licence application. It must be submitted with the application, and include details such as descriptive information about the premises, a statement of the proposed relevant licensable activities, details of any risks associated with the location, size, opening hours, controls on capacity, soundproofing, door supervisors etc. Further information can be found in Clause 17 of the Bill and paragraphs 6.22 – 6.25 of the draft Guidance. The Secretary of State may prescribe, by statutory instrument, other matters that must be included in an operating schedule.
Will current opening hours change?
Yes, an important aspect of the Bill is that it proposes that pubs, clubs and

<p>restaurants can open up to 24 hours a day. Licensing authorities will not be able to impose quotas or zoning resulting in artificially staggered closing times. For further information see paragraphs 4.20 – 4.23 and Section 7 of the draft Guidance.</p>
<p>Are Places of Worship affected by the Bill?</p>
<p>The provision of any entertainment or entertainment facilities are exempt if –</p> <ul style="list-style-type: none"> • For the purpose of, or for purposes incidental to, a religious meeting or service or • At a place of public religious worship.
<p>Are there any other exemptions?</p>
<p>Yes: moving vehicles on the public Highway, live television/radio broadcasts and spontaneous music and singing. For further details see Part 2 of Schedule 1 of the Bill.</p>
<p>What is a temporary event notice?</p>
<p>A license enabling the temporary sale of alcohol or the provision of regulated entertainment or late night refreshment at premises not authorised by premises licence or club premises certificate. No permission is required from the licensing authority for these events. See Part 5 of the Bill.</p>
<p>What are the limitations on temporary event notices?</p>
<ul style="list-style-type: none"> • A personal licence holder can only apply 50 times in a year, and only 5 times for all other people
<p>Only 5 temporary event notices can be given in respect to a particular premise in one calendar year</p>
<p>The temporary event cannot exceed 96 hours.</p>
<p>A maximum of 500 people can be in attendance at any one time</p>
<p>Where can I find further information about the Bill?</p>
<p>Via the LACORS website: http://www.lacors.gov.uk/pages/trade/lacors.asp</p>
<p>The LGA's website: http://www.lga.gov.uk/</p>
<p>The DCMS website: http://www.culture.gov.uk/</p>
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