

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The first draft guidance produced by the Secretary of State was very prescriptive.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