

SOUTH CAMBRIDGESHIRE DISTRICT COUNCIL

REPORT TO: Licensing Committee

16th July 2003

AUTHOR: Chief Environmental Health Officer

PUBLIC ENTERTAINMENT LICENSING/ LICENSING REFORM BILL 2003

Purpose

1. To outline to Members the current position relating to public entertainment licensing, and outline future proposed changes

Background information

2. South Cambridgeshire District Council carries out Licensing functions under the Local Government (Miscellaneous Provisions) Act 1982, the Theatres Act 1968, the Cinemas Act 1985 and the Licensing Act 1964. These statutes cover Pubs, Clubs, Theatres and Cinemas.
3. A premise used for Public Entertainment is deemed as a premise that permits dancing, music or other entertainment of a like kind. In essence this covers a wide range of entertainment where there are usually more than two performers. Premises such as places of worship and pleasure fairs are exempt from legislation. The licences cover pubs, nightclubs, Village Halls, certain Colleges and community Centres, restaurants and theatres.
4. The current standard conditions used by South Cambridgeshire District Council are attached as **Appendix A**.
5. Any grant, or variation of a licence has to follow a predetermined procedure and this is laid out within the relevant legislation. Any application can be subject to objection from the general public, Police, Fire Authority or Environmental Health Department
6. When considering an application the Local Authority must consider each application on its individual merits and, therefore, has to be prepared to vary its conditions appropriately. An Authority has to be very careful what considerations are taken into account when either refusing or adding conditions to a licence.
7. The current procedure is that should substantive objections be raised from any persons then a hearing by the Licensing Committee will be organised to hear all sides of the argument in a quasi judicial manner. Should the decision not be in favour of the applicant or conditions be attached then an automatic right of appeal to a Magistrates Court is available. Whilst a Local Authority may prescribe standard conditions subject to which all licences are in general to be granted an applicant is entitled to request that a condition be varied in their case. A rigid adherence to a policy always applying standard conditions would open the Council to a legal challenge.

Considerations

8. Public Entertainment Licensing tends to reflect the changing environment within the evening economy and due to the relaxation in recent years of Liquor licensing laws there has been a steady increase in premises providing entertainment.
9. Central Government has until now given no formal guidance on how Public Entertainment Licensing fits into the wider picture of the evening economy and in general has left it to develop on an ad-hoc basis between the Magistrates Courts and the individual Authorities.
10. The proposed introduction of the Licensing Reform Bill (currently in its final reading in the Commons) will be the result of work by Central Government, Local Authorities and the Local Government Association amongst others. The proposed Bill will reflect the need for change in all aspects of liquor and Public Entertainment Licensing. The outline proposal is that Liquor Licensing (currently administered by the Licensing Magistrates) and Public Entertainment Licensing be amalgamated into one body under the control of Local Authorities. At present it is envisaged that a dual system will run during the period Late-summer 2003 to 2004 when Local Authorities will take full control. Attached at **Appendix B** is a précis handout giving detailed information on the various aspects relating to the Bill.
11. The proposals are for a system of licensing to be set up that licenses both the premises and the licensee individually, it is envisaged that by the introduction of such a system a line of accountability through to the Licensee will be clearer than at present and enforcement will be enhanced.
12. Whilst it cannot be predicted what the exact effect of these changes will have in relation to the future of the evening economy it is clear that it will change the face of the high streets in licensing terms. Officers are at present in dialogue with the Licensing Justices to determine case loads, systems and resources that will be needed to be devoted to licensing and will be considering very carefully the need for a Licensing Policy and Enforcement strategy. It will be a statutory duty for a Local Authority to develop a written policy in respect of Licensing. The Local Authority will have to consult with various outside bodies including Police, Fire Authority, local residents and business in the development of such a policy. Any policy will also have to be reviewed every 3 years.
13. The Licensing Reform Bill will be much more than just a transfer of a decision making Authority. Within the proposals it is expected to give powers to the Local Authorities to vary the hours of trade, access of children, sale of alcohol in open places amongst other things. With these changes in mind officers are already reviewing links between licensing and other bodies including Police, Fire Authority and our own Planning Department. The Authority is a member of the Local Government Association and with their guidance will be considering how to best prepare training packages for members and officers in the near future.

Financial Implications

14. There will be financial implications due to the introduction of this Bill. The 2003/04 budgets estimates included funds to cover possible start up costs including I.T software. The Bill contains provisions for fees (not yet determined) to be set by

Central Government to cover the cost of administering the system, although whether these will be sufficient to cover all related costs remains to be seen.

Legal Implications

15. Any policy decision may be subject to challenge

Staffing Implications

16. All affected premise and liquor licence holders will require licensing over a relative short period of time. Subsequently the regime should settle down, however, there will be a greater administrative burden imposed. The new Licensing Officer employed this year was appointed to help in preparation for this new challenge. It is not possible, however, to gauge whether additional staff will be required until the legislation is finalised and the projected workload including work passed from the Magistrates is included.

Sustainability Implications

17. None arising from this report.

Conclusion

18. Public Entertainment Licensing in general reflects the changes in other policies whether local or national. The recent relaxation in licensing hours has had a direct effect on the nature of licences that are being requested these in turn are reflecting the changing social attitudes towards socialising. In the future there will be scope for Local Authority to link the granting of licences to a policy framework that will encompass planning issues and the needs of residents along with the developing evening economy.

Recommendation

19. That the report be noted.

Background Papers – Local Government (Access to Information) Act 1985

Contact Officer : Myles Bebbington, Licensing Officer, Tel: (01223) 443132