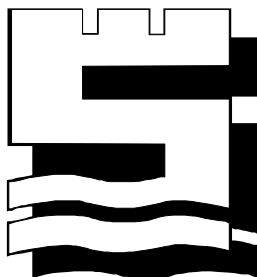


# LICENSING TIMES

**Issue 1**

**June 2003**



Welcome to the very first edition of Licensing News produced by the Trading Standards & Licensing Unit of Stockton on Tees Borough Council.

Our aim is to keep you informed on any changes in legislation, council decisions that may affect the licensed trade, and any other issues which may be of interest to



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## **The New Licensing Laws**

**Are you involved with any of the following businesses, or do you live or work in the vicinity of one?**

- Pubs and nightclubs
- Indoor sporting events
- Off-licences
- Restaurants that serve alcohol
- Businesses offering hot food between 11pm and 5am
- Hotels, guest houses and other places that sell alcohol
- Private member's clubs and social clubs
- Theatres and amateur dramatic groups
- Cinemas
- Organisers of occasional entertainments

In 2001, the Government announced plans to reform the country's licensing laws. These changes are likely to come fully into place by the middle of 2004. The Licensing Act 2003 will change the existing laws about the type of licences needed to provide any of the above facilities. Under the new system:

- A premise licence will be required where any of the above activities are going to take place
- A personal licence will be needed by anyone who wants to allow the sale of alcohol as part of his or her business
- Licensees, the council and other agencies must all work to promote the Licensing Objectives
- The Council, and not the court, will deal with all of the licences listed above

This is only a brief guide to the main proposals; it is likely that some of the details will change before the Licensing Bill becomes law.

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# Licensing Objectives

The four principal objectives of the new legislation are:

- a) The prevention of unreasonable public nuisance
- b) The prevention of crime and disorder
- c) Ensuring public safety
- d) Protection of children from harm

The aims of the proposed legislation are to:

- a) modernise and integrate the various licensing systems and replace with a simpler, transparent and accountable system.
- b) help build a fair and prosperous society that properly balances the rights of people and their communities.
- c) Integrate proposals with other government initiatives that will:
  - Reduce crime and disorder
  - Encourage tourism
  - Reduce alcohol misuse
  - Encourage the self sufficiency of local communities
  - Reduce the burden of unnecessary regulation on business

## Premise Licences

A premise licence can be granted either for a fixed time (for example, for a one-off occasional boxing match, disco or band) or indefinitely.

When applying for a premise licence, applicants will have to submit:

- A plan of their building
- An Operating Schedule (a description of how the premises will be operated safely and fulfil the licensing objectives)
- Their fee. An initial fee will be charged (expected to be a maximum £500), followed by annual renewal fees of up to £150, depending on the size of the business. It is likely that the government and not the council will set the licence fees.

The Council will have to grant a licence unless it

conflicts with one of the four Licensing Objectives. It may also impose conditions that promote the licensing objectives, for example requiring door supervisors in a nightclub to promote the crime prevention objective, or noise control measures to prevent public nuisance.

If representations are made about either granting or changing a licence in any way, the council's Licensing Committee (made up of Councillors) will have to examine the application.

Licences now in force will be allowed to automatically convert to the new system on the same terms as present. If you hold a licence now, you will be required to re-apply for new licences in due course, possible starting January 2004.

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## Community Centres, Church Halls etc

It is likely that church buildings, community centres and village halls will be exempt from having to pay any fees. Church buildings and educational establishments may be exempt from licensing requirement all together.



## Objecting to Licences

Local residents, ward councillors, MPs, MEPs residents' and business associations may make representations to the council about the grant of or a change in a licence. A Licensing Committee made up of councillors will consider these, (as long as the representations are not irrelevant or vexatious).

The Government is expected to publish regulations that set out how the Council's Licensing Committee are to be run. These may include how often they are held, and what sort of evidence you can present to it. You will not be able to claim your costs of attending any council committee however.

When a licence is applied for the first time, copies will also have to be sent to the 'responsible authorities' - the Police, the local Environmental Health and Planning Departments, and the Fire Authority. In some cases, the Health and Safety Executive must also be notified. Each of these authorities can make representations about the application that can lead to either conditions being imposed or it being refused.

If someone wishes to appeal against a Council's licensing decision, they will have the right to do so to the Magistrates' Court. Rules will be laid down about how this can be done.

## Provisional Statements

People who are considering opening licensed premises may apply for a provisional statement. This allows new premises to be prepared in the confidence that a full licence will be granted, providing that it is built according to the original Operating Schedule and plans submitted to the council, and that there have been no material changes in the meanwhile.

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## Temporary & Occasional Events

The Government proposes that licences will not be needed for small events where less than 500 people are likely to attend, and which last for less than 72 hours at a time.

Someone who holds a personal licence will be able to hold up to 50 temporary or occasional events a year at other premises that are not licensed. Non personal licence holders will be able to hold up to 5 temporary events a year. A Temporary Event Notice must be given to the council before an event of this sort can be held, and the police may object to it on crime and disorder grounds

## Review Hearings

Sometimes, licensed premises can lead to problems. On the rare occasion this happens, the council will try and resolve the issues informally. However, any of the 'responsible authorities', a local resident, or a residents or business association, can apply for the council to review a licence.

Providing a complaint is not frivolous, vexatious or repetitive, a council hearing will be held. The Council may decide not to do anything, or to impose extra conditions on the licence. It can also suspend either all or part of the licence for up to three months.

## Personal Licences

Personal licences will be needed to supervise the sale of alcohol in any premises—including pubs, off-licences, restaurants, hotels and private member's clubs. You can apply for a personal licence to the council for the area in which you live. This will then be the council responsible for continuing to licence you, even if you move away from the area.

Personal licences will be valid for 10 years. There will be various duties on holders of personal licences, and the court can forfeit their licence if they are convicted of various offences.

Existing holders of justices' licences and club registration certificates will be given 'grandfather' rights to transfer to a new Personal Licence. The Police will have the right in any case to object to a licensee on the ground of crime prevention if someone has a relevant criminal conviction.

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# Statement of Licensing Policy

Stockton on Tees Borough Council is currently preparing a draft 'Statement of Licensing Policy' for consultation commencing in July 2003, the draft statement will set out how the Council will carry out its licensing work for the next three years. It is expected this will be formally adopted in October 2003.



The Act requires the Council to prepare a statement of licensing policy that states its position in relation to its duties under the Act and to guide its work during the implementation period. The Council welcomes the new powers granted to it by the Act, and intends to use them, in consultation with responsible authorities, licensees and with the general public, in a socially responsible way.

The Council recognises that balancing the interests of owners, employees, customers and neighbours of pubs, clubs, and off-licenses will not always be straightforward, but it will always be guided by the four principal objectives of the Act:

- a) the prevention of unreasonable public nuisance
- b) the prevention of crime and disorder
- c) ensuring public safety
- d) protection of children from harm

The Council will use its powers to promote best practice in relation to the operation of licensed premises, and to deter poor practice, with a view to achieving a continual improvement of standards over time, in the belief that this is in the long term interests of owners, employees, customers and neighbours alike.



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# Your Views

In developing a licensing policy statement that will deliver the licensing objectives locally your views are requested on what should be included in the Council's 'Statement of Licensing Policy'. This is your chance to tell us what you think should be in the statement of policy to ensure it reflects the local balance between the commercial interests of the licensed trade and the communities they serve and impact upon. It would be advantageous if comments could be referenced with which of the four licensing objectives (see page 2) they relate to, since the policy statement can only refer to how the Council will meet the four objectives.

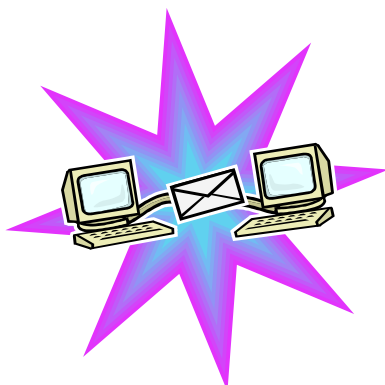
Comments should be made in writing to:

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## And Finally...

**W**ould you like to receive future newsletters via e-mail? Just provide us with your e-mail address and we will send the next issue to your inbox.



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