

Licensing Act 2003

The Law is Changing!

This leaflet provides general information on the new Licensing Act for members of the public.

What does the new Act cover?

Anywhere that sells or supplies alcohol, provides regulated entertainment (such as music or dancing), plays, film shows, indoor sporting events, wrestling or boxing matches, and anywhere that supplies hot food between 11.00 pm and 5.00 am.

How are premises licensed now?

Licenses to sell or supply alcohol are granted by the Magistrates' Courts, which for Elmbridge is Staines Magistrates Court. The enforcement of the law is carried out by the Police. Public entertainment and the licensing of late night refreshment houses is currently licensed and enforced by Elmbridge Borough Council.

How will licensing work in future?

After the Act is fully in force, by about November 2005, all of these licences will be granted by the Council as the Licensing Authority. Appeals against decisions will go to the Magistrates' Court. If an objection is made to an application or a review of a Premises Licence is requested, then the matter goes before a Sub-Committee of three Councillors to determine the application or review.

Why have changes been made

Much of the alcohol licensing law was complicated and some of it was outdated, reaching back to the beginning of the last century and beyond. The new law takes the opportunity to deregulate complicated legislation, combine three licensing regimes and bring a purely administrative function away from the Courts. This also makes licensing more local and

enables it to be integrated with other policies such as the Community Safety Strategy, which describes how local organisations will work together to reduce crime and disorder in the Borough.

How does it benefit the Community?

Local licensing makes it easier for communities to be aware of which applications are being made in the Borough, and where there is good reason to, it makes objecting to an application easier.

When does it all change?

From 7 February 2005 existing businesses have a six month period to apply for new licences. These licences are on a like for like basis and remain dormant until the Second Appointed Day (SAD), currently expected to be in early November 2005, when existing licences will expire and the new licences all come into force nationally. Until the SAD, existing licences remain in force. If licensees want to change anything on their new licence they can apply to vary their new licence at any time, although the changes, if granted, won't come into effect until the SAD.

Are we going to end up with 24 hour opening in all our pubs, clubs and fast food outlets?

Probably not! In Elmbridge a few premises may apply for permission to sell alcohol 24 hours a day, but most probably won't. Nationally set licensing hours will disappear and many premises will want to stay open later, but probably not 24 hours a day. There isn't a lot of call for drinking facilities in the early hours of the morning in Elmbridge and licensees have to sleep sometime!

How will we know if an application has been made to extend hours?

Applications to make changes to licences have to be advertised at the premises (for 28 days after the application is made) as well as in a local newspaper (during the 10 working days after the

application is made to the Council) and we will be putting details of applications on our website at www.elmbridge.gov.uk.

Will we as a community have our say?

Local residents or businesses, in the vicinity of a premises making an application for a new licence or for a variation, can object to an application provided their objection relates to one of the four licensing objectives. We have a leaflet on how to make an objection which is available from the Civic Centre in Esher or on our website. We are also going to set up an Elmbridge Licensing Forum once the new licences have come into force and we will consult the local community every three years when we review our Licensing Policy.

What do we have to do if we want to oppose a variation to a licence?

Contact us and we will give you advice and send you the forms you will need. However, you can't object before an application is made nor can you ask for a blanket restriction on closing hours for a particular area.

Will this reduce alcohol related disorder?

As licensing will be at a local level, it gives us the ability to take into consideration the information presented to us from the community and from our partners when reviewing our licensing policy. This, along with other initiatives, should help to reduce anti social behaviour associated with excess alcohol consumption.

How will the new law be enforced?

Until the SAD, the Police will continue to enforce the existing provisions. After then both the Police and Elmbridge Borough Council, through its Licensing Officer, will be responsible for enforcing the new legislation in the Elmbridge area.

c What can I do if a local premises is causing problems?

We always advise that you contact the licensee first to try and sort things out on a neighbourly basis. If this doesn't work, or you don't want to approach the licensee, then the existing controls relating to Town Planning, noise pollution, drunkenness etc. all remain in force and these are usually the next best route to make use of.

If necessary, a local resident or a business can request that a Premises Licence should be reviewed, for example because of alleged disorder at the premises. This triggers a hearing before a Sub-Committee of three Councillors. The person or business requesting the review would then appear before the hearing to explain the problems. Having heard the evidence from both parties the Sub-Committee has the powers to impose conditions on the licence, to suspend the licence for up to three months or even to revoke the licence completely.

How do we contact the new licensing officer?

He is Mr. Ray Barnes and he is based at the Civic Centre in Esher.

His direct line telephone number is 01372-474738.

Emails can be sent to: envhealth@elmbridge.gov.uk

Letters can be sent to:
Licensing Officer,
Environmental Health Division,
Elmbridge Borough Council,
Civic Centre, High Street,
Esher, Surrey KT 10 9SD

How is the Borough Council funding this and will it increase our Council tax?

The fees for applications and annual charges are set by the Government not by individual Councils and they are therefore not within our control. The income from licences does come to Elmbridge Council and not the Government. We do not, as yet, know the precise costs involved in processing an application, particularly if it is objected to, and so we do not yet know if the fees that have been set will cover our costs.

This leaflet provides advice based on information available at the time of writing and this may change. It is intended for guidance only and does not provide authoritative legal advice.

We would welcome your comments on this or any other of our leaflets, so as to ensure that they meet the needs of the users of our services. We can make this leaflet available as a large print version or on audio cassette. Please contact us to ask for either of these versions.

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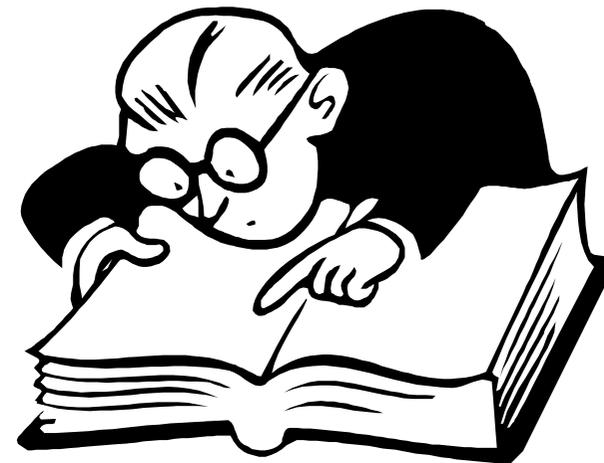
Website: www.elmbridge.gov.uk

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Facts not Fiction about the new Act



**Environmental Health Division
Services Directorate**

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