Licensing laws explained

It will have escaped few people's attention that late 2005 saw the introduction of 24-hour drinking in England and Wales. But ‘around- the-clock’ drinking is just one aspect of the new Licensing Act 2003, which came into effect on 24 November 2005. Buried beneath the media hype surrounding the new Act lie crucial changes to the way licences are administered and especially how the rights of residents will be safeguarded under the new law.

**The Licensing Act 2003 explained**

As its name suggests, the Licensing Act 2003 was first introduced as a Bill in 2003. Its aim was to establish tough new penalties for premises that fuel alcohol-related disorder and to give responsible adults more freedom.

The Act:

* moves the responsibility for licensing premises from the magistrates' courts to local authorities;
* sees licences for entertainment, theatre, alcohol, late night hot food and indoor; sports unified under one licence rather than a range of separate licences
* introduces separate licences for premises and for people
* means ‘general licensing hours’ no longer exist
* allows many establishments (convenience stores, restaurants, pubs, bars) to apply for licences to provide the 24-hour sale of alcohol or an extension to the current hours during which they sell alcohol

All applications for licences are now decided by the Council, meaning the number of licences administered by the Council's licensing team has risen from about 100 before the new law to about 1,000 since the change.

**Safeguarding residents**

The new Act states that every licence holder must promote each of the following objectives:

* the prevention of crime and disorder
* the prevention of public nuisance
* public safety
* the protection of children from harm

In the transition to the new law, licensees could retain whatever ‘licence permissions’ they held under the old legislation when they applied to convert their licence to the new ‘premises’ licence - unless the police made an objection on very specific grounds.

Where applications were made to vary existing licences, for example to extend operating hours or to provide music and dancing, the applicants had to advertise their applications and people could lodge objections if they had valid reasons relating directly to one or more of the four licensing objectives.

The deadline for premises to apply to convert their new licence was August 2005. By then the Council had received 3,350 objections to the 850 applications (out of 1,000 premises) received on time. Of these objections 2,787 were considered to be relevant according to the requirements of the Act and could be considered by the Members of the Licensing Committee.

**Licence reviews**

Although the new licences don't have to be renewed at regular intervals, an important safeguard in the Act is that, at any time, they can be called in for a review if residents or a business nearby make a valid request. If this happens the matter will go before a Licensing Sub-Committee which can vary, suspend or revoke the licence. This is an important change to the old licensing law, which made it much more difficult for residents to force a review of a licence.

Licensees must now bear in mind that just because they have been given a licence under the new Act, any permissions can be removed or varied; subject of course to their right of appeal to the magistrates' court. As licensing authority, the Council will be working closely with the police to ensure that the Act is enforced fairly and firmly across the borough.

**Inspections**

Council licensing officers and police officers will be carrying out regular inspections across the borough to ensure that licensees comply with their legal obligations under the Act and the conditions attached to their premises licences. Certain offences under the Act carry a maximum penalty of a £20,000 fine and/or six months' imprisonment.

If you are experiencing problems with a local licensed establishment keep a record of any problems and report the matter to your ward Councillor, the Council's Licensing Team, and in serious cases, the police.

**Statement of Licensing Policy**

Under the Act, all local authorities must draft, consult on and publish a ‘Statement of Licensing Policy’. Kensington and Chelsea's statement sets out exactly how the Council will carry out its responsibilities under the Act and how it will promote the four licensing objectives. It also explains how we plan to deal with applications made under the Act. Most importantly it explains how we aim to balance people's desire for entertainment with residents' right to a peaceful night's sleep.

Historically, we have worked towards maintaining a balance between the interests of business and of residents. The new Licensing Act gives us the opportunity to continue working to maintain this balance and to ensure that Kensington and Chelsea continues to be a safe and pleasant place in which to work, live and socialise.

The Council's Licensing Policy will be fully reviewed every three years but we will continue to monitor the licensing situation locally and, where necessary, will amend the policy within that period. We believe that the Licensing Act 2003 can benefit residents, businesses and visitors to the Royal Borough and our Statement of Licensing Policy provides the basis for us all to realise those benefits.

If you require further information regarding the Licensing Act 2003 please contact:

Council's Licensing Team
Council Offices,
37 Pembroke Road,
London W8 6PW.

Telephone on 020 7341 5152