

What you need to know about the Licensing Act 2003

Introduction to the Act

The Act introduces a new licensing system to bring together the sale of alcohol and the provision of regulated entertainment & late night refreshment in one licence.

There are four main Licensing Objectives underpinning the new system:

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

The Act aims to properly balance the rights of people and their communities by reconciling the above principles, with greater flexibility for businesses. It also intends to encourage tourism, reduce alcohol misuse, improve the self-sufficiency of local communities and reduce the burden of unnecessary regulations on businesses.

The legislation consists of two main types of licence:

- a. a Premises Licence (or for a qualifying club, a Club Premises Certificate);
- b. a Personal Licence.

What licences do I need?

Premises Licence

- This can allow a premises to be used to supply alcohol, and/or provide regulated entertainment and/or late night refreshment.
- Once granted, the licence is valid for the life of the premises, and does not need to be renewed.
- An applicant must be over 18 and does not need to be a personal licence holder. It is normally the owner of the business, or the body responsible for the building.
- If you are selling alcohol you will need to appoint a Designated Premises Supervisor. This will normally be the person responsible for the day to day running of the premises for example the manager, tenant, freeholder, or leaseholder. They will authorise each sale of alcohol and therefore must be a personal licence holder.

Club Premises Certificates

- Are required for qualifying members' clubs providing alcohol, and/or regulated entertainment. They do not require a Personal Licence holder or Designated Premises Supervisor to sell alcohol.

Personal Licence

- A Personal licence allows an individual to sell or supply, or to authorise the sale or supply of alcohol from a licensed premises. A Personal Licence is valid for ten years.
- The licensing of individuals separately from the licensing of premises permits the movement of Personal Licence holders from one premises to another across England and Wales, allowing greater flexibility and reducing bureaucracy.
- A Personal Licence is only required where alcohol is to be sold and is not required for other licensable activities such as regulated entertainment and late night refreshment.
- Application is made to the Licensing Authority in the area in which you live.
- You will need to have obtained the Level 2 National Certificate for Personal Licence Holders (see details on p.4)
- You will need to obtain a criminal records check (see p.3 to 4)

Late Night Refreshment

- Premises including restaurants, cafes, garages and takeaways and mobile food vendors who supply hot food or hot drinks between 11pm and 5am will need to apply for Late Night Refreshment as part of their Premises Licence (hotels, recognised clubs and employers supplying to members and/or guests are exempt from this requirement). It is irrelevant whether the food is consumed on or off the premises.

Temporary Event Notice (TEN)

- Regulations and application forms for TENs are expected in November 2005.
- TENs are a single 'light-touch' system of Permitted Temporary Activities. These fill the gap left by 'occasional permissions' from the Licensing Justices for infrequent events involving the sale of alcohol. However, they can also be used to cover events involving the other licensable activities, i.e. regulated entertainment, and late night refreshment.
- Can be used up to 12 times a year for any one premises.
- Licensed premises can use them to extend hours or to include licensable activities, which are not included on the current Premises Licence or Club Premises Certificate.
- Enable occasional events at venues, which do not hold a premises licence.
- Applicants must be over 18 and can apply for up to 5 per year
- Personal Licence holders can apply for up to 50 per year.
- Cover events up to 499 people at any one time for a maximum period of 96 hours.
- 24 hours must elapse between events at the same premises and must be used for a maximum of 15 days in one year
- A minimum of 10 working days notice is required, but the Council would like to have a period of 28 days notice to process applications
- Provided that the criteria set out above are met, only the Police may intervene to prevent an event covered by a notice taking place or agree a modification of the arrangements for such an event and then only on the grounds of preventing crime and/or disorder.

Churches

- Churches are exempt from holding a premises licence where they provide any entertainment or entertainment facility. They are not exempt from a premises licence for the sale of alcohol.

Schools

- The new Act applies to schools but they are likely to be exempt from paying a fee for regulated entertainment and a fee will only be payable if the supply of alcohol is included on a premises licence, or for a Temporary Event Notice.

Who can make representations relating to a licence application?

Under the Act various 'Responsible Authorities' and 'Interested Parties' can object to an application (known as making a representation)

Responsible Authorities are:

- Police
- Fire Service
- Planning officials
- Health and Safety and Environmental Health officials
- Bodies representing the protection of children
- Any other licensing authority, which covers any part of the premises.

Interested Parties are:

- Local residents/residents associations
- Local businesses/business groups