

## **7 DRAFT LICENSING POLICY - THE LICENSING ACT 2003**

**Report By: Director of Environment**

### **Wards Affected**

County-wide

### **Purpose**

1. To consider the adoption of a draft licensing policy to be used by the Council from April 2004 in respect of the transfer of liquor and other such licensing from the Magistrates' Court to the local authority.

### **Law**

2. The Licensing Act 2003 is likely to receive Royal Assent in the course of the next month or so. From April 2004 it is proposed within the Act that local authorities will have responsibility for the licensing of all liquor licensing, gaming permits, public entertainment licenses and cinema licenses within the geographical area administered by the authority.

### **Background**

3. The Licensing Act 1964 currently regulates the granting of justices on and off licenses for the sale of intoxicants by retail throughout England and Wales. Currently, Magistrates' Courts are the appropriate forum for the administration of the Licensing Act 1964. The current Act provides a framework for the administration of the licensing system through the licensing both of individuals to sell intoxicants and also the suitability of premises to be used for such sales. This covers a multitude of outlets including off licences, supermarkets, corner shops, public houses and clubs. At present the local authority issues public entertainment licenses for dancehalls and similar establishments. The Licensing Act 2003 proposes that all licensing activities, including liquor licensing, cinema licensing and public entertainment licences will vest with the local authority.
4. Currently, each bench of magistrates has their own licensing policy to enable them to fairly and evenly administer the Licensing Act 1964 within their jurisdiction. It is incumbent upon the local authority to prepare its own licensing policy for when it assumes the responsibility for the licensing function. In consequence, to allow a smooth transfer of function, regard has been made to the existing licensing policy of the West Mercia Magistrates' Court Service together with the new requirements and phraseology of the Licensing Act 2003.
5. At this stage, the draft policy has been prepared in consultation with those departments which are likely to have close links with the proposed administration of licensing duties by the authority, such as planning services, member services and trading standards.

---

Further information on the subject of this report is available from  
Kevin O'Keefe, Legal Practice Manager on (01432) 260005

6. Should the draft receive members approval, it will be circulated to external consultees including the West Mercia Constabulary, the Hereford and Worcester Combined Fire Authority and representatives of the licensing trade. Following that consultation process, any observations and comments will be again brought forward for members consideration.

## **RECOMMENDATION**

- THAT (a) the draft policy be noted and approved for circulation to external consultees; and**
- (b) the Regulatory Committee note that it will be necessary for a Licensing Sub-Committee to be formed and members of that sub-committee receive appropriate training in respect of the new duties to be conferred upon the authority.**