

REPORT OF THE DIRECTOR OF COMMUNITY AND CULTURAL SERVICES

LICENSING COMMITTEE – 7 SEPTEMBER 2009

AMENDMENTS TO THE LICENSING ACT 2003 TO ALLOW THE REMOVAL OF THE REQUIREMENT FOR A DESIGNATED PREMISES SUPERVISOR AND PERSONAL LICENCE HOLDER AT A COMMUNITY PREMISES

1.0 PURPOSE OF THE REPORT

- 1.1 To notify Members of the amendments made to the Licensing Act 2003 which would allow certain community premises which have, or are applying for, a premises licence that authorises alcohol sales to apply to remove the mandatory conditions that require a Designated Premises Supervisor or for alcohol sales to be authorised by a personal licence holder. Approval is sought for a letter to be sent to the operators of community premises in the Council's area advising them of the changes.

2.0 DESCRIPTION OF DECISION

- 2.1 Members are requested to note the contents of the report and agree that a letter be sent to the operators of community premises in the Council's area advising them of the changes in the Act.

3.0 INTRODUCTION/BACKGROUND

- 3.1 On 29 July 2009, the Government amended the Licensing Act 2003 Act to allow certain community premises which have, or are applying for, a premises licence that authorises alcohol sales to apply to remove the mandatory conditions that require a Designated Premises Supervisor or for alcohol sales to be authorised by a personal licence holder. These mandatory conditions would be replaced by an alternative mandatory condition:

- Every supply of alcohol under the premises licence must be made or authorised by the management committee.

- 3.2 The Government also made commensurate changes to their guidance upon the Act.

- 3.3 The Government believes that village halls and similar community premises play a vital role in ensuring a thriving local community and cultural life and offer a wide variety of entertainment and other activities. The Government is concerned that the benefits of the Act are not being delivered in relation to community premises due to a reluctance to apply for premises licences which allow the sale of alcohol.

3.4 There are currently 25 community premises licensed by the Council which may benefit from these changes.

4.0 CURRENT POSITION

4.1 In order to qualify as a community premises the premises must be or form part of a church hall, chapel hall or other similar building or a village hall, parish hall, community hall or other similar building.

4.2 Secondly, such an application may only be made if the premises licence holder is, or is to be, a committee or board of individuals with responsibility for the management of the premises (the "management committee").

4.3 The process requires the completion of a new application form which should be sent to both the Council and the Chief Officer of Police. Where the management committee of a community premises is applying for authorisation for the sale of alcohol for the first time, it should include the form with the new premises licence application or the premises licence variation application. No extra payment is required beyond the existing fee for a new application or a variation.

4.4 Where a community premises already has a premises licence to sell alcohol, but wishes to apply to remove the mandatory conditions that require a Designated Premises Supervisor or for alcohol sales to be authorised by a personal licence holder, it should submit the form to the Council on its own together with the required fee of £23. A further copy of the application form must also be submitted to the Chief Officer of Police.

4.5 Once an application has been received the Police have twenty eight days in which to object to an application on the grounds of crime and disorder. Should the Police object to such an application the matter must be referred to a Licensing Sub-Committee to reach a decision. Any party at the hearing aggrieved by the decision of the Licensing Sub-Committee would have the right of appeal to the local Magistrates' Court.

4.6 Should, after an application is granted, there occur incidents at the premises any responsible authority or interested party may apply, through the normal review process, for the reinstatement of the original mandatory conditions.

5.0 REASONS FOR THE DECISION

5.1 To comply with legislation and Government guidance.

6.0 ALTERNATIVE OPTIONS

6.1 None

7.0 RELEVANT CONSIDERATIONS

7.1 None

8.0 GLOSSARY

8.1 No acronyms or abbreviations have been used in this report.

9.0 LIST OF APPENDICIES

9.1 None

10.0 BACKGROUND PAPERS

10.1 The Legislative Reform (Supervision of Alcohol Sales in Church and Village Halls &c.) Order 2009 (SI 2009/1724)

10.2 The Licensing Act 2003 (Premises Licence and Club Premises Certificates) (Miscellaneous Amendments) Regulations 2009 (SI 2009/1809)