

## LICENSING REFORM - THE BARE FACTS

### (ON LICENCES) 3rd Edition – January 2005

#### Who will be affected?

All premises and individuals involved in the sale of liquor in existing licensed premises or registered clubs or involved in the provision of (or provision of facilities to enable participation in) regulated entertainment or the provision of late night refreshment (i.e. the supply of hot food or drink between 11.00pm and 5.00am).

“Regulated entertainment” is widely drawn and covers almost any entertainment (morris dancing excepted!!) provided solely or partly for members of the public or club members or their guests, or for which a charge is made. This includes, for the future, previously exempt private entertainment; spectators to darts’ teams and the ‘two performers in a bar’, by way of examples.

#### What is the effect of Reform?

The existing licensing regime will disappear in its entirety. Responsibility for all elements of licensing will pass to the Local Authority (save where there is an Appeal). All existing licensed premises and existing Licensees will need to apply to re-licence themselves with a Premises Licence and a Personal Licence respectively (or a Club Premises Certificate where they already hold a Club Registration Certificate) within the time scale identified.

#### When do I do this?

The Government have announced the “First Appointed Date” (FAD) from which date applications can be made to the Local Authority to re-licence under the transitional arrangements.

Only premises already licensed at the FAD can apply but any individual holding a Licence between the FAD and 6th August 2005 can apply for a Personal Licence.

The FAD is 7 February 2005. The SAD has yet to be announced but is currently expected to be in November 2005 (but may be delayed) on which date the new regime will fully replace the existing regime. Until the SAD, all applications continue to be required to be made within the existing system.

#### Is that all?

No – under the transitional arrangements, premises are generally entitled to keep what they already have. The Police have only limited rights of objection and any application not determined by the Local Authority within two months is deemed granted. However most on-licensed premises will want or need to apply for a variation (such application to be made at the same time). This will be required not least to take advantage or retain the benefit of extensions over the Bank Holiday periods, any additional hours regularly sought for special events for any function suite, to cover entertainment not previously required to be licensed, or to remove any material restrictions on any existing Licence or Certificates.

This is before any interest in seeking greater and more widespread flexibility of hours! Where a variation application is made, full consultation will take place and the application will be deemed refused if not determined by the Local Authority within two months. A right of appeal lies to the Magistrates. This application will need to be advertised, both on the premises and in the local press.

#### Do we know all we need to know?

Almost! Very belatedly the Government have published long outstanding Regulations setting out the format of application, the fees payable, the form of the plans to be submitted with the application and other matters. Further details can be given on request or are available through our web site – [www.licensing-reform.com](http://www.licensing-reform.com). The fees proposed for premises principally licensed for alcohol vary between £100.00 and £1905.00, dependent upon your Non Domestic Rateable Value and an annual administration charge will be payable between £70.00 and £1050.00.

Additionally, all Local Authorities should now have published their local Licensing Policies following full consultation. This may affect how applications and variation applications in particular, are dealt with.

## What will Reform applications cost?

As already indicated, the proposed fees have recently been published. An application for variation will have to be advertised in the local press – another cost. Our anticipated fees for a straight forward conversion and variation of a Premises Licence are expected to be less than £500.00 plus VAT but the actual fees would be confirmed to you at the time of the receipt of your instructions and once the extent of any variation sought by you was determined.

What do I need to do now?

All operators should be taking urgent steps to ensure that the following are or will shortly be available:

- The originals or certified copies of all Licences, Certificates and Permits in force for the premises.
- Copy plans showing the premises as they are and hopefully as last approved by the Magistrates (!) containing the information required.
- Dual passport style photographs of all applicants for Personal Licences, one of which will need to be certified as to likeness.

You should also be considering existing opportunities under the existing licensing regime. These might include adding additional Licensees to the existing Licences to increase the pool of persons available to obtain their Personal Licence. Those applicants will need to hold a National Licensee Certificate.

Any redundant Licensee no longer engaged in the business should already have been removed from the Licence, as the consent of all Licence holders (as at 7 February 2005) will be required.

## gaunt licence application support service

**glass** gives you access to our dedicated Licensing Reform team who will provide friendly guidance through every stage of your premises and personal licence applications backed up by a computerised case management system. You will be regularly updated on the progress of your applications, their status and any possible issues to be confronted.

Cost effective fees for the application will be agreed with you at outset. Should circumstances alter, any change in those fees will be identified to you as soon as practicable.

Full integration with our existing licensing teams will result in all applications being made within the existing licensing regime, being linked to the transitional reform applications to be made.

Licensing Reform is important. It will affect all relevant premises. Operators of such premises are well advised to take specialist advice now as to their position and the steps required under the Reform Process.

John Gaunt & Partners are a niche Licensing Practice whose national pre-eminence and expertise have consistently been recognised in the independent directories of the legal profession. We operate nationally and boast one of the largest licensing departments in the Country with nine Solicitors and over forty people dedicated to this field.

## Contact Information

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