



Brentwood
Borough Council



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Licensing Authority
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LICENSING ACT 2003 INFORMATION SHEET

INFORMATION FOR LOCAL RESIDENTS AND LOCAL BUSINESSES

Forthcoming changes to the licensing laws

The Licensing Act 2003 establishes a single integrated scheme for licensing premises used for the supply of alcohol, regulated entertainment or provision of late night refreshment.

This new system of licensing incorporates public entertainment, theatres, cinemas, registered club premises and the sale of alcohol. A licence will also be needed for places where hot food or hot drink is supplied to the public between 11 pm and 5 am, including restaurants and take-aways.

In future, there will be one licence for the premises and another 'personal' licence for individuals who sell or supply alcohol or who authorise the sale or supply of alcohol. These licences will be issued by the Council.

The purpose of the new licensing system is the promotion of four 'licensing objectives':

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

During the 'transitional period' between February and November 2005, existing licence holders will be able to apply to convert their licences into the new system.

Applicants will also be able to apply to vary their licences (eg to extend the opening hours, remove restrictions or add new licensable activities).

Local residents and local businesses can raise representations (objections) about applications

People who live in the vicinity of premises and local businesses in the vicinity have a right to make representation about an application for a new premises licence or club premises certificate or if an application is made to vary the licence or certificate. The objection must relate to one of the four 'licensing objectives'.

How will I know that an application has been made?

There will be a pale blue notice displayed prominently on the exterior of the premises and a notice will be published in one edition of a local newspaper.

The details will also be available on the Council's website at www.brentwood.gov.uk and can be inspected at the Town Hall during normal office hours (8.30am – 5.00pm Monday to Thursday, 8.30am – 4.30pm Friday).

What do I need to do if I wish to make representation?

You must **write** to the Licensing Authority, Brentwood Borough Council, Town Hall, Ingrave Road, Brentwood, Essex CM15 8AY. You should state:

- your name and address
- the name and address of the premises about which you are making representation
- the licensing objective(s) that you think will not be met if the application is granted
- the reason(s) for your view and any evidence in support
- your daytime telephone number so that Council Officers can discuss the matter with you if necessary

The date by which your representation must be received will be given in the notices and on the website. If your representation is received after this date it cannot be considered.

You should be aware that the applicant will normally be given a copy of all representations received.

The Licensing Act 2003 encourages discussion between applicants and objectors to try to resolve issues of concern.

Who else is consulted about the application?

The application is automatically sent to the seven Responsible Authorities:

- Essex Police
- Essex Fire and Rescue Service
- the District Environmental Health Officer for pollution
- the Health and Safety Enforcement Authority (either the Health and Safety Executive or the District Environmental Health Officer for health and safety)
- the Planning Authority
- Essex County Council Trading Standards
- the Head of Child Protection (Essex County Council)

What happens if I make a representation?

The Licensing Authority will check that your representation can be accepted under the Licensing Act 2003. If it cannot, you will be notified of the reason why. For instance, your objection may not relate to the licensing objectives, it may be frivolous, repetitious or vexatious, or you may not live close enough to the premises to be 'in the vicinity'.

If it is not possible to resolve the matter between the applicant and those raising relevant representations, the Licensing Authority will call a hearing of the Licensing Sub-Committee to determine the application.

Notice of the hearing will be given and those raising relevant representations will be invited to attend and address the Sub-Committee. Those attending may be asked questions. If you choose not to attend the hearing, the Sub-Committee will consider your written representation.

The Councillors on the Sub-Committee will weigh up the information presented to them at the hearing and will make a decision as to whether the application should be granted and, if so, whether any additional conditions need to be attached to the licence.

Can I complain if I am unhappy about a decision to grant an application?

Yes, if you made a relevant representation you could appeal to the Magistrates' Court about the Licensing Authority's decision. However, you should note that, unlike the hearing at the Council, the Magistrates are able to award costs against the unsuccessful party.

The applicant can also appeal to the Magistrates' Court if the application is refused or additional conditions are attached. If this happens and you made representation against the application, you may also need to attend the new hearing at the Magistrates' Court.

When do the new licences take effect?

The Government has announced that the date on which the new licences will take effect will be 24.11.05.

What happens if there is a problem after the new licensing system starts?

It is hoped that all businesses and clubs will work in co-operation with local residents to make the new licensing system successful but it is impossible to predict with any degree of accuracy the impact of the changes in this law.

Any problems relating to crime and disorder should be reported to Essex Police and complaints about noise can be directed to the District Environmental Health Officer.

Where it is not possible to resolve these matters, the Responsible Authorities can trigger a review of the licence. The Council's Licensing Sub-Committee would then consider whether the licence should be amended or have extra conditions added or whether it should be temporarily suspended. Where the Sub-Committee considers that no other options are appropriate, the licence can even be revoked.

Local residents and local businesses in the vicinity of the premises can also ask for a review of the licence and would be expected to produce evidence to support their case.

Where can I get more information about the Licensing Act 2003?

Further information is available on the Council's website at www.brentwood.gov.uk or by telephoning the Licensing Section on 01277 312518 or 312503.

The Department for Culture, Media and Sport website (www.culture.gov.uk) has detailed information, including links to the legislation and regulations, their newsletter 'Licensing Countdown' and a section with Frequently Asked Questions.