

Implementation of the Licensing Act 2003

Abstract

This paper provides information about the implementation of the Licensing Act 2003 in Wales. It gives details of the timetable and fees to be charged for new licences under the Act and the preparation of Statements of Licensing Policy by Local Authorities.

May 2005



Implementation of the Licensing Act 2003

Graham Winter

May 2005

Paper number: 05/0820/gw

© Crown copyright 2005

Executive Summary

The *Licensing Act 2003* ("the Act") was given Royal Assent on 10 July 2003.

The transition to the new licensing regime began on 7 February 2005. Applications for licences must be made by 6 August 2005. The new licences will come into effect in November 2005.

The Act does not transfer any powers to the National Assembly for Wales.

Key measures contained in the Act include:

- ◆ the transfer of alcohol licensing responsibility from magistrates to local authorities
- ◆ local authorities to produce a local statement of licensing policy every three years
- ◆ flexible opening hours for premises, with the potential for up to 24 hour opening, seven days a week;
- ◆ a single premises licence which can permit premises to be used to supply alcohol, to provide regulated entertainment and to provide refreshment late at night;
- ◆ a new system of personal licences relating to the supply of alcohol which will enable holders to move more freely between premises;
- ◆ premises licences to be issued by licensing authorities after notification to and scrutiny of all applications by the police and other responsible authorities;
- ◆ personal licences to be issued by licensing authorities after scrutiny by the police where the applicant has been convicted of certain offences.
- ◆ fee levels for licensing have been set centrally by the Secretary of State for Culture, Media and Sport.

Any licensable activity from November 2005 must be carried on under a premises licence. The licence application must be accompanied by an operating schedule setting out the licence requirements, including hours of opening.

If any interested parties or responsible authorities make any representations about an application within a prescribed period, the licensing authority must hold a hearing.

Local interested parties and responsible authorities will have the power to request the licensing authority to review existing licences when problems arise.

The Department for Culture, Media and Sport has now set the fee levels for new licences, following a period of consultation.

There are transitional arrangements for the holders of existing licences relating to particular premises and for holders of a current justice's licence.

Contents

1	Introduction	1
2	Objectives of the Act	1
3	Key measures	1
4	Licensable Activities	2
5	Licensing Objectives	3
6	Statements of Licensing Policy	3
7	Licensing Committee	5
8	Register	5
9	Premises Licences	5
10	Mandatory Conditions	6
11	Personal Licences	7
12	Permitted Temporary Activities	7
13	Children	8
14	Club Premises Certificates	9
15	Right of Appeal	9
16	Fees	9
16.1	Premises	9
16.2	Personal Licences, Temporary Events and Other Fees	11
17	Offences	11
18	Transitional Provisions	12
18.1	Premises	12
18.2	Personal	12
19	Further information	13

Implementation of the Licensing Act 2003

1 Introduction

The *Licensing Act 2003* ("the Act") was given Royal Assent on 10 July 2003. The Act repeals existing legislation relating to licensing, which is contained in a large number of statutes including the *Licensing Act 1964*, to create a single system of licensing premises which sell alcohol, provide public entertainment or provide late night refreshment. The Act gives local authorities responsibility for these licences.

The Act does not transfer any powers to the National Assembly for Wales.

The most widely publicised feature of the Act is that it will bring an end to the concept of "permitted hours" under the 1964 Act and will allow licence holders to fix their own hours of opening subject to any objections from interested parties and public authorities.

Under the Act, every Licensing Authority (Unitary Authorities in Wales) is required to publish a Statement of Licensing Policy. 'Statements of Licensing Policy' will be used by Licensing Committees to help guide decision-making.

The transition to the new licensing regime began on 7 February 2005. Applications for licences must be made by 6 August 2005. The new licences will come into effect in November 2005.

2 Objectives of the Act

According to the Department of Culture, Media and Sport (DCMS), the main benefits of the Act are:

- ◆ It is a key part of the Government's strategy for combating alcohol-related crime and disorder and anti-social behaviour. It will help to reduce the problems of disorder and disturbance associated with fixed universal closing times;
- ◆ The hospitality and leisure industry is a major part of the tourism sector and the Act will contribute towards a significant boost for tourism. It represents a radical modernisation of an archaic licensing system which has made our cities and towns less attractive to visitors and hinders efforts to compete with European cities;
- ◆ It forms part of the Government's regulatory reform agenda and should save industry £1.97 billion in the first ten years of operation;
- ◆ It provides much greater scope for the further development of our rich culture of live music, dancing and theatre, both in rural areas and in our towns and cities. Local Authorities will be able to recognise and supplement their role in promoting these cultural benefits through their direct involvement in the new regime;
- ◆ It creates a licensing system that affords a voice to local residents living and businesses operating near premises where licensable activities are carried on.¹

3 Key measures

Key measures contained in the Act include:

¹ http://www.culture.gov.uk/alcohol_and_entertainment/licensing_act_2003/default.htm#deliver

- ◆ The transfer of alcohol licensing responsibility from licensing justices (magistrates) to local authorities (In Wales, the 22 Unitary Authorities);
- ◆ Local authorities to produce a local statement of licensing policy every three years that sets out their approach to the four objectives of
 - ◆ the prevention of crime and disorder;
 - ◆ public safety;
 - ◆ the prevention of public nuisance; and
 - ◆ the protection of children from harm.
- ◆ flexible opening hours for premises, with the potential for up to 24 hour opening, seven days a week, subject to consideration of the impact on local residents, businesses and the expert opinion of a range of authorities in relation to the licensing objectives. According to the UK Government, this will help to minimise public disorder resulting from fixed closing times;
- ◆ a single premises licence which can permit premises to be used to supply alcohol, to provide regulated entertainment and to provide refreshment late at night. This brings together the six existing licensing regimes (alcohol, public entertainment, cinemas, theatres, late night refreshment houses and night cafes);
- ◆ a new system of personal licences relating to the supply of alcohol which will enable holders to move more freely between premises where a premises licence is in force;
- ◆ premises licences to be issued by licensing authorities after notification to and scrutiny of all applications by the police and other responsible authorities;
- ◆ personal licences to be issued by licensing authorities after scrutiny by the police where the applicant has been convicted of certain offences.
- ◆ fee levels for licensing have been set centrally by the Secretary of State for Culture, Media and Sport.

Local Authorities were required to publish and consult upon their licensing policy statement by 7 January 2005. The transition period from existing licensing to the new licensing arrangements began on 7 February 2005. In November 2005, the old licensing regime ends and the new licenses will come into force.

4 Licensable Activities

The Act will apply to licensable activities, which are defined as:

- ◆ the sale by retail of alcohol;
- ◆ the supply of alcohol by or on behalf of a club to, or to the order of, a member of the club;
- ◆ the provision of regulated entertainment; and
- ◆ the provision of late night refreshment.

"Regulated entertainment" includes, broadly, any public entertainment or entertainment for consideration with a view to profit (including raising money for charity). "Late night refreshment" includes the supply of hot food or hot drink between the hours of 11pm and 5am.

The following activities are exempt from the licensing provisions of the Act:

- ◆ Film exhibitions for the purposes of advertisement, information, education, etc;
- ◆ Film exhibitions in museums and art galleries;
- ◆ Music incidental to certain other activities;
- ◆ Use of television or radio receivers;
- ◆ Religious services, places of worship etc;
- ◆ Garden fetes;
- ◆ Morris dancing or similar;
- ◆ Entertainment from Vehicles in motion.

5 Licensing Objectives

Each local authority as a licensing authority will be under a duty to carry out its functions in accordance with the licensing objectives set out in the Act, which are:

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

In having regard to the licensing objectives, each licensing authority must consider its own licensing policy and any guidance issued by the Secretary of State. Guidance to Licensing Authorities and Police Authorities was issued under Section 182 of the Act by the Secretary of State on 7 July 2004.²

6 Statements of Licensing Policy

Each licensing authority must determine and publish a statement of its licensing policy every three years. The policy must be approved by the full Council. In determining its policy it must consult the local police, fire and rescue authority, licence holders and local businesses and residents. The Council must keep its licensing policy under review and make revisions to it as appropriate. It must also consult on any revisions and publish a statement detailing any revisions.

Links to the Licensing Statements of Policy issued by the 22 Unitary Authorities in Wales are given below:

Isle of Anglesey:

http://www.anglesey.gov.uk/english/council/planning/trading/licencing/licensing_act.htm

Blaenau Gwent:

<http://www.blaenau-gwent.gov.uk/The%20Council/Council%20Documents/Licensing%20Policy%20Statement%20-%20final%20version.pdf>

Bridgend:

²

http://www.culture.gov.uk/global/publications/archive_2004/guidance_issued_under_section_182_of_the_licensing_act_2003.htm

http://www.bridgend.gov.uk/Web1/groups/public/documents/services/001911.hcsp#P31_2534

Caerphilly County Borough Council:

<http://www.caerphilly.gov.uk/yourservices/tradingstandards/licensing/licensingact2003.htm>

Cardiff:

<http://www.cardiff.gov.uk/regulatory/Licence/Policy.pdf>

Caerphilly:

<http://www.carmarthenshire.gov.uk/index.asp?docID=9780>

Ceredigion:

http://www.beerandpub.com/download.asp?id_Doc=1875

Conwy:

<http://www.conwy.gov.uk/upload/public/attachments/197/Statement%20of%20Licensing%20Policy.PDF>

Denbighshire:

[http://www.denbighshire.gov.uk/CE/trading.nsf/0/c2efdeaaf621e2fd80256f3200479794/\\$FILE/Amended%20PolicyLicensingEng.pdf](http://www.denbighshire.gov.uk/CE/trading.nsf/0/c2efdeaaf621e2fd80256f3200479794/$FILE/Amended%20PolicyLicensingEng.pdf)

Flintshire:

[http://www.flintshire.gov.uk/webcont/newrealweb.nsf/vwa_files/licpol1204eng.pdf/\\$file/licpol1204eng.pdf](http://www.flintshire.gov.uk/webcont/newrealweb.nsf/vwa_files/licpol1204eng.pdf/$file/licpol1204eng.pdf)

Gwynedd:

<http://www.gwynedd.gov.uk/upload/public/attachments/552/polisitrwyddedus.pdf>

Merthyr Tydfil (draft):

http://www.beerandpub.com/download.asp?id_Doc=1452

Monmouthshire (draft):

http://www.monmouthshire.gov.uk/Monmouth/English/Environment_and_Planning/News/Licensing_Act_2003_Consultation.htm

Newport:

http://www.newport.gov.uk/xpedio/groups/public/documents/policies_and_procedures/N_064042.pdf

Neath Port Talbot:

<http://www.neath-porttalbot.gov.uk/licensing/policy.cfm>

Pembrokeshire:

http://www.pembrokeshire.gov.uk/content.asp?id=6722&nav=110,178&parent_directory_id=101

Powys:

<http://www.powys.gov.uk/index.php?id=166&L=0#2653>

Rhondda Cynon Taf:

<http://www.rhondda-cynon-taff.gov.uk/stellent/groups/Public/documents/KeyDocument/003652.pdf>

Swansea:

<http://www.swansea.gov.uk/media/pdf/h/f/Statement%20of%20Policy.pdf>

Torfaen:

http://www.torfaen.gov.uk/pub_uploads/3466.pdf

Vale of Glamorgan:

<http://www.valeofglamorgan.gov.uk/DocumentStorage/PDF%20Documents/H-L/LicensingPolicy04.pdf>

Wrexham:

http://www.wrexham.gov.uk/english/env_services/licensing/law_reform.htm

7 Licensing Committee

Each Council must have a licensing committee consisting of between 10 and 15 of its members. The Council may delegate all of its licensing functions to the committee except for the determination of its licensing policy, which must be approved by the full Council. The committee may delegate any of its functions to sub-committees consisting of three committee members and the sub-committees may in turn arrange for the discharge of certain functions by an officer of the Council. The UK government may issue regulations in relation to the proceedings of licensing committees and sub-committees.

8 Register

The Council is required to keep a register, which must include among other things a record of each licence issued by it and any licence applications received by it. The register must be open for inspection free of charge by any person during office hours without payment.

9 Premises Licences

The Act introduces a single premises licence which can permit premises to be used to supply alcohol, to provide regulated entertainment and to provide refreshment late at night. This replaces the six previous licensing regimes for alcohol, public entertainment, cinemas, theatres, late night refreshment houses and night cafes.

Any licensable activity apart from a permitted temporary activity or a licensable activity carried on at a members' club must now be carried on under a premises licence. The application for a premises licence must be made to the licensing authority where the premises is situated. Any person (including a company) may apply for a premises licence. If the applicant is an individual he/she must be aged 18 or over. The application must be accompanied by an operating schedule setting out the licence requirements, including hours of opening.

If no representations are made, the licensing authority must grant the licence subject only to the conditions as stated in the operating schedule and the mandatory conditions (see below). Unless the licence is stated to be for a fixed period it will be of indefinite duration (unless revoked).

If any representations are made by any interested parties or responsible authorities within a prescribed period (normally 28 days) and provided the representations relate to the licensing objectives and are not in the licensing authority's opinion "frivolous or vexatious", the licensing authority must hold a hearing, unless it agrees with the parties involved that a hearing is unnecessary.

Having regard to the representations the licensing authority may then

- ◆ grant the licence subject to the conditions set out in the operating schedule modified to the extent that it considers necessary for the promotion of the licensing objectives and subject to the mandatory conditions;
- ◆ exclude from the scope of the licence any of the licensable activities to which the application relates;
- ◆ refuse to specify any person in the licence as the premises supervisor; or
- ◆ reject the application.

"Interested parties" include people living in the vicinity or involved in a business in the vicinity or their representatives.

"Responsible authorities" include the local police; fire and rescue authority; the Health and Safety Executive; the local authority in its capacity as planning authority and the body responsible for environmental health; and a body which is responsible for or interested in the protection of children from harm in the authority's area.

Local interested parties and responsible authorities will have the power to request the licensing authority to review existing licences when problems arise. If there is a review the licensing authority may:

- ◆ take no action;
- ◆ give a warning or request for improvement to the licence holder;
- ◆ modify or suspend the licence; or
- ◆ revoke the licence.

10 Mandatory Conditions

The mandatory conditions for a Premises Licence are:

- ◆ where the licence authorises the supply of alcohol:
 - ◆ no supply of alcohol may be made unless there is a designated premises supervisor in respect of the premises licence or at a time where the designated premises supervisor does not hold a personal licence or his personal licence is suspended; and
 - ◆ every supply of alcohol must be made or authorised by a person who holds a personal licence.

- ◆ where the licence imposes a condition requiring door supervision, a condition that any door supervisors must be licensed by the Security Industry Authority.
- ◆ where the licence authorises the exhibition of films, a condition that the admission of children to the exhibition of any film is restricted in accordance with any recommendation made by the relevant film classification body or, if not applicable, the local authority.

11 Personal Licences

A personal licence is a licence that permits the individual holding it to supply alcohol or authorise the supply of alcohol in accordance with a premises licence. This enables the holder of a personal licence to move freely between premises where a premises licence is in force.

Unlike an application for a premises licence, which must be made to the licensing authority where the premises is situated, an application for a personal licence must be made to the licensing authority where the individual is ordinarily resident.

The licensing authority must grant the licence if it appears to it:

- ◆ the applicant is aged 18 or over;
- ◆ he/she possesses an accredited licensing qualification;
- ◆ no personal licence held by him/her has been forfeited in the previous five years; and
- ◆ he/she has not been convicted of any relevant offence.

The definition of "relevant offence" is wide-ranging; all relevant offences are listed in Schedule 4 to the Act.

If the applicant does not meet any of the first three conditions listed above, the application must be rejected.

If he/she does not meet the fourth condition the licensing authority must give the police a notice to that effect. If the police do not object to the issue of the licence within 14 days the licensing authority must grant the licence.

If the police issue an objection notice the licensing authority must hold a hearing unless the police and the authority agree a hearing is unnecessary. The authority must reject the application if it considers it necessary for the promotion of the crime prevention objective but in all other cases must grant the licence.

The initial duration of a personal licence is for ten years but it can be renewed for subsequent periods of ten years at a time. The licence may be revoked if the holder commits a relevant offence after it has been granted and, after consultation with the police, the licensing authority considers revocation necessary to promote the crime prevention objective.

12 Permitted Temporary Activities

Any use of premises for one or more licensable activities in a period not exceeding 96 hours for up to 500 people must be carried out under a temporary event notice.

The activity proposed will be a permitted temporary activity provided that:

- ◆ the individual ("the premises user") giving the notice is over 18;
- ◆ the notice is in the prescribed form and, where one of the proposed licensable activities is the supply of alcohol, provides that no supplies of alcohol may be made from the premises unless they are under the authority of the premises user;
- ◆ the notice is given to the licensing authority in duplicate and to the police at least 10 working days before the proposed event and is accompanied by the prescribed fee;
- ◆ the notice is acknowledged by the licensing authority within one or two working days of receipt;
- ◆ the notice has not been withdrawn; and
- ◆ no counter notice has been given.

If the police believe that the event would undermine the crime prevention objective, they must give an objection notice stating their reasons to the licensing authority and the premises user. The licensing authority must hold a hearing unless it is agreed with the police that a hearing is unnecessary. The temporary event notice may be modified by agreement between the premises user and the police prior to the hearing or decision to dispense with a hearing in which case the police objection notice will be treated as having been withdrawn.

Having regard to the objection notice the licensing authority may give the premises user a counter notice (with reasons) if it considers it necessary for the crime prevention objective.

The licensing authority must also give a counter notice if:

- ◆ the premises user holds a personal licence and has already given 50 temporary event notices in the same calendar year; or
- ◆ the premises user does not hold a personal licence and has already given 5 temporary event notices in the same calendar year.

If the event period in the notice straddles two years, the temporary event notices in both years must be taken into account.

13 Children

It is an offence under the Act to permit children under the age of 16 who are not accompanied by an adult to be present on premises used exclusively or primarily for the supply of alcohol for consumption on the premises under the terms of a premises licence, club premises certificate or temporary event notice at a time when they are open for the supply of alcohol for consumption there.

It is also an offence to permit children under the age of 16 who are not accompanied by an adult to be present on other premises supplying alcohol for consumption on the premises under the terms of a premises licence, club premises certificate or temporary event notice between the hours of 12 midnight and 5am.

Subject to the offences described above, access by children to licensed premises will be permitted unless the premises operator when making an application for a premises licence decides to exclude them, or the licensing authority imposes conditions preventing or moderating access by children where necessary to promote the licensing objectives, one of which is the safeguarding of children from harm.

The Act introduces other specific offences relating to children including:

- ◆ selling or allowing the sale of alcohol to or purchasing alcohol for children;
- ◆ consuming alcohol if under the age of 18 on licensed premises unless aged 16 or 17 and drinking beer, wine or cider with a table meal.

14 Club Premises Certificates

Certain qualifying club activities are subject to less stringent requirements than other licensable activities, which means that clubs which qualify will not be required to obtain a full premises licence to carry out those activities. Instead they will have to apply for a club premises certificate. Clubs will nevertheless have to bear in mind the licensing objectives.

The following licensable activities are defined as qualifying club activities:

- ◆ the supply of alcohol by or on behalf of a club to, or to the order of, a member of the club for consumption on the premises where the supply takes place;
- ◆ the sale by retail of alcohol by or on behalf of a club to a guest of a member of the club for consumption on the premises where the sale takes place; and
- ◆ the provision of regulated entertainment where that provision is by or on behalf of a club for members of the club or members of the club and their guests.

15 Right of Appeal

All decisions of the licensing authority will be subject to a right of appeal in the Magistrate's Court. The court has the power to:

- ◆ dismiss the appeal;
- ◆ substitute for the decision any other decision that could have been made by the licensing authority; or
- ◆ remit the case to the licensing authority to deal with it in accordance with the court's direction; and
- ◆ make such order for costs as it thinks fit.

This replaces the current situation where appeals against decisions of licensing justices are appealed to the Crown Court and public entertainment licensing decisions of the local authority can be appealed to the Magistrates Court.

16 Fees

The Act provides that application fees for premises and personal licences and for club premises certificates and temporary event notices are fixed centrally by UK Government regulations. There is no discretion for licensing authorities to vary these fees. The UK Government has consulted local authorities and the licensing trade on the appropriate level of fees. The Department for Culture Media and Sport (DCMS) announced a fees package in February 2005.³ According to DCMS, it is intended that these fee levels will recover the licensing authorities' costs of administering, inspecting and enforcing the new regime.

³ http://www.culture.gov.uk/alcohol_and_entertainment/fee_levels.htm



16.1 Premises

Premises and club application and annual fees – each premises that is licensable will be allocated to a fee band according to rateable value

RATEABLE VALUE	BAND
No rateable value to £4,300	A
£4,301 to £33,000	B
£33,001 to £87,000	C
£87,001 to £125,000	D
£125,001 and above	E

Each band attracts a different level of application fee – payable during transition:

BAND	FEE
A	£100
B	£190
C	£315
D	£450
E	£635

Premises applying to vary conditions in relation to the sale of alcohol during transition will be charged a supplementary fee, according to their fee band:

BAND	FEE
A	£20
B	£60
C	£80
D	£100
E	£120

Each band attracts a different level of annual fee – payable one year after the grant of the licence:

BAND	FEE
A	£70
B	£180
C	£295
D	£320
E	£350

A multiplier is applied to premises in bands D and E where they are exclusively or primarily in the business of selling alcohol (mainly large town and city centre pubs):

BAND	D (x 2)	E (x 3)
City / town centre pub application Fee	£900	£1905
City / town centre pub annual charge	£640	£1050

The Licensing Authorities will also be able to charge an additional premises fee for exceptionally large events:



Number in attendance at any one time	Additional fee
5,000 to 9,999	£1,000
10,000 to 14,999	£2,000
15,000 to 19,999	£4,000
20,000 to 29,999	£8,000
30,000 to 39,999	£16,000
40,000 to 49,999	£24,000
50,000 to 59,999	£32,000
60,000 to 69,999	£40,000
70,000 to 79,999	£48,000
80,000 to 89,999	£56,000
90,000 and over	£64,000

16.2 Personal Licences, Temporary Events and Other Fees

The Licensing Authorities will also be able to charge other fees in relation to their duties, most notably for temporary events and personal licences:

Duty of Licensing Authority	FEE
Application for a grant or renewal of personal licence	£37
Temporary event notice	£21
Theft, loss, etc. of premises licence or summary	£10.50
Application for a provisional statement where premises being built, etc.	£315.00
Notification of change of name or address	£10.50
Application to vary licence to specify individual as premises supervisor	£23
Application for transfer of premises licence	£23
Interim authority notice following death etc. of licence holder	£23
Theft, loss etc. of certificate or summary	£10.50
Notification of change of name or alteration of rules of club	£10.50
Change of relevant registered address of club	£10.50
Theft, loss etc. of temporary event notice	£10.50
Theft, loss etc. of personal licence	£10.50
Duty to notify change of name or address	£10.50
Right of freeholder etc. to be notified of licensing matters	£21

17 Offences

The Act specifies the following as criminal offences:

- ◆ carrying on or attempting to carry on a licensable activity on or from any premises otherwise than in accordance with an authorisation (i.e. a premises licence, club premises certificate or a temporary event notice);
- ◆ exposing for sale by retail any alcohol in circumstances where it is an unauthorised licensable activity;
- ◆ keeping alcohol which is intended for sale by retail or supply in circumstances where it would be an unauthorised licensable activity.

Other offences under the Act include:

- ◆ allowing disorderly conduct on licensed premises;
- ◆ selling alcohol to a person who is drunk;

- ◆ obtaining alcohol for a person who is drunk;
- ◆ failing to leave or entering or attempting to enter (having been requested not to) licensed premises when drunk and disorderly without reasonable excuse;
- ◆ keeping smuggled goods; and
- ◆ giving a false statement as part of the application for a licence, club premises certificate or temporary event notice.

The Act also introduces offences relating to children as described in Section 13 above.

18 Transitional Provisions

18.1 Premises

The Act provides that for six months following the "first appointed day" (subsequently set as 7 February 2005), holders of existing licences relating to particular premises can apply for them to be converted into new premises licences. Applicants must give a copy of their application to the police.

If no objection notice is received from the police the licensing authority must grant the licence on its existing conditions except that:

- ◆ the mandatory conditions described in Section 10 above must be incorporated;
- ◆ the condition contained in the *Licensing Act 1964* (which will be repealed by the Act) which allowed up to two musicians to perform in a bar without any specific permission will no longer apply.

The police must give a notice of objection to the licensing authority and the applicant within 28 days if:

- ◆ an appeal is pending against a decision to revoke or reject an application for the renewal of the existing licence and the police are satisfied that converting the licence would undermine the crime prevention objective; or
- ◆ there has been a material change in circumstances since the existing licence was granted or renewed which means that converting it would undermine the crime prevention objective.

If the licensing authority receives a police objection notice it must hold a hearing unless it agrees with the police and the applicant that a hearing is unnecessary. It must reject the application if it considers it necessary for the promotion of the crime prevention objective.

If the licensing authority fails to determine the application within two months the licence will be automatically be granted.

The new licences will take effect on the "second appointed day" (a day in November 2005). They will be of indefinite duration unless the application specified a time limit.

An applicant can apply simultaneously for a variation to the terms of his/her existing licence e.g. a variation of hours.

18.2 Personal

Holders of a current justice's licence may apply for a personal licence within the same transitional period. If the licensing authority is satisfied that the applicant holds a justice's



licence and no objection from police is received within 28 days then the licensing authority must grant the licence.

If the police object to the licence on the grounds that the applicant has been convicted of a relevant offence and the licensing authority considers it necessary for the promotion of the crime prevention objective, it must not grant the licence.

If the licensing authority fails to determine the application within three months of receipt the licence will be automatically granted.

19 Further information

Information about the Act and its implementation, including the Guidance to Licensing Authorities and the Police, the Licensing Act Regulations and information on fee levels is available from the DCMS website at:

http://www.culture.gov.uk/alcohol_and_entertainment/licensing_act_guidance+.htm