

Meeting:	Licensing & General Purpose Committee
Date:	19 September 2005
Subject:	Licensing Act 2003, Transitional Arrangements and end of Grandfather Rights for Conversion of existing Licenses
Responsible Officer:	Interim Group Manager – Community safety Services
Contact Officer:	P Sivashankar, Service Manager, ext 5605
Portfolio Holder:	Councillor Philip O'Dell
Key Decision:	No
Status:	Public

Section 1: Summary

Decision Required

For Information Only

Reason for report

To keep the Committee informed of developments in the new Licensing duties and to give a general overview of the decisions made by the Licensing Panels and matters arising from the application processes. (Appendix A)

Benefits

To respond to the needs of the businesses and residents in the climate of change and ensure that Members are kept fully informed in line with legislative requirements.

Cost of Proposals

None identified.

Risks

The Council must keep Members informed of all decisions by the Licensing Policy and failure to do so will leave the Council open to challenge.

If the Licensing Service and Licensing Panel do not comply with the prescribed process the Council is open to challenge and if any party is aggrieved with the decision or believes that a fair hearing is not provided, they can apply to the Magistrates Court for a re-hearing.

Implications if recommendations rejected

None

Section 2: Report

2.1 Brief History

- 2.1.1 The Transitional period started on 7th February 2005. All Justice's Licences, which were in place on this date, were eligible for conversion under the Licensing Act 2003. However, the conversion applications had to be received by this Authority by 6th August 2005, even though the Transitional period extends up to 24th November 2005.
- 2.1.2 There are 495 identified licensed premises in Harrow. These include, On-Licences, Off-Licences, Restaurants, Proprietary Clubs, Cinemas, Night Cafes and Registered Members Clubs. 84% of the existing licensed premises have applied to convert their licences from the Licensing Act 1964, London Government Act 1963 and London Local Authorities Act 1990 to the Licensing Act 2003.
- 2.1.3 Compared to the neighboring boroughs, businesses in Harrow have responded very well to the conversion process. The additional drop in sessions organised by the Licensing Section and the continuous communication processes put in place, including door to door visits by Officers, mail shots, seminars, targeted minority language sessions and press releases, appear to have had the desired effect in receiving this very high percentage of applications.
- 2.1.4 This Licensing Service also received 820 Personal Licence applications during the period between 7th February and 6th August. However, it is difficult to establish the total number expected as the applications are made by Harrow residents rather than Harrow businesses.

- 2.1.5 However, 45% of the premise related applications were received in the last week (between 1st and 6th August) and this has created excessive short term workload for the Licensing Section, Democratic and Legal Services and to the Members of the Licensing Panels. Regardless of the complications created by this last minute rush, this Authority has, so far, determined all applications within the statutory time of 8 weeks
- 2.1.6 It is important to note the efforts and time committed by Members of the L&GP and Members of staff to achieve these very critical timescales which has ensured that the Council is protected against appeals, financial costs and most importantly providing the business community and residents with the full opportunity of consultation and democratic decision making, as the New Licensing Act 2003 intended as well as positioning the Council as a high quality provider and leader in this field.
- 2.1.7 The Licensing Section is now considering the enforcement options available after the 24th November 2005, the final date for License applications to be received. This Authority has already prepared and ensured all of the Responsible Authorities are signed up to a Joint Enforcement Protocol, which is attached (Appendix B) to this report for the Committees information.

2.2 Consultation

N/A

2.3 Financial Implications

None Identified

2.4 Legal Implications

None identified

2.5 Equalities Impact

None identified

Section 3: Supporting Information/ Background Documents

Joint Enforcement Protocol.

Delegated Grants – Supplemental Agenda.