

Meeting:	Environment and Economy Scrutiny Sub-Committee Committee
Date:	29 November 2005
Subject:	Licensing Act 2003- Completion of Transitional Arrangements and Implementation
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 report in accordance with the Sub-Committee's work programme.

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

The cost of the proposals has been contained within existing budgets within 2005/6. The High Level Service Plan submitted as part for the Medium Term Budget Strategy Planning Process for 2006/7 details the budget requirements for future provision.

Risks

N/A

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 licenses 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 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, have served to ensure businesses are actively supported through the application process resulting in this very high percentage of applications.
- 2.1.4 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

- 2.1.5 The Licensing Service also received 820 Personal Licence applications during the period between 7th February and 6th August all of which have been processed and Licenses issued. However, it is difficult to establish the total number expected as the applications are made by Harrow residents rather than Harrow businesses.
- 2.1.6 It is important to note the efforts and time committed by members of L& GP and Staff to achieve delivery within 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 Responsible Authorities are signed up to a Joint Enforcement Protocol, which is attached to this report for the Committees information.
- 2.1.8 The Regulations regarding Temporary Event Notices came in to effect on 10 November 2005. It is difficult to predict at this time the workload these Notices would create. However, it is anticipated that due to extremely short timescales in hearing objected Notices, additional protocols will need to be set up between Democratic Services, L&GP Members, Police and the Licensing Section.

2.2 Consultation

N/A

2.3 Financial Implications

None Identified

2.4 Legal Implications

None identified

2.5 Equalities Impact

- 2.5.1 There is no evidence to indicate that the Licensing Service Activities disadvantages any racial or other group in the community, as the service is equally accessible to all potential users. In addition targeted open meetings have been held in ethnic minority languages to support identified key groups of potential users especially within the Tamil community.

Section 3: Supporting Information/ Background Documents

Joint Enforcement Protocol.