

LACORS Guidance to Local Authorities to Assist with Preparation for Licensing Act 2003

Introduction

This guidance is not exhaustive and sets out the minimum preparation that local authorities should be undertaking at this stage, in preparation for the Licensing Act coming into force.

LACORS is aware that local authorities are at different stages in their preparation for the Licensing Act. Whilst the timescale for full implementation of and transition to the new legislation is still uncertain there are particular activities and preparation that local authorities can carry out now. This guidance aims to assist local authorities in preparing for transfer to the new system, and for preparing to write and consult on their Licensing Policy Statements. LACORS intends to produce a separate Licensing Policy Statement Framework document and further guidance to specifically assist with writing and consulting on licensing policies. This will be available at a later date when the Bill attains Royal Assent and the secondary legislation is available.

1. Publicity and Awareness

- 1.1 Local authorities should ensure that the licensing service has put a report to Committee on the provisions and implications of the Licensing Bill, in order that elected Members are aware.
- 1.2 If one does not already exist, establish a local Licensing Forum consisting of representatives from relevant sections of the Council, such as, planning, building control, culture and tourism, noise and health and safety enforcement, and other stakeholders such as the local police, fire authority, the Magistrates Court, licensing solicitors and the licensed trade. Such a Forum can be used to express concerns, propose solutions and ideas, and discuss enforcement, policy, and procedures under the new system.

Licensing solicitors are a particularly useful source of information and can assist with liaison between the local authority and the trade. Local authorities may wish to write to solicitors who act for the licensed trade in their area to ensure effective liaison regarding, for example, new procedures and the Council's Licensing Policy Statement.

- 1.3 Local authorities may wish to contact licensees and potential licensees within their district to inform them of the forthcoming changes. This could be done via letters, leaflets, and articles for newsletters, newspapers, free local newspapers etc. Some licensees may have to be identified from the Council's register of food premises, for example, pubs without Public Entertainment Licences, that the licensing section may not be aware of. Further information may be available from the Licensing Justices records.

It has been suggested that one of the biggest knowledge gaps may lie with the late night takeaway sector. It is important to identify and inform these businesses that they will need a licence in the future when selling hot food or drink after 11.00pm for consumption on or off the premises. LACORS is seeking to produce a series of standard messages which can be adapted by local authorities to place into letters, leaflets, articles etc to raise awareness amongst this sector of the trade. Again, the Council's register of food premises can be utilised for this. Authorities should consider whether they will need to translate publicity material into other languages, and what these languages will be.

DCMS is also intending to produce a leaflet to inform businesses of the implications of the new regime. Local authorities could assist with the dissemination of this material when available.

2. Resource Planning

- 2.1 Further advice on planning and predicting costs associated with the new regime, and in particular the transition period, is available in the LACORS document 'Framework to Assist in Estimating Start Up Costs of New Licensing Regime'. This is available on LACORS website, See link below.

http://www.lacors.gov.uk/scripts/TradingStandards.DLL?ReqCode=RE_FDOC&AuthCode=12A2D7D&ID=5236&Search=true&Back=bb

- 2.2 Initial costs are likely to include training of both officers and Members, IT, staffing and recruitment. Local authorities should have identified their likely costs during the transition period and if appropriate, highlighted any shortfall to include in budget bids for the period 2004/05.

3. Administration and Procedures

- 3.1 Many local authorities are making use of a 'Licensing Liaison Group' or similar, or establishing new groups where they do not already exist, to bring together local authorities within a region to explore implementation of the new licensing regime. These typically consist of, for example, representatives of all local authorities within a county, and will assist in ensuring a consistent local approach to enforcement, policy development, and liaison with the fire authority and police. It is also an opportunity for authorities to discuss concerns regarding the new regime and propose solutions. Where new groups are set up it would be useful if authorities could inform LACORS, since it is the intention to establish better communication with such regional groups and exploit their potential as a tool for promoting best practice and consistency. Please send details to <mailto:abigail.orme@lacors.gov.uk>

- 3.2 Local authorities should begin to consider and draft their new process structures. This will include who is to be consulted on applications under the system and how they will be consulted. This may include fora of various types, the structure and make up of which can be considered and/or put together now (see above, Publicity and Awareness). These process structures can lead to the development of procedure documents.
- 3.3 Alongside this authorities should begin to plan how applications will be processed during the transition phase. This can only be based on information currently available in Schedule 8 of the Bill and chapter 14 of the Guidance document. A revised version of the Guidance document is likely to be issued by DCMS.
- 3.4 Whilst Committee business is being planned now at the start of the year, authorities should take the opportunity to ensure that provision has been made for setting up the Licensing Committee. Further information is available in Part 2 of the Bill and chapter 4 of the Guidance.

4. Licensing Policy Statements

4.1 Local authorities are advised to consider carefully the expected timing of transition to the new system and when authorities are likely to be required to have their Licensing Policies in place. This is as yet unconfirmed, but is expected to be early 2004. The Licensing Policy has to be approved by the Council. This is typically taken to mean full Council, therefore authorities should consider dates when their full Council is sitting, and the Licensing Policy can be included on the agenda. A typical time plan leading up to publication of the policy might look like this:

- **August 2003** - Draft Policy ready to release for consultation
- **September 2003** – Comments collated for analysis, following 28 days consultation
- **October 2003** – Policy Statement put to Council, following 28 days to analyse comments and amend draft accordingly.
- **November/December 2003** - Time for further versions to be put to Council if required.
- **January 2004** – Policy published

Some local authorities have chosen to begin drafting their policy statements ready for consultation, others are delaying until full and final details of the Act, Guidance and secondary legislation are known.

- 4.2 It is advisable to contact colleagues within the Council who are good at public consultation, for example planning, and learn from their experiences. Other colleagues who have written policies or strategies may also be useful sources of information and advice, such as community safety and crime and disorder teams.
- 4.3 Authorities can begin to plan their consultation process, in terms of, for example timescales, identifying consultees and how the consultation will take place. As with the publicity material described above, authorities should consider whether they will need to translate any material for the consultation, and what languages these should be. The policy will probably need to be translated, along with information advising about the consultation. Some Councils do not find it worthwhile translating all their licence application forms and accompanying guidance as this can be costly, but it is advisable to have, for example, a compliments slip translated advising people to contact the Council if they are having particular difficulties.
- 4.4 Local authorities may wish to begin their internal consultation processes now, or at least put together internal consultation groups consisting of representatives from, for example, planning, building control, culture and tourism, noise and health and safety enforcement. It is also important to keep elected Members informed and engaged.
- 4.5 Local authorities are advised to complete the internal consultation and that with licensing solicitors, before releasing a draft to licensees and residents for comment. The Police and fire authority could be considered as internal consultees, and it should be noted that Clause 5 of the Bill states that the licensing authority must consult the chief officer of police for the area. Council's should therefore ensure that the draft policy is sent to the chief officer of police, as well as for example their local police contact. Authorities may chose to complete this stage now, or to wait for full details of the new legislation.
- 4.6 LACORS suggests that local authorities obtain a copy of their local Magistrates Court's Liquor Licensing Policy, and any other information currently given to Justices Licence applicants. Authorities are also advised to obtain a copy of the Justices Society Good Practice Guide – Licensing. This is available from the Justices Clerk Society at www.jc-society.co.uk or telephone 0151 255 0790. These documents can assist in formulating policy and with writing procedures.