

Members' Services

Robert Inman - Assistant Chief Executive (Members' Services)

Telephone : 01926 456101

Switchboard : 01926 450000

Fax : 01926 456121 / DX 29123 Leamington Spa 1

Email : colin.tubbs@warwickdc.gov.uk

My Ref : CT\LRV:\secs\members\Corr\lct19.7draft.dot

Your Ref :

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Dear Consultee

LICENSING ACT 2003

I am writing to you as part of an extensive consultation process on the Statement of Licensing Policy which the Council must publish under the provisions of the above Act.

As you may already know the provisions of the Act are intended to reform the country's licensing laws by changing the type of licence required for the following facilities/activities:-

- Pubs and nightclubs;
- indoor sporting events;
- off-licenses;
- restaurants that serve alcohol;
- businesses offering hot food between 11.00 pm and 5.00 am;
- hotels, guest houses and other places that sell alcohol;
- Private members clubs and social clubs;
- theatres and amateur dramatic groups;
- cinemas; and
- occasional entertainments.

The District Council will become responsible for licensing all these activities. The Magistrates will no longer be involved.

Premises licences will be required for the above facilities/activities. Anyone wishing to allow the sale of alcohol as part of his or her business will require a personal licence.

There will be a period of transition starting on the 7 February 2005, when holders of existing licences will be able to apply for the new licences to cover the activities they already provide. There will also be the opportunity at this stage to apply for variations to the terms of existing licences.

The Government have not yet announced when the transitional period will end although it is expected to be November 2005.

Further information will be made available on the procedures for applying for licences when the Government have published the appropriate regulations, hopefully by the end of the summer.

When considering applications for licences the Council will have to have regard to the following four licensing objectives:-

- Prevention of crime and disorder
- Public safety
- Prevention of public nuisance
- Protection of children from harm

In accordance with the provisions of the Act and guidance issued by the Government under Section 182 the Council has to prepare and publish a statement of its licensing policy. Before publishing the policy the Council has to undertake an extensive consultation process.

A draft policy, which has been drawn up in accordance with the Guidance issued by the Government, is enclosed. Copies of the guidance issued by the Government are available electronically from the Department for Culture Media and Sport's website at www.culture.gov.uk/beer_and_entertainment. Paper copies can be obtained by writing to the Department for Culture Media and Sport at 2-4 Cockspur Street, London SW1Y 5DH.

The content of the Policy is relatively prescriptive and must comply with the terms of the Act and the Guidance from Government. Bearing this in mind would you please let me have any comments on the enclosed draft policy by 1 October 2004 using the enclosed form and returning it in the pre-paid envelope.

The cumulative impact of licensed premises on the promotion of licensing objectives is a proper matter for a licensing authority to consider in developing its licensing policy statement and reference is made to it in the draft policy. It is, however, important that applicants, responsible authorities and interested parties should know through the statement of licensing policy, whether the licensing authority already considers that a particular concentration of licensed premises in a particular part of its area is considered to be already causing a detrimental cumulative impact on one or more of the licensing objectives.

The Council are mindful that such areas may already exist in Leamington Spa particularly, although any decision to include an area in the final policy would need to be on an evidential basis. You may wish to comment on this aspect of the policy and reference is made to it in the attached reply form.

It is expected that the Council will consider the results of the consultation and publish its Policy by the end of December 2004

Yours faithfully

Colin Tubbs
Senior Committee Services and Licensing Officer

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