



THE LICENSING ACT 2003

– Planning as a responsible authority

The Licensing Act

The Licensing Act 2003 was approved by Parliament in July 2003, and the transition to this becoming law began on the 7th February 2005, with full implementation expected by November 2005. The overall aim of the Act is to modernise the legislation governing the sale and supply of alcohol and public entertainment licensing. The Act will do this by transferring liquor licensing powers from the Magistrates' Courts to Local Authorities, via the creation of 'Licensing Authorities'. The current fixed hours when alcohol can be sold are also to be removed so that licence applicants can request their own hours of operation.

Licence Applications

During a specified 'transition period' all existing licences for premises providing alcohol and/or public entertainment will need to be converted into a **premises licence**. Those existing licence holders who wish to vary their existing licence terms (e.g. extend their hours of operation), will need to apply for both a '**conversion**' of their existing licence, as well as a '**variation**' to their licence.

Planning as a responsible authority

A number of specified '**responsible authorities**' will be notified of all licence variations and new applications. These responsible authorities include the police and fire department, as well as "*the local planning authority within the meaning given by the Town and Country Planning Act 1990 (c.8) for any area which the premises are situated*"

Making representations

Each responsible authority will be able to make representations regarding licence variations and new applications, as well as being able to call for reviews of existing licences. Such representations will need to be made in relation to one or more of the four '**licensing objectives**' which are:

1. **The prevention of crime and disorder**
2. **Public safety**
3. **The protection of children from harm**
4. **The prevention of public nuisance**

** Care should be taken that existing law is not duplicated and that existing planning processes are not replicated. For example conditions please refer to the government guidance on the Licensing Act (annex D2.H)*

example: planning as a responsible authority may feel it pertinent to make a representation on licensing applications where the proposed use is prohibited by existing planning permission. For example, a request for a liquor licence until 3 am for a property that has a restriction on planning permission that prevents use after 2 am.

What do local authorities need to do now?

Licensing authority officers and planning officers need to discuss how they will jointly address the statutory requirements in the Licensing Act 2003 and:

1. Agree which contact will be identified in the Licensing Authority's 'Statement of Licensing Policy' as the contact to be provided for body responsible for 'planning as a responsible authority'
2. Agree how representations will be made during the transition period (when volumes may be high) and subsequently

What are LACORS and the Planning Officers Society planning to do?

LACORS and the POS are working together to disseminate practical advice, and examples of good practice. All queries should be initially discussed in local groups, however, outstanding questions / comments can be directed in writing to:

Mike Holmes, POS, c/o Bournemouth Borough Council, Bournemouth, BH2 6DY
(Planning enquiries)

Rachael Rogers, Policy Officer, LACORS, 10 Albert Embankment, London, SE1 7SP
(Licensing enquiries)

Useful links & contacts:

The Government Department responsible for the Act is **The Department for Culture, Media & Sport (DCMS)**: <http://www.culture.gov.uk>.

The Act and Explanatory Notes can be viewed via **Her Majesty's Stationary Office** website: <http://www.legislation.hmso.gov.uk/acts/acts2003/20030017.htm>

POS (Planning Officers Society) <http://www.planningofficers.org.uk/>

LACORS (Local Authorities Coordinators of Regulatory Services): <http://www.lacors.gov.uk/>

In offering this advice LACORS wishes to make it clear that: Legislation may change over time and the advice given is based on the information available at the time the guidance was produced. It is not necessarily comprehensive and is subject to revision in the light of further information. Only the courts can interpret statutory legislation with any authority. This advice is not intended to be a definitive guide to, nor substitute for, the relevant law. Independent legal advice should be sought where appropriate.

