

# Are you prepared for the changes in the licensing law?

This leaflet gives you guidance on what is happening and what you need to do.

Guidance notes 1



# Licensing Act 2003

## The law is changing!

In 2001 the Government decided to reform the country's licensing laws and the Licensing Act 2003 is the result. The new law will affect:

- Pubs and nightclubs
- Off licences and shops selling alcohol
- Restaurants serving alcohol
- Businesses selling hot food between 11.00pm and 5.00am (mobile businesses included)
- Hotels, guest houses and other places that sell alcohol
- Private members clubs, social clubs and sports clubs selling alcohol
- The provision of public entertainment
- Theatres and amateur dramatic performances open to the public
- Cinemas
- Indoor sporting events
- Occasional events where there is music, dancing or alcohol is being sold.

The Licensing Act repeals many existing separate laws covering the sale of alcohol, the provision of entertainment and the sale of hot food at night. A new system of licensing begins on 7 February 2005 with a single licence covering all or any of the above activities.

## **The new law**

A Premises Licence will be required for any place where licensable activities occur and a separate personal licence will be required for anyone selling or supervising the sale of alcohol. The council instead of the Magistrate's Court will now grant licences for the sale of alcohol.

The current fixed licensing hours have been removed and each premises will now be able to apply for individually set opening hours as long as it can be shown that the four licensing objectives can be met (and in accordance with their planning permission).

**These objectives are:**

- the prevention of crime and disorder;
- the promotion of public safety;
- the prevention of public nuisance; and
- the protection of children from harm.

Hammersmith & Fulham is a densely populated area and therefore it is a fine balance to meet the residents' needs with the business needs. This council will expect any applicant that wishes to extend their current opening hours to clearly explain how they intend to ensure their activity does not impact on residents.

## **When is all this happening?**

The Government will be setting two "appointed days." 7 February 2005 will be the 'first appointed day', the date from which existing license holders can begin applying for a licence under the new act. Applications can be made any time in the six-month period after that date (i.e. until 6 August 2005). On the second appointed day (still to be announced by the Government) the new licences granted will come into force and all existing relevant licences will expire.

## **Premises licences**

A premises licence will be required for any premises type detailed above. Licences will be granted to a named licence holder and where the licence includes the sale of alcohol it must specify a designated premises supervisor (who must also hold a Personal Licence — see below). Licences may be subject to conditions and can be applied for on a permanent basis or for a time-limited period.

## **Personal licences**

All supply of alcohol must be made or authorised by a person who holds a Personal Licence. There may need to be several people with Personal Licences working at a premises.

Existing licensees will be able to apply for a Personal Licence as part of the changeover to the new system.

New personal licence holders will have to be over 18, have no specified convictions, and have a recognised licensing qualification. Normally applications for Personal Licences would be made to the Licensing Authority in whose area the applicant lives. This licence is valid for ten years.

## **Clubs**

Most non profit making clubs will be able to apply for a Club Premises Certificate. Personal and Premises licences are not required for the supply of alcohol where a Club Premises Certificate has been granted.

## **Temporary (occasional) events**

After the second appointed day (still to be announced by the Government) occasional liquor or entertainment licences cease to exist. Instead, if a function is for not more than 96 hours (four days) and not more than 500 people, a Temporary Event Notice is required to be sent to the council (with the correct fee) and the

police at least 10 working days before the function. If the police object, the council will hold a licensing hearing to decide if the event can go ahead. Temporary Events Notices are subject to a maximum number of applications for any premises in any calendar year. For further information on Temporary Event Notices please see our separate leaflet.

## **Objecting to licences or applications**

One of the aims of the new law is to make the licensing system more local and accessible. Whilst there are special arrangements for converting existing licences (like for like), all new licence and variation applications have to be advertised in a local paper and a site notice has to be displayed. Any interested party will be able to object to an application or apply for a review of a premises licence when it becomes operational.

## **Other changes**

The current exemption for liquor licensed premises providing entertainment with two or less musicians or pre-recorded music will disappear and an application will be required to include such entertainment.

## **What should I do now?**

Make an application to the council to convert your existing licence between 7 February and 6 August 2005.

Check our website for further information and application forms – [www.lbhf.gov.uk](http://www.lbhf.gov.uk).

Changes to your existing liquor licence up until November 2005 will still be dealt with by the Magistrate's Court and Public Entertainment Licences will continue to be administered by the council as before.

## **Further information**

We realise that this may be a confusing time for existing licensees but we are here to help you through this process. Licensees can contact us at any time for advice, or to request an application pack. This leaflet provides advice based on information available at the time of writing and this may change. It is intended for guidance only and does not provide authoritative legal advice. Only the courts can interpret legislation with definitive authority.

Applicants are advised to seek their own professional advice where they feel it is necessary.

We would welcome your comments on this or any other of our leaflets, so as to ensure that they meet the needs of the users of our services.

If you have difficulty understanding this leaflet for any reason please contact us to discuss other formats that we can provide.

## **How to contact us:**

**London Borough of Hammersmith & Fulham**

Licensing Section

Environmental Protection

5th Floor, Town Hall Extension

King Street, Hammersmith, London, W6 9JU.

Phone: 020 8753 1084

Fax: 020 8753 3922

Email: [licensing@lbhf.gov.uk](mailto:licensing@lbhf.gov.uk)

Website: [www.lbhf.gov.uk](http://www.lbhf.gov.uk)

## **Other useful contacts:**

**Department for Culture, Media and Sport**

204 Cockspur Street, London, SW17 5DH.

Phone: 020 7211 6200.

Website: [www.culture.gov.uk](http://www.culture.gov.uk)

**West London Magistrates Court**

181 Talgarth Road, London, W6 8DN.

Phone: 020 8700 9371.

Fax: 020 8700 9366.

**British Institute of Innkeeping**

Phone: 01276 68 4449.

Website: [www.bii.org](http://www.bii.org).

If you would like any part of this document interpreted into your own language, please phone 020 8753 4040.

#### Russian

Если вы хотите, чтобы какая-либо часть этого документа была устно переведена на ваш язык, пожалуйста, позвоните по телефону 020 8753 4040.

#### Polish

Jeśli chcesz jakaś część tego dokumentu przetłumaczyć na język ojczysty, to proszę zadzwonić pod numer 020 8753 4040.

#### French

Si vous souhaitez qu'une partie de ce document soit traduite dans votre langue, veuillez appeler le 020 8753 4040.

#### Spanish

Si desea alguna parte de este documento en su propio idioma, llame al 020 8753 4040.

#### Albanian

Nese do deshironi ndonje pjese te ketij dokumenti te perkthyer ne gjuhen tuaj, telefononi 020 8753 4040.

#### Amharic

የዚህ ደብዳቤን ግንኙነት ከድል በራሱም ቋንቋ እንዲተረጎምልዎት ከፈለጉ እስከምን በቁጥር 020 8753 4040 ይደውሉልን።

#### Portuguese

Se desejar qualquer parte deste documento interpretada no seu idioma, telefone por favor para 020 8753 4040.

#### Somali

Haddii aad jeclaan laheyd in qeyb dukumentigan ka mid ah luqaddaada ama afkaaga laguugu turjumo, fadlan teleefoon u soo dir 020 8753 4040.

#### Punjabi

ਜੇਕਰ ਤੁਹਾਨੂੰ ਇਸ ਦਸਤਾਵੇਜ਼ ਦੇ ਕਿਸੇ ਵੀ ਹਿੱਸੇ ਦਾ ਕੀਤਾ ਹੋਇਆ ਅਨੁਵਾਦ ਤੁਹਾਡੀ ਅਪਣੀ ਭਾਸ਼ਾ 'ਚ ਚਾਹੀਦਾ ਹੈ, ਤਾਂ ਕ੍ਰਿਪਾ ਕਰਕੇ ਟੈਲੀਫੋਨ ਕਰੋ 020 8753 4040.

#### Gujarati

જો તમને આ દસ્તાવેજના કોઈપણ ભાગનું કંઈક ભાષાંતર તમારી પોતાની ભાષામાં જોઈવું છે તો, મહેરબાની કરી ટેલિફોન કરો 020 8753 4040.

#### Hindi

यदि आपको इस दस्तावेज के किसी भी हिस्से का किया हुआ अनुवाद अपनी भाषा में चाहिए, तो कृपया टैलफोन करें 020 8753 4040.

#### Urdu

اگر اس دستاویز کے کسی بھی حصہ کا ترجمہ آپ کو اپنی زبان میں چاہیے تو براہ مہربانی ٹیلی فون کریں: 020 8753 4040

#### Farsi

اگر شما میخواهید هر بخشی از این سند به زبان شما برایتان ترجمه شفاهی بشود لطفا با شماره تلفن 020 8753 4040 تماس بگیرید.

#### Arabic

إذا كنت ترغب بالحصول على ترجمة فورية لأي جزء من هذه الوثيقة، فيرجى الاتصال بـ 020 8753 4040

Visit our website:  
[www.lbhf.gov.uk](http://www.lbhf.gov.uk)

Published by Environment  
department  
February 2004.

Designed and printed by  
Hammerprint.  
Lf.ENV Guidance notes1

**Hammer  
& Fulham**  
*Serving our Community*

POSITIVE ABOUT  
DISABLED PEOPLE

