



Special Release

October 2004

Westminster City Council Announces Its Draft Statement Of Licensing Policy Under The Licensing Act 2003

Westminster Council have now prepared its Draft Statement of Licensing Policy and has invited all Licensees for their comments on it. The Council should have sent a copy to you. If this is not the case then a copy may be obtained from their website on www.westminster.gov.uk/licensing.

The Public consultation on the Draft Statement will run until Monday 1 November 2004. It is of the utmost importance that your views are communicated to the Council before then.

If you want to make representations you will need to complete the "Representation Form" that was attached to the Draft Statement. If you have not received a copy, this too, may be downloaded from their website.

Once the consultation period is over the Council have indicated that they will take approximately one month to consider and respond to all of the representations. The response will be distributed to all interested parties. It is expected that the Statement of Licensing Policy and the result of the consultation will be presented to the City Council's Cabinet in early December. Westminster Council hope that the final policy will be published in January 2005.

HOURS

This policy applies to all types of premises, licences and club premises certificates. It refers both to the hours in which premises are open to the customer and to the hours when licensable activities are taking place. It is the Council's intention to grant licenses or variations where the hours proposed are within the "core hours".

The proposed core hours are as follows:

For the sale of alcohol for consumption on the premises

- Monday to Saturday 8am to 11pm
- Sunday 10am to 10.30pm.

For the sale of alcohol for consumption off the premises

- Friday and Saturday 10am to midnight
- Sundays immediately prior to Bank Holidays midday to midnight
- Other Sundays midday to 10.30pm
- Monday to Thursday 10am to 11.30pm.

Premises that currently have a general hour greater than that specified in the core hours will retain their hours through the process of conversion of their licence during the transition period.

The policy does offer some advantages for pubs and bars who wish to extend their current Justices licence by one hour on a Friday and Saturday. A variation will be required at the same time as conversion.

Timetable for New Licensing Act

7 February 2005	First Appointed Day	Applications for new licences, conversions and variations can be submitted
7 August 2005	Deadline for converting existing licences	
November 2005	Likely Second Appointed Day	Current licences lapse and new licences take effect

Stress Areas

The Council will continue to apply special policies relating to cumulative impact to the West End, Edgware Road and Queensway/Bayswater. These policies are similar to those already in place, although remove references to the Central Activities Zone where there was a presumption of grant.

Special policy relating to cumulative impact:

- (i) it is the City Council's policy to refuse Applications in the stress areas for: pubs and bars; late night refreshment premises offering hot food and drink to take away and premises offering facilities for music and dancing.
- (ii) applications for other licensable activities in the stress areas would be subject to other policies and must demonstrate that they meet the relevant criteria and that they will not add to the cumulative impact in the stress areas.

Type of Venue	Within the Stress Area	Outside the Stress Area
Restaurants/late night refreshment	Grant only if relevant criteria met	Grant
Hot take away food and drink	Refuse	Grant only if relevant criteria met
Public houses and bars	Refuse	Grant only if relevant criteria met
Off sales of alcohol	Grant only if relevant criteria met	Grant
Theatres, cinemas, performance venues and qualifying clubs	Grant only if relevant criteria met	Grant
Music and dance premises	Refuse	Grant only if relevant criteria met
Premises where there is nudity or striptease, combined uses of premises	Grant only in exceptional circumstances	Grant only in exceptional circumstances

The relevant criteria includes: the prevention of crime and disorder, public safety, prevention of public nuisance and protecting children from harm.

Phasing of applications

All Licensees will need to apply for a Premises Licence between 7 February and 7 August 2005. The Council have indicated that they would prefer to phase the applications over 6 months.

The Council claim that there is no advantage by applying early. However, there is a growing school of thought that suggests applying for conversion and variation as early as possible.

All applications that are received by the Council are deemed to be granted after 2 months. Many Licensees will also want to apply to vary their current Licences for example for a later terminal hour. If such a variation is not granted within 2 months it is deemed to be refused.

It is likely that most variations will be refused. It is of the utmost importance that appeals to the Magistrates' Court are lodged as soon as possible. It should be the aim to have matters resolved before November 2005. If you agree with the Council's policy of phasing applications it may mean your application is not dealt with until the latter part of the transition period. If this is the case and your variation is not granted it may put you at a disadvantage in that you will have to wait for your appeal to be heard after November when other operators may already have had the benefit of a variation.

Contacts

This Bulletin is designed to provide a summary of the subject matter. It does not purport to be comprehensive or a substitute for specialist legal advice in individual circumstances.

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