
REPORT TO:	Environmental and Development Services- Committee	AGENDA ITEM: 9
DATE OF MEETING:	14th April 2005	CATEGORY: DELEGATED
REPORT FROM:	ENVIRONMENTAL HEALTH MANAGER	OPEN PARAGRAPH NO:
MEMBERS' CONTACT POINT:	Carl Jacobs 595717	DOC:
SUBJECT:	Licensing Act 2003 – Refund for Entertainment Licences	REF: c:\myfiles\com\ES\
WARD(S) AFFECTED:	All	TERMS OF REFERENCE: EDS13

1.0 Recommendations

- 1.1 That Committee approves the scheme of refunds for Entertainment Licences when The Licensing Act 2003 subsequently called "The ACT" second appointed day is confirmed.

2.0 Purpose of Report

- 2.1 To seek approval from members on the refunding scheme for Entertainment Licences, once the second appointed day is announced.

3.0 Detail

- 3.1 There is no legal requirement under the Licensing Act 2003 for a Local Authority to set up any form of refund system for the transfer of Entertainment Licences to the new Premise Licences under the 2003 Act.
- 3.2 To establish a fair transition from existing Licences operated by the Local Authority to the new Premise Licence under the Licensing Act 2003, It is proposed that the Council adopts a refund scheme. Under the old Entertainment Licence System, business will pay for a full 12 month licence, which will become obsolete in November 2005 (provided the new premise licence under "The "Act" becomes operative on that date). The Council may refund the proportion of fees paid for months which were covered by the old licence scheme
- 3.3** Entertainment licences are currently renewed throughout the year at a date 12 months from the initial application. We have for example one premise that will have to re-apply for an Entertainment Licence in October 2005 for a full year and this licence will become obsolete in November 2005 provided the second appointed date is confirmed.

3.4 Due to the double charges that are likely to be incurred for Entertainment Licences, and the additional fees for the Licensing Act 2003 the following proposals are suggested for the scheme.

- No refund should be paid for out door events as these are normally on a one off basis.
- £50 standing charge should be made for the costs of Administration of all Entertainment Licences whenever made.
- With the remaining licence fee a 1/12 refund should be made for each full month after November assuming that the 2nd appointed date does not change. No refund should be allowed where the total refund is less than £30.

4.0 Financial Implications

4.1 The cost of refunds from the 6th November 2005 (provided this is confirmed, as the second appointed day) will be in the region of the lower hundreds of pounds.

4.2 However the fee charged for the new premise and personal licences will easily cover the cost of any refund of Entertainment Licences, to each individual premise receiving a refund.

6.0 Background Papers

6.1 None