

The District Licensing Agency

Central

Alcohol Healthwatch Forum

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Introduction

- The role of the DLA
- Input into licensing decisions (objections)
- Future possibilities...

The role of the DLA

- **100 Functions of District Licensing Agency**
- The principal functions of a District Licensing Agency shall be as follows:
 - (a) to consider and determine such applications for the grant of on-licences, off-licences, and club licences as it is not required by this Act to forward for determination by the Licensing Authority:
 - (b) to grant such applications for renewal of on-licences, off-licences, and club licences or for the variation of conditions as it is not required by this Act to forward for determination by the Licensing Authority:
 - (c) to consider and determine applications for temporary authority to carry on the sale and supply of liquor in accordance with [section 24](#) or [section 47](#):
 - (d) to consider and determine applications for special licences in accordance with this Act:
 - (e) to grant such applications for renewal of managers' certificates as it is not required by this Act to forward for determination by the Licensing Authority:
 - (f) to conduct such inquiries and to make such reports as may be required of it by the Licensing Authority under [section 95](#):
 - (g) such other functions as may be conferred on the District Licensing Agency by or under this Act or any other enactment

Object of the Act

- **4 Object of Act**
- (1) The object of this Act is to establish a **reasonable system of control** over the sale and supply of liquor to the public with the aim of contributing to the reduction of liquor abuse, **so far as that can be achieved by legislative means.**
- (2) The Licensing Authority, every District Licensing Agency, and any court hearing any appeal against any decision of the Licensing Authority, shall exercise its jurisdiction, powers, and discretions under this Act in the manner that is most likely to promote the object of this Act.

The criteria (ON licence)

- **13 Criteria for on-licences**
- (1) In considering any application for an on-licence, the Licensing Authority or District Licensing Agency, as the case may be, must have regard to the following matters:
 - (a) the suitability of the applicant:
 - (b) the days on which and the hours during which the applicant proposes to sell liquor:
 - (c) the areas of the premises or conveyance, if any, that the applicant proposes should be designated as restricted areas or supervised areas:
 - (d) the steps proposed to be taken by the applicant to ensure that the requirements of this Act in relation to the sale of liquor to prohibited persons are observed:
 - (e) the applicant's proposals relating to—
 - (i) the sale and supply of non-alcoholic refreshments and food; and
 - (ii) the sale and supply of low-alcohol beverages; and
 - (iii) the provision of assistance with or information about alternative forms of transport from the licensed premises:
 - (f) whether the applicant is engaged, or proposes to engage, in—
 - (i) the sale or supply of any other goods besides liquor and food; or
 - (ii) the provision of any services other than those directly related to the sale or supply of liquor and food,—
- and, if so, the nature of those goods or services:
 - (g) any matters dealt with in any report made under [section 11](#).
- (2) The Licensing Authority or District Licensing Agency, as the case may be, must not take into account any prejudicial effect that the grant of the licence may have on the business conducted pursuant to any other licence.

Criteria (OFF licences)

- **35 Criteria for off-licences**
- (1) In considering any application for an off-licence, the Licensing Authority or District Licensing Agency, as the case may be, must have regard to the following matters:
 - (a) the suitability of the applicant:
 - (b) the days on which and the hours during which the applicant proposes to sell liquor:
 - (c) the areas of the premises, if any, that the applicant proposes should be designated as restricted areas or supervised areas:
 - (d) the steps proposed to be taken by the applicant to ensure that the requirements of this Act in relation to the sale of liquor to prohibited persons are observed:
 - (e) whether the applicant is engaged, or proposes to engage, in—
 - (i) the sale or supply of any other goods besides liquor; or
 - (ii) the provision of any services other than those directly related to the sale or supply of liquor,—
- and, if so, the nature of those goods or services:
 - (f) any matters dealt with in any report made under [section 33](#).
- (2) The Licensing Authority or District Licensing Agency, as the case may be, must not take into account any prejudicial effect that the grant of the licence may have on the business conducted pursuant to any other licence.

Objections (original application. ON licence)

- **10 Objections**
- (1) Any person who has a greater interest in the application than the public generally may object to the grant of an on-licence.
- (2) Every objection shall be in writing, and shall be filed with the District Licensing Agency within 10 working days after the first publication of the public notice of the making of the application.
- (3) No objection may be made in relation to any matter other than one specified in [section 13\(1\)](#).
- (4) In any case where—
 - (a) the application relates to any premises or conveyance in respect of which an on-licence is presently in force; and
 - (b) the applicant seeks the same conditions as those presently applying to that licence,—
- an objection may be made only in relation to the suitability of the applicant.
- (5) The Secretary shall send a copy of every objection to the applicant.

Objections (renewal ON)

- **19 Objections to renewal**
- (1) Any person who has a greater interest in the application than the public generally may object to the renewal of an on-licence.
- (2) Every objection shall be in writing, and shall be filed with the District Licensing Agency within 10 working days after the first publication of the public notice of the making of the application.
- (3) No objection may be made in relation to any matter other than one specified in [section 22](#).
- (4) The Secretary shall send a copy of every objection to the applicant.

Section 22 (Renewal ON)

- **22 Criteria for renewal**
- In considering any application for the renewal of an on-licence, the Licensing Authority shall have regard to the following matters:
 - (a) the suitability of the licensee:
 - (b) the conditions attaching to the licence:
 - (c) the manner in which the licensee has conducted the sale and supply of liquor pursuant to the licence:
 - (d) any matters dealt with in any report made under [section 20](#).

Objections (OFF)

- **32 Objections**
- (1) Any person who has a greater interest in the application than the public generally may object to the grant of an off-licence.
- (2) Every objection shall be in writing, and shall be filed with the District Licensing Agency within 10 working days after the first publication of the public notice of the making of the application.
- (3) No objection may be made in relation to any matter other than one specified in [section 35\(1\)](#).
- (4) In any case where—
 - (a) the application relates to any premises in respect of which an off-licence is presently in force; and
 - (b) the applicant seeks the same conditions as those presently applying to that licence,—
- an objection may be made only in relation to the suitability of the applicant.
- (5) The Secretary shall send a copy of every objection to the applicant.

Objections (renewal OFF)

- **42 Objections to renewal**
- (1) Any person who has a greater interest in the application than the public generally may object to the renewal of an off-licence.
- (2) Every objection shall be in writing, and shall be filed with the District Licensing Agency within 10 working days after the first publication of the public notice of the making of the application.
- (3) No objection may be made in relation to any matter other than one specified in [section 45](#).
- (4) The Secretary shall send a copy of every objection to the applicant.

Section 45 (renewal OFF)

- **45 Criteria for renewal**
- In considering any application for the renewal of an off-licence, the Licensing Authority shall have regard to the following matters:
 - (a) the suitability of the licensee:
 - (b) the conditions attaching to the licence:
 - (c) the manner in which the licensee has conducted the sale and delivery of liquor pursuant to the licence:
 - (d) any matters dealt with in any report made under [section 43](#).

So what has experience taught us

- Objectors need to pass the greater interest test
- Need to prove the causal link between licensed premises in question and harm
- That in most cases, best result is a reduction in hours of trade

Opportunities in the Alcohol Reform Bill

- **4 Object**
- (1) The object of this Act is that—
 - (a) the sale, supply, and consumption of alcohol should be undertaken safely and responsibly; and
 - (b) the harm caused by the excessive or inappropriate consumption of alcohol should be minimised.
- (2) For the purposes of subsection (1), the harm caused by the excessive or inappropriate consumption of alcohol includes—
 - (a) any crime, damage, death, disease, disorderly behaviour, illness, or injury, directly or indirectly caused, or directly or indirectly contributed to, by the excessive or inappropriate consumption of alcohol; and
 - (b) any harm to society generally or the community, directly or indirectly caused, or directly or indirectly contributed to, by any crime, damage, death, disease, disorderly behaviour, illness, or injury of a kind described in paragraph (a).

Wider criteria

- **100 Criteria for issue of licences**
- (1) In deciding whether to issue a licence, the licensing authority or the licensing committee concerned must have regard to the following matters:
 - (a) the object of this Act:
 - (b) the suitability of the applicant:
 - (c) any relevant local alcohol policy:
 - (d) the days on which and the hours during which the applicant proposes to sell alcohol:
 - (e) the design and layout of any proposed premises:
 - (f) whether the applicant is engaged in, or proposes on the premises to engage in, the sale of goods other than alcohol, low-alcohol refreshments, non-alcoholic refreshments, and food, and if so, which goods:
 - (g) whether the applicant is engaged in, or proposes on the premises to engage in, the provision of services other than those directly related to the sale of alcohol, low-alcohol refreshments, non-alcoholic refreshments, and food, and if so, which services:
 - (h) whether (in its opinion) the amenity and good order of the locality would be likely to be reduced, by more than a minor extent, by the effects of the issue of the licence:
 - (i) whether the applicant has appropriate systems, staff, and training to comply with the law:
 - (j) any matters dealt with in any report from the Police, an inspector, or a Medical Officer of Health made under section 98.
- (2) The authority or committee must not take into account any prejudicial effect that the issue of the licence may have on the business conducted pursuant to any other licence.