

REPORT OF THE HEAD OF HUMAN RESOURCES AND DEVELOPMENT

AMENDMENTS TO THE LICENSING ACT

REASON FOR REPORT

1. To provide an update on the legislative changes (and proposed changes) to the Licensing Act 2003 made by the Legislative Reform (Entertainment Licensing) Order 2014 and the Deregulation Bill.

RECOMMENDATIONS

1. That members note the upcoming changes (and proposed changes) to the Licensing Act.

RELATIONSHIP TO CORPORATE PLAN

1. To promote a thriving economy and empower local communities.

FINANCIAL, LEGAL AND RISK ASSESSMENT IMPLICATIONS

Any financial, legal and/or risk assessment implications are set out below:

Financial	N/A
Legal	We must act in accordance with the legislation
Risk Assessment	Failure to comply with legislation could lead to legal challenges

1.0 THE LEGISLATIVE REFORM (ENTERTAINMENT LICENSING) ORDER 2014

1.1 The Legislative Reform Order will come into force on 6 April 2015. This will amend Schedule 1 and section 177A of the Licensing Act 2003 and deregulate certain types of regulated entertainment in defined circumstances. A summary is provided below.

1.2 Cross-activity exemption

The provision of regulated entertainment by or on behalf of local authorities, health care providers, or schools on their own defined premises will be exempt from entertainment licensing between 08.00-23.00 on the same day, with no audience limit.

1.3 *Live music in relevant alcohol licensed premises and workplaces*

The audience limit for a performance of live amplified music in relevant alcohol licensed premises or in a workplace between 08.00-23.00 on the same day will be raised from 200 to 500.

1.4 *Recorded music in relevant alcohol licensed premises*

Any playing of recorded music in relevant alcohol licensed premises will be deregulated (on a conditional basis) when it takes place between 08:00-23:00 on the same day for audiences of up to 500.

1.5 *Live and recorded music exemptions*

Local authorities, health care providers and schools will be exempt from entertainment licensing when making their own defined premises available to third parties for live and recorded music activities between 08:00-23:00 on the same day for audiences of up to 500.

Community premises not licensed to supply alcohol will be exempt from entertainment licensing requirements for live and recorded music between 08:00-23:00 on the same day for audiences of up to 500.

1.6 *Travelling circuses*

Travelling circuses will be exempt from entertainment licensing in respect of all descriptions of entertainment, except an exhibition of a film or a boxing or wrestling entertainment, where the entertainment or sport takes place between 08:00-23:00 on the same day, with no audience limit.

1.7 *Greco-Roman and freestyle wrestling*

Greco-Roman and freestyle wrestling will be deregulated between 08:00-23:00 for audiences of up to 1000 people.

1.8 *Incidental film*

An exhibition of film that is incidental to another activity (where that other activity is not itself a description of entertainment set out in paragraph 2 of Schedule 1 to the 2003 Act) is exempt from licensing.

2.0 DEREGULATION BILL

2.1 The Deregulation Bill is currently with the House of Lords for consideration having completed all stages of readings and committees in the House of Commons. The commencement date is not yet known but a number of proposals will have an impact on licensing. These are summarised below.

2.2 Community and Ancillary Sellers Notices (CAN)

The CAN is proposed to be a new, light touch authorisation under the Licensing Act that will benefit specific small businesses and community groups who wish to sell or give away alcohol. The table below provides details of the CAN.

For all CAN users	<ul style="list-style-type: none">• The CAN will be authorised for 36 months• Alcohol may be sold between 7am and 11pm• Notice will be given to the licensing authority• The prescribed fee will be paid• Police, Environmental Health Authority and licensing authority can object if a CAN will undermine the licensing objectives. Where problems arise, the police and environmental health authority can object, with the result that the CAN may be revoked.• Police and licensing authority officers will have rights of entry to investigate where users are in breach of the CAN conditions.• No right to a hearing or appeal if a CAN is revoked.
Ancillary sellers	<ul style="list-style-type: none">• Sale of alcohol must be ancillary to provision of goods or services by the business.• Sale of alcohol from single named premises.• Alcohol for consumption on the named premises.
Community groups	<ul style="list-style-type: none">• Sale of alcohol must be made by or on behalf of a community group that does not trade for profit.• Sale of alcohol must be ancillary to an organised community event.• Sales of alcohol may be made from up to three named premises.• Sales of alcohol for consumption at organised events of up to 300 people.

We are still waiting for details on the following elements of the CAN:

- Exact limits on the amount of alcohol that can be served
- Eligible business types (including the maximum size)
- The definition of qualifying community groups
- The type and frequency of permitted events
- Details on the fee

2.3 Temporary Event Notices (TENs)

It is proposed to increase the number of TENs a premises can hold annually from 12 to 15.

2.4 Personal Licences

It is proposed to remove the requirement to renew personal licences. They currently last for 10 years and the first to expire for Mid Devon District Council will be from June 2015.

2.5 Liqueur confectionary

It is currently an offence under section 148 of the Licensing Act to sell liqueur confectionary to children under 16 years old. It is proposed to repeal this section of the Act.

2.6 Late Night Refreshment

Late night refreshment is the supply of hot food or drink to the public between 11:00pm and 5:00am. The proposal would enable Licensing Authorities to make certain exemptions from the requirement to hold a licence based on the type of business and location.

2.7 Reporting loss or theft of licence

It is proposed to remove the requirement to report the loss or theft of a number of licences to the Police before a copy of the document can be issued. This includes premises licences, club premises certificates, temporary event notices and personal licences.

2.8 Exhibition of Films

The proposal is to deregulate film exhibitions at 'community premises' subject to the following conditions:

- prior written consent for the entertainment to take place at the community premises has been obtained by or on behalf of a person concerned in the organisation or management of the entertainment
- the entertainment is not provided with a view to profit
- the audience consists of no more than 500 persons
- the entertainment takes place between 8am and 11pm on the same day; and
- a recommendation concerning the admission of children to the exhibition of the film has been made by the film classification body or relevant licensing authority, and the admission of children to that exhibition of the film is subject to such restrictions (if any) as are necessary to comply with that recommendation

The term "community premises" is defined in section 193 of the 2003 Act as meaning premises that are (or form part of) a church hall, chapel hall or other similar building or a village hall, parish hall, community hall or other similar building.

3.0 **RECOMMENDATION**

3.1 That members note the above information.

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Background Papers	Licensing Act 2003, The Legislative Reform (Entertainment Licensing) Order 2014, The Deregulation Bill.
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