

LICENSING AND REGULATION COMMITTEE

19 March 2015

PROPOSED CHANGES TO THE LICENSING ACT 2003

REPORT OF HEAD OF ENVIRONMENTAL HEALTH & LICENSING

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RECENT REFERENCES:

[LR372](#) Regulated Entertainment – Consultation to Deregulate Licensing Act 2003 Controls – 10 November 2011

[LR376](#) Changes to the Licensing Act 2003 – 14 June 2012

EXECUTIVE SUMMARY:

This report informs members as to the proposed introduction of the Legislative Reform (Entertainment Licensing) Order 2014 and the Deregulation Bill.

The Legislative Reform (Entertainment Licensing) Order 2014 will come into force on 6 April 2015. This will amend Schedule 1 and section 177A of the Licensing Act 2003 to deregulate certain types of regulated entertainment, in defined circumstances.

The Deregulation Bill published on 23 January 2014 is “the latest step in the Government’s ongoing drive to remove unnecessary bureaucracy that costs British businesses millions, slows down public services like schools and hospitals, and hinders millions of individuals in their daily lives”. The Deregulation Bill is currently (as of 23 February 2015) at report stage with the House of Lords.

RECOMMENDATIONS:

- 1 That the contents of this report be noted.

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#### DETAIL:

#### 1 Introduction

- 1.1 The Licensing Act 2003 came into force on 24 November 2005. Since that time there have been a number of amendments.
- 1.2 The Police and Social Responsibility Act 2011 took effect on 25 April 2012 and the Live Music Act 2012 took effect on 1 October 2012. Both of these imposed changes to the Licensing Act 2003.
- 1.3 At the Licensing and Regulation Committee on 10 November 2011, Members considered the proposed response by the Head of Legal Services to the DCMS 'Consultation on proposals to examine the deregulation of Schedule One of the Licensing Act 2003'. Members resolved to respond to the consultation with minor amendments.
- 1.4 On 22 October 2013, the DCMS published a consultation document 'Legislative Reform Order: Changes to entertainment licensing'. This consultation detailed proposed changes to entertainment licensing to be implemented via a Legislative Reform Order (LRO). The consultation closed on 17 December 2013.
- 1.5 The consultation set out how the Government intended to use an LRO to remove unnecessary regulation from certain smaller scale and neighbourhood events, thereby freeing up organisers to put on eligible entertainment without having to fill in licensing paperwork and go through a costly process.
- 1.6 The Deregulation Bill published on 23 January 2014 is the latest step in the Government's ongoing drive to remove unnecessary bureaucracy that costs British businesses millions, slows down public services like schools and hospitals, and hinders millions of individuals in their daily lives.
- 1.7 The Deregulation Bill is currently (as of 23 February 2015) at report stage with the House of Lords but is not expected to be in force until April 2015 earliest.

#### 2 The Legislative Reform (Entertainment Licensing) Order 2014

- 2.1 The Legislative Reform (Entertainment Licensing) Order 2014 (LRO) will amend Schedule 1 and section 177A of the Licensing Act 2003 to deregulate

certain types of regulated entertainment in defined circumstances, these are summarised below.

## **2.2 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.

## **2.3 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.

## **2.4 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.

## **2.5 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.

## **2.6 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.

## **2.7 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.

## **2.8 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.

2.9 The Legislative Reform (Entertainment Licensing) Order 2014 will come into force on 6 April 2015.

### 3 Deregulation Bill

3.1 The Deregulation Bill contains seven clauses which would amend the Licensing Act 2003, these are summarised below.

#### 3.2 **Community & Ancillary Sellers Notices**

Introduction of CANs (Community & Ancillary Sellers Notices) which are 36 month permissions for alcohol sales only, for consumption on the premises only provided the sales are ancillary to a community event or business. This would be for up to 300 people between 7am and 11pm and a prescribed fee will be payable. Regulations would be made to provide more detail on these.

#### 3.3 **Temporary Event Notices**

Increase the annual limit of Temporary Event Notices (TENs) per premises from 12 to 15.

#### 3.4 **Personal Licences**

Abolish the requirement to renew Personal Licences issued under the Licensing Act 2003. Personal Licences are currently issued for a period of 10 years.

#### 3.5 **Liqueur confectionary**

Allow the sale of liqueur confectionary to under 16's which is currently an offence.

#### 3.6 **Late Night Refreshment**

Introduce local discretion to exempt areas or types of business from requiring a licence for late night refreshment (the provision of hot food or drink between the hours of 11pm to 5am).

#### 3.7 **Reporting lost or stolen licences**

Remove the requirement to report lost or stolen licences to the police.

#### 3.8 **Exhibition of Films**

Remove community film shows from within the current definition of regulated entertainment. This would mean that not for profit film shows to fewer than 500 people between the hours of 8am and 11pm would not require a licence.

3.9 It is not yet known when the Deregulation Bill will come into force.

## OTHER CONSIDERATIONS:

### 4 COMMUNITY STRATEGY AND PORTFOLIO PLANS (RELEVANCE TO):

- 4.1 This report covers issues which affect the Outcomes of High Quality Environment and Active Communities.
- 4.2 There is no direct link to Portfolio Plans as the requirements under the Licensing Act 2003 are statutory functions.

### 5 RESOURCE IMPLICATIONS:

- 5.1 An unintended consequence of deregulation may be an increase the number of noise complaints, presenting the potential for additional impact to the Environmental Health and Licensing Service. Whilst this should be manageable using the existing establishment, it may require additional working outside of normal office hours. This will likely present some further pressure on the corporate overtime budget, however this is estimated not to exceed £1000.
- 5.2 Whilst the proposed deregulation will affect premises Licences and temporary event notices offering Regulated Entertainment, the requirement for a License to sell alcohol remains and the vast majority of both request the sale of alcohol. As such it is not anticipated that these proposals will significantly affect the overall numbers of premises Licences and Temporary Event Notice applications and therefore the Licensing Service income is expected to remain at established levels.

### 6 RISK MANAGEMENT ISSUES

- 6.1 The proposed changes to the Licensing Act 2003 are prescribed by central Government. The local authority is therefore compelled to introduce the changes.

## BACKGROUND DOCUMENTS:

(Click on links to access documents)

[The Legislative Reform \(Entertainment Licensing\) Order 2014 – Explanatory Document July 2014](#) issued by the DCMS

[Deregulation Bill](#)

## APPENDICES:

None