

**Classification:** Public

**Key Decision:** No

## **Gravesham Borough Council**

**Report to:** Licensing Committee

**Date:** 4 March 2015

**Reporting officer:** Sarah Kilkie, Assistant Director (Communities)

**Subject:** Further changes to the licensing requirements of regulated entertainment and other matters under the Licensing Act 2003

### **Purpose and summary of report:**

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

### **Recommendations:**

That Members note the upcoming changes to the Licensing Act 2003.

## **1. Background**

- In “The Plan for Growth” published alongside the Budget in 2011, the Government announced that it intended to reduce the licensing burden for live music performance and bring forward proposals to reduce licensing burdens imposed on other forms of entertainment regulated by the Licensing Act 2003.
- The DCMS has been implementing these deregulatory measures through changes in legislation in four phases:
  - The Live Music Act 2012 conditionally deregulated live music in certain venues and circumstances and came into effect on 1 October 2012.
  - The Licensing Act 2003 (Descriptions of Entertainment) (Amendment) Order 2013 partially deregulated plays, dance and indoor sporting events, and came into force on 27 June 2013.
  - Clause 58 of the Deregulation Bill currently before Parliament seeks to deregulate the exhibition of film in community premises.
  - The Legislative Reform (Entertainment Licensing) Order 2014 comes into force on 6 April 2015 and will deregulate certain types of regulated entertainment in defined circumstances.

## 2. Forthcoming amendments

- The forthcoming changes are summarised below:
  - 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.
  - 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 and 23:00 on the same day will be raised from 200 to 500.
  - Recorded music in relevant alcohol licensed premises – Any playing of recorded music in relevant alcohol licensed premises will be deregulated when it takes place between 08:00 – 23:00 on the same day for audiences up to 500. Recorded music will remain licensable where the playing of recorded music takes place at a time when the premises are not open for the purposes of being used for the sale or supply of alcohol for consumption on the premises.

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

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.

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

## 3. Deregulation Bill

- The Deregulation Bill is currently progressing through Parliament. The Commencement Date is not yet known but will not be before Spring 2015. A number of proposals will have an impact on licensing. These are summarised below:
  - Community and Ancillary Sellers Notices (CAN) – the CAN is proposed to be a new light touch authorisation under the Licensing Act 2003 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"> <li>• The CAN will be authorised for 36 months</li> <li>• Alcohol may be sold between 07:00 and 23:00</li> <li>• Notice will be given to the licensing authority</li> <li>• The prescribed fee will be paid</li> <li>• Police, Environmental Health and licensing authority can object, with the result being that the CAN may be revoked</li> <li>• Police and licensing authority officers will have rights of entry to investigate where users are in breach of the CAN conditions</li> <li>• No right to a hearing or appeal if a CAN is revoked</li> </ul>
Ancillary sellers	<ul style="list-style-type: none"> <li>• Sale of alcohol must be ancillary to provision of goods or services by the business</li> <li>• Sale of alcohol from single named premises</li> <li>• Alcohol for consumption on the named premises</li> </ul>
Community groups	<ul style="list-style-type: none"> <li>• Sale of alcohol must be made by or on behalf of a community group that does not trade for profit</li> <li>• Sale of alcohol must be ancillary to an organised community event</li> <li>• Sales of alcohol may be made from up to three named premises</li> <li>• Sales of alcohol for consumption at organised events of up to 300 people</li> </ul>

Details are still awaited 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
- Temporary Event Notices (TEN's) – It is proposed to increase the number of TEN's a premises can hold annually from 12 to 15.
- Personal Licences – It is proposed to remove the requirement to renew personal licences
- 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.
- Late Night Refreshment – Late night refreshment is the supply of hot food or drink to the public between 23:00 and 05:00. 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.

- 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, club premises certificates, temporary event notices and personal licences.
- Exhibition of films – proposal to deregulate film exhibitions at ‘community premises’ subject to the following conditions:
  - Prior written consent for the entertainment to take 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 consist of no more than 500 persons
  - The entertainment takes place between 08:00 and 23:00 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

#### **4. BACKGROUND PAPERS**

Anyone wishing to inspect background papers should, in the first place, be directed to Committee & Electoral Services who will make the necessary arrangements.

**IMPLICATIONS**

**APPENDIX 1**

<b>Legal</b>	The Council must act in accordance with relevant legislation		
<b>Finance and Value for Money</b>	<p>There will be no financial loss from the 4 premises that are licensed purely for regulated entertainment as they are already exempt from paying fees.</p> <p>There could be an increase in the income raised from Temporary Events Notices if licensees take advantage of being able to 3 extra per premises.</p> <p>Only 20 premises are licensed purely for late night refreshment and most of these are located within the town centre and therefore unlikely to fall within the criteria for exemption from licensing.</p>		
<b>Risk Assessment</b>	There is the threat of an increase in noise nuisance complaints being received by the environmental protection team of the Council who will not be able to rely on conditions imposed on Premises Licences issued under the Licensing Act 2003 as a means of controlling noise pollution.		
<b>Equality Impact Assessment</b>	<b>Screening for Equality Impacts</b>		
	<b>Question</b>	<b>Answer</b>	<b>Explanation</b>
	a. Does the decision being made or recommended through this paper have potential to cause adverse impact or discriminate against different groups in the community?	<b>No</b>	
	b. Does the decision being made or recommended through this paper make a positive contribution to promoting equality?	<b>No</b>	
	c. What steps are you taking to mitigate, reduce, avoid or minimise the impacts identified above?		
<i>In submitting this report, the Chief Officer doing so is confirming that they have given due regard to the equality impacts of the decision being considered, as noted in the table above</i>			

<b>Corporate Business Plan</b>	There are links to Strategic Objective 1 – Community Wellbeing
<b>Crime and Disorder</b>	Licensing regulation provides the Council with a means of reducing crime and disorder as well as an ability to protect vulnerable persons