

BRIEFING NOTE

Deregulation Bill and Legislative Reform

1. Purpose of Briefing Note

- 1.1 Members of the Committee are asked to note the Legislative Reform (Entertainment Licensing) Order 2014 which came into force on 6 April 2015. This adds a few more exemptions to The Licensing Act 2003 relating to regulated entertainment.

2. Deregulation of Entertainment Licensing

- 2.1 Members will be aware that the following types of entertainment were previously licensable under The Licensing Act 2003:-

- A performance of a play
- An exhibition of a film
- An indoor sporting event
- A boxing or wrestling entertainment (both indoors and outdoors)
- A performance of live music
- Any playing of recorded music
- A performance of dance, and
- Entertainment of a similar description to a performance of live music, any playing of recorded music or a performance of dance.

The Licensing Act 2003 has four underlying “licensing objectives”: the prevention of crime and disorder, public safety, the prevention of public nuisance and the protection of children from harm.

2.2 The following activities no longer require a licence from 6th April 2015:-

Live Music: (no licence required for):-

- A performance of unamplified live music between 08:00 and 23:00 on any day, on any premises
- A performance of amplified live music between 08:00 and 23:00 on any day on premises licensed to sell alcohol ON the premises, provided that the audience does not exceed 500
- A performance of amplified live music between 08:00 and 23:00 on any day, in a workplace that is not licensed to sell alcohol on the premises, provided that the audience does not exceed 500.

- A performance of amplified live music between 08:00 and 23:00 on any day
 1. In a Church
 2. Village Hall
 3. Community Hall
 4. Or other similar community premises

That is not licensed by a premises licence to sell alcohol provided that the audience does not exceed 500 and the organiser get consent from a person responsible for the premises.

- A performance of amplified live music between 08:00 and 23:00 on any day, at the:-
 1. Non-residential premises
 2. Local authority
 3. School
 4. Hospital

Provided that the organiser gets consent on the relevant premises: the local authority concerned, the school or the health care provider for the hospital.

Recorded Music: (no licence required for):-

- Any playing of recorded music between 08:00 and 23:00 on any day on a premises that is licensed to sell alcohol ON the premises, provided that the audience does not exceed 500
- Any playing of recorded music between 08:00 and 23:00 on any day in a:-
 1. Church hall
 2. Village hall
 3. Community hall
 4. Or other similar community premises

That is not licensed by a premises licence to sell alcohol provided that the audience does not exceed 500 and the organiser get consent from a person responsible for the premises.

- Any playing of recorded music between 08:00 and 23:00 on any day, at the:-
 5. Non-residential premises
 6. Local authority
 7. School
 8. Hospital

Provided that the organiser gets consent on the relevant premises; the local authority concerned, the school or the health care provider for the hospital.

Plays:-

- Performances between 08:00 and 23:00 on any day, provided that the audience does not exceed 500

Dance:-

- Performances between 08:00 and 23:00 on any day provided that the audience does not exceed 500

Films:-

- a “not-for-profit” film exhibition held in a community premises between 08:00 – 23:00 on any day provided that the audience does not exceed 500 and the organiser gets consent from a person responsible for the premises and ensures that such screening abides by age classification ratings.

Indoor sporting event:-

- an event that takes place between 08:00 and 23:00 on any day provided that those present do not exceed 1000.

Boxing or Wrestling entertainment:-

- a contest, exhibition or display of Greco-Roman wrestling, or freestyle wrestling between 08:00 – 23:00 on any day, provided that the audience does not exceed 1000.

Cross activity exemptions; no licence is required between 08:00 and 23:00 on any day, with no limit on audience size for:-

- any entertainment taking place on the premises of the local authority where the entertainment is provided by or on behalf of the local authority
- any entertainment taking place on the hospital premises of the health care provider where the entertainment is provided by or on behalf of the health care provider
- any entertainment taking place on the premises of the school where the entertainment is provided by or on behalf of the school proprietor
- any entertainment (excluding films and a boxing or wrestling entertainment) taking place at a travelling circus, provided that:-
 1. it takes place within moveable structure that accommodates the audience

2. that the travelling circus has not been located on the same site for more than 28 consecutive days.

Any activities that take place before 08:00 or after 23:00 will require either a premises licence or a Temporary Event Notice.

2.3 One of the consequences of these changes is that, where a licence includes conditions that relate specifically to something that is now deregulated, those conditions are deemed to be suspended between the hours of 08:00 and 23:00. For example, a condition requiring doors and windows to be kept closed to prevent noise 'breakout' from recorded music will not be enforceable between 08:00 and 23:00.

2.4 However, the Licensing Authority, on considering an application for the review of a premises licence or club premises certificate, may determine that the suspension of conditions be lifted, or if such conditions are not on the licence, it may apply those conditions. This provision does provide a degree of safeguard to local communities; however there remain some potential implications arising from the deregulation.

2.5 The Licensing Authority are unsure of the impact that the new deregulations will cause at this stage, although In terms of the potential impact of activities on local residents, it is worth noting that noise legislation will still apply.

2.6 The intention of the Deregulations is:-

- to remove bureaucracy and cost from community entertainment activities and strengthen creativity and community participation
- to make it easier for schools, community groups and civil society organisations to put on cultural and sporting events by removing them from the entertainment licensing regime, and
- to grow the creative economy and remove burdens from small and medium businesses.

3. Other Deregulations

3.1 Personal licence renewals

The requirement to renew a personal licence has now been abolished with effect from 1st April 2015. Personal Licences will remain in effect continuously unless surrendered or revoked.

3.2 Sale of liqueur confectionery to children under 16: abolition of offence

The Deregulation Act has abolished the offence of selling liquor confectionary to children under 16 with effect from 26th May 2015, after that date, a person of any age can purchase liquor confectionary (Chocolate Liquors) in England and Wales

3.3 Requirement to report lost or stolen licences

The requirement to report lost or stolen licences to the police before applying for a duplicate licence has been abolished with effect from 26th May 2015

3.4 Temporary Event Notices

The limit on the number of temporary events that can be held at a premise will be increased from 12 to 15 per year with effect from 1st January 2016. This is unlikely to have any adverse impact on the workload of Licensing Officers and an insignificant impact on income.

4 Deregulation Proposals

4.1 The sale of alcohol at community events and ancillary business sales

This will allow businesses which only occasionally supply alcohol to do so without the need to hold a premises licence or apply for a Temporary Event Notice (TEN) Instead a Community and Ancillary Notice (CAN) will be served to the local authority which formally advises that Authority of the intention for alcohol to be supplied. There will be criteria set out in formal guidance (not yet published) about when this type of notice is appropriate.

4.2 Late Night Refreshment

Currently businesses selling hot food and drink after 11pm are required to hold a premises licence in order to do so. The Deregulation Bill seeks to give local authorities discretion to remove this requirement from certain areas. For example, it will be possible for local authorities to allow businesses outside the town centres to be exempt from licensing whereas those in the town centres might still require a licence.

Members are asked to note the above.

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