

Report to the *Licensing Committee*

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Update on Deregulation



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Background

Six amendments to the Licensing Act 2003 have been included on the Deregulation Bill that was introduced to Parliament at the end of January 2014.

The six areas include the following:

- Changes to the number of TENS permitted per year
- Abolishment of Personal Licences
- Liqueur Confectionery sales now permitted to under 16s
- Late night refreshment exemptions
- Report loss or theft of a licence
- Exhibition of films in community premises

However, during the consultation on deregulation in relation to personal alcohol licences and discussions with partners, a number of suggestions were made to further develop and tighten the existing system, rather than to deregulate it. The Government has welcomed these suggestions in the context of its consultation on proposed deregulation. Reforms to the licensing regime must be proportionate and cost effective. The Government has stated that it will maintain an on-going, open dialogue with its partners and ensure that any proposed changes to alcohol licensing continue to strike a balance between removing unnecessary bureaucracy for responsible businesses but maintaining important safeguards.

Details in relation to alcohol and entertainment deregulation contained within the January 2014 Bill:

38 Temporary event notices: increase in maximum number of events per year

(1) In section 107 of the Licensing Act 2003 (counter notice where permitted limits exceeded), in subsection (4) (maximum number of events per year), for “12” substitute “15”.

(2) The amendment made by this section has effect for the year 2016 and subsequent years.

39 Personal licences: no requirement to renew – NO LONGER GOING AHEAD

(1) In section 115 of the Licensing Act 2003 (period of validity of personal licence), in subsection (1), for the words after “A personal licence” substitute “has effect indefinitely.”

(2) The amendment made by subsection (1), and the consequential amendments made by Schedule 15, apply in relation to—

(a) a personal licence granted under section 120 of the Licensing Act 2003 on or after the day on which this section comes into force;

(b) a personal licence granted under section 120 of that Act before that day, or renewed under section 121 of that Act before that day, for a period expiring on or after that day.

(3) Accordingly, any term in a personal licence granted as mentioned in subsection (2)(b) which provides for it to have effect only for a particular period has no effect on or after the day on which this section comes into force.

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

Section 148 of the Licensing Act 2003 (sale of liqueur confectionery to children under 16) is repealed.

41 Late night refreshment

(1) Schedule 2 to the Licensing Act 2003 (provision of late night refreshment) is amended as follows.

(2) In paragraph 1(1) (definition of “provides late night refreshment”), in the words after paragraph (b), after “paragraph” insert “2A,”.

(3) After paragraph 2 insert—

“Exempt supplies: designated areas, descriptions of premises and times

“2A (1) The supply of hot food or hot drink is an exempt supply for the purposes of paragraph 1(1) if it takes place—

(a) on or from premises which are wholly situated in an area designated by the relevant licensing authority;

(b) on or from premises which are of a description designated by the relevant licensing authority; or

(c) during a period (beginning no earlier than 11.00 p.m. and ending no later than 5.00 a.m.) designated by the relevant licensing authority.

(2) A licensing authority may designate a description of premises under sub-paragraph (1)(b) only if the description is one that is prescribed by regulations.

(3) A designation under sub-paragraph (1) may be varied or revoked by the licensing authority that made it.

(4) A licensing authority that makes, varies or revokes a designation under sub-paragraph (1) must publish the designation, variation or revocation.

(5) In sub-paragraph (1) references to the “relevant licensing authority”, in relation to a supply of hot food or hot drink, are references to—

(a) the licensing authority in whose area the premises on or from which the food or drink is supplied are situated, or (b) where those premises are situated in the areas of two or more licensing authorities, any of those authorities.”

42 Removal of requirement to report loss or theft of licence etc to police

In the Licensing Act 2003, omit the following provisions (which impose requirements for the loss or theft of certain documents to be reported to the police before copies may be issued)—

(a) in section 25 (premises licence or summary), subsection (3)(b), and the “and” before it;

(b) in section 79 (club premises certificate or summary), subsection (3)(b), and the “and” before it;

(c) in section 110 (temporary event notice), subsection (4)(b), and the “and” before it;

(d) in section 126 (theft, loss, etc of personal licence), subsection (3)(b), and the “and” before it.

43 Exhibition of films in community premises

In the Licensing Act 2003, in Schedule 1 (provision of regulated entertainment), in Part 2 (exemptions), after paragraph 6 insert—

“Film exhibitions: community premises

6A (1) The provision of entertainment consisting of the exhibition of a film at community premises is not to be regarded as the provision of regulated entertainment for the purposes of this Act if the following conditions are satisfied.

(2) The first condition is that 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—

(a) from the management committee of the community premises, or

(b) where there is no management committee, from—

(i) a person who has control of the community premises (as occupier or otherwise) in connection with the carrying on by that person of a trade, business or other undertaking (for profit or not), or (ii) where there is no such person, an owner of the community premises.

(3) The second condition is that the entertainment is not provided with a view to profit.

(4) The third condition is that the entertainment takes place in the presence of an audience of no more than 500 persons.

(5) The fourth condition is that the entertainment takes place between 8am and 11pm on the same day.

(6) The fifth condition is that the film classification body or the relevant licensing authority has made a recommendation concerning the admission of children to an exhibition of the film and—

(a) where a recommendation has been made only by the film classification body, the admission of children is subject to such restrictions (if any) as are necessary to comply with the recommendation of that body;

(b) where a recommendation has been made only by the relevant licensing authority, the admission of children is subject to such restrictions (if any) as are necessary to comply with the recommendation of that authority;

(c) where recommendations have been made both by the film classification body and the relevant licensing authority, the admission of children is subject to such restrictions (if any) as are necessary to comply with the recommendation of the relevant licensing authority.

(7) In sub-paragraph (6) the reference to the “relevant licensing authority”, in relation to the exhibition of a film at particular community premises, is a reference to—

(a) the licensing authority in whose area the premises are situated, or

(b) where the premises are situated in the areas of two or more licensing authorities, those authorities or (as the context requires) such of those authorities as have made a recommendation.

(8) In this paragraph—

“children” and “film classification body” have the same meaning as in section 20; “owner”, in relation to community premises, means—

(a) a person who is for the time being entitled to dispose of the fee simple in the premises, whether in possession or in reversion, or

(b) a person who holds or is entitled to the rents and profits of the premises under a lease which (when granted) was for a term of not less than 3 years.”