

**TO: LICENSING AND SAFETY COMMITTEE**  
**10 OCTOBER 2013**

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**DEREGULATION OF ENTERTAINMENT AND ALCOHOL LICENSING**  
**Chief Officer: Environment and Public Protection**

**1 INTRODUCTION**

1.1 This report highlights further deregulation of entertainment licensing which took effect from 27 June 2013, and proposed further changes to the Licensing Act 2003.

**2 SUPPORTING INFORMATION**

2.1 Further to the deregulation implemented last year as a result of the Live Music Act 2012 (the 2012 Act), additional changes have been made by the Licensing Act 2003 (Descriptions of Entertainment) (Amendment) Order 2013 (the 2013 Order).

2.2 The effect of the 2012 Act and the 2013 Order is that the following activities are no longer licensable when they take place between 08:00 and 23:00 on any day:

- A performance of a play in the presence of any audience of no more than 500 people
- An indoor sporting event in the presence of any audience of no more than 1000 people
- A performance of dance in the presence of any audience of no more than 500 people
- Live music, where the live music comprises:
  - i) A performance of unamplified live music
  - ii) A performance of live amplified music in a workplace with an audience of no more than 200 people
  - iii) A performance of live music on licensed premises (open for the sale of alcohol for consumption on the premises) which takes place in the presence of an audience of no more than 200 people

2.3 There are also significant changes to certain public and community venues in which entertainment activities are deregulated. Local authority, hospitals, nurseries and school premises (not higher education) where the event is hosted by the organisation and takes place on the premises are exempt between 08:00 and 23:00 with no audience limit. Local authority, hospitals, nurseries and school premises (not higher education) where the event is organised by others with the permission of the local authority, plus community premises such as village halls and church halls have live and recorded music exempted between 08:00 and 23:00 for audiences up to 500. Also, circuses have live and recorded music, plays, dance and indoor sport exempted between 08:00 and 23:00 with no audience limits.

2.4 Exhibitions of dance of an adult nature will not be deregulated, nor will recorded music or any regulated entertainment not falling within the above.

2.5 In addition to these changes which have already taken place, the Home Office has published a consultation with the aim of cutting red tape for businesses without undermining important safeguards against alcohol-related harm. It has already been announced that the system will be changed to remove the requirement to renew

## Unrestricted

personal licences issued under the Licensing Act 2003 (the 2003 Act). The new proposal is to abolish personal licences altogether.

- 2.6 The Government's view is that the personal licence system is poorly targeted and ineffective. All premises which sell alcohol are required to have a Designated Premises Supervisor, who must hold a personal licence. The view is that is not appropriate for all licensed premises. There is a cost incurred by applicants for a personal licence in respect of training, criminal checks and the licence fee itself.
- 2.7 There are four parts to the proposed change:
- i) Amend the mandatory conditions to require all alcohol sales to be authorised by the DPS, rather than a personal licence holder;
  - ii) Allow the police to object under s.37 of the 2003 Act to a new DPS based on the crime prevention objective in general, rather than only in 'exceptional circumstances';
  - iii) Allow licensing authorities to require a criminal records declaration with each new change of a DPS; and
  - iv) Allow those who either are named as the DPS on a premises licence or have accredited training to give up to 50 Temporary Event Notices (TENs) a year; others would be limited to giving only five.
- 2.8 The Government recognises that the safeguards afforded by personal licences, namely training and criminal records checks, are important tools that may be appropriate in specific cases. However, conditions added to premises licences could provide a better and more targeted way of applying these safeguards. So for example, the condition may be recommended and/or imposed on premises at high risk in respect of sales of alcohol to underage persons. It is proposed that the national benchmarks for training and criminal records checks would remain in place to ensure consistency of standards.
- 2.9 There are further changes to the Licensing Act 2013 which are still being discussed, such as increasing the limit for temporary event notices from 12 to 15, deregulation of community film exhibition and introducing a brand new authorisation for community and ancillary sellers of alcohol.

### Background Papers

Licensing Act 2003 (Descriptions of Entertainment) (Amendment) Order 2013

Live Music Act 2012

Home Office Consultation: Personal Alcohol Licences: Enabling Targeted, Local Alternatives

### Contact for further information

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