

TO: LICENSING AND SAFETY COMMITTEE
11 JUNE 2015

LICENSING ACT 2003: DEREGULATION UPDATE
Chief Officer: Environment and Public Protection

1 INTRODUCTION

- 1.1 This report highlights recent deregulation of activities previously licensable under the Licensing Act 2003 ("the Act") which regulates the sale of alcohol, the provision of late night refreshment and regulated entertainment.

2 SUPPORTING INFORMATION

Deregulation of entertainment licensing

- 2.1 A Legislative Reform Order ("LRO") to amend the provisions of the Act to deregulate certain types of regulated entertainment in defined circumstances came into force on 6 April 2015. The LRO amended the Act as follows:

Cross-activity exemption

The provision of regulated entertainment by or on behalf of local authorities, health care providers, or schools on their own premises is now exempt from licensing between 08.00-23.00, with no audience limit.

Live music in relevant alcohol licensed premises and workplaces

The audience limit for a performance of live amplified music in alcohol licensed premises or in a workplace between 08.00-23.00 has been raised from 200 to 500.

Recorded music in relevant alcohol licensed premises

Any playing of recorded music in relevant alcohol licensed premises between 08:00-23:00 is now deregulated for audiences of up to 500 [NB there is no deregulation for recorded music in workplaces, so this differs from live music].

Live and recorded music exemptions

Local authorities, health care providers and schools are now exempt from entertainment licensing when making their own premises available to third parties for live and recorded music between 08:00-23:00 for audiences of up to 500.

Community premises not licensed to supply alcohol are now exempt from entertainment licensing requirements for live and recorded music between 08:00-23:00 for audiences of up to 500.

Travelling circuses

Travelling circuses are now 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, with no audience limit provided it takes place within a moveable structure that accommodates the audience.

Greco-Roman and freestyle wrestling

Greco-Roman and freestyle wrestling is now deregulated between 08:00-23:00 for audiences of 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 now exempt from licensing.

- 2.2 A guidance document is currently being developed by Berkshire Licensing Liaison Group to circulate to schools and community groups to ensure they are fully aware of the changes to the Act.

Personal licence deregulation

- 2.3 Under the Act, personal licence holders are able to sell alcohol and directly authorise others to make sales. Most premises holding a premises licence under the Act require a personal licence holder to hold the post of Designated Premises Supervisor as a mandatory condition on the premises licence.
- 2.4 The requirement to renew personal licences every 10 years was abolished with effect from 1 April 2015. All new licences issued from 1 April 2015, plus re-issued licences, shall bear no expiry date.
- 2.5 Safeguards will remain, as a personal licence holder convicted of a relevant offence is required to tell the Court if they have a personal licence pursuant to section 128 of the Licensing Act 2003. The Courts will retain powers to forfeit a personal licence if the holder is convicted of a relevant offence.

Other changes

- 2.6 The offence of selling liqueur confectionery to children under 16 has been repealed with effect from 26 May 2015. After that date a person of any age can buy liqueur confectionery in England and Wales.
- 2.7 The limit on the number of temporary events that can be held at a single premises will increase from 12 to 15 per year from 1 January 2016.
- 2.8 The proposed introduction of Community and Ancillary Seller Notices (which would have allowed particular low-risk businesses, such as bed and breakfast providers, and community groups to sell alcohol) and changes to late night refreshment licensing require secondary legislation. Parliamentary time has now run out to implement this, so it will have to be looked at by the new Government.

3 EQUALITIES IMPACT ASSESSMENT

- 3.1 None.

4 STRATEGIC RISK MANAGEMENT ISSUES

- 4.1 None.

Background Papers

None

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