

## CHANGES TO THE LICENSING ACT 2003

<b>Committee</b>	Licensing Committee
<b>Officer Contact</b>	Stephanie Waterford, Residents Services
<b>Papers with report</b>	Appendix 1 - Regulations relating to Community and Ancillary Sellers
<b>Ward(s) affected</b>	All

### SUMMARY

To inform Licensing Members of the recent changes to Licensing legislation.

### RECOMMENDATION

**That the Licensing Committee note the update**

### INFORMATION

#### *The Legislative Reform (Entertainment Licensing) Order 2014*

At the meeting of the full Licensing Committee in January 2015, Members were briefed on the changes to regulated entertainment which took effect on 6<sup>th</sup> April 2015.

The Order generally exempts the following, up to 11pm, for an audience of up to 500:

1. Live music in relevant alcohol licensed premises and workplaces.
2. Recorded music in relevant alcohol licensed premises (not workplaces).
3. Live and recorded music held by 3rd parties in schools, hospitals, local authority and community premises.
4. Travelling circuses (no audience limit).
5. Incidental films (where the film is incidental to another activity which is not itself description of regulated entertainment, e.g. drinking or eating).
6. The provision of entertainment by or on behalf of local authorities, health care providers or schools on their own defined premises (no audience limit).
7. Greco-Roman and freestyle wrestling (audience of 1000).

#### *The Deregulation Act 2015*

#### **Community Events and Ancillary Sellers -**

The Community and Ancillary Sellers Notice (CAN) will be a new, light touch, low cost authorisation under the Licensing Act 2003 which will benefit particular small businesses and community groups who wish to sell or provide small amounts of alcohol in limited circumstances as an ancillary part of a wider service or an organised event, without any other form of licensing authorisation.

Community organisations such as charities and 'non-profit' voluntary groups carrying out activities in the local area with a named CAN user who will act on behalf of the community

group and 'ancillary sellers' of alcohol such as B&Bs and other small accommodation providers. The full regulations relating to Community Sellers and Ancillary Sales are annexed to this report as Appendix 1.

For a relatively low, one-off fee a CAN user will be able to sell a limited amount alcohol over the course of three years between the hours of 7am and 11pm.

- Community group users will be able to name up to three premises at which they intend to provide alcohol at organised events, with a maximum of 300 attendees. The alcohol sold at the event must also be ancillary to the main purpose of the event (such as a glass of wine at a play or with a lunch).
- Ancillary business sellers will name a single premises at which they will be making sales of alcohol. The sales must be ancillary to the goods or main service being provided and the alcohol must be consumed on the premises unless regulations provide otherwise. An example is a drink for paying guests at a B&B, although alcohol limits and circumstances of use for different groups will be set out in regulations.

#### **Personal Licences - no need to renew**

Personal Licences used to expire after a period of 10 years and required renewing. After 1<sup>st</sup> April 2015, there will be no need to renew a personal licence as they will be valid indefinitely. Existing Personal Licence holders will be told of the changes.

#### **Temporary Event Notices - Increase in numbers permitted**

From the beginning of 2016, applicants will be able to submit 15 TEN's per calendar year compared to the previously permitted 12 notices.

#### **Late Night Refreshment**

New powers for Licensing Authorities to exempt supplies of late night refreshment in certain designated areas, certain times or for specific types of premises. The Local Authority may make an order to specify these exemptions.

#### **Exhibition of Films in Community Premises**

From 6<sup>th</sup> April 2016, film exhibitions will be exempt from authorisation provided that the following conditions are met;

- Prior written consent must be obtained from either the premises management committee or the owner of the community premises
- The entertainment cannot be provided with a view to a profit
- The audience must not exceed 500 persons
- The entertainment must take place between 8am and 11pm on the same day
- The film classification must be adhered to and access by children strictly controlled where the age classification requires it.

#### **Deregulation of certain offences**

- The offence of 'sale of liqueur confectionary to children' is repealed
- The offence of 'requirement to report loss or theft of a personal licence to police' is repealed.

*New Guidance issued under S182 of the Licensing Act 2003*

In line with the most recent changes to licensing legislation, the government has revised the Guidance issued under S182 of the Licensing Act 2003, effective from 27<sup>th</sup> March 2015.

Members will be provided with a pdf of the new guidance after this meeting.