

COMMITTEE:	CENTRAL LICENSING COMMITTEE
DATE:	22 JUNE 2015
TITLE:	AMENDMENT TO THE LICENSING ACT 2003: THE DEREGULATION ACT 2015
PURPOSE:	FOR INFORMATION
AUTHOR:	HEAD OF REGULATORY DEPARTMENT

1.0 BACKGROUND INFORMATION

- 1.1 The Deregulation Act 2015 received Royal Assent on 26 March 2015. The Deregulation Act provides for the removal or reduction of burdens on businesses, individuals, public sector bodies and individuals.
- 1.2 The Deregulation Act 2015 covers a very wide range of measures and includes measures that affect 'Alcohol, sport and entertainment' and specifically the Licensing Act 2003.

2.0 THE DEREGULATION ACT 2015

- 2.1 The deregulatory measures affecting the Licensing Act 2003 are:
- S67 – Sale of alcohol: community events etc and ancillary business sales
 - S68 – Temporary event notices: increase in maximum number of events per year
 - S69 – Personal licence: no requirement to renew
 - S70 – Sale of liqueur confectionery to children under 16: abolition of offence
 - S71 – Late night refreshment
 - S72 – Removal of requirement to report loss or theft of licence etc to police
 - S76 – Exhibition of films in community premises

3.0 THE DEREGULATION ACT 2015 (COMMENCEMENT No.1 and Transitional and Savings Provisions) Order 2015

- 3.1 The Deregulation Act 2015 (Commencement No.1 and Transitional and Savings Provisions) Order 2015 was made on 27 March 2015. It specified which provisions of the Deregulation Act 2015 would come into force on the dates specified. The dates relevant to the measures affecting the Licensing Act 2003 were as follows:-

3.2 From 1 April 2015

S69 – Personal licence: no requirement to renew
Section 69 amends section 115 of the Licensing Act 2003 to remove the requirement on personal licence holders to apply to renew their personal licences every 10 years, and to render the duration of personal licences indefinite.

3.3 From 6 April 2015

S76 – Exhibition of films in community premises
Section 76 inserts a new exemption from the descriptions of regulated entertainment in Schedule 1 to the Licensing Act 2003. Exhibitions of films in community premises are not regulated entertainment requiring prior licensing authorisation to the extent that they meet all of the conditions set out in the section. (Section 76 comes into force on 6th April 2015 so as to coincide with other changes to regulated entertainment that also come into force on that day.)

3.4 From 26 May 2015

S68 - Temporary event notices: increase in maximum number of events per year
Section 68 amends section 107 of the Licensing Act 2003 so as to increase from 12 to 15 the maximum number of events per year for which a temporary event notice on the same premises may be given. The increased limit will apply for calendar years from 1st January 2016.

S70 – Sale of liqueur confectionery to children under 16: abolition of offence
Section 70 repeals section 148 of the Licensing Act 2003 thereby abolishing the offence of selling liqueur confectionery to children under the age of 16.

S72 – Removal of requirement to report loss or theft of licence etc to police
Section 72 removes from the Licensing Act 2003 requirements to report the loss or theft of a premises licence, club premises certificate, temporary event notice or personal licence to the police before a replacement copy may be applied for from the licensing authority.

3.5 The Commencement Order did not specify the dates on which the following provisions would come into force.

S67 – Sale of alcohol: community events etc and ancillary business sales

S71 – Late night refreshment

4.0 IMPACT OF THE DEREGULATION ACT 2015

4.1 The impact of the changes coming into force following the Deregulation Act 2015 (Commencement No.1 and Transitional and Savings Provisions) Order 2015 on the workload of the Licensing Unit will be minimal. All Personal licences issued by Gwynedd Council were due to expire from June 2015 onwards however, the requirement to renew was removed in April 2015.

4.2 However, the commencement of ‘S67 – Sale of alcohol: community events etc and ancillary business sales’ and ‘S71 – Late night refreshment’ are likely to have greater impact.

S67 – Sale of alcohol: community events etc and ancillary business sales

This section introduces a new form of authorisation (“Part 5A notice”) into the 2003 Act to enable prescribed bodies (e.g. community organisations or small businesses which sell alcohol as an ancillary part of a wider service) to sell alcohol without having to use one of the existing forms of authorisation under the 2003 Act. The notice will be for a period of 36 months and allows the sale of alcohol for consumption on the premises between 7:00am and 11:00pm. The government’s purpose is to create a lighter touch authorisation to reduce burdens on those persons or bodies.

S71 – Late night refreshment

This section inserts new paragraph 2A into Schedule 2 to the 2003 Act to grant powers on a licensing authority to exempt a supply of hot food or hot drink from the requirements in Schedule 2 in three respects.

A supply of hot food or hot drink is exempt if it takes place

(a) on or from premises situated in an area in the relevant licensing authority’s area designated by the authority;

- (b) on or from premises in a relevant licensing authority's area of a description designated by the authority; and
- (c) during a period (beginning on or after 11pm and ending on or before 5am) designated by the relevant licensing authority in its area.

- 4.3 It is not yet known the number of community events and ancillary businesses that will make use of the Part 5A Notice. The fee for a Part 5A Notice will be prescribed. The applicant will submit a Part 5A Notice to the licensing authority along with the prescribed fee. The Police or Environmental Health service may object to the Part 5A Notice and a counter notice may be issued the licensing authority. (The process has many similarities to the processing of Temporary Event Notices.)
- 4.4 With regard to S71 – Late night refreshment , the licensing authority may designate areas within the authority to exempt the supply of hot food or hot drink from the requirements, e.g. industrial estates. It may designate a description of the premises in the designated areas and may exempt the supply in the designated area at specific a time between 11pm and 5am, e.g. exempt supplies from 11pm and midnight.

5.0 RECOMMENDATION

- 5.1 That the Committee note the recent changes to the Licensing Act 2003 following the commencement of the provisions of the Deregulation Act 2015 and note that commencement dates for the two major changes have not yet been specified.