

Legislative Changes Summary - Review of the Statement of Licensing Policy 2015

Policing and Crime Act 2009 – Royal Assent November 2009 – in effect January, March, April 2010

This Act had the following effect:

- Amended the Mandatory licensing conditions attached to licences for alcohol, age policy, irresponsible promotions, smaller measures, free tap water
- Allowed Cllrs to make representations
- Amended offence of persistently selling alcohol to children (from 3 to 2 occasions)
- By adopting section 27 of the Act it required premises which offer 'adult entertainment' on a frequent basis (more than 11 occasions in a calendar year) to hold a Sexual Entertainment Licence under Schedule 3 of the Miscellaneous Provisions Act 1982.

This Policy was adopted by Peterborough City Council on 02 December 2010 with an effective commencement date of 08 February 2011.

Police Reform and Social Responsibility Act 2011 – received Royal Assent on 15th September 2011 – in effect 22 March 2012

This Act amended the Licensing Act 2003 by:

- making two new Responsible Authorities, the Licensing Authority and Local Health Board or PCT.
- Interested Party definition removed by removing the vicinity test, anyone can make a rep and they are referred to as 'Any other persons'
- Requires licensing authorities to advertise a notice of the application on its website.
- Reducing evidential burden on licensing authorities by replacing the word necessary with appropriate throughout the Act. The wording change allows more scope in decision making without the requirement to prove it is necessary, only that it is appropriate
- Introduction of Pollution control as a consultee on TEN's, rather than just the police. Relevant persons (Police and Pollution) expands the ability for either to make reps on any objective not just crime and disorder.
- Introduction of Late TEN's, received between 5 and 9 working days prior to the event. No conditions can be applied.
- Ability to attach conditions from a premises licence (where applicable) to a standard TEN
- Extension of how long a TEN can take place, from 96 hours (4 days) to 168 hours (7 days)
- Increase the overall days for a TEN on a premises from 15 days (pa) to 21 days per annum total amount of TEN apps at premises remained at 12
- Increase of penalties for persistently selling alcohol to children fine from £10,000 to £20,000 and closure minimum 48 hours to maximum 336 hours (14 days)
- Suspension of licence or CPC for failing to pay annual fee, 21 day grace period.
- Extended the period for revising policy from three years to five years
- Addition of extra relevant offences in relation to personal licences
- Introduction of EMRO's Early morning restriction orders. Must be agreed by full council, allows councils the ability to restrict the sale of alcohol between the hours of midnight and 6am, or part thereof.
- Ability to adopt late night levy, if adopted it imposes a requirement for premises that sell alcohol between the midnight and 6am to pay a levy. Minimum of 70% of funds raised must go to the police.
- Power for Licensing Authorities to set fees – NOT YET COMMENCED

Live Music Act 2012 – received Royal Assent on 8th March 2012 – in force 1/10/12

This Act amended the Licensing Act 2003 by:

- Deregulation of the provision of entertainment facilities
- partially deregulating the performance of live music.
- Unamplified live music taking place between 8am and 11pm in all venues is deregulated
- Amplified live music between 8am and 11pm before an audience of no more than 200 persons on premises authorised to sell alcohol for consumption on the premises and for workplaces and Late night refreshment is deregulated.

- The deregulation can be overturned via review process, if premises are not upholding the objectives, the licence can be reviewed and the committee can impose enforceable conditions.

Anti-Social Behaviour, Crime and Policing Act 2014 – received Royal Assent March 2014 - in effect October 2014

This Act amended the Licensing Act 2003 by:

- Repealed sections 161 to 166 (Closure of identified premises) and replaces with Closure Notices and Closure Orders for premises associated with nuisance or disorder, not just restricted to licensed premises.
- Also DPPO's (Designated Public Places Orders) will become PSPO's (Public Spaces Protection Orders)

Statutory Instrument 2014/1252 – The Licensing Act 2003 (Mandatory Conditions) Order 2014 – in effect May 2014

- Introduced below cost selling of alcohol

Statutory Instrument 2014/2440 – The Licensing Act 2003 (Mandatory Licensing Conditions) (Amendment) Order 2014 – in effect October 2014

- Further amended the Mandatory conditions in regards to irresponsible promotions, removed 'loophole' for irresponsible promotions and provision of table meals, free potable water etc.

Deregulation Act 2015 – Royal Assent March 2015 – Some provisions have not yet received a commencement order

- Introduction of a new authorisation called CAN (Community and Ancillary Sellers Notice) will allow non-profit community premises and ancillary sales of alcohol, proposed three year authorisation for low risk premises within certain restrictions and regulations. NOT YET COMMENCED
- Increase of permitted TEN's at a premises from 12 to 15 per year from 2016
- Amended the period of time a personal licence is valid – now last indefinitely
- Repeals section 148 offence of selling liqueur confectionary to under 16's
- Amendment to LNR (Late Night Refreshment) will allow Local Authorities discretion to exempt LNR as a licensable activity in certain places or, for certain premises or, within certain hours. Policy will need to be adopted. NOT YET COMMENCED
- Removed the requirement to report a lost licence as lost or stolen to the police.
- Exhibition of a film in community premises exempt in certain circumstances, not for profit, capacity limit 500 between 8am and 11pm

Statutory Instrument 2014/3253 – The Legislative Reform (Entertainment Licensing) Order 2014 - In effect 6 April 2015.

- Further deregulated entertainment where the entertainment is by or on behalf of 'Trusted Providers' e.g. health care providers, local authorities and School proprietors. The provision of any entertainment is deregulated if it takes place between 08.00 and 23.00
- Deregulated live and recorded music for community premises where there is no alcohol licence in place, up to 500 people between 8.00 and 23.00
- Deregulated entertainment for travelling circuses, between 8.00 and 23.00 within the movable structure, unless entertainment is a film or boxing and wrestling.
- Deregulated Greco-Roman wrestling and freestyle-wrestling audience up to 1000 between 8.00 and 23.00 inside a premises.
- Increase of capacity for live music where there is an authorisation for on sales, or a workplace from 200 to 500
- Recorded music deregulated where there is an authorisation for on sales, if it takes place between 08.00 and 23.00 with an audience limit of 500