

**Licensing and Safety Committee**

**Report of the Director of Corporate Resources – 12<sup>th</sup> April 2012**

**Changes to the Licensing Act 2003**

**Purpose of Report**

1. To inform the Committee of the effect of The Live Music Act 2012 and The Police Reform and Social Responsibility Act 2011 on the Licensing Act 2003.

**Background**

2. The Live Music Act 2012, which was a Private Members Bill with Government support, received Royal Assent on the 23<sup>rd</sup> March 2012 with the expectation that it will come into effect on the 1<sup>st</sup> October 2012.
3. This Act will remove the licensing requirements for:-
  - Amplified live music between 8.00am and 11.00pm before audiences of no more than 200 people on premises authorised to sell alcohol for consumption on the premises.
  - Amplified live music between 8.00am and 11.00pm before audiences of no more than 200 people in workplaces not otherwise licensed under the 2003 Act (or licensed only for the provision of late night refreshment); and
  - Unamplified live music between 8.00am and 11.00pm in all venues.
4. Where premises continue to operate licensable activities (such as the sale of alcohol), any conditions relating to the activity set out in paragraph 3 of this report will be suspended unless they have been added following a licence review. It would also be possible to reinstate or impose conditions about live music following a review of a premises licence or club premises certificate relating to premises authorised to supply alcohol for consumption on the premises.
5. The Live Music Act will also remove licensing requirements for the provision of entertainment facilities. In addition, it will widen the licensing exemption for live music integral to a performance of morris dancing or dancing of a similar type, so that the exemption applies to live or recorded music instead of unamplified live music.

6. The government intends to consult on the implementation of the Act before issuing guidance under section 182 of the Licensing Act 2003.
7. The consultation responses to the wider de-regulation and reforms of entertainment licensing are still under consideration.
8. The Police Reform and Social Responsibility Act 2011 which introduces a number of alcohol licensing reforms to the Licensing Act 2003 is expected to come into effect in April 2012, with the exception of the early morning alcohol restriction orders, the late night levy and locally set fees, which will require complex secondary legislation. (At the time of writing this report the exact date was unknown).
9. The significant measures intended for April 2012 will include:-
  - Licensing Authority becomes a Responsible Authority in its own right ;
  - Lowering the evidence threshold or decision making;
  - Health bodies become responsible Authorities;
  - Allowing licensing authorities to suspend premises licences due to non-payment of annual fees;
  - Allowing Environmental Health Officers to object to a Temporary Event Notice and extending the grounds of objection to all four licensing objectives.
10. Making the Licence Authority a Responsible Authority will give it stronger powers to remove licences from, or refuse to grant licences to, premises that are causing problems without having to wait for the police or another responsible authority. The Home Office will be writing to all local authorities in greater detail about these changes shortly.
11. The government has also announced that they have no plans to introduce extensions to licensing hours for the Olympic or Paralympic Games although they do acknowledge that there may be an increase in the number of Temporary Notice applications.

## **Finance**

12. There could be additional revenue to the Council through the mandatory penalty for none payment of annual fees.

## **Law**

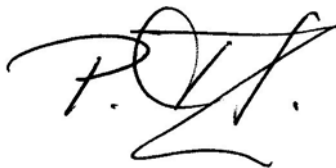
13. The Licensing Act 2003 governs the licensing of liquor, regulated entertainment and late night refreshment and is amended by the Police and Social Responsibility Act 2011 and when enacted The Live Music Act 2012.

### **Equality Impact**

14. This report takes into account the Council's policy on equal opportunities.
15. Liquor licensing has an impact on young people through their attendance at licensed premises.
16. There has been no consultation or involvement of children and young people in compiling this report.

### **Recommendation**

17. That the Committee note the changes to the Licensing Act 2003 contained in this report.

A handwritten signature in black ink, appearing to be 'J. Elliott', written in a cursive style.

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DIRECTOR OF CORPORATE RESOURCES

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### **List of Background Papers**