

LICENSING AND SAFETY COMMITTEE

24 MARCH 2015

LICENSING ACT 2003 - CHANGES IN LEGISLATION

Report from: Perry Holmes - Assistant Director (Legal & Corporate Services)

Author: Alison Poulson - Licensing & Local Land Charges Manager

Summary

The purpose of this report is to update Members of the Licensing and Safety Committee on changes in legislation effective from April 2015.

1. Budget and Policy Framework

1.1 The Council's statement of licensing policy in respect of its functions under the Licensing Act 2003 refers to the mandatory conditions.

2. Background

2.1 The purpose of this report is to update the Licensing and Safety Committee on further changes in legislation.

3. Changes in Legislation

3.1 The Legislative Reform (Entertainment Licensing) Order 2014 will come into force on **06 April 2015**, deregulating from the Licensing Act 2003 certain entertainment activities in defined circumstances:

A breakdown of entertainment that will no longer be licensable and those that will with effect from 6 April 2015 can be found at **Appendix A**

4. Risk Management

4.1 It is important that the Licensing & Safety Committee is kept fully informed of issues in respect of licensing matters.

5. Financial and legal implications

5.1 There are no direct financial implications arising from this report

5.2 The Council has produced its Statement of Licensing Policy as required by the Licensing Act 2003

6. Recommendations

6.1 That the Committee notes the changes in legislation.

Lead officer contact

Alison Poulson, Licensing and Local Land Charges Manager
Telephone No: 01634 332774 Email alison.poulson@medway.gov.uk

Background papers

None

Live Music – from 06 April 2015

- Live **unamplified** music deregulated between 08:00-23:00 on any premises
- Live **amplified** music deregulated between 08:00-23:00 provided the audience does not exceed 500

However live music can become licensable in on-licensable premises if the licensing authority removes the effect of the deregulation following a licence review (“licence review mechanism”)

Recorded Music – from 06 April 2015

- Recorded music deregulated between 08:00 and 23:00 in on-licensed premises provided the audience does not exceed 500

However recorded live music can become licensable if the licensing authority removes the effect of the deregulation following a licence review (“licence review mechanism”)

Unlike live music – deregulation of recorded music does not apply to workplaces

New exemptions – 06 April 2015

- Local Authorities
- Schools
- Hospitals
- Community Premises
- Circuses
- Greco-Roman or freestyle wrestling
- Incidental film

Local authority new exemptions – from 06 April 2015

Live music or recorded music between 08.00 and 23.00 at the non-residential premises of a local authority provided that

- (a) the audience does not exceed 500, and
- (b) the organiser gets consent for the performance on the relevant premises from the local authority concerned

Any entertainment provided by or on behalf of a local authority on their own premises between 08:00 and 23:00

Health new exemptions – from 06 April 2015

Live music or recorded music between 08.00 and 23.00 on hospital premises provided that

- (a) the audience does not exceed 500, and
- (b) the organiser gets consent for the performance on the hospital premises from the healthcare provider concerned

Any entertainment provided by or on behalf of a health care provider on their own hospital premises between 08:00 and 23:00

Schools new exemptions - from 06 April 2015

Live music or recorded music between 08.00 and 23.00 on school premises provided that:

- (a) the audience does not exceed 500, and
- (b) the organiser gets consent for the performance on the premises from the school proprietor concerned

Any entertainment provided by or on behalf of a school proprietor on their own school premises between 08:00 and 23:00

Community premises – new exemption from 06 April 2015

Live music or recorded music between 08.00 and 23.00 in a:

- church hall,
- village hall,
- community hall or other similar community premises

that is not licensed to sell alcohol provided that:

- (a) the audience does not exceed 500, and
- (b) the organiser gets consent for the performance from a person who is responsible for the premises.

Travelling circuses - new exemption from 06 April 2015

Any entertainment (excluding films and a boxing or wrestling entertainment) taking place at a travelling circus, provided:

- (a) it takes place within a moveable structure that accommodates the audience, and
- (b) that the travelling circus has not been located on the same site for more than 28 consecutive days

Olympic wrestling disciplines – new exemption from 06 April 2015

A contest, exhibition or display of **Greco-Roman wrestling, or freestyle wrestling** deregulated between 08:00 and 23:00, provided that the audience does not exceed 1000

Incidental Film

Incidental film - an exhibition of moving pictures if it is incidental to some other entertainment activity

Depends on the facts in each case

Does the appearance of moving pictures within another activity, for which no licence is required undermine the promotion of the licensing objectives?

Exhibition of films in community premises

From 06 April 2015? Community film measure dependent on Royal Assent of Deregulation Bill

No licence required for '**not-for-profit**' film exhibition held in **community premises** between 08.00 and 23:00 provided that the audience does not exceed 500 and the organiser

- (a) gets consent to the screening from a person who is responsible for the premises; and
- (b) ensures that each such screening abides by **age classification ratings**

Summary: What will still be licensable?

Any entertainment activity after 11pm at night

- Most forms of entertainment activity in the presence of an audience of more than 500 people (with a few exceptions).

- Any sexual entertainment