

LICENSING AND SAFETY COMMITTEE

28 OCTOBER 2015

LICENSING ACT 2003 - CHANGES IN LEGISLATION

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Summary

The purpose of this report is to update members of the Licensing and Safety Committee on changes in legislation effective from 5 November 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.
- 1.2. The Chairman has agreed to accept this report as urgent because the changes to the regulations on late night refreshments laid before Parliament on 15 October take effect from 5 November 2015 and the next meeting of this Committee will not take place until 22 December 2015. The report could not be despatched with the agenda as officers needed time to fully consider the legislation alongside the guidance on the licensing of late night refreshment issued in October 2015.

2. Background

- 2.1 The purpose of this report is to update the Licensing and Safety Committee on further changes in legislation in respect of Late Night Refreshments following on from the Deregulation Act 2015.

3. Changes in Legislation

- 3.1 The Licensing Act 2003 (Late Night Refreshment) Regulations 2015 will come into force on **5th November 2015**, which provides a list of prescribed premises which a Licensing Authority may exempt from the requirement under the licensing Act 2003 for the provision of late night refreshment. The list includes premises such as:

- Motorway Service areas;
- Premises used for the retail of petrol & derv

- Licensed premises authorised to sell by retail alcohol for consumption on the premises between 23:00 and 05:00
- Schools and Local Authority premises where no more than 500 people are present (non domestic premises)
- Community premises and hospitals subject to certain requirements

The Licensing Authority can also decide to exempt premises within a certain area from the requirements to licence late night refreshment, and also change the hours (normally 23:00 to 05:00) during which premises will require a licence, so as to relax those hours to a greater extent. These matters however are for the Licensing Authority's discretion rather than prescribed in any Regulations.

A copy of the Home Office Guidance on the licensing of late night refreshments 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 or legal implications arising from this report, however, any decision to exempt or relax the late night refreshments will have a financial impact in respect of premises solely licensed for late night refreshments. This would result from reduced income due to no longer needing a licence and also if the Council decides to refund in part or full any licence payments already made if such a decision is taken.

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

6. Options

- 6.1. Option 1 – To do nothing
- 6.2. Option 2 – To instruct officers to adopt the prescribed list of exemptions listed at 3.1, amend the relevant appendices of the statement of licensing policy accordingly
- 6.3. Option 3 – To instruct officers to investigate areas and/or change of hours exemptions and report back to this committee.

7. Recommendations

- 7.1 The Committee is asked to consider this matter and instruct officers accordingly.

Lead officer contact

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Background papers

None