

Licensing Committee Report

Meeting:	Licensing Committee
Date:	9 July 2014
Classification:	For General Release
Title:	Deregulation Bill 2014 – Licensing proposals
Wards Affected:	All
Financial Summary:	None
Report of:	The Head of Legal and Democratic Services

1. Executive Summary

- 1.1 This report seeks to advise the Licensing Committee of the current proposals in the Deregulation Bill that will have an impact on the Council's licensing functions.

2. Recommendations

- 2.1 That the Licensing Committee notes the report and the attached Appendix 1.

3. Background

- 3.1 The Government published a draft Deregulation Bill on 1st July 2013. The draft Bill was subject to pre-legislative scrutiny by a Joint Committee which published its report on 19th December 2013. In response to the Joint Committee's report, the Government introduced the actual Bill on 23rd January 2014. The Bill is due to receive its second reading in the House of Lords on 7th July 2014.
- 3.2 The various provisions referred to in the Bill may be subject to further amendment as the Bill continues its passage through Parliament. Subject to that, the final provisions will come into force on a day to be appointed by the Secretary of State in a commencement order. The proposals are set out in Appendix 1 to this report.

- 3.3 The Deregulation Bill should not be confused with the deregulation of entertainment licensing, the first phase of which has been implemented by the Live Music Act 2012 and the Licensing Act 2003 (Descriptions of Entertainment) (Amendment) Order 2013. The main effect of the 2012 Act is that live music is no longer licensable between 08.00 and 23.00 where the live music comprises:
- (i) A performance of unamplified live music;
 - (ii) A performance of live amplified music in a workplace with an audience of no more than 200 people; and
 - (iii) A performance of live music on licensed premises (open for the sale of alcohol for consumption on the premises) which takes place in the presence of an audience of no more than 200 people.
- 3.4 The second wave of entertainment deregulation was proposed in a DCMS consultation in October 2013 and is due to be implemented by a Legislative Reform Order. This appears to have been delayed but the proposed changes would mean that the following are no longer licensable when they take place between 08:00 and 23:00 on any day:
- (i) All regulated entertainment held by local authorities, hospitals, nurseries and schools on their own premises (with no audience limit);
 - (ii) Live music in licensed premises (open for the sale of alcohol for consumption on the premises) or in a workplace with an audience of not more than 500 people;
 - (iii) Recorded music in licensed premises (open for the sale of alcohol for consumption on the premises) with an audience of not more than 500 people;
 - (iv) Live and recorded music activities held on premises owned by local authorities, hospitals, nurseries and schools and on community premises (including church and village halls) with an audience of not more than 500 people;
 - (v) Live and recorded music, plays, dance and indoor sport at tented circuses with no audience limits;
 - (vi) Greco-Roman and freestyle wrestling at any premises with no audience limits.

An additional proposal is to suspend the effect of any condition of a premises licence or club premises certificate that relates to recorded music between 08:00 and 23:00. This is to mirror the provision for live music conditions brought in by the 2012 Act.

4. Financial and Legal Implications

- 4.1 There are no financial implications and the legal implications are set out in the body of the report.

If you have any queries about this report or wish to inspect any of the Background Papers please contact: Barry Panto in Legal and Democratic Services on 020 7641 2712 or email bpanto@westminster.gov.uk.