

## Appendix I – Legislative changes and consultation

**Legislative changes & consultation** - listed below is a summary of the changes, both past and future.

### Govt Alcohol Strategy March 2012

The Government will:

- July 2013 Govt set out its response, including a commitment to facilitate “local alcohol action areas” (LAAAs) – targeted local initiatives in places with significant levels of alcohol-related harm – April 2014.
- Introduce a ban on the sale of alcohol in England and Wales below the level of alcohol duty for a product plus value added tax, came into effect Spring 2014.
- Introduce changes to improve the effectiveness of the mandatory licensing conditions by enabling tougher action on irresponsible promotions, strengthen measures to help people drink more responsibly and improve age verification requirements – came into effect Oct 2014.
- Renew the challenge to industry so that further rapid action is taken to reduce alcohol-related crime and health harms.
- Introduce a new light touch authorisation to sell alcohol – the Community and Ancillary Sellers Notice – under the 2003 Act for ancillary sellers and community groups – not date for introduction.
- Increase the annual limit for the number of TENs that can apply to particular premises from 12 to 15 – likely to be Jan 2016.
- Free up businesses that provide late night refreshment by removing the requirement to have a licence where there is no need for one by enabling licensing authorities to make local exemptions for particular locations or types of premises. (low risk as opposed high risk late night drinking areas) – likely to be April 2015.
- Abolish the requirement to renew personal licences every ten years.
- Consult in due course on abolishing personal licences altogether – amended to remove requirement to renew – Spring 2015.

Also consulted on but not to be implemented at this stage :-

- Ban on multi-buy promotions & minimum unit pricing but Government felt no evidence it would have significant effect in reducing consumption.
- Adding health as a licensing objective for cumulative impacts but Government have not brought this forward at this stage although remain interested in principle.

### **Consultation**

#### **Further Deregulation of Regulated Entertainment**

**Wave 1:** deregulation of plays, dance and indoor sport (between 08:00 am to 11:00 pm) and under 500 audience levels (1,000 for indoor sport); regulating for combined fighting sports (intro May 2013).

**Wave 2:** Parliament have approved the Legislative Reform (Entertainment Licensing) Order 2014. The entertainment deregulations within the Order will come into effect on 6 April 2015.

The Order generally exempts the following, up to 11pm, for an audience of up to 500:

- I. Live music in relevant alcohol licensed premises and workplaces.

## **Appendix I – Legislative changes and consultation**

2. Recorded music in relevant alcohol licensed premises (not workplaces).
3. Live and recorded music held by 3rd parties in schools, hospitals, local authority and community premises.
4. Travelling circuses (no audience limit).
5. Incidental films (where the film is incidental to another activity which is not a itself description of regulated entertainment, e.g. drinking or eating).
6. The provision of entertainment by or on behalf of local authorities, health care providers or schools on their own defined premises (no audience limit).
7. Greco-Roman and freestyle wrestling (audience of 1000).

**Wave 3:** deregulation of community film/incidental film consultation 2014.

**Personal Licences** - Govt is removing the requirement for Personal Licence Holders to renew their licence every 10 years.

### **Actual law**

#### **Anti-Social Behaviour, Policing and Crime Act 2014 – enacted 20 10 14**

These powers apply to any premises (domestic or commercial, licensed or not).

Closure powers under Antisocial Behaviour, Crime and Police Act 2014 are subtly different from Licensing Act 2003 and Section 40 Anti Social Behaviour Act 2003. They replace Police and LAs closure powers. They allow Local authority & Police to close any premises (not just licensed). Premises can be closed for nuisance or disorder or likely nuisance or disorder.

#### **Scrap Metal Dealers Act 2013**

Introduces a new licensing regime, administered and enforced by Local Authorities (site and collectors licences).

#### **Live Music Act 2012**

Deregulated live amplified music in licensed premises/work places for audiences up to 200 people between 8am and 11pm and unamplified music in all venues for unlimited audiences.

**The Health and Social Care Act 2012** received Royal Assent on 27 March 2012. This was a critical step in the transition towards the establishment of a new public health system in local authorities and confirmed the Government's vision for the new public health role in local authorities and the new legal framework for local government that underpins that vision. Local authorities will be responsible amongst other things for alcohol and drug misuse services.

#### **Police Reform and Social Responsibility Act 2011**

- Extended Responsible Authorities to Licensing Authority and Public Health
- Scraped 'vicinity' test
- Lowered evidence threshold from necessary to appropriate.
- Reform system of TENs – EH & Police to object on all 4 LOs. One TEN 7 days.
- Licence suspension for annual fee non-payment
- SoLP review 5 yrs
- Late Night Levy & EMRO - No interest in Sussex. It's being considered elsewhere in the country but currently only aware of Newcastle and possibly City of London actively considering introducing such a scheme.

## Appendix I – Legislative changes and consultation

**Taxi Licensing - Law Commission** - pt of red tape agenda looking at reforming legal framework relating to taxis and private hire. LC have published their report and are awaiting response from Government.

Key issues for the Law Commission reviewing taxis are:

- § Quantity controls  
Local Authority hackney carriage quantitative control powers.
- § Standard setting  
Local Authority discretion to set standards for taxis.
- § Equality  
Accessibility, disability, driver capability and training, compellability to take fares.
- § Cross border  
Controls on cross border hiring enforcement and legal process.
- § Better regulation.

**Fees - R (Hemming and Others) v Westminster City Council** 16th May 2012 – appeal is currently being heard at the Supreme Court.

The EU Services Directive and Provision of Services Regulations 2009 were used by a group of Soho sex shop operators to obtain refunds of sex licensing fees from Westminster City Council. The Court of Appeal held that while the costs of the authorisation process, including monitoring compliance of operators, were fairly part of the fee, the costs of enforcement against third party operators was not.

Led to a reduction in fees and potential for liability going back to 2009. The judgment has a far wider effect, because it affects fees for much bigger licensing regimes, including the Licensing Act 2003. The Licensing Act 2003 (Fees) Regulations 2005 were lawful when they were published in 2005; they became unlawful when new European laws came into force in 2009.

It could also affect: street trading and highway licensing, but not gambling or taxis. Taxi licence fees are tightly regulated by separate legislation.

