



Complete Agenda

Democratic Services
Swyddfa'r Cyngor
CAERNARFON
Gwynedd
LL55 1SH

Meeting

CENTRAL LICENSING COMMITTEE

Date and Time

10.00 am, MONDAY, 22ND JUNE, 2015

Location

Siambr Hywel Dda, Council Offices, Caernarfon, Gwynedd. LL55 1SH

Contact Point

Lowri Haf Evans 01286 679 878

lowrihafevans@gwynedd.gov.uk

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CENTRAL LICENSING COMMITTEE

MEMBERSHIP (15)

Plaid Cymru (7)

Councillors

Craig ab Iago
Annwen Hughes
W. Tudor Owen
Vacant seat

Edward Thomas Dogan
Christopher Hughes
Ann Williams

Independent (4)

Councillors

John Brynmor Hughes
Angela Russell

Eryl Jones-Williams
Elfed Williams

Llais Gwynedd (3)

Councillors

Llywarch Bowen Jones
Peter Read

I. Dilwyn Lloyd

Individual Member (1)

Councillor Louise Hughes

Aelodau Ex-officio / Ex-officio Members

Chairman and Vice-Chairman of the Council

A G E N D A

1. ELECT CHAIRMAN

To elect a Chairman for 2015/16

2. ELECT VICE - CHAIRMAN

To elect a Vice - Chairman for 2015/16

3. APOLOGIES

To receive any apologies for absence.

4. DECLARATION OF PERSONAL INTEREST

To receive any declaration of personal interest.

5. URGENT ITEMS

To note any items that are a matter of urgency in the view of the Chairman for consideration.

6. MINUTES

1 - 4

The Chairman shall propose that the minutes of the meeting of this Committee, held on 9th of March 2015, be signed as a true record.

7. LICENSING SUB COMMITTEE MINUTES

5 - 12

To submit, for information, minutes of the Licensing Sub-committee meetings held on the following dates:-

- (a) 09.02.2015
- (b) 12.05.2015

8. AMENDMENT TO THE LICENSING ACT 2003: THE DE REGULATION ACT 2015 13 - 16

To submit the report of the Head of Regulatory Department

CENTRAL LICENSING COMMITTEE, 09.03.15

Present: Councillor Eryl Jones-Williams (Chairman)

Councillors Annwen Hughes, Louise Hughes, Llywarch Bowen Jones, W.Tudor Owen, Peter Read, Angela Russell, Ann Williams and Elfed W Williams

Also in attendance: Siôn Huws (Senior Solicitor), Sheryl Le Bon Jones (Public Protection Manager) and Lowri Haf Evans (Member Support and Scrutiny Officer)

1. WELCOME AND APOLOGIES

The Chairman, Councillor Eryl Jones-Williams, welcomed everyone to the Committee. Apologies were received from Councillors Eddie Dogan and Dilwyn Lloyd.

Councillor Eryl Jones-Williams paid tribute to the late Councillor Huw Edwards, former chair of the Council, Vice-chair and loyal member of the Licensing Committees and Sub-committees. He sympathised with the family in their loss.

2. DECLARATION OF PERSONAL INTEREST

No declarations of personal interest were received from any members present.

3. URGENT ITEMS

Concern was highlighted regarding the membership of a Councillor, who had a personal interest, on the Licensing Committees. It was noted that the matter had been highlighted in previous committees and disappointment was expressed that no action had been taken on the matter in the last six months. It was added that this concern was placing additional pressure on members of the Committee.

In response, the Chairman noted that the matter had been discussed with the Leader of the Independent Party, as it was the responsibility of the political parties to appoint an individual to a Committee - the seat was offered to the entire group.

In addition, it was noted that it was necessary to review the attendance of members in committees. It was necessary to ensure that each Councillor accepted that they had a responsibility to attend the committees that they were members of.

RESOLVED TO HIGHLIGHT THE ABOVE CONCERNS TO THE MONITORING OFFICER AND HEAD OF DEMOCRATIC SERVICES, THROUGH THE SOLICITOR.

4. MINUTES OF THE PREVIOUS MEETING

The Chairman signed the minutes of the previous meeting of this committee, held on 8 December 2015, as a true record.

5. MINUTES OF THE CENTRAL LICENSING SUB-COMMITTEES

Submitted - for information, the minutes of the Central Licensing Sub-committee meetings held on 08.12.2014 and 17.12.2014.

6. AMEND THE COUNCIL'S LICENSING POLICY

Submitted - a report by the Head of Regulatory Services highlighting the Home Secretary's recent guidelines regarding delegation levels, in respect of some licensing responsibilities under the Licensing Act 2003. It was noted that the delegation arrangements outlined in the latest guidelines confirmed the delegation arrangement for three additional matters.

It was recommended that the Committee approved amending chapter 12 of the Policy in accordance with Guidelines submitted by the Secretary of State.

Adopting the recommendation would mean that the Sub-committee would decide on an application to vary a premises licence in a community building to include another licensing condition if observations had been received from the Police, or such applications would be determined by Officers where no observations had been received from the Police.

Adopting the recommendation would mean that Officers would decide whether consultation with other responsible authorities should be sought on minor variations to applications. Officers would decide on minor variations to applications.

It was noted that the guidelines had been recommended in October 2014 and that they would come to power in Gwynedd on 10 March 2015.

RESOLVED TO APPROVE THE AMENDMENTS TO CHAPTER 12 OF THE POLICY IN LINE WITH THE GUIDELINES SUBMITTED BY THE SECRETARY OF STATE.

7. AMENDMENT TO THE LICENSING ACT 2003 - THE LEGISLATIVE REFORM (ENTERTAINMENT LICENSING) ORDER 2014

Submitted - a report by the Head of Regulatory Department for information, noting fairly significant changes to activities that were considered regulated entertainment. The Legislative Reform (Entertainment Licensing) Order would amend Schedule 1 and section 177A of the Licensing Act 2003 so that, in certain circumstances, there would be no need for regulated entertainment to be authorised by the Act. It was noted that the Legislative Reform Order would come into force on 6 April 2015.

Specific attention was drawn to the changes with a specific emphasis on paragraph 2.2 of the report which noted;

*'No licence is required between 8am and 11pm on any day, with no limit on audience size for any entertainment taking place on the **premises of the local authority** where the entertainment is provided by or on behalf of the local authority'*

It was explained that this included, for example, schools, leisure centres, museums, libraries, Caernarfon Square and Pencei Porthmadog (a total of 107 licences). It was noted that every school licence was 24 hours, and that the Education Department owned every licence.

It was suggested that the Licensing Department should contact the Education Department to inform them of the changes regarding the conditions (out of hours only) - it was not required to do this, but it was good practice. It was noted that there was potential to save £16k per year in licensing payments. A further request was made to write to the Economy and Community Department and to Community Councils to ensure that a consistent message was delivered to everyone.

Members appreciated the information and clear explanation.

RESOLVED FOR THE LICENSING DEPARTMENT TO INFORM THE EDUCATION DEPARTMENT, THE ECONOMY AND COMMUNITY DEPARTMENT AND COMMUNITY COUNCILS OF THE CHANGES AND THE CONDITIONS.

8. CLOSE CIRCUIT TELEVISION (CCTV)

A discussion was encouraged to gain the Committee's opinion on what could be done to ensure that CCTV conditions were being implemented. Following events in Barmouth where the Police had reported that the CCTV was not working, the need to monitor and penalise if the condition was not being implemented was discussed, as one of the Sub-committee's main principles was public protection.

It was highlighted that the Sub-committee had the right to impose conditions on licences, but that it did not have rights over Police operations. It was also highlighted that there were Enforcement Officers within the Licensing Unit, but no capacity to monitor each premises.

The members were reminded that if a condition was breached, the Councillors or the Police had the right to apply for a review of the licence.

Matters arising from the discussion:

- It was asked whether it would be possible to connect cameras with the Police's system
- The Committee believed that it would be a good idea for every premises to keep a practical log of checking their CCTV system
- A request was made for further information regarding what the Police's policy was in terms of monitoring CCTV

- A request was made for members of the Committee to receive a list of premises with CCTV
- That a notice was included with the condition of the implications if CCTV was not working on a premises

RESOLVED TO REQUEST INFORMATION FROM THE POLICE REGARDING THEIR CLOSE CIRCUIT TELEVISION MONITORING POLICY.

9. TRAINING

A session was held by the Senior Solicitor to update Members on their responsibilities for serving on licensing sub-committees.

The meeting commenced at 10.00am and concluded at 11.25am.

CENTRAL LICENSING SUB-COMMITTEE 09.02.15

Present: Cllr Eryl Jones Williams, Cllr Annwen Hughes, Cllr Llywarch Bowen Jones

Also in attendance: Geraint B Edwards (Senior Solicitor), Sheryl Le Bon Jones (Public Protection Manager) and Lowri H Evans (Member Support and Scrutiny Officer)

1. WELCOME

Everyone was welcomed to the meeting by the Chairman, Councillor Eryl Lloyd Williams. The panel and the officers were introduced to everyone present.

2. DECLARATION OF PERSONAL INTEREST

Nothing to note

3. URGENT ITEMS

Nothing to note

4. APPLICATION FOR A NEW PREMISES LICENCE - MIRAGE, 360 HIGH STREET, BANGOR, GWYNEDD.

On behalf of the premises: Mr Owen Maguire, Ms Gilly Harradence (representing the applicant)

Local Members: Not present

Others in attendance: Ian Williams (North Wales Police), Gwenan Mai Williams (Environmental Health Service), Councillor Jean Forsyth (local resident)

Apologies: None to note

The report and recommendation of the Licensing Section.

- a) Submitted – the report of the Licensing Manager giving details of the application for a new premises licence for Mirage, 360, High Street, Bangor. It was noted that a premises licence had existed on the premises when it was a nightclub, but that the licence had ended in 2011. It was expressed that the applicant's intention was to change the use of the premises to a cabaret/theme bar for people over 25 years old, holding various events at night and exercise and dance classes during the day. It was noted that the licensable activities that were applied for included all kinds of regulated entertainment (to occur inside); providing late night refreshments (to occur inside) and to supply alcohol (to be consumed on and off the premises). It was reported that a required advertisement had been displayed on the premises on 9 January 2015, and a notice had been printed in the local paper, 'Chronicle', on 18 December 2014.
- b) During the period of receiving observations, and after consulting with North Wales Police, the applicant submitted an amended application form with reduced hours through North Wales Police. Reference was made to the fact that the applicant had described the steps that he intended to take to promote the four licensing objectives including the use of CCTV cameras, using registered door staff and implementing a proof of age scheme.
- c) North Wales Police did not have any objections to the application as there was no current evidence to refuse it. An objection to the application was received from Bangor City Council highlighting their concerns regarding the fact that it would increase noise and disturbance in

the area; it would create crime and disorder issues; encourage anti-social behaviour and that a 'Saturation Point' had been reached in this part of Bangor. A letter had been received from a local resident stating that sufficient information had not been included in the application regarding the type of entertainment or services for adults that would be held up to 11 times a year in the premises.

ch) In considering the application, the following procedure was followed:-

- Members of the Sub-committee and the applicant were given an opportunity to ask questions of the Licensing Manager.
- The applicant was invited to expand on the application.
- Consultees were given an opportunity to support their observations.
- The licensee, or his representative, was invited to respond to the observations.
- Members of the Sub-committee were given an opportunity to ask questions of the licensee.
- Members of the Sub-committee were given an opportunity to ask questions of the consultees.

It was announced that everybody had up to 10 minutes to share their observations.

d) While expanding on the application the agent on behalf of the applicant noted that there was no intention to run a nightclub, but rather a cabaret bar that would appeal to adults over 25 years old. It was noted that the premises had received a temporary licence over Christmas and that no incidents or complaints had occurred.

In response to a question regarding the logic for including 'entertainment for adults' in the application, it was noted that there were no definite plans for this, but that the clause had been included to ensure that it was incorporated in the licence. A suggestion was made that the applicant should notify the police of the 'entertainment for adults' events that would be held as good practice. In response to a question regarding selling alcohol off-site, it was noted that this was included in several licences, but that the applicant did not intend to sell alcohol outside licensing hours. Once again, it was noted that the clause had been included in case the need would arise.

(The solicitor noted that 'need' was not a matter for the licensing panel to consider).

dd) In response to the application, North Wales Police noted that they had held a meeting with the applicant and the legal representative on 9 January to discuss the application. It was noted that the opening hours corresponded to the hours of similar premises in the Bangor area and that additional conditions had been agreed upon (an additional clause to implement CCTV and door supervisors). It was highlighted that there were no problems with the premises and therefore no evidence to object. In terms of notifying the Police about events in the premises, it was noted that there were no strict requirements under the Licensing Act which stated that the police had to be communicated with, but that nothing stopped the applicant from notifying the police of events and continuing to co-operate and consult with the police and the local authority.

e) In response to the application, Councillor Jean Forsyth (local resident) noted that she did not have any objection to the application, but that she had observations and requested additional information regarding some matters that were noted. (It appeared that some of the observations had been made on the original application and Councillor Jean Forsyth now accepted the amendment to the opening times).

In terms of responding to a question regarding amplified music, it was noted that a report from the Environmental Health Service recommended noise conditions. The applicant noted that he did not intend to create loud noise and that he was ready to collaborate with local people. In terms of the concern of having gambling machines in the premises, it was reported that the applicant had the right to two machines under the Licensing Act 2003. In

addition, Councillor Forsyth expressed that there was not enough information regarding promoting the licensing objective of 'protecting children from harm'. The applicant noted that he intended to arrange events during the day for children and he would ensure that this would be undertaken within the licence agreement. Councillor Forsyth expressed that the application form, referring to the instruction notes, was misleading. The solicitor said that the application form was a standard one and that the authority did not have the power to adapt the form.

- f) In response to the application, Gwenan M Williams (on behalf of the Environmental Health Service) noted that discussions had been held with the applicant. The Service did not object to the application but suggested that standard noise conditions be included on the licence. In response, the applicant noted, though the information was very technical, that he had agreed with some of the measures to 'insulate' the premises. Over Christmas, there had been an opportunity to assess noise levels and to undertake adaptations and improvements to the premises in order to reduce the noise output. It was approved that there was good collaboration between the service and the applicant.
- ff) It was highlighted that the Local Member had not submitted any observations.
- g) A letter that was received from Bangor City Council was acknowledged. In response to observations regarding a 'saturation point', several establishments were listed within the city that had closed, therefore fewer establishments existed than before. The Chair reiterated that a 'saturation point' was a matter for the licensing authority, and not Bangor City Council.
- h) The relevant parties left the meeting.

The members of the Sub-committee discussed the application, considered all the evidence submitted, and gave particular attention to the principles of the Licensing Act 2003, namely

- Prevention of Crime and Disorder
- Public Safety
- Preventing Public Nuisance
- Protection of Children from Harm

- i) The Sub-committee was in favour of approving a new licence in accordance with the application. The Sub-committee was of the opinion that the application complied with the four licensing objectives and that the premises co-operated with the relevant authorities.

RESOLVED TO APPROVE A NEW LICENCE IN ACCORDANCE WITH THE APPLICATION AS SUBMITTED BEFORE THE SUB-COMMITTEE, SUBJECT TO THE FOLLOWING BEING INCORPORATED INTO THE LICENCE:

- 1. The conditions recommended by the Environmental Health Service in relation to noise control.**

Based on the written and verbal observations, the Sub-committee was satisfied that the application along with the noise control conditions was adequate to promote the licensing objectives.

The Solicitor reported that he would aim to send a letter within five working days, formally confirming the Sub-committee's decision to all present, and informing them of their right to appeal against the decision within 21 days of receiving that letter.

The meeting commenced at 2.00pm and concluded at 3.10pm.

CENTRAL LICENSING SUB-COMMITTEE 12.05.15

Present: Cllr Tudor Owen, Cllr Ann Williams, Cllr Angela Russell

Also in attendance: Geraint B Edwards (Solicitor), Sheryl Le Bon Jones (Public Protection Manager) and Lowri H Evans (Member Support and Scrutiny Officer)

1. WELCOME

Everyone was welcomed to the meeting by the Chairman, Cllr Tudor Owen. The panel and the officers were introduced to everyone present.

2. DECLARATION OF PERSONAL INTEREST

Nothing to note

3. URGENT ITEMS

Nothing to note

4. APPLICATION TO VARY A PREMISES LICENCE – KWIK SAVE, 346 – 350, HIGH STREET, BANGOR, GWYNEDD

On behalf of the premises: Mr Mangal Shoker (Applicant)

Local Member: Not present

Others in attendance: Ian Williams (North Wales Police)

Apologies: None to note

The report and recommendation of the Licensing Section.

- a) Submitted – the report of the Licensing Manager giving details of the application to vary a premises licence for Kwik Save, 346- 350, High Street, Bangor. It was highlighted that the current licence granted the sale of alcohol to be consumed off the premises between 08:00 and 22:00, seven days a week and that the premises was open on a 24 hours a day, seven days a week basis. It was noted that the purpose of the application was to vary the current premises licence by extending the hours for the supply of alcohol to be consumed off the premises between 08.00 and 02.00, seven days a week. Reference was also made to the fact that the applicant had included appropriate steps to promote the four licensing objectives as part of his application.
- b) Following a period of consultation, it was noted that Bangor City Council did not object to the application provided the opening hours for selling alcohol was in accordance with other retail stores in the vicinity. North Wales Police objected to the application as it was of the opinion that approving the application would lead to an increase in crime and disorder in this particular area of Bangor. The Police had made recommendations for the applicant to consider amending the hours for the sale of alcohol during the week and to amend the CCTV condition.
- c) In considering the application, the following procedure was followed:-
 - Members of the Sub-committee and the applicant were given an opportunity to ask questions of the Licensing Manager.

- The applicant was invited to expand on the application.
- Consultees were given an opportunity to support their observations.
- The licensee, or his representative, was invited to respond to the observations.
- Members of the Sub-committee were given an opportunity to ask questions of the licensee.
- Members of the Sub-committee were given an opportunity to ask questions of the consultees.

It was announced that everybody had up to 10 minutes to share their observations.

- ch) In response to the report a member of the Sub-committee asked the Licensing Manager how many shops sold alcohol until two o'clock in the morning in Bangor. It was noted that there were three premises selling alcohol until 02:00am – Tesco, a premises in Upper Bangor and a premises at the opposite end of the High Street.
- d) In expanding on the application, the applicant noted that he was willing to accept the Police's conditions and to amend the hours of the sale of alcohol and the conditions relating to CCTV. He said that the shop doors closed at 22:00pm and it was intended for alcohol to be sold through a window / hatch in the shop which they currently used for goods.
- (dd) In response to the application, the North Wales Police representative noted that they had expressed concerns in relation to the original application as the premises was located within a very busy part of the city. It was noted that discussions had been held with the Manager of the premises, the Local Inspector and the Local Sergeant to set appropriate conditions. Their concern, as access to Nightclubs was not permitted after 01:00am, was that alcohol would be available at the Kwik Save premises. North Wales Police proposed that the applicant should receive permission to sell alcohol until 02:00am on Sundays, Mondays and Tuesdays, and until 00:00am on Wednesdays, Thursdays, Fridays and Saturdays along with additional conditions in relation to the CCTV.
- e) In response to a question from a member of the Sub-committee in relation to the need to open until 02:00am, the applicant noted that he was responding to the demand.
- f) In response to a question from a member of the Sub-committee in relation to complaints about the property, the Police representative noted that no complaints had been registered relating directly to the premises. Nonetheless, he added that there were difficulties in this specific area, especially towards the end of the week due to an increase in people because of the two nearby nightclubs and late night hot food takeaway premises.
- ff) It was highlighted that the Local Member had not submitted observations.
- g) A letter that was received from Bangor City Council was acknowledged.
- h) The relevant parties left the meeting.

The members of the Sub-committee discussed the application, considered all the evidence submitted, and gave particular attention to the principles of the Licensing Act 2003, namely -

- Prevention of Crime and Disorder
- Public Safety
- Preventing Public Nuisance
- Protection of Children from Harm

The Sub-committee was of the opinion that the application to vary the licence should be approved. Based on the evidence that was considered and the changes agreed between the applicant and the Police, the Sub-committee was satisfied that the variation to the licence is appropriate in order

to promote the licensing objectives.

RESOLVED TO APPROVE VARYING THE PREMISES LICENCE, SUBJECT TO THE FOLLOWING BEING INCORPORATED IN THE LICENCE:

1. Approve the sale of alcohol to be consumed off the premises

**Sunday, Monday and Tuesday 8:00am until 02:00am
Wednesday, Thursday, Friday and Saturday 8:00 until midnight.**

2. That the CCTV conditions recommended in writing by the Police should be incorporated in the licence

3. That the conditions recommended by the applicant in boxes C, D and E of the operating schedule enclosed with the application be incorporated in the licence

The Solicitor reported that the Licensing Unit would confirm the decision in a formal letter sent to all who were present at the meeting and that the variation would apply with immediate effect. He also notified that they had the right to appeal the decision within 21 days of receiving the letter.

The meeting commenced at 2.00pm and concluded at 2.50pm.

COMMITTEE:	CENTRAL LICENSING COMMITTEE
DATE:	22 JUNE 2015
TITLE:	AMENDMENT TO THE LICENSING ACT 2003: THE DEREGULATION ACT 2015
PURPOSE:	FOR INFORMATION
AUTHOR:	HEAD OF REGULATORY DEPARTMENT

1.0 BACKGROUND INFORMATION

- 1.1 The Deregulation Act 2015 received Royal Assent on 26 March 2015. The Deregulation Act provides for the removal or reduction of burdens on businesses, individuals, public sector bodies and individuals.
- 1.2 The Deregulation Act 2015 covers a very wide range of measures and includes measures that affect 'Alcohol, sport and entertainment' and specifically the Licensing Act 2003.

2.0 THE DEREGULATION ACT 2015

- 2.1 The deregulatory measures affecting the Licensing Act 2003 are:
S67 – Sale of alcohol: community events etc and ancillary business sales
S68 – Temporary event notices: increase in maximum number of events per year
S69 – Personal licence: no requirement to renew
S70 – Sale of liqueur confectionery to children under 16: abolition of offence
S71 – Late night refreshment
S72 – Removal of requirement to report loss or theft of licence etc to police
S76 – Exhibition of films in community premises

3.0 THE DEREGULATION ACT 2015 (COMMENCEMENT No.1 and Transitional and Savings Provisions) Order 2015

- 3.1 The Deregulation Act 2015 (Commencement No.1 and Transitional and Savings Provisions) Order 2015 was made on 27 March 2015. It specified which provisions of the Deregulation Act 2015 would come into force on the dates specified. The dates relevant to the measures affecting the Licensing Act 2003 were as follows:-

3.2 From 1 April 2015

S69 – Personal licence: no requirement to renew
Section 69 amends section 115 of the Licensing Act 2003 to remove the requirement on personal licence holders to apply to renew their personal licences every 10 years, and to render the duration of personal licences indefinite.

3.3 From 6 April 2015

S76 – Exhibition of films in community premises
Section 76 inserts a new exemption from the descriptions of regulated entertainment in Schedule 1 to the Licensing Act 2003. Exhibitions of films in community premises are not regulated entertainment requiring prior licensing authorisation to the extent that they meet all of the conditions set out in the section. (Section 76 comes into force on 6th April 2015 so as to coincide with other changes to regulated entertainment that also come into force on that day.)

3.4 From 26 May 2015

S68 - Temporary event notices: increase in maximum number of events per year
Section 68 amends section 107 of the Licensing Act 2003 so as to increase from 12 to 15 the maximum number of events per year for which a temporary event notice on the same premises may be given. The increased limit will apply for calendar years from 1st January 2016.

S70 – Sale of liqueur confectionery to children under 16: abolition of offence
Section 70 repeals section 148 of the Licensing Act 2003 thereby abolishing the offence of selling liqueur confectionery to children under the age of 16.

S72 – Removal of requirement to report loss or theft of licence etc to police
Section 72 removes from the Licensing Act 2003 requirements to report the loss or theft of a premises licence, club premises certificate, temporary event notice or personal licence to the police before a replacement copy may be applied for from the licensing authority.

3.5 The Commencement Order did not specify the dates on which the following provisions would come into force.

S67 – Sale of alcohol: community events etc and ancillary business sales

S71 – Late night refreshment

4.0 IMPACT OF THE DEREGULATION ACT 2015

4.1 The impact of the changes coming into force following the Deregulation Act 2015 (Commencement No.1 and Transitional and Savings Provisions) Order 2015 on the workload of the Licensing Unit will be minimal. All Personal licences issued by Gwynedd Council were due to expire from June 2015 onwards however, the requirement to renew was removed in April 2015.

4.2 However, the commencement of ‘S67 – Sale of alcohol: community events etc and ancillary business sales’ and ‘S71 – Late night refreshment’ are likely to have greater impact.

S67 – Sale of alcohol: community events etc and ancillary business sales

This section introduces a new form of authorisation (“Part 5A notice”) into the 2003 Act to enable prescribed bodies (e.g. community organisations or small businesses which sell alcohol as an ancillary part of a wider service) to sell alcohol without having to use one of the existing forms of authorisation under the 2003 Act. The notice will be for a period of 36 months and allows the sale of alcohol for consumption on the premises between 7:00am and 11:00pm. The government’s purpose is to create a lighter touch authorisation to reduce burdens on those persons or bodies.

S71 – Late night refreshment

This section inserts new paragraph 2A into Schedule 2 to the 2003 Act to grant powers on a licensing authority to exempt a supply of hot food or hot drink from the requirements in Schedule 2 in three respects.

A supply of hot food or hot drink is exempt if it takes place

(a) on or from premises situated in an area in the relevant licensing authority’s area designated by the authority;

- (b) on or from premises in a relevant licensing authority's area of a description designated by the authority; and
- (c) during a period (beginning on or after 11pm and ending on or before 5am) designated by the relevant licensing authority in its area.

- 4.3 It is not yet known the number of community events and ancillary businesses that will make use of the Part 5A Notice. The fee for a Part 5A Notice will be prescribed. The applicant will submit a Part 5A Notice to the licensing authority along with the prescribed fee. The Police or Environmental Health service may object to the Part 5A Notice and a counter notice may be issued the licensing authority. (The process has many similarities to the processing of Temporary Event Notices.)
- 4.4 With regard to S71 – Late night refreshment , the licensing authority may designate areas within the authority to exempt the supply of hot food or hot drink from the requirements, e.g. industrial estates. It may designate a description of the premises in the designated areas and may exempt the supply in the designated area at specific a time between 11pm and 5am, e.g. exempt supplies from 11pm and midnight.

5.0 RECOMMENDATION

- 5.1 That the Committee note the recent changes to the Licensing Act 2003 following the commencement of the provisions of the Deregulation Act 2015 and note that commencement dates for the two major changes have not yet been specified.