

07 July 2015		ITEM: 6
Licensing Committee		
Deregulation Act 2015		
Wards and communities affected: All	Key Decision: Key	
Report of: Paul Adams – Principal Licensing Officer		
Accountable Head of Service: Gavin Dennett – Head of Public Protection		
Accountable Director: David Bull – Director of Planning and Transportation		
This report is: Public		

Executive Summary

This report provides a summary of the implications of the Deregulation Act 2015 in relation to Alcohol and Entertainment Licensing and Taxi/Private Hire Licensing.

1. Recommendation(s)

1.1 That the Licensing Committee note the contents of the report.

2. Introduction and Background

2.1 The Licensing Act 2003 provides the basis for the licencing of the sale/supply of alcohol, the provision of regulated entertainment and late night refreshment.

2.2 The Local Government (Miscellaneous Provisions) Act 1976 is one piece of legislation that regulates Private Hire Vehicles, Drivers and Operators, as well as Hackney Carriage Vehicles and Drivers.

2.3 The Deregulation Act 2015 received Royal Assent on the 26th March 2015 which amends both the Licensing Act 2003 and The Local Government (Miscellaneous Provisions) Act 1976.

2.4 In addition to the Deregulation Act 2015, the Legislative Reform (Entertainment Licensing) order 2014 took effect from 6 April 2015.

3. Issues, Options and Analysis of Options

Licensing Act 2003

- 1.1. The requirement to renew a personal Licence has now been abolished with effect from the 1st April 2015. In effect any licence that has an expiry date now does not expire and the licence will remain in force until it is revoked by a court or surrendered/lapses by the applicant or their circumstance.
- 1.2. The requirement to report a lost or stolen licence to the police before applying for duplicates has been abolished from the 26 May 2015.
- 1.3. The offence of selling liqueur confectionary has been repealed from the 26th May 2015, after that date any person of any age can buy liqueur confectionary in England and Wales.
- 1.4. The limit on the number of Temporary Event Notices (TEN) that can be applied for at a single premise will increase from 12 to 15 per year from 1 January 2016.
- 1.5. Live Music
 - Live unamplified music is deregulated between 08:00 – 23:00 on any premises.
 - Live amplified music is deregulated between 08:00 – 23:00 provided the audience does not exceed 500.
- 1.6. Recorded Music
 - Recorded music is deregulated between 08:00 – 23:00 in on-licensed premises provided that the audience does not exceed 500.
- 1.7. The following exemption applies for Local Authorities, Schools & Hospitals.
 - Live music or recorded music between 08:00 – 23:00 at the Local Authority/School/Hospital premises providing that the audience does not exceed 500 and the organiser has consent from the relevant School, Local Authority or Health Care Provider.
 - Any entertainment provided by or on behalf of a School relevant School, Local Authority or Health Care Provider on their own premises between 08:00 and 23:00.
- 1.8. The following exemption applies for Community Premises
 - Live 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, the audience does not exceed 500, and the organiser has consent for the performance from a person who is responsible for the premises.

- 1.9. There are also exemptions for travelling circuses, Greco-Roman wrestling and freestyle wrestling, incidental film exhibition, exhibition of films in community premises.

Private Hire and Hackney Carriage Licensing

- 1.10. From the 1st October 2015 The Deregulation Act 2015 will amend The Local Government (Miscellaneous Provisions) Act 1976 as follows:

1.11. Duration of Licences

- Introduction for Private Hire and Hackney Carriage drivers licences, a 3 year licence. The option will be available to the council to grant a licence for a lesser period, but this will only be where it is appropriate to the circumstances of the case.
- Introduction for Private Hire Operators Licences, a 5 year licence. The option will be available to the council to grant a licence for a lesser period, but this will only be where it is appropriate to the circumstances of the case.

1.12. Private Hire Vehicle Sub Contracting

- The ability of a private hire operator to sub-contract bookings to another legitimate private hire operator who may be outside the boundary of Thurrock and therefore licensed by another authority.

- 1.13. As yet there has been no guidance issued by the Department for Transport (DfT) in relation to these changes, a further report will be provided to the Licensing Committee in relation to any policy of fee changes that need to be made in relation to these changes.

4. Reasons for Recommendation

- 4.1 This report is for information only, a future report may be necessary if local policy or fee structures will require amendment following the changes to the Private Hire and Hackney Carriage licensing.

5. Consultation (including Overview and Scrutiny, if applicable)

- 4.1 There is no consultation required in relation to the contents of this report.

6. Impact on corporate policies, priorities, performance and community impact

- 6.1 This review will ensure the licensing service continues to be well managed and ensures that we can build pride, responsibility and respect to create safer communities.

7. Implications

7.1 Financial

Implications verified by: **Mike Jones**
Management Accountant

There are no financial implications in relation to this report.

7.2 Legal

Implications verified by: **Chris Pickering**
Principal Solicitor - Litigation & Employment

This is an update on changes to licensing legislation; there are no legal implications in relation to this report.

7.3 Diversity and Equality

Implications verified by: **Teresa Evans**
Equalities and Cohesion Officer

There are no Diversity or Equality implications in relation to this report.

7.4 Other implications (where significant) – i.e. Staff, Health, Sustainability, Crime and Disorder)

None

8. Background papers used in preparing the report (including their location on the Council's website or identification whether any are exempt or protected by copyright):

- The Licensing Act 2003
- The Local Government (Miscellaneous Provisions) Act 1976
- The Deregulation Act 2015
- The Legislative Reform (Entertainment Licensing) order 2014

9. Appendices to the report

None

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