

Report of the Head of Licensing and Registration

Report to Licensing Committee

Date: 14th February 2012

Subject: Licensing Act 2003 Update (Jubilee, Live Music, EMROs, Late Night Levy)

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| Are specific electoral Wards affected? If relevant, name(s) of Ward(s): | <input type="checkbox"/> Yes | <input checked="" type="checkbox"/> No |
| Are there implications for equality and diversity and cohesion and integration? | <input checked="" type="checkbox"/> Yes | <input type="checkbox"/> No |
| Is the decision eligible for Call-In? | <input type="checkbox"/> Yes | <input checked="" type="checkbox"/> No |
| Does the report contain confidential or exempt information? If relevant, Access to Information Procedure Rule number: Appendix number: | <input type="checkbox"/> Yes | <input checked="" type="checkbox"/> No |

Summary of main issues

1. Major changes to the Licensing Act 2003 are expected in 2012. These include deregulation of regulated entertainment, the relaxing of the law relating to live music, a relaxation on licensing hours for the golden Jubilee and the introduction of early morning restriction orders and the late night levy.
2. This report provides an update to those changes and includes the consultation document issued by the Government on the Early Morning Restriction Orders and Late Night Levy.

Recommendations

3. That Licensing Committee note the contents of the report in respect of the Golden Jubilee and Live Music Bill, and provides comments to inform the council's response to the consultation "Dealing with the problems of late night drinking".

1.0 Purpose of this report

- 1.1 To advise Licensing Committee of some changes to the Licensing Act 2003 coming onto effect shortly and to request comments from Licensing Committee on the attached consultation "Dealing with the problems of late night drinking".

2.0 Background information

- 2.1 2012 is a big year for the Licensing Act 2003. The Police Reform and Social Responsibility Act received Royal Assent in September 2011 and brought a number of changes to the Licensing Act 2003 which were designed to give power back to local communities and to make it easier for Licensing Authorities to deal with problem premises and the problems associated with late night drinking.
- 2.2 In addition musicians have been lobbying Government to make changes to the Licensing Act to make the performance of live music easier in public houses. This has culminated in the Live Music Bill, a Lords Bill which is currently passing through Government.
- 2.3 The Government has also recognised the Golden Jubilee as a time for celebration by relaxing the licensing hours on the Golden Jubilee weekend.

3.0 Main issues

3.1 Licensing Act 2003 (Diamond Jubilee Licensing Hours) Order 2012

- 3.2 In line with the relaxation last year for the Royal Wedding, the Government has issued an order which relaxes the licensing hours over the Diamond Jubilee weekend.
- 3.3 It extends the opening hours from 11pm to 1am of premises licensed for alcohol sales, for consumption on the premises only, that are already open until 11pm. It does not extend the opening hours of off licences or premises licensed for late night refreshment only, and cannot be used to sell alcohol for consumption off the premises. These hours will apply on Friday 1st and Saturday 2nd June.
- 3.4 Even though this extension is in place, people can still apply for temporary event notices to extend their hours further, or if they aren't currently open until 11pm for the sale of alcohol.

3.5 Live Music Bill

- 3.6 The Live Music Bill is a Lords Bill which makes a number of fundamental changes to the Licensing Act 2003. In brief it removes the requirement for licensing for
 - Unamplified music between 8am and 11pm
 - Amplified music between 8am and 11pm to an audience for 200 people or less
 - Removes the effect of conditions that relate to live music unless the premises has been reviewed and a condition is placed on the licence which reverses this.

- 3.7 The Bill is currently at the very end of its journey through the Houses and by Licensing Committee may have received Royal Assent. The Act will need to be commenced, and this is likely to happen in April this year. A verbal update will be given at the meeting.
- 3.8 In addition to these changes, as discussed at the Licensing Committee in November, the Minister for Tourism and Heritage, John Penrose, is looking to deregulate other forms of entertainment. We are expecting an announcement regarding this in March or April.
- 3.9 **Government Consultation “Dealing with the problems of late night drinking”**
- 3.10 This consultation (attached), which runs until 10th April 2012, is about two measures in the Police Reform and Social Responsibility Act 2011 that will be implemented through regulations later in the year.
- 3.11 Early Morning Restriction Orders
- 3.12 This is an existing power that was not commenced but is instead being extended to allow Licensing Authorities to apply an order to a specific area where they consider that restricting the late night supply of alcohol is appropriate to promote the licensing objectives.
- 3.13 The Government suggests that some premises should be exempt from the EMRO, namely:
- Premises with overnight accommodation who, by a condition placed on their licence, are only able to sell alcohol to overnight guests.
 - Theatres and cinemas who, by a condition placed on their licence, are only able to sell alcohol to ticket holders or participants in a production
 - Community premises who have applied to remove the mandatory DPS requirement from their premises licence
 - Casinos and bingo halls that operate a membership scheme.
- 3.14 EMROs would not apply to New Years Eve and the consultation asks if this is appropriate.
- 3.15 Late Night Levy
- 3.16 The levy will allow licensing authorities to raise a contribution from late opening alcohol retailers towards the policing costs generated by the late night economy. The levy will apply to all premises in the licensing authority’s area, although exemptions and discounts could be available but this is up to the discretion of the licensing authority.
- 3.17 Exemptions to the levy would include the same exemptions as at 3.13, but in addition would also include:
- Restaurants
 - Community Amateur Sports Clubs
 - Community Premises; and

- Country village pubs
- 3.18 The Government is also seeking views on exemptions for other premises such as:
- Business Improvement District participants
 - Member's clubs
 - One off late night authorisations for New Year's Eve
- 3.19 The Government is seeking views on affording a reduction of 10% for each scheme a premises is a member of, to a maximum of 30% for:
- Premises which benefit from Small Business Rate Relief
 - Premises involved with best practice schemes such as Best Bar None, Pub Watch, Community Alcohol Partnerships, Business Improvement Districts
 - Other local best-practice schemes
- 3.20 A maximum of 30% of the levy can be retained by the Licensing Authority to fund services which tackle alcohol-related crime and disorder, such as taxi marshalling and "booze buses".
- 3.21 The consultation document includes process maps which show the way that EMROs and the Late Night Levy would be implemented and administrated. The Government is not seeking views on these processes so it is expected that these process will be implemented when EMROs and the late night levy are commenced.
- 3.22 It is expected that both these mechanisms will be commenced in October 2012.

4.0 Corporate Considerations

4.1 Consultation and Engagement

- 4.1.1 Due to the nature of the Government consultation officers are seeking the views of Licensing Committee on these proposals. These views will be reflected in the Council's formal response. In addition a copy of the consultation has been provided to the City Centre Divisional Community Safety Partnership, NHS Leeds, West Yorkshire Police, and the Safer Leeds Executive for their information.

4.2 Equality and Diversity / Cohesion and Integration

- 4.2.1 The amendments to regulated entertainment has an impact on all sectors of society, as noise and disorder from regulated entertainment affects everyone.
- 4.2.2 The Government consultation will impact on businesses working within the Leeds district. If the Licensing Authority decides to impose an EMRO this may well impact on sectors of the society which work at night and may utilise licensed premises after work.

4.3 Council Policies and City Priorities

- 4.3.1 The amendments to live music, EMROs and the Late Night Levy will all impact on the council's Statement of Licensing Policy.

4.4 Resources and Value for Money

- 4.4.1 The deregulation of live music, and the removal of conditions may lead to an increase in noise complaints to the Council. This would impact on the council's Health and Environmental Action Service as they are the first point of contact for noise complaints.
- 4.4.2 Early Morning Restriction Orders will restrict the opening hours of premises and this will impact on their business.
- 4.4.3 The Late Night Levy will impose a charge on premises which open during the night time economy. This could lead to a number of premises applying for a minor variation to reduce hours. The Government has stated that these variations should be free to the business holder, however there will be a cost to the council.

4.5 Legal Implications, Access to Information and Call In

- 4.5.1 The response to the consultation has few legal implications. The consultation document is available on the internet and is open to all to comment.

4.6 Risk Management

- 4.6.1 Licensing Committee could chose not to comment on the consultation document and to instruct officers not to respond. There would be very little impact on the council. However doing so would remove the opportunity for the council to have a say in the way the Late Night Levy and EMROs are regulated.

5 Conclusions

- 5.1 This reports presents three items for consideration by the Licensing Committee. The relaxation of licensing hours for the Golden Jubilee and the Live Music Bill are presented for discussion, but there is no action to take.
- 5.2 The Government's consultation "Dealing with the problems of late night drinking" is presented to Licensing Committee and officers request comments from members to inform the council's response to the consultation.

6 Recommendations

- 6.1 That members note the contents of the report at 3.1 to 3.8
- 6.2 That members provide comments on the report at 3.9 onwards and the consultation questions included in the attached document and listed on page 17 of that document.

Appendices

- 1. Dealing with the problems of late night drinking. A consultation on secondary legislation for the late night levy and early morning restriction orders.