

# Agenda Item 7.

<b>TITLE</b>	<b>Licensing Update and Annual Plan</b>
<b>FOR CONSIDERATION BY</b>	Licensing and Appeals Committee on 16 June 2015
<b>WARD</b>	None Specific
<b>DIRECTOR</b>	Heather Thwaites, Director Environment

## **OUTCOME / BENEFITS TO THE COMMUNITY**

This report outlines the Licensing Teams programme for the 2015/16 year and updates on items from the 2014 report

## **RECOMMENDATION**

That Members note the plan and updates contained in the report.

## **SUMMARY OF REPORT**

This report is intended for Member information, on the annual plan and the current status of items reported to the Committee in 2014.

## **Background**

Officers presented a report for information in 2014 which identified the teams work projections for 2014/15 and gave up to date reports on Government proposals for new or revised legislation. This report updates those issues.

## **Review of all Administrative Procedures**

The team has reviewed procedures for most licensing administration and provided Quality Management Systems for each type of licensing procedure. By looking at each type of licence in turn it has been possible to streamline and bring both Council's systems into one common shared service policy.

In particular taxi administration has been revised by the introduction of a three year driver licence and by not requiring drivers to be interviewed for renewals. This practice has freed up officer time and allowed for a reduction in fees for the trade. This work is ongoing.

## **Local setting of fees for Premises licences.**

This proposal has been scrapped by Government. Fees will therefore continue to be applied at the mandatory levels.

## **Law Commission Review of taxi and private hire legislation**

As previously reported, the Government instructed the Law Commission to undertake an extensive review of all taxi and private hire legislation. The review was completed and culminated in a draft Bill which was due to undergo further consultation and debate. The deadline for consultation to begin is 23<sup>rd</sup> May 2015. If consultation does begin, in time, then it will last for 6 months prior to any legislation being produced.

Notwithstanding the Draft Bill, the Government has introduced the Deregulation Act 2015 which contains some provisions for taxis and private hire licences. These are;

The introduction of 3 year only driver licences for hackney carriage and private hire vehicles other than in the circumstances of an individual case, not because of a blanket policy.

The introduction of 5 year private hire operator licences other than in the circumstances of an individual case, not because of a blanket policy.

The sub contracting of bookings from one licensed operator to another notwithstanding where the operators are located.

## **Personal Licences for the sale of alcohol and other Licensing Act 2003 changes**

The Government introduced the Deregulation Act 2015 immediately prior to the election. Amendments to the Licensing Act 2003 are:

- The requirement to renew personal licences has been abolished.
- The offence of selling liqueur confectionary to children under 16 is repealed. Any person of any age may now buy liqueur confectionary in England and Wales.

- The requirement to report lost or stolen licences to the police before applying for duplicates is abolished.
- The limit on the number of temporary events that can be held at single premises will increase from 12 to 15 per year from 1 January 2016.
- Changes to regulated entertainment take effect from 6 April 2015

### **Live Music**

Live amplified music in on-licensed premises authorised and open for the sale of alcohol does not require a licence for audiences up to 500 (up from 200) until 11pm. This includes beer gardens and terraces if they are included in the licensed premises. Live music related conditions do not apply unless they are re-imposed at a Review. If a beer garden is not shown on the licensed plans then it is unlikely to nevertheless be a workplace which benefits from a similar exemption. Karaoke is considered live music. Live unamplified music does not need a licence anywhere and with no audience limit between 8.00am and 11pm.

### **Entertainment Facilities**

Entertainment facilities (stages, karaoke machines, microphone stands, even electrical sockets) have not been licensable since October 2012. Even though these may still appear on licences previously issued, they are no longer relevant to licensing. These conditions will be removed from licences as and when licences are reviewed.

### **Recorded Music**

Recorded music in on licensed premises benefits from the same exemption as live music above, with the same audience limit. This covers DJ's and disco's and is a new development, as hitherto most recorded music above background level has been licensable under the Act. There is no equivalent workplace exemption. Background live and recorded music continues to be exempt.

### **New Exemptions from 6 April 2015**

- Local Authorities

Live music or recorded music between 8am and 11pm at the non-residential premises of a local authority provided that

- (a) The audience does not exceed 500, and
- (b) The organiser gets the consent for the performance on the relevant premises from the local authority concerned.
- (c) Any entertainment provided by or on behalf of a local authority on their own premises between 8am and 11pm.

- Schools

Live music or recorded music between 8am and 11pm on school premises provided that;

- (a) The audience does not exceed 500, and
- (b) The organiser gets consent for the performance on the premises from the school proprietor concerned
- (c) Any entertainment provided by or on behalf of a school proprietor on their own school premises between 8am and 11pm.

- Hospitals

Live music or recorded music on hospital premises provided that

- (a) The audience does not exceed 500, and
- (b) The organiser gets consent for the performance on the hospital premises from the healthcare provider concerned.
- (c) Any entertainment provided by or on behalf of a healthcare provider on their own hospital premises between 8am and 11pm.

- Community Premises

Live music or recorded music between 8pm and 11pm in a:

Church hall

Village Hall

Community hall or other similar premises that is not licensed to sell alcohol provided that:

- (a) The audience does not exceed 500, and
- (b) The organiser gets consent for the performance from a person who is responsible for the premises.

- Circuses

Any entertainment (excluding films and boxing or wrestling entertainment) taking place at a travelling circus, provided:

- (a) It takes place within a moveable structure that accommodates the audience, and
- (b) That the travelling circus has not been located on the same site for more than 28 consecutive days.

### **Performance of Plays, Indoor Sporting Events and Performances of Dance**

Plays include any type of performance intended to entertain the public using actors whether paid or not. Performances of Dance include any non paying customer dancing that is intended to entertain an audience. Since June 2013, for audiences up to 500 (and in the case of indoor sporting events, up to 1000) from 8am to 11pm. None of these activities require authorisation under the Licensing Act. Lap dancing and other forms of sexual entertainment on up to 11 occasions per year remain regulated under the 2003 Act (any more will require a Sexual Entertainment Venue Licence).

### **Films**

The showing of pre-recorded films which are incidental to some other activity (for

example eating, drinking or playing pool) is not licensable.

### **Exhibition of Films in Community Premises**

No licence is required for “not for profit” film exhibition held in community premises between 8am and 11pm provided that the audience does not exceed 500 and the organiser

- (a) Gets consent to the screening from the person who is responsible for the premises, and
- (b) Ensures that each such screening abides by age classification ratings.

### **Boxing and Wrestling**

This activity remains regulated under the Act (and now explicitly includes martial arts) apart from Greco-Roman and freestyle wrestling.

### **Review of the provision of Disability Awareness/Manual Handling training for taxi drivers.**

Work has commenced on this subject and it is anticipated that a report will be presented to the Committee during the forthcoming year.

### **Local Alcohol Action Area Project**

Although Wokingham Borough Council is not involved in this project it was felt that the outcomes would be of interest to the Council. To date results have not been published.

### **Government Proposals for a Review of licensing laws**

This project has not proceeded and will therefore be struck from the list of this years actions.

### **Analysis of Issues**

Information for Members of the Licensing and Appeals Committee.

### **FINANCIAL IMPLICATIONS OF THE RECOMMENDATION**

***The Council faces severe financial challenges over the coming years as a result of the austerity measures implemented by the Government and subsequent reductions to public sector funding. It is estimated that Wokingham Borough Council will be required to make budget reductions in excess of £20m over the next three years and all Executive decisions should be made in this context.***

	How much will it Cost/ (Save)	Is there sufficient funding – if not	Revenue or Capital?
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		quantify the Shortfall	
Current Financial Year (Year 1)	N/A	N/A	
Next Financial Year (Year 2)	N/A	N/A	
Following Financial Year (Year 3)	N/A	N/A	

<b>Other financial information relevant to the Recommendation/Decision</b>
None

<b>Cross-Council Implications N/A</b>
There are no implications arising from the introduction of this report.

<b>Reasons for considering the report in Part 2</b>
None

<b>List of Background Papers</b>
Licensing & Appeals Committee Report 18 March 2014

<b>Contact</b> Brian Leahy	<b>Service</b> Environmental Health & Licensing
<b>Telephone No</b> 01635 519494	<b>Email</b> bleahy@westberks.gov.uk
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