

Subject:	Annual Report of the Licensing Authority 2015		
Date of Meeting:	3 March 2016		
Report of:	Director of Public Health		
Contact Officer:	Name:	Jim Whitelegg	Tel: 01273 292438
	Email:	Jim.whitelegg@brighton-hove.gcsx.gov.uk	
Ward(s) affected:	All		

FOR GENERAL RELEASE

1. SUMMARY AND POLICY CONTEXT:

- 1.1. This report sets out the licensing and gambling functions for Brighton & Hove Council carried out during 2015.
- 1.2. National matters: legislative changes and consultation (appendix 2).
- 1.3. Local licensing matters
 - Alcohol Programme Board
 - Street drinking/Sensible on Strength
 - Student Freshers/Pub Crawls
 - Sexual exploitation in the night-time economy
 - Events
 - Street Trading
- 1.4. Local/national gambling matters
 - Test purchase operations and subsequent reviews
 - Co-regulation and intelligence sharing between Licensing Authority, Gambling Commission and Police
 - Review Gambling Policy – impact on vulnerable?
 - Illegal poker – clubs and pubs
- 1.5. Local taxi matters
 - Revised 4th Edition of Blue Book
 - Child sexual exploitation
 - Enforcement
 - Uber Private Hire Operators Licence
 - Fees
 - Unmet demand survey
 - Brighton Station
- 1.6. Members are apprised of local and national issues.

2. RECOMMENDATIONS:

- 2.1. That the committee notes the contents of this report.

2.2. That officers should continue to monitor trends of applications and illegal activity to inform future policy.

3. RELEVANT BACKGROUND INFORMATION/CHRONOLOGY OF KEY EVENTS:

3.1. Licensing Act 2003

3.1.1. Table 1 below shows the numbers of applications and hearings for the last three years, including those granted, refused and withdrawn.

3.1.2. The Licensing Authority dealt with 5 reviews in 2015. The full list can be seen in the Review table report. There were a number of challenging reviews, including Oxygen (revoked, appealed (decision substituted to police's original review application 3 mths suspension, amend conditions and reduction of hours)), Golden Grill (revoked and appeal due 29th March 2016) and the Bulldog (suspended from midnight for 1 month and conditions added, appeal due 8th March 2016). (see appendix 1).

Table 1: Licensing Act 2003 figures 2015/2014/2013

<u>1st Jan - 31st December 2015</u>		<u>1st Jan - 31st December 2014</u>	
Number of premises		Number of premises	
- Premises Licences	1363	- Premises Licences	1377
(surrendered)	19	(surrendered)	13
- Club Premises	31	- Club Premises	36
(surrendered)	1		0
New apps		New apps	
TOTAL	48	TOTAL	52
(granted)	42	(granted)	46
(refused)	3	(refused)	3
(withdrawn)	3	(withdrawn)	3
Variations		Variations	
TOTAL	21	TOTAL	29
(granted)	16	(granted)	25
(refused)	2	(refused)	3
(withdrawn)	3	(withdrawn)	1
Minor Variations		Minor Variations	
TOTAL	59	TOTAL	50
(granted)	59	(granted)	49
(refused)	0	(refused)	1
Panel hearings (apps)	13	Panel hearings (apps)	16
Reviews	5	Reviews	8
Appeals	3	Appeals	3
TENs hearings	5	TENs hearings	4
TOTAL	1075	TOTAL	903
(granted)	1053	(granted)	884
(refused)	17	(refused)	16
(withdrawn)	5	(withdrawn)	3

3.2. Gambling Act 2005 - Licensing Authority Functions

3.2.1. The functions of licensing authorities may be divided roughly into five: publication of Gambling Policy, regulation of premises, registration of small society lotteries, maintenance of registers and compliance.

3.2.2. Table 2 shows types and numbers of gambling licences issued by Licensing Authority currently compared to 2007 when the Gambling Act 2005 came into force.

Premises Licences	Current (31/12/2015)	2007
Casinos	4	4
Bingo Licences	3	8
Adult Gaming Centres (AGCs)	10	28
Family Entertainment Centres (FECs)	2 (plus 4 FEC permits)	8
Betting tracks	2	2
Betting Shops	39	51
Gaming Machines Total	191	222
Gaming Machine Permit (> 2 x Cat C&D)	24	
Gaming Machine Auto Entitlement (2 x C&D)	157	
Club Machine Permits	7	
Club Gaming Permits	3	

3.3. Press interest:

3.3.1. Licensing issues in Brighton and Hove have been at the forefront of the media between 1/1/15 – 31/12/15. Press interest includes:

- **Uber** Uber's application for a licence to operate in the city received extensive media coverage, BBC South East TV, ITV Meridian, BBC Sussex, The Argus, and Brighton & Hove Independent.
- **Late night levy** The Licensing Committee's decision to defer the decision on whether to consult on the late night levy for pubs and clubs in the city was covered in the media, including BBC Sussex, Brighton & Hove Independent and The Argus. **Licensing Panel** decisions and action against licensed premises in response to concerns and complaints, were covered in the Argus, Brighton & Hove Independent and other media
- **Prosecution of a taxi driver for smoking in his cab** was covered in the Argus
- **Review of the Statement of Licensing policy** was covered in the Morning Advertiser
- On 12 May 2015, at Brighton & Hove Magistrates' Court, the City Council successfully defended its decision to revoke the premises licence of the West Beach Hotel following licence review proceedings. The case highlighted the legal and practical difficulties of running more than one operation under a single premises licence. The Brighton-seafront hotel contained four separate operations consisting of a basement nightclub, restaurant, a public bar and the hotel itself. The licensable activities of all these operations were authorised under a single Premises Licence with a

single Designated Premises Supervisor. Although there is no legal bar to this type of set-up, real difficulties arose because the licence holder leased out the nightclub and bar elements to third parties over whom he had little or no practical control. The single DPS (later employed by the hotel) was unable to direct, for example, how many door supervisors the nightclub should employ or what hour the club should close. Under questioning, the DPS had to accept that he could not fulfil the role envisaged for a DPS (in the Secretary of State's section 182 Guidance) as the person who will "normally have been given day to day responsibility for running the premises", because his remit and powers were limited and did not extend to large parts of the "premises" including the basement nightclub. The effect of the unified licence, the licence holder conceded, meant that he had delegated his responsibilities under the Licensing Act 2003 to third parties over whom he could exercise little control. This lack of accountability was partly responsible for the significant and prolonged late night disturbances suffered by nearby residents that amounted to a public nuisance. The Court agreed with the Council's earlier decision to revoke the entire premises licence given that the unified licence had proven itself to be "unworkable" and the operations had undermined the public nuisance objective. In this case, the better approach was for each separate operation to be authorised under its own premises licence.

3.4. Local Licensing Issues

3.4.1. Alcohol Programme Board

The Alcohol Programme Board includes health commissioners and NHS/voluntary sector providers, the Council, University student reps, police, licensees, retailers and probation services, with Chair of Licensing invited. The work of the Alcohol Programme Board, domain group 2 (availability) developed an action plan which can be found at Appendix 3.

3.4.2. Street drinking/Sensible on Strength

The 'Sensible on Strength' (SOS) scheme was launched in November 2013 by the Licensing Authority following problems associated with street drinking experienced across the city but particularly by the Level, Lewes Road and New Road. There are many support services in place to deal with this and the drinkers themselves. SOS aims to reduce the availability of cheap super-strength beers and ciders. Off licences voluntarily sign up not to sell cheap super-strength beers and ciders and receive an accreditation. This has been a considerable success and we have received positive feedback including from businesses, alcohol treatment centres and health professionals, where 80% of the high profile street drinkers have moved to lower ABV and more clients are engaging with rehab treatment centres, as well as breaking up hot spot drinking areas. This is an ongoing scheme that will be reviewed regularly.

The Sensible on Strength scheme has 131 members plus 23 stores (chains) who are not selling cheap super-strength beers and ciders. It is an ongoing scheme and the Licensing Team will continue to incorporate advice about the scheme when carrying out their risk based inspection programme and will sign up those who are interested and who qualify. The Licensing Team together

with the Police and Trading Standards will continue to respond to any complaints about hot spot areas and investigate accordingly (current intel suggests issues around St Andrew's Church, Church Road and Waitrose Western Road and New Road).

3.4.3. Statement of Licensing Policy

A major overhaul of the Statement of Licensing Policy has been carried out. The full report can be found at agenda item 30. A summary of the key changes can be found in appendix 4, page 26 and at page 120 of agenda 30.

3.4.4. Student and Organised Pub Crawls

The Licensing Team has worked again during 2015 with both universities to ensure that Freshers are promoted as social events where students can meet people (and not to encourage irresponsible drinking). Sussex University now has a great programme of non-alcohol events including a Brightonian Day tour of landmarks and quirky cafes. As well as the universities the Licensing team has worked with other Events/Promotional Companies to ensure that events within the City such as Bar Crawls have safety measures in place including: Stewarding, On Site Medics, Water Angels, Promoting the Four Licensing Objectives and making evenings "sociable" rather than "Alcohol fuelled".

Officers made contact with the Home Office in January 2016 to see if their accreditation scheme is to be rolled out to all universities and discuss different initiatives that have been achieved with Brighton and Sussex University.

3.4.5. Sexual Exploitation in the Night-Time Economy

The licensing authority supports safeguarding initiative's such as The Beach Patrol Quad bike which the Councillors saw the benefit of on their late night visit. The number of sexual assaults and injuries it has prevented is immeasurable. Following concerns raised post Rotherham, Rochdale, Oxford etc., officers are now working more closely with the Local Children Safeguarding Board (LCSB).

3.4.6. Events

The Licensing Team lead on behalf of Environmental Health & Licensing for the safety management and regulation of events in the city, including for 2015 Brighton Marathon, Brighton Festival & Fringe & The Great Escape, Paddle, Shakedown, Pride/GVP, Big Screen, Colour Run, Rugby World Cup and Freshers. The team focus on structure and crowd safety, welfare/WC provision, public nuisance, food safety and compliance with licensing (alcohol, underage, illegal traders, etc).

The event that impacts most within the city is Pride. Since Pride in the Park has been fenced the problems of underage drinking and low level anti-social behaviour has moved from inside the Park to the periphery and surrounding areas. Pre-Pride and during Pride licensing checks were carried out in all licensed premises associated with the event. Over the Pride weekend which includes the Parade, Pride in the Park and the Village Party (PVP), the Licensing

team were focused on identifying and stopping any instances of licensed premises selling to children and people who were clearly drunk.

1. **Pre-event work:** Multi agency pre event advice visits to premises around the Park, Parade route, and in the PVP were a good opportunity to engage early and provide reminders in relation to licensing, environmental health and trading standards duties and responsibilities. Good joint working with the PVP organisers including visits to premises, introduction of multi agency briefings for licence holders, before and during the event, helped ensure that organisers took responsibility and raised awareness of any current issues.
2. **Licensed premises** around Parade route, Park and PVP were generally good and compliant and had clearly responded to earlier pre event visits. No noise abatement notices, or warning notices were served for commercial or domestic premises.
3. **Mobile traders:** Vast majority of mobile traders (ice cream & burger vans) were trading on private or park land not highway so exempt from street trading consents.
4. **The bomb hoax** resulted in an hour and a half delay, the Parade being rerouted, and Police resources having to be redeployed. A shortage of scanning machines to scan e tickets at the Park and the PVP resulted in big queues and this was not assessed when Preston Road was reopened. Prior to the Parade moving through speakers were turned down and moved off the highway, BBQs and grills also moved off the highway.
5. **Underage drinkers:** Underage drinking was most evident outside the park adjacent to the bowling pavilion and in the Preston Park rose garden. Youths arriving earlier than last year. Youths did not really give an indication of where alcohol was coming from when asked, although RU OK bus and volunteers more of a nurturing approach than interrogation – viewed as a success. By 4pm a much higher police presence in the area which helped keep youth problem under control although still very busy, it also helped that there was such a big alcohol seizure by Police earlier on in the day. Spirits were the main alcohol being consumed. Expanding the fenced off area to include these two areas would help to manage this further. Resulted in a build up of broken glass.
6. **Park:** Inside Park no major issues. At approx. 5pm – For park and immediate surrounding area approx. 60 medical casualties but getting busier partly due to heat, only 3 hospital admissions (all medical). 4 Public Order arrests outside and 9 drug arrests inside park but nothing significant to report. In Park noise levels running higher than last year especially low frequencies, difficult to locate source with so many tents and difficulties with access in and out of site. No reported H&S incidents by 8pm.
7. **Pride Village Party:** St James's Street seemed less congested and the review of the access points to the PVP helped to spread the crowds onto Marine Parade. Noise zones appeared to work with active management by event organisers. Tipple Temple tents in New Steine not just acoustic entertainment much noisier and to be reviewed next year. There was a good

atmosphere, friendly in nature and certainly not aggressive as has been experienced during previous years. Little glass on St James Street showing the positive effect of the 'no glass' policy.

8. **Raves** No reported raves.

9. **Nitrous Oxide and Poppers.** A number of peddlers along the parade route, and outside the park were selling poppers, told not to and moved on. Most use of nitrous oxide was happening outside the park in the rose garden, by the bowling pavilion, on the green open spaces by St Peters and Victoria Gardens, and on the seafront. Feedback from all agencies that overall nitrous oxide less evident than last year.

10. **Noise Patrol.** Operated as normal 10pm to 3am, took 10 calls but only 2 required a visit, or could receive a visit. One was an ongoing case where a statutory nuisance was witnessed.

3.4.7. **Street Trading – Upper Gardner Street Market**

Licensing officer has worked hard to improve relationships with residents and traders. This led to increased communication and enforcement which resulted in some traders leaving the market. This has improved things and we now have:

- A new market supervisor on a Saturday (a trader whose family have had a stall there for as long as the market has been there 100 years)
- Better Relationships/ Less complaints = Less enforcement

The Licensing officer has also streamlined the administration process and so now we have under 10 people on the waiting list (before we had over 30).

3.5. **Gambling Local and National Issues**

3.5.1. **Underage Gambling Test Purchase Operation**

In early September 2015, BHCC licensing officers participated in the National Inspection Strategy, working with the Gambling Commission and Primary Authorities (Newham for Corals, Reading for Paddy Power and Milton Keynes for Ladbrokes), and conducted test purchasing in 6 betting premises within our area. 3 out of 6 premises failed the test purchase. This information has been passed to the relevant Primary Authority and Gambling Commission for any further action. A report will be generated which will be made available to all local authorities that participated in the national inspection plan 2015 and it will include the recommendations that we are making to the operators.

Officers also visited 3 premises where intel regarding a group of underage trying to gain access was received and all had good practices in place.

3.5.2. **Co-regulation and Intelligence Sharing between Licensing Authority, Gambling Commission and other agencies – Policy Review**

The Council are required to produce a Gambling Policy which sets out the authorities approach to gambling and how it will consider applications. The Policy must be reviewed at least every 3 years and interim review with some minor

amendments, including changing the date and removing out of date information (7.1 Statement regarding Casino Resolution).

Officers are also in the process of re-writing the Gambling Statement of Principles in light of the forthcoming changes to the Licensing Conditions and Code of Practice (LCCP) and Guidance for Local Authorities (GLA), to incorporate the new social responsibility requirements which come into force in April 2016 (see 3.6.3). Officers would like to develop the policy to take a public health approach to gambling. The Licensing Team are working with Public Health colleagues, Gambling Commission, outreach centres and other local authorities who have a high proportion of gambling premises. The purpose of this partnership working is to explore area vulnerability to gambling-related harm, to enable the authority to understand the impact that gambling has on health and wellbeing of local communities and to outline this approach in the Policy.

Officers continue to receive intelligence from the Gambling Commission and operators regarding illegal poker in pubs and clubs.

Poker can be played in a members' or commercial club providing that the conditions that apply to gaming clubs are followed, including limits on stakes and prizes. Clubs must be established and conducted wholly or mainly for purposes other than gaming. Stakes are limited to £10 per game with a maximum prize of £250, as opposed to a £5 stake and £100 prize for poker in pubs. A nominal participation fee of £1 or £3 can be charged in clubs, unlike pubs where no participation fee can be charged.

3.5.3. Nationally: Early in 2015 the Commission completed a consultation on revisions to the Licence Conditions and Codes of Practice with a lot of the changes relating to the social responsibility requirements and policies particularly connected to gambling management tools, responsible gambling information, customer interaction and self exclusion. Many of the changes came in to force on 8 May 2015 although a key change: "The drafting of a local risk assessment," does not come in to force until 6 April 2016. This is to allow operators to look at local policies and prepare appropriate risk assessments. The Gambling Commission are being very clear on local risk assessments in that it will not be sufficient for operators simply to write: "There are no risks or issues and therefore a risk assessment is not needed." The Commission argue that gambling risks are less visible than alcohol related harm (Article in the Journal of Licensing – November 2015) and that the risk assessments need to be related to the: "Probability of an event happening and the likely impact of that event." The revised LCCP, which contains a number of amendments, will come into force in April 2016.

3.6 Taxi Matters

3.6.1 4th Edition of Blue Book

This has now been printed and distributed to all Hackney Carriage and Private Hire Drivers, Proprietors and Operators. The 4th edition has been revised with a greater emphasis on protecting children and vulnerable adults, containing licensing objectives, code of conduct when working with vulnerable passengers, safeguarding children and vulnerable people, Human Trafficking and Child Sexual Exploitation. The Guidelines relating to relevance of Convictions have also been updated including immediate

suspensions for police bail and police recommendations. Changes also include the issue of Dual Hackney Carriage and Private Hire licences. It is planned that the Catstream Disability Awareness Training course will be fully in place by April 16.

3.6.2 Child sexual exploitation: guidance letter sent to operators and taxi forum

A number of issues concerning drivers have come to light during 2015 and has led to licences being suspended, revoked or refused. The new version of the Blue Book has been used to refuse a renewal application.

3.6.3 Enforcement

The team have had a number of challenging enforcement cases to deal with this year, resulting in revocations and non-renewals of drivers licences. Public safety is paramount and action has been taken against drivers for a number of matters including child sex offences, common assault, abusive and aggressive behaviour and driving without due care and attention. Many of the cases are on-going. These cases involve a multi-agency input and our decisions are based on the published criteria in the Blue Book.

3.6.4 Uber - Private Hire Operators Licence

This was issued on the 5th of November 2015 but Uber is not currently operating the licence. Anyone trying to book an Uber vehicle in the Brighton & Hove area will see a "coming soon" message on the phone app. This is to prevent Uber drivers licensed elsewhere working in Brighton & Hove.

3.6.5 Fees – issuing 3/5yrs licences or shorter where DBS or medical certificate required (3yr £300 shorter pro-rata)

Following the implementation of the Deregulation Act drivers are now issued 3 year licences unless a DBS check or a medical is required sooner. The cost of a 3year licence is £300 for a Hackney Carriage driver and £228 for a Private Hire Driver Licence. Shorter licences are charged pro-rata of these fees. Private Hire Operator Licences are issued for 5 years.

3.6.6 UMD – no significant unmet demand, release 5 plates per year

The Unmet Demand Survey carried out in 2015 found no significant unmet demand and Licensing Committee agreed to continue with managed growth of 5 new plates annually to wheelchair accessible vehicles. The % percentage of Hackney Carriage Wheelchair Accessible Vehicles has steadily grown over the year and is now 41%.

3.6.7 Brighton Station

There are continued issues with congestion around Surrey Street and Brighton Station. The decision for the proposed rank in Terminus Road has been postponed following pressure from the West Hill Residents Association. Station passes have increased to £750 following the change of contractor issuing Station passes. The Hackney Carriage office now checks drivers DVLA driver licence directly with the DVLA following the

discontinuation of the paper part of the driving licence. All Enforcement Officers have now passed the Btec in Vehicle Inspection.

4. COMMUNITY ENGAGEMENT AND CONSULTATION

4.1. Licensing Strategy Group, finance and legal services.

5. FINANCIAL & OTHER IMPLICATIONS:

Financial Implications:

5.1 The costs associated to activities allowable under the Licensing Act 2003 are funded by licence fee income; any variation between expenditure and income generated from licence fees is funded from existing revenue budgets.

Where fees are not set by central government, licence fees are set at a level that it is reasonably believed will cover the costs of providing the service and in accordance with the requirements of the legislation under which they are charged. Licence fees are approved annually at Licensing Committee.

Finance Officer Consulted: Michael Bentley *Date:* 17/02/16

Legal Implications:

5.2 Legal implications are contained within the body of this report.

Lawyer Consulted: Rebecca Sidell *Date:* 17/02/16

Equalities Implications:

5.3 There are no direct equalities implications.

Sustainability Implications:

5.4 There are no direct sustainability implications.

Crime & Disorder Implications:

5.5 Contained in the body of the report.

Risk and Opportunity Management Implications:

5.6 No implications

Public Health Implications:

5.7 Contained within report.

Corporate / Citywide Implications:

5.8 The local licensing delivers support improvement that help businesses comply with the law speedily, easily and economically.

6. EVALUATION OF ANY ALTERNATIVE OPTION(S):

None – for information only.

7. REASONS FOR REPORT RECOMMENDATIONS

For information only.

SUPPORTING DOCUMENTATION

Appendices:

1. Appendix 1 – Reviews and appeals tables
2. Appendix 2 – Legislative changes & consultation
3. Appendix 3 - Alcohol Programme Board action plan
4. Appendix 4 – Key changes to Statement of Licensing Policy
5. Appendix 5 – Draft local area profile

Documents in Members' Rooms

1. None.

Background Documents

1. None.

Appendix 1

Reviews table

NAME AND ADDRESS OF PREMISES	Date consideration of closure order received from Magistrates	DATE OF HEARING	DETERMINATION
Lewes Road Post Office 6 Lewes Road	N/A	13.02.15	Licence surrendered before hearing
Northern Lights 6 Little East Street Brighton BN1 1HT	N/A	27.01.15	Conditions added to licence and SRA hours reduced to 1am on weekends
Oxygen 75 West Street Brighton BN1 2RA	N/A	01.05.15	Revoked
Golden Grill 5 Pool Valley Brighton BN1 1NJ	N/A	11.09.15	Revoked
The Bulldog 31 St James's Street Brighton BN2 1RF	N/A	21.09.15	Suspended from midnight for 1 month and conditions added

Schedule of Licensing Appeals

Premises	Appellant	PTR	Hearing	Outcome
Oxygen, 75 West Street, Brighton	Premises licence holder		13/14 th October	Decision to revoke substituted for decision to suspend the licence for 3 months, reduce hours and attach conditions
The Bulldog, 31 St James's Street, Brighton	Police and Licence holder	13.11.15	8/9 th March	
The Golden Grill, 5 Pool Valley, Brighton	Licence holder		29/30 th March	

National matters: legislative changes

Personal Licences – The requirement to renew personal licences has been abolished with effect from 1 April 2015.

The Deregulation Bill received Royal Assent on Thursday 26 March 2015 and brought in a number of important changes to the Licensing Act 2003. These are listed below with the date the changes applied from:

- the requirement to renew personal licences has been abolished with effect from 1 April 2015.
- the offence of selling liqueur confectionery to children under 16 was repealed with effect from 26 May 2015. After that date a person of any age can buy liqueur confectionery in England and Wales
- the requirement to report lost or stolen licenses to the police before applying for duplicates was abolished with effect from 26 May 2015
- the limit on the number of temporary events that can be held at single premises increased from 12 to 15 per year from 1 January 2016
- changes to regulated entertainment took effect from 6 April 2015 (see below).

As a result of deregulatory changes that have amended the 2003 Act, no licence is required for the following activities:

- Plays: no licence is required for performances between 08.00 and 23.00 on any day, provided that the audience does not exceed 500.
- Dance: no licence is required for performances between 08.00 and 23.00 on any day, provided that the audience does not exceed 500.
- Films: no licence is required for 'not-for-profit' film exhibition held in community premises between 08.00 and 23.00 on any day provided that the audience does not exceed 500 and the organiser (a) gets consent to the screening from a person who is responsible for the premises; and (b) ensures that each such screening abides by age classification ratings.
- Indoor sporting events: no licence is required for an event between 08.00 and 23.00 on any day, provided that those present do not exceed 1000.
- Boxing or wrestling entertainment: no licence is required for a contest, exhibition or display of Greco-Roman wrestling, or freestyle wrestling between 08.00 and 23.00 on any day, provided that the audience does not exceed 1000.

Live music: no licence permission is required for: a performance of unamplified live music between 08.00 and 23.00 on any day, on any premises.

- a performance of amplified live music between 08.00 and 23.00 on any day on premises authorised to sell alcohol for consumption on those premises, provided that the audience does not exceed 500.
- a performance of amplified live music between 08.00 and 23.00 on any day, in a workplace that is not licensed to sell alcohol on those premises, provided that the audience does not exceed 500.
- a performance of amplified live music between 08.00 and 23.00 on any day, in a church hall, village hall, community hall, or other similar community premises, that is not licensed by a premises licence 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.

- a performance of amplified live music between 08.00 and 23.00 on any day, at the non-residential premises of (i) a local authority, or (ii) a school, or (iii) a hospital, provided that (a) the audience does not exceed 500, and (b) the organiser gets consent for the performance on the relevant premises from: (i) the local authority concerned, or (ii) the school or (iii) the health care provider for the hospital.

Recorded Music: no licence permission is required for: any playing of recorded music between 08.00 and 23.00 on any day on premises authorised to sell alcohol for consumption on those premises, provided that the audience does not exceed 500.

- any playing of recorded music between 08.00 and 23.00 on any day, in a church hall, village hall, community hall, or other similar community premises, that is not licensed by a premises licence 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.
- any playing of recorded music between 08.00 and 23.00 on any day, at the non-residential premises of (i) a local authority, or (ii) a school, or (iii) a hospital, provided that (a) the audience does not exceed 500, and (b) the organiser gets consent for the performance on the relevant premises from: (i) the local authority concerned, or (ii) the school proprietor or (iii) the health care provider for the hospital.

Cross activity exemptions: no licence is required between 08.00 and 23.00 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;

- any entertainment taking place on the hospital premises of the health care provider where the entertainment is provided by or on behalf of the health care provider;
- any entertainment taking place on the premises of the school where the entertainment is provided by or on behalf of the school proprietor; and
- any entertainment (excluding films and a boxing or wrestling entertainment) taking place at a travelling circus, provided that (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.

The deregulatory changes mean that, for example, an indoor sporting event that takes place between 07.00 and 23.30 on a particular day is licensable in respect of activities taking place between 07.00-08.00 and 23.00-23.30. Similarly, where the audience for a performance of dance fluctuates, those activities are licensable if, and for so long as, the number of people in the audience exceeds 500. If organisers are uncertain as to audience sizes or if audience migration is likely, it might be easier and more flexible to secure an appropriate authorisation. Examples of where a Temporary Event Notice (TEN) could still be required include if the activity is the playing of recorded music or the exhibition of a film that requires an authorisation; or if the entertainment is not authorised by an existing licence or certificate and its conditions.

Late Night Refreshment deregulation

The Government has published the Licensing Act 2003 (Late Night Refreshment) Regulations 2015, which provides a list of prescribed premises which a Licensing Authority may exempt from the requirement under the Licensing Act 2003 for the provision of late night refreshment. The list includes premises such as:

- Motorway service areas;
- Premises used for the retailing of petrol or diesel;

- Licensed Premises authorised to sell by retail alcohol for consumption on the premises between 23:00 and 05:00;
- School and Local Authority premises where no more than 500 people are present (non-domestic premises);
- Community premises and hospitals subject to certain requirements.

The regulations came into effect on 5th November 2015.

The Licensing Authority can also decide to exempt premises within a certain area from the requirement to licence late night refreshment, and also change the hours (normally 23:00 to 05:00) during which premises will require a licence, so as to relax those hours to a greater extent. These matters however are for the Licensing Authority's discretion rather than to be prescribed in any Regulations.

BHCC Licensing Officers consider Late Night Refreshment premises can contribute towards disorder in the night time economy so have not suggested any exemptions.

Hackney carriage and private hire licensing changes from 1 October 2015

- Standard three year driver licences for hackney carriage and private hire drivers and five year private hire operator licences.

Private hire operator sub contracts

- The deregulation allows private hire operators to sub-contract bookings to other operators who are licensed with other councils. Previously, sub-contracting could only take place between firms licensed in the same district.

Gambling Act 2005

Statement of Principles (Gambling Policy) Renew Jan 2016 – include local area profile and issues to reflect changes to social responsibility in LCCP & GLA.

Licensing Conditions and Codes of Practice – has been revised to improve social responsibility, reduce gambling related harm and give greater control to customers. The key change took effect on the 8th May 2015 but the requirement for operators to produce a local risk assessment taking into account relevant matters identified in the licensing authority's statement of licensing policy (LA's own local area profile and the new Statement) comes into effect on 6 April 2016..

Guidance for Local Authorities – GC are about to go out to consultation. The vast majority of the next version of the GLA will be unchanged in substance (save for some relatively minor tidying up to remove some duplication and improve ease of use).

Beyond that, the main changes will be in the following areas:

- A new "general guidance" section at the beginning of the document intended to make clear the breadth of discretion available to LAs in exercising their powers, the underpinning statutory "aim to permit gambling subject to being reasonably consistent with the licensing objectives" and the importance of the statement of licensing policy as a regulatory tool
- Changes to reflect completed consultation on improving social responsibility controls, particularly around "local risk assessments"
- Relatively minor changes to reflect the coming into force of new arrangements for regulating online gambling

