

The Licensing Act 2003

Sarah Rogers – BCP Principal Licensing Officer

- Types of Licences
- Licensing Objectives
- What is Licensable?
- Temporary Event Notices (TENs)
- Deregulation – The Live Music Act
- Representations (Objections)
- Responsible Authorities and Other Persons
- Enforcement Powers & Appeals

Types of Licences

- Premises
- Club Premises Certificate (Member only clubs)
- Temporary Event Notices (TENs)
- Personal (Individuals responsible for selling alcohol, the nominated Designated Premises Supervisor - DPS)



Licensing Objectives

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

What is Licensable?

- The Sale and Supply of Alcohol
- Regulated Entertainment
 - The Performance of a Play, Dance, Live or recorded music
 - The Exhibition of a Film
 - An Indoor Sporting Event
- Late Night Refreshment
 - 23:00 to 05:00 – HOT food and/or drinks only

Temporary Event Notices (TENs)

- For an event at an unlicensed venue
- To extend permitted hours for a special occasion
- New Year's Eve or a sporting event extension to hours or regulated entertainment
- To include an area not covered by the current licence
- To provide hot food and/or drink at an event or in addition to facilities currently licensed

Temporary Event Notices (TENs)

- **Standard** - 10 **working** days notice.
 - Only Police and/or Environmental Health can object, < 3 **working** days
 - Licensing Sub Committee to consider the objection and decide.
- **Late** - 5 clear **working** days notice.
 - If Police and/or Environmental Health object the notice is no longer valid and the event cannot go ahead.
 - No scope for a hearing before the Licensing Sub Committee

Temporary Event Notices - Limitations

- Individual with a personal licence can be made 50 times/year. 10 times for a late TEN.
- Individual without a personal licence can be made 5 times/year. 2 times for a late TEN.
- Criteria = **15 times a calendar year for any premises or location** -
Maximum duration is 168 hours (7 days) - Maximum total duration of events for an individual premises is 21 days - No more than 499 persons in attendance (inc staff and performers) - Minimum of 24 hours period between events at the same premises.

Deregulation – The Live Music Act 2013

- Unamplified Live Music - No licence required between 08:00 and 23:00 **in any venue**, regardless of audience size.
- Amplified Live Music - No licence between 08:00 and 23:00 if:
 - The venue is **licensed to sell alcohol for consumption on the premises**
 - The audience is no more than **500** people
- Premises Licence Conditions - Conditions relating to live and recorded music are **disapplied** if above criteria are met (can be reinstated by way of a review should the premises cause a nuisance)

Deregulation – The Live Music Act 2013 - Resident Protections

- Review of Premises Licence (prevention of public nuisance)
 - Application can be made at any time
 - Licensing Authority can reinstate disappplied conditions, or add new conditions
 - Disapply the Live Music Act to those specific premises
- Other Legislation
 - Environmental Protection Act 1990; Health & Safety at Work Act 1974; Fire Safety Order 2005
- BCP Council's Out of Hours Noise Service - Tel: 0800 506 050

Representations (Objections)

- Notices displayed on site for 28 days, newspaper and on BCP Council's website
- Any person or body can make representation to an application
- Relevant to one or more of the **four licensing objectives** – “need” or vicinity to premises not a consideration
- Made in writing within the 28-day consultation period to the Licensing Authority
- Details sent to the applicant or their representative
- Encourage mediation between parties
- If representation not withdrawn – hearing arranged – decision made by the LSC

Responsible Authorities

- The Licensing Authority
- Dorset Police; Dorset & Wiltshire Fire and Rescue Service
- BCP Council – Planning; Environmental Health (Pollution/H&S); Trading Standards; Child Protection
- Public Health Dorset
- Home Office Immigration Enforcement

Other Persons

- Any individual, body or business
- Regardless of location and proximity to premises
- Can make application for the review of a premises licence or club premises certificate at any time
- May request a representative makes a representation on their behalf e.g. Ward Councillor, Chairman of Residents' or Trade Association or a local business.

Enforcement Powers & Appeals

- Intelligence and complaint led
- Right of entry for inspection and compliance
 - Advice and guidance; Informal written warning; Written warning; Simple caution
- Section 19 Closure Notice which can lead to a Closure Order
- Prosecution – unlimited fine and/or up to 6 months imprisonment
- Decisions can be appealed within 21 days to the magistrates' court by any party to the application