

Revised guidance issued under section 182 of the Licensing Act 2003

This note describes changes made to the guidance published in March 2015.

Changes to the Licensing Act 2003

The revised guidance reflects amendments made to the Licensing Act 2003 by the Deregulation Act 2015 and the Legislative Reform (Entertainment Licensing) Order 2014.

The changes made by the Deregulation Act 2015 are:

- 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- The offence of selling liqueur confectionery to children under 16 will be repealed with effect from 26 May 2015. After that date a person of any age can buy liqueur confectionery in England and Wales.
- The limit on the number of temporary events that can be held at single premises will increase from 12 to 15 per calendar year from 1 January 2016.
- The requirement to report lost or stolen licences to the police before applying for duplicates will be abolished with effect from 26 May 2015.

The specific changes to the guidance are:

- Paragraph 2.31 in the table: reference to the offence under s.148 of selling liqueur confectionery to children under the age of 16. Comment added: This offence will be repealed by the Deregulation Act 2015 on 26 May 2015.
- Chapter 4 references to renewal of personal licences removed.
- Added at paragraph 4.1: The Deregulation Act 2015 has removed the requirement to renew a personal licence with effect from 1 April 2015.
- Paragraph 4.18 of the October version: paragraph removed because this was about renewal.
- Paragraph 4.15 added: The requirement to renew a personal licence was removed from the Licensing Act 2003 by the Deregulation Act 2015. While personal licences issued before the 2015 Act have expiry dates, these licences will remain valid and such dates no longer have an effect.

Regulated entertainment

Chapter 15 has been re-written to comply with the Legislative Reform (Entertainment Licensing) Order 2014 and provisions in the Deregulation Act 2015 which provide an exemption for the exhibition of films in community premises in certain circumstances.

In addition footnotes have been added to cross-reference other paragraphs to chapter 15.

The changes to regulated entertainment will take effect from 6 April 2015, and until that date licensing authorities should continue to refer to chapter 15 of the guidance published in October 2014.

The protection of children from sexual exploitation

References to the protection of children from sexual exploitation have been added, in order to raise awareness and help ensure that licensing authorities have systems in place to protect children from exploitation in licensed premises. These are:

- Paragraph 2.21 the following sentence has been added: “Licensing authorities must also consider the need to protect children from sexual exploitation when undertaking licensing functions”.
- Paragraph 11.5 the words in italics have been added: “For example the police should take appropriate steps where the basis for the review is concern about crime and disorder *or the sexual exploitation of children.*”
- Paragraph 11.24 the words in italics have been added: “For example, reviews may arise because of drugs problems at the premises, money laundering by criminal gangs, the sale of contraband or stolen goods, the sale of firearms *and the sexual exploitation of children.*”

Other changes

Other changes have been made to clarify the guidance, these include:

Chapter 4: Personal Licences. Paragraph 4.3 has clarified that the requirement for a personal licence holder to authorise the sale of alcohol does not mean they have to be present on the premises to oversee the sale of alcohol. At paragraph 4.19 we have clarified that the summary of the licence which is displayed on the premises should not include the Designated Premises Supervisor’s personal address.

Chapter 7: Temporary Event Notices. The order of paragraphs in this chapter has been changed to make the process clearer, including introducing late TENs nearer the beginning of the chapter. A number of other minor clarifications have been made to this chapter.

Chapter 5: Who needs a premises licence? Clarification of the process for determining whether a licence may be granted at a garage, based on the licensing objectives and information provided in the application.

Chapter 9: Determining applications. Paragraph 9.2 is now clearer that a hearing is not required when representations are made but subsequently withdrawn, and that licensing authorities should not hold hearings for uncontested applications. At paragraph 9.38 that any conditions added to the licence must be those imposed at the hearing or those agreed when a hearing has not been necessary.

Chapter 11: Reviews. Paragraphs 11.3 and 11.9 referred to 'written' applications/representations in relation to providing hard copies of electronic applications/representations. To remove the ambiguity this has been changed to 'hard copy'. At paragraph 11.27 the bullet point on the illegal purchase and consumption of alcohol by minors has been removed in order to make this paragraph consistent with paragraph 11.30 which states that licensing authorities may take a proportionate approach in cases where there have been two sales to under 18s in quick succession.

Chapter 13: Statements of Licensing Policy. At paragraph 13.42 detail has been added on the Public Spaces Protection Order and transitional arrangements for the Designated Public Place Order, including that the PSPO can be used to restrict the drinking of alcohol in public places.