ANNEX A

LICENSING BILL

Entertainment in community centres and village and church halls

Under the present system live music is licensable in community centres and village and parish halls. Outside Greater London these venues do however enjoy an exemption from fees.

The Government has now made plain its intention to exempt church halls, chapel halls or other similar buildings occupied in connection with a place of public religious worship, and village halls, parish or community halls or other similar buildings from the fees associated with the provision of entertainment or entertainment facilities under the licensing regime which the Bill will introduce.

Use of such premises to put on entertainment will still require a licence as such provision can and does give rise to issues of nuisance, public safety and crime and disorder. However, the Bill provides for a streamlined and straightforward licensing scheme with minimum bureaucracy.

In addition, the Guidance to be issued under the Bill will make it clear that conditions attached to any licences for such premises must be proportionate to the risks involved, which are likely to be minimal in most

cases.

Where a premises licence authorises the sale of alcohol in premises of this nature, however, the normal licence fee will be payable. This is in line with existing arrangements.

These halls will also be able to benefit from a more informal system of permitted temporary activities that the Licensing Bill will introduce. Anyone can notify up to five of these per year, or fifty if they are a personal licence holder. Each event can last up to 72 hours and up to five events can take place at one premises in any year where less than 500 people attend. These permitted temporary activities will require a simple notification to the licensing authority and the police and a small fee of around £20.

Representations by ward councillors

The Licensing Bill as it now stands, following the acceptance (by a narrow margin) of an Opposition amendment at Committee stage in the Lords, includes Ward councillors in the list of interested parties who may make relevant representations in relation to applications for premises licences. This position does not reflect UK Government policy. Government policy is that ward councillors may assist interested parties in the making of relevant

representations but that they should not be able to make relevant

representations in their own right as councillors. The same would apply to MPs or Assembly Members, who were also included in the Opposition amendment.

DCMS anticipate that many functions under the Bill will in fact be carried out by licensing officers. In the context where relevant representations have been made (and where therefore officers are not allowed to take the decisions), they anticipate that most decision-making will be undertaken by licensing sub-committees.

A councillor could be involved in a licensing decision in two ways: either by making relevant representations which should be considered by the committee or by being part of the committee which is looking at an application. If the latter, the Code of Conduct rules on personal interests would apply as well as the general principle that those taking a decision should approach it with an open mind. There would be no automatic presumption that a councillor could not be involved in a licensing decision on an application within their own ward.

Given that there could be up to 5 licensing sub-committees, it should be possible to avoid the situation where a councillor could find themselves directly involved in taking a decision on an application on which they had already expressed a strongly held view. In exceptional circumstances where so many councillors have a personal interest in the application that the licensing committee and its sub committees are unable to consider it, the Bill provides for the decision to be referred to the full council.