



department for
**culture, media
and sport**

Regulatory Reform Order: Proposal to Remove the Requirement for the Designated Premises Supervisor for Community Premises

Licensing Act 2003

Our aim is to improve the quality of life for all through cultural and sporting activities, support the pursuit of excellence, and champion the tourism, creative and leisure industries.

Summary of Proposal and Options for Implementation

Proposal

The Government proposes to remove the requirements under the Licensing Act 2003 which require:

- (a) a designated premises supervisor to be specified on every premises licence authorising sales of alcohol; and
- (b) every sale of alcohol at such premises to be authorised by a personal licence holder,

for categories of premises including village halls, church halls, chapel halls and similar community buildings

Options for implementation

This consultation document discusses four options. At this stage, the Government prefers Option 3. The options are:

Option 1: (a) Disapply the two mandatory conditions (currently required by section 19 of the Licensing act 2003) relating to personal licence holders and designated premises supervisors in respect of premises licences authorising sales of alcohol at village halls, church halls, chapel halls and similar premises. (b) Give responsibility for authorising every sale of alcohol at the premises to the holder of the premises licence. (c) Do not allow such conditions to be imposed on the premises licence in any circumstances.

Option 2: (a) Disapply the two mandatory conditions (currently required by section 19 of the Licensing act 2003) relating to personal licence holders and designated premises supervisors in respect of premises licences authorising sales of alcohol at village halls, church halls, chapel halls and similar premises. (b) Give responsibility for authorising every sale of alcohol at the premises to the holder of the premises licence. (c) Following any review by the licensing authority of such a premises licence on grounds relating to the four licensing objectives, give the licensing authority discretion to impose conditions similar to those in section 19 of the 2003 Act where necessary for the promotion of the four licensing objectives.

Option 3: (a) Allow relevant premises licence holders (or prospective premises licence holders) to apply for the disapplication of the two mandatory conditions (currently required by section 19 of the Licensing act 2003) relating to personal licence holders and designated premises supervisors in respect of premises licences authorising sales of alcohol at village halls, church halls, chapel halls and similar premises. (b) Where an application is granted, give responsibility for authorising every sale of alcohol at the premises to the holder of the premises licence. (c) Following any review by the licensing authority of such a premises licence on grounds relating to the four licensing objectives, give the licensing authority discretion to impose conditions similar to those in section 19 of the 2003 Act where necessary for the promotion of the four licensing objectives.*

Option 4: No change.

***This is the Government's preferred option.**

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Chapter 1: Introduction and Purpose

- 1.1 The Legislative and Regulatory Reform Act 2006 (the 2006 Act) enables a Minister of the Crown, with the approval of Parliament, to make a regulatory reform order which he considers would remove or reduce a burden falling directly or indirectly on any person.
- 1.2 Such a burden may be a financial cost, or an administrative inconvenience, or an obstacle to efficiency, productivity or profitability, or a sanction, criminal or otherwise; or involve a combination of these elements.
- 1.3 An order may not impose, abolish or vary any tax. This proposal does not have any impact on taxation whatsoever.
- 1.4 Under section 3 of the 2006 Act, before presenting to Parliament a proposal to make a regulatory reform order, the Minister of the Crown must be satisfied that:
 - the policy objective intended to be secured by the order could not be satisfactorily secured by non-legislative means;
 - the effect of the provision is proportionate to the policy objective;
 - the provision, taken as a whole, strikes a fair balance between the public interest and the interests of any person adversely affected by it;
 - the provision does not remove any necessary protection;
 - the provision does not prevent any person from continuing to exercise any right or freedom which that person might reasonably expect to continue to exercise; and
 - the provision is not of constitutional significance.
- 1.5 The 2006 Act requires the relevant Minister to consult widely and acquire relevant evidence to inform the Government's consideration of these issues. A list of those to whom this consultation document is being sent is at Appendix A. It is also publicly available from the Department for Culture, Media and Sport's website at www.culture.gov.uk and on the Cabinet Office Better Regulation Executive website at www.cabinetoffice.gov.uk/regulation.

The legislative burden

- 1.6 Section 19 of the Licensing Act 2003, which came into effect on 24 November 2005, provides that where a premises licence authorises the supply of alcohol, the licence must include two conditions. The first condition is that no supply of alcohol may be made under the premises licence:
 - at a time when there is no "designated premises supervisor" in respect of the premises licence;

- or at a time when the designated premises supervisor does not hold a personal licence or his personal licence is suspended.

1.7 The second condition is that every supply of alcohol under the premises licence must be made or authorised by a person who holds a personal licence.

The Government's proposal

- 1.8 The Government proposes that the 2003 Act be amended so that the two mandatory conditions described above could be disapplied in relation to premises licences held by village halls, church halls, chapel halls, community halls and similar community premises.
- 1.9 The Government would also amend the Act so that the responsibility for authorising sales of alcohol would fall on the premises licence holder which might be, for example, the village hall committee collectively. Provided the premises licence holder (e.g. the village hall committee) had properly authorised the sale of alcohol, for example in written form through a hire agreement, an organisation or hirer using these premises for the sale of alcohol under the authority of the premises licence would not be required to obtain a personal licence.
- 1.10 The order would extend to England and Wales and would not impact on Scotland or Northern Ireland.
- 1.11 This consultation document contains a series of questions to which responses are invited. A copy of the all the questions can be found in Chapter 11.
- 1.12 An impact assessment is attached to this consultation document at Appendix B and comments on its contents are also invited.
- 1.13 The consultation document follows the format recommended by the Cabinet Office for all such proposals. The criteria applicable to all UK consultations under the Cabinet Office Code of Practice on Consultation is at Appendix C.

How to respond

- 1.14 If you would like to comment on the matters raised in this document, you should write to the following address by 31 October 2007 using the response form at Appendix D:

Nigel Wakelin
The Licensing Team
Tourism & Licensing Division
6th Floor
2-4 Cockspur Street
London SW1Y 5DH

- 1.15 If you would prefer to e-mail your response, please send it to:

licensingconsultation@culture.gov.uk

Disclosure

- 1.16 It is normal practice for details of representations received in response to this consultation and for respondents to be identified. While the Legislative and Regulatory Reform Act provides for the non-disclosure of representations, the Minister is required to include the names of all respondents in the list submitted to Parliament alongside the draft Order. You should note that:
- If you request that your representation is not disclosed, the Minister will not be able to disclose the contents of your representation without your expressed consent and, if the representation concerns a third party, their consent too.
 - In all cases where your representation concerns information that may be damaging to the interests of a third party, the Minister is not obliged to pass it on to Parliament if it is not believed to be true or if he is unable to obtain the consent of the third party.
 - **Under the Freedom of Information Act, the Government can only refuse to disclose information it holds if specific statutory exemptions apply. Accordingly, the Government cannot guarantee that any response will not be disclosed.**
- 1.17 Please identify any information which you or any other person involved do not wish to be disclosed. You should note that many facsimile and e-mail messages carry, as a matter of course, a statement that the contents are only for the eyes of the intended recipient. In the context of this consultation such appended statements will **not** be construed as being requests for non-inclusion in the post consultation review unless accompanied by an additional specific request for confidentiality, such as indication in the tick box provided for that purpose in the response form at Appendix D.
- 1.18 The Parliamentary Committees who deal with regulatory reform orders under the 2006 Act have requested that a note explaining the Parliamentary process for Orders be annexed to all consultation papers so that consultees understand when and to whom they are able to put their views, should they wish to do so this is set out at Appendix E.

Chapter 2: The Burden (This section explains the background to the legislative provisions which the Government proposes to remove).

The relevant legislative provisions

- 2.1 Under the Licensing Act 2003 (“the 2003 Act”), every premises that engages in the sale by retail of alcohol to the general public needs to have a premises licence issued by the licensing authority (usually the local authority) or make sales under the authority of a Temporary Event Notice.
- 2.2 All premises licences authorising sales of alcohol must specify a designated premises supervisor. The designated premises supervisor is a person who must hold a personal licence. In addition, alcohol sales must be made by or authorised by, a Personal Licence Holder.
- 2.3 To obtain a personal licence under Part 6 of the 2003 Act, the requirements are that the applicant:
 - must be aged 18 or over;
 - possesses a licensing qualification accredited by the Secretary of State (or one which is certified as if it is such a qualification or is considered equivalent) or is a person of a description prescribed by the Secretary of State by regulations;
 - must not have had forfeited a personal licence within five years of his application; and
 - a) the police must not have given an objection notice about the grant of a personal licence following notification of any unspent relevant offence or foreign offence; or
 - b) the police have given an objection notice because of a conviction for an unspent relevant offence or a foreign offence, but the licensing authority has not considered it necessary to reject the application on crime prevention grounds; and
 - the applicant has paid the appropriate fee to the licensing authority.
- 2.4 In order to substantiate whether or not an applicant has a conviction for an unspent relevant offence, all applicants are required to produce a form of criminal record certificate to the licensing authority.
- 2.5 Applicants commonly have to undertake a course involving about one day’s attendance and pass an examination to acquire one of the National Certificate for Personal Licence Holders qualifications which the Secretary of State has accredited.

- 2.6 Personal licences are valid for ten years at which time they can be renewed. They can, however be forfeited or suspended at any time on the order of a court following conviction for a relevant or equivalent foreign offence. Relevant offences include, among others, violent, drug, licensing and sexual offences. Since the Licensing Act 2003 received Royal Assent, there have been some minor changes to the list of relevant offences. Applicants should therefore refer to both [Schedule 4 of the Licensing Act 2003](#) and [The Licensing Act 2003 \(Personal licence: relevant offences\) \(Amendment\) Order 2005](#). Applicants for personal licences must produce a certificate detailing any criminal record. The licensing authority must refer to the police any application involving an applicant with an unspent conviction for a relevant offence. On such a case being referred, the chief officer of police may object to the grant of the licence if he believes that to grant it would undermine the crime prevention objective.
- 2.7 Similar checks on the criminal background of premises licence holders are not normally made. Premises licence holders may be individuals, but may also be businesses, organisations, charities and, for example, village hall committees.
- 2.8 Premises licences last for the lifetime of the premises unless revoked, suspended or surrendered. A premises licence which authorises sales of alcohol must specify a personal licence holder as the designated premises supervisor. Only one may be specified even though several personal licence holders could be active at a single premises. The designated premises supervisor has no formal duties under the 2003 Act separate from those of a personal licence holder. However, this individual is normally responsible for the day to day running of the premises and a formal point of contact for the police and other enforcement agencies when problems arise.
- 2.9 Personal licence holders and designated premises supervisors are therefore an important part of the safeguards for preventing:
- sales of alcohol to children and drunks;
 - disorder on the premises; and
 - the use of the premises for criminal purposes.
- 2.10 Issues relating to public nuisance and public safety arise as much in a regulated entertainment context as with sale of alcohol, but where a premises licence only authorises regulated entertainment or late night refreshment no mandatory conditions relating to personal licence holders or designated premises supervisors apply. The key policy objective is to preserve a necessary level of public protection in respect of the risks identified above.

The administrative burden and costs

2.11 Applicants for personal licences must:

- complete the necessary forms – estimated to be 1 hour;
- apply and pay for a certificate that reveals the individual's criminal record or lack of one at a cost of £20 from *Disclosure Scotland*;
- pay a fee of £37;
- attend a course for one day – estimated to be 6 hours; and
- pay an average cost of £150 for the course.

Using the BRE's estimate for the hour cost of a volunteer to be £9.48, the total cost of gaining a personal licence is estimated to be approximately £273.

Who is affected by the burden?

- 2.12 In the case of village halls, church halls, chapel halls and similar community premises with an alcohol licence, the position of designated premises supervisor is often taken by a volunteer member of the hall committee giving up their own time in the interests of the wider community. In some cases, a member of the community who already holds a personal licence, such as a local publican, may act as DPS for the community hall.
- 2.13 The Government believes that a low number of premises licences in respect of village halls and similar premises authorising sales of alcohol appears to relate in part to a reluctance of volunteers to accept the burdens described above. We are also sympathetic to the view that there can be significant difficulties in replacing a volunteer DPS for these premises when, for example, a local villager moves away. Unlike a commercial premises selling alcohol, village halls etc. are unlikely to be able to offer a financial incentive for recruiting a replacement.
- 2.14 A survey published in 1997 by Paul Marriott for *Community Matters* established that there were approximately 18,800 community buildings, such as village halls and community halls and community centres across in non-rural and rural England and Wales. Marriott's report estimated that more than a third of these were village halls, a quarter were community centres and one in twelve were church buildings. More recently, Action with Communities in Rural England (ACRE) has estimated that there are approximately 8,900 village halls in rural areas in England.
- 2.15 Research conducted by ACRE indicates that over 90 per cent of village halls in rural areas have obtained premises licences which have been in force since 24 November 2005. However, the vast majority of these licences are limited to the provision of regulated entertainment and only a third of the premises licences authorise the sale by retail of alcohol. This suggests that the majority of village halls

and similar premises rely on temporary event notices (TENs), which are limited to 12 notices for each premises in a calendar year, for activities which involve the sale of alcohol. More information about TENs can be found in Chapter 3.

‘At risk premises’

2.16 ACRE’s research showed that approximately 20% of the village halls in the survey which have no licence to sell alcohol were at risk of exceeding their limit of TENs for the number of events that involve the sale of alcohol. While this was based on a small sample of village halls, if extrapolated to ACRE’s total estimate of village halls, this would suggest that around 1,200 (20% of the approximately 6000 village halls with no alcohol licence) village halls in England alone might be at risk of not being able to accommodate all of the activities which are being demanded. If similar assumptions, in terms of the proportion of community premises that do not have a licence to sell alcohol and that are likely to exceed their TENs limit are made to Marriot’s figures then the number would be approx. 2,500. In reality, some of the premises included in Marriot’s figure (such as church halls and other similar community buildings) are less likely than village halls to want to allow alcohol sales, so the total figure needs to be adjusted downwards accordingly. We therefore estimate that the range of premises most likely to consider applying for a premises licence that allows the sale of alcohol, should the options be taken forward, could be around 2,000.

Village and community halls that already hold a premises licence to sell alcohol

2.17 In addition, village and community halls which already have a premises licence to allow the sale of alcohol might wish to take advantage of the new arrangements. According to ACRE’s survey, there are about 2,400 village halls with alcohol licences in England. If similar assumptions, in terms of the proportion of community premises that do have a licence to sell alcohol are made to Marriot’s figures then the number would be approx. 5,000 premises. As above, not all of the premises included in Marriot’s estimate (such as church halls and other similar community buildings) will have as high a requirement to sell alcohol as village halls, so this higher figure will probably be less. We therefore estimate that the number of premises most likely to benefit from a premises licence that allows the sale of alcohol (but without a DPS or personal licence holder) could be around 4,000.

Further information about the possible savings of the proposals can be found in the Impact Assessment at Appendix B.

The definition of a “burden”

2.18 Under section 1 of the Legislative and Regulatory Reform Act 2006 “burden” means any of the following:

- a financial cost;
- an administrative inconvenience;
- an obstacle to efficiency, productivity or profitability;

- a sanction, criminal or otherwise, for doing or not doing anything in the course of any activity.

2.19 The Government considers that all four definitions are met by the circumstances described above.

2.20 Do you agree that the requirements for personal licence holders and designated premises supervisors in respect of volunteers providing services for village halls and similar premises represent a burden as defined in section 1(3) of the Legislative and Regulatory Reform Act 2006?

The definition of the premises covered by this proposal

2.21 The Government proposes that the proposal outlined in 1.8 and 1.9 shall only apply in respect of premises that are or form part of a church hall, chapel hall or other similar building or a village hall, **parish hall or community hall or other similar building.**

2.22 In the majority of cases, it will be self evident whether a premises falls into the definition at 2.21. However, in some areas it may be difficult to define what exactly is a community building. For example, in rural areas, it is possible that a school hall may genuinely play host to a range of community activities. Similarly, there are town halls and public halls in many urban areas which play host to community events. The Government does not, therefore, intend to define further in legislation the nature of the premises affected by the proposal as it would be wrong to constrain the flexibility of licensing authorities to accommodate individual and unique circumstances. The Government may, however, provide further information in additional guidance under s.182 of the 2003 Act. The Government recognises that consultees may have different views of which premises should be affected by the proposal depending on which of the options set out in Chapter 4 is adopted (i.e. whether there is a blanket removal of the DPS/personal licence requirement for all of these premises or whether they have to proactively apply).

2.23 Do you agree that the proposal only covers premises that are or form part of a church hall, chapel hall or other similar building or a village hall, parish hall or community hall or other similar building?

2.24 Do you agree that it will be for the relevant Licensing Authority to determine whether an individual premises is, or forms part of, a similar building to a church hall, chapel hall, village hall, parish hall or community hall? Please indicate whether your view depends on which option from section 4 is adopted.

Legal structures and governance of village halls and similar community premises

- 2.25 There is no rule of thumb as to who owns or is responsible for village halls, community halls and other similar buildings. They can be:
- Owned and run by the Parish or Town Council;
 - Owned and run by trustees;
 - Owned by the state/local authority (eg public hall); or
 - A combination of the above.
- 2.26 In drawing up these proposals, the Government has informally consulted key stakeholder organisations. Some licensing authorities, and the police, have expressed concerns about who would be actually responsible for the sale of alcohol under this proposal if no individual is named.
- 2.27 We therefore consider that the proposal will only cover village halls and similar community buildings which have a formal management or executive committee or trustees in place. These governing bodies would be given responsibility collectively for ensuring compliance with the law, although we can assume that there would not necessarily be any individual member always present at the premises. We propose that it will be for the Licensing Authority to determine whether an individual premises has the necessary structure to be covered by this proposal, although the Government may provide further information in additional guidance. While overall responsibility will lie with the management committee, the hall hirer will be clearly identified as having responsibility, much in the same way that the event organiser is responsible for an event held under a Temporary Event Notice. The Government will work with ACRE, Community Matters and other similar organisations to develop suitable wording for hiring agreements to ensure that it is clear who will be in charge of sales of alcohol and responsible for the provisions under the Licensing Act 2003.

2.28 Do you agree that the proposal shall only cover village halls and similar community buildings (and others identified in 2.23) where a formal management or executive committee or trustees will hold a premises licence?

2.29 Do you agree that it will be for the relevant Licensing Authority to determine whether an individual premises has the appropriate formal management or executive committee or trustees to hold the premises licence?

Chapter 3: Additional Issues (This section explains a number of issues relating to the Licensing Act and Temporary Event Notices, and village/community halls)

- 3.1 The Government is aware of a number of issues relating to the Licensing Act 2003 and temporary event notices, village halls and similar community centres. While they are outside the scope of the proposal outlined in this consultation document, we believe that it would be useful to acknowledge these issues below.

Managing the need for Temporary Event Notices (TENs)

- 3.2 The Government recognises that, even if the proposal outlined in this consultation paper goes ahead, not all community buildings will apply for a premises licence that allows the sale of alcohol and will instead continue to rely on TENs. We are aware that there is sometimes confusion about when a TEN is required for a particular event, and that those who run community buildings may use a TEN unnecessarily. For example, a private event such as a party where the host provides alcohol free of charge or a luncheon club where members bring along a bottle would not require a TEN. Over the coming months, we will be working with ACRE, Community Matters and other stakeholders, such as DEFRA's Rural Community Buildings Network, to develop additional guidance to community buildings to help clarify where a TEN is (or is not) required for an event.
- 3.3 ACRE's report of June 2006 suggested that there should be an increase in the number of TENs and a recognition by Government of the impact of the Act on volunteers running halls; and an effective strategy for addressing the liability, regulation and training issues.
- 3.4 Increasing the number of TENs would, in the Government's view, be wholly undesirable because local residents have no right of objection to the granting of such notices; and the police alone may object but only on grounds relating to the prevention of crime (and not, for example, in connection with public nuisance). While there are other pieces of legislation that provide protection against problems of excessive noise, there is a fine balance to be struck. The Government tested the views of stakeholders to changing the TENs limits when it consulted about the TENs regulations between 9 August and 5 October 2005. The Government concluded that there was no consensus in favour of a further increase in TENs, even for village halls or similar community premises. Residents' associations and local authorities were generally opposed to any further relaxation and Shaun Woodward announced on 5 July 2006 that the Government had no intention of raising the limits

- 3.5 The Government acknowledges that the Independent Fees Review Panel suggested that the limit on the number of events held under TENs might be increased slightly for community type premises. The Government is considering its response to all of the Panel's recommendations and will consult separately on adjustments to the regime which emerge from that report. The Government notes that, notwithstanding the Panel's recommendation on TENs, it also supported the proposed change to the DPS requirement. That is the specific issue covered by this consultation, not the TENs limits.
- 3.6 We have received feedback from some licensing authorities about a number of concerns relating to TENs, such as the inability for anyone beyond the police to raise any objections to notices, the timescale of 48 hours for the police to object and the fact that TENs can override any conditions on premises licences. These issues are not solely related to village halls and community buildings and will therefore not be considered in this paper. However, the Government is committed to evaluating the effect of all aspects of the new licensing regime and will consider these points separately with Local Authorities Coordinators of Regulatory Services (LACORS) and the Local Government Association (LGA). The Government is also aware that there are other barriers to village halls making applications and is talking those issues through other priorities in the simplification plan. See paragraph 3.11 for further details.

Providing alcohol on charity premises

- 3.7 We understand that some community premises run by charities are reluctant to apply for a premises licence that allows the sale of alcohol as they fear that this could affect their charitable status.
- 3.8 According to information from the Charity Commission, the sale of alcohol can never be a primary purpose of a charity, but community organisations may sell alcohol in a manner that is connected with the furtherance of their charitable projects (i.e. as an 'ancillary' activity), subject to holding the necessary premises licence and that the bar does not hinder the use of the premises for the charitable purposes of the organisation. The sale of alcohol is an ancillary activity if it is done simply for the purpose of refreshing people who are on the charity's premises to take part in a recreational, educational, or other charitable (or fund-raising) activity, and the bar is only open when the premises are in use for those activities and for those who are participating or watching the activities. Some charities are, however, expressly precluded from providing alcohol from their premises by its governing document, lease, or management agreement.
- 3.9 If the above conditions are met, charity law does not limit the size of the bar or the level of the turnover of the bar and any profits should be relieved from taxation on the same basis as those of a business that is directly connected with the furtherance of the charity's object. However, if the supply of alcohol is not connected with the furtherance of a charitable object, then the profits will be liable for tax, unless they fall under the exemption for small-scale trading. It is also important to note that a licence allows an activity to take place. It does not necessarily mean that a premises licence holder, such as a charity, with a premises licence is actually making the

sales of alcohol. Further information on this, and other aspects of the sale of alcohol by charities, should be sought from the Charity Commission, or from umbrella organisations such as ACRE and Community Matters.

- 3.10 We do not believe the new licensing regime has changed the manner in which alcohol is often available at village and community halls. If a hall felt it was acceptable to hire out the facilities to hirers providing their own bar previously, we do not see that allowing those activities to continue under a premises licence held by the hall committee makes a difference. The hall is not itself selling the alcohol, but for licensing purposes is allowing that activity to take place. The charity status test is not affected simply because the village hall is licensed to allow such activities to take place, subject to the above paragraphs.

Better Regulation Simplification Plan

- 3.11 DCMS has announced a number of measures in its Simplification Plan to consider how to make the licensing process easier, particularly for small to medium enterprises and non-commercial organisations. These include:

Examining the scope to reduce length and simplify application forms, including development of 'intelligent' e-forms;

Moving the requirement for applicants to copy forms to at least seven 'responsible authorities' to licensing authorities;

Reconsidering the requirement to advertise changes in licensed premises' operations via a local newspaper;

Clarification of the requirement to provide scale plans with applications;

Making provision for a Minor Variation process, whereby changes to licences that do not impact on the four licensing objectives can be put through a streamlined and low cost route.

The Simplification Plan is published on the DCMS website at:

http://www.culture.gov.uk/Reference_library/Publications/archive_2006/simplificationplan_2006.htm

Chapter 4: Options for Removing the Identified Burden

(This section identifies the possible options for implementing the Government's proposal and explores the merits of a "no change" option 4)

- 4.1 The Government has identified four options in respect of its proposal to remove the burden identified in Section 2:
- **Option 1:** Disapply the two mandatory conditions (currently required by section 19 of the Licensing act 2003) relating to personal licence holders and designated premises supervisors in respect of premises licences authorising sales of alcohol at village halls, church halls, chapel halls and similar premises. Give responsibility for authorising every sale of alcohol at the premises to the holder of the premises licence, which could, for example, be a village hall committee. Do not allow such conditions to be imposed on the premises licence in any circumstances.
 - **Option 2:** Disapply the two mandatory conditions (currently required by section 19 of the Licensing act 2003) relating to personal licence holders and designated premises supervisors in respect of premises licences authorising sales of alcohol at village halls, church halls, chapel halls and similar premises. Give responsibility for authorising every sale of alcohol at the premises to the holder of the premises licence. However, following any review by the licensing authority of such premises licence on grounds relating to the four licensing objectives, give the licensing authority discretion to impose conditions similar to those in section 19 of the 2003 Act where necessary for the promotion of the four licensing objectives.
 - **Option 3:** Allow relevant premises licence holders (or prospective premises licence holders) to apply for the disapplication of the two mandatory conditions (currently required by section 19 of the Licensing act 2003) relating to personal licence holders and designated premises supervisors in respect of premises licences authorising sales of alcohol at village halls, church halls, chapel halls and similar premises. Where an application is granted, give responsibility for authorising every sale of alcohol at the premises to the holder of the premises licence. Following any review by the licensing authority of such a premises licence on grounds relating to the four licensing objectives, give the licensing authority discretion to impose conditions similar to those in section 19 of the 2003 Act where necessary for the promotion of the four licensing objectives.
 - **Option 4:** No change: reject the case for change and leave the existing requirements of the Licensing Act 2003 in place in respect of the relevant category of premises.

4.2 Chapters 4 – 8 discuss how the preconditions set out in paragraph 1.4 above might be met in respect of each of the first three options. This Chapter discusses the case for Option 4 (no change).

No change

4.3 Parliament has long recognised that the sale of alcohol is different from other licensable activities and carries with it for greater responsibility. In particular, licensing law is intended to protect the vulnerable such as those under 18 and those that are likely to become, or are already, drunk. While premises where alcohol is sold make a valuable contribution to local economies and the social fabric of many communities, they can also:

- give rise to disorder and anti-social behaviour;
- give rise to public nuisance and disturbance to local residents;
- be a point of contact for criminals; and
- provide a market place for those engaged in the unlawful distribution of drugs and stolen and smuggled goods.

4.4 In order to reduce these risks and provide necessary public protection from them, licensing law has for many years regulated who may sell alcohol. The Licensing Act 2003 requires that alcohol sales in a licensed premises are made or authorised by a personal licence holder. In addition, those who do not hold a personal licence are only allowed to sell alcohol on a maximum of 5 occasions a year under the temporary event notice arrangements.

4.5 The requirement for a personal licence ensures that people with relevant criminal histories can be excluded where the police and the licensing authority judge that to be appropriate. In addition, the requirement for particular qualifications ensures that only those who have demonstrated an understanding of licensing law and the responsibilities that accompany the right to sell alcohol or authorise its sale.

4.6 While these requirements are clearly important in the commercial sector where there is a profit incentive to selling alcohol, it is arguable that no lower standards should apply in the voluntary sector. The need to raise money for charitable purposes (including the upkeep of the hall) carries with it an aim of maximising income. It could also be argued that premises run by volunteers do not benefit from access to professional expertise in holding events.

4.7 On the other hand, licensing law has also always recognised some exceptions. The Licensing Act 2003 applies different arrangements to non-profit making clubs. Such clubs include working men's, political (Labour, Conservative, Liberal Democrat), sports, ex-services and social clubs. Such clubs hold club premises certificates instead of premises licences. There is no requirement for a personal licence holder

to authorise supplies of alcohol at the club premises and a designated premises supervisor does not have to be specified on the certificate.

- 4.8 Parliament agreed to apply a less restrictive regime to club premises for three reasons:
- the risks to the four licensing objectives appeared to be lower in the case of non-profit making clubs;
 - clubs were private places with criteria for admittance to club membership; and
 - the clubs operate under their own rules of discipline which are enforced by the club as a whole.
- 4.9 Responsibility for observing the terms and conditions of the club premises certificate and authorising supplies of alcohol normally falls on the club committee collectively. No individual is required to take on such responsibilities and therefore no issue arises as to the availability of volunteers.
- 4.10 The merits of Option 4 turn on the question of whether sales of alcohol at premises such as village halls, church halls, chapel halls and similar premises genuinely give rise to a reduced level of risk to the four licensing objectives.
- 4.11 In the light of discussions with stakeholders, the Government considers that the risks are probably lower than at commercial premises, but not absent. The Government rejects the concept that such premises all adhere to some simple standard and are idyllic centres of virtue. Such premises are open to the public and the activities taking place at them are characterised by their diversity. These events will vary in scale, content and sophistication and the individuals, groups and organisations hiring such venues are equally varied. In some circumstances, the potential for drunkenness and disorder, underage drinking, drugs use and noise nuisance will be present and the police and some licensing authorities have outlined concern that the lack of supervision by an experienced professional can exacerbate any troubles that may arise.
- 4.12 On balance, the Government is satisfied that there is a case for change as the majority of activities at the premises in question do represent a lower level of risk and because there are important potential gains in reducing the current burden on volunteers. As such, the Government rejects Option 4. However, the fact there is a risk meriting control, means that the preservation of necessary public protection is an important matter for consideration when Options 1-3 are addressed. These are discussed in the Chapters following.

4.13 Do you agree that the risk to the promotion of the four licensing objectives is probably lower in respect of village halls, church halls, chapel halls and similar community premises than at most other premises selling alcohol for consumption on the premises?

4.14 Do you agree that Option 4 – “No Change” – should be rejected? If not, please give your reasons.

Chapter 5: Could the proposal be achieved by non-legislative means?

(This section explains why the proposal cannot be achieved by means other than amending primary legislation)

- 5.1 The requirements for alcohol sales to be made or authorised by a personal licence holder, and for a personal licence holder to be designated as premises supervisor derive from primary legislation. They cannot be changed through secondary legislation.
- 5.2 Failing or choosing not to comply with these conditions would mean that unauthorised licensable activities were being conducted on the premises in question. This would mean that those selling the alcohol and the holder of the premises licence (which could, for example, be a village hall committee) would be liable to prosecution under section 136 of the 2003 Act. On conviction for such offence, the penalty is a fine up to £20,000 or up to six months imprisonment or both.
- 5.3 There is a further offence under section 137 of the 2003 Act of exposing alcohol for unauthorised sale. On conviction for this offence, a similar penalty could be imposed.
- 5.4 The Secretary of State has no powers to direct the police or licensing authorities not to pursue such prosecutions in certain cases.
- 5.5 Although the Secretary of State is empowered to issue Guidance to licensing authorities under section 182 of the 2003 Act, such Guidance cannot effect changes to primary legislation or interfere with prosecution decisions. In addition, the Guidance is not binding on licensing authorities or the police.
- 5.6 The Government is satisfied that providing special arrangements for village halls, church halls, chapel halls and other community premises under which they are not subject to the mandatory conditions set out in section 19 of the 2003 Act cannot be achieved by means of:
 - any voluntary agreements between central government, licensing authorities and the police;
 - changes to the statutory Guidance that the Secretary of State issues under section 182 of the 2003 Act; or
 - changes to the regulations made by the Secretary of State under her powers in the 2003 Act.

5.7 In respect of Options 1 – 3, the Government is therefore satisfied that the proposed change cannot be achieved by non-legislative means.

5.8 Do you agree that the required changes identified under Options 1-3 cannot be achieved by non-legislative means? If you consider that the change can be given effect by non-legislative means, please provide your reasons.

Chapter 6: Is the proposal proportionate to the policy objective?

(This section examines whether each of Options 1-3 is proportionate to the policy objective)

Policy Objectives

- 6.1 The Government believes that village halls and similar community premises play a vital role in ensuring a thriving local community and cultural life and offer a wide variety of entertainment and other activities. Multi-use premises such as village and community halls should see benefits in relation to the Licensing Act 2003 which require a single licence to allow alcohol sales, entertainment, cinema, theatre and late night refreshment. The Government is concerned that these benefits are not being delivered due to a reluctance to apply for premises licences. The fact that 90% of halls have a licence to put on entertainment, suggests that it is the specific requirements of alcohol licences that are putting people off.
- 6.2 This has a knock on effect that the number of activities which can be used by a TEN are insufficient in some cases due to the demands on the Hall and do not have sufficient flexibility to allow events over 96 hours, such as amateur theatre. The Government believes that the removal of the DPS requirement and the fact that it is limited to village and community halls represents a targeted and proportionate approach.
- 6.3 In addition to Government policy set out above, there are important public protection objectives and other policy aims inherent in the licensing regime. It is in order to address those considerations that the Government is consulting on different options for delivering the proposals to remove the DPS/Personal Licence holder requirement. Those issues are discussed later in this consultation document.
- 6.4 **Do you agree that the proposals to remove the mandatory conditions for village halls and similar community buildings (and others identified in 2.23) is proportionate to the policy aims set out above?**

Chapter 7: Does the proposal strike a fair balance between the public interest and the interests of any person affected adversely by it?

(This section examines whether each of Options 1 - 3 strikes a fair balance)

- 7.1 As explained earlier, personal licence holders and the designated premises supervisor are an important part of the safeguards for preventing:
- sales of alcohol to children and drunks;
 - disorder on the premises; and
 - the use of the premises for criminal purposes.
- 7.2 The public interest lies in the protection of:
- the vulnerable (children and people with alcohol dependence);
 - the public who may be directly affected by crime committed by intoxicated people (eg. criminal damage) and anti-social behaviour carried out by drunks (eg. public urination and defecation);
 - law-abiding people using village halls and similar premises that might be harmed by disorder there;
 - people living in the vicinity of such premises who may be disturbed by disorder occurring near-by; and
 - society which is damaged by unchecked criminal activity.
- 7.3 However, there is also a strong public interest in the role of the village hall and similar community premises as cohesive centres for many rural communities. In rural areas some commercial premises providing cultural, leisure and social activity find economic viability difficult. This increases the importance of village halls etc run by volunteers in filling the gap.
- 7.4 Whether or not a fair balance is achieved between the identified public interest and the interests of volunteers working in village halls and similar premises and village hall committees turns on the level of risk of undesirable or criminal behaviour occurring if the two mandatory conditions are not applied.

Does Option 1 strike a fair balance?

Option 1: (a) Disapply the two mandatory conditions (currently required by section 19 of the Licensing act 2003) relating to personal licence holders and designated premises supervisors in respect of premises licences authorising sales of alcohol at

village halls, church halls, chapel halls and similar premises. (b) Give responsibility for authorising every sale of alcohol at the premises to the holder of the premises licence. (c) Do not allow such conditions to be imposed on the premises licence in any circumstances.

- 7.5 The Government considers that Option 1 may not strike the necessary fair balance because it does not provide an opportunity to take preventative action in cases where the history of the premises demonstrates that it has a propensity to attract problems. Review proceedings are essentially reactive and provide for remedial action only after the public have had damaging experiences. However, they are an important safeguard. A common outcome of reviews of alcohol licensed premises is to change the management of the premises through changing the DPS. The Government believes that, where the DPS requirement has been disapplied under these proposals, there should be the option of reinstating the requirement on review of the licence. Accordingly, the Government considers that Option 1 does not provide a fair balance between the interests of those benefiting from the proposal and public protection.

- 7.6 **Do you agree that Option 1 does not strike a fair balance between the public interest and the interests of those affected adversely by the proposal?**

Does Option 2 strike a fair balance?

Option 2: (a) Disapply the two mandatory conditions (currently required by section 19 of the Licensing act 2003) relating to personal licence holders and designated premises supervisors in respect of premises licences authorising sales of alcohol at village halls, church halls, chapel halls and similar premises. (b) Give responsibility for authorising every sale of alcohol at the premises to the holder of the premises licence. (c) Following any review by the licensing authority of such a premises licence on grounds relating to the four licensing objectives, give the licensing authority discretion to impose conditions similar to those in section 19 of the 2003 Act where necessary for the promotion of the four licensing objectives.

- 7.7 Unlike Option 1, Option 2 provides for conditions similar to those which currently apply to be imposed if problems relating to the four licensing objectives occur as a result of the proposed changes. Before such action is taken, there needs to be a valid request for a licence review from an interested party or responsible authority and a subsequent hearing which gives an opportunity for those who have been adversely affected by the licensable activities at the premises to state their case; and for the village hall committee to respond. Option 2 would allow the reinstatement of the DPS/Personal Licence holder requirements where necessary and appropriate. Such action would create an additional burden for village hall committees
- 7.8 However, only those halls which have experienced problems would be called to review and there would still be a right of appeal to the magistrates' courts if the hall felt the decision was unfair. Given the need to ensure proper public protection, the

Government believes that these arrangements would strike a fair balance between the public interest and the interests of any party likely to be affected adversely by it.

7.9 Do you agree that Option 2 strikes a fair balance between the public interest and the interests of those affected adversely by the proposal?

Does Option 3 strike a fair balance?

Option 3: (a) Allow relevant premises licence holders (or prospective premises licence holders) to apply for the disapplication of the two mandatory conditions (currently required by section 19 of the Licensing act 2003) relating to personal licence holders and designated premises supervisors in respect of premises licences authorising sales of alcohol at village halls, church halls, chapel halls and similar premises. (b) Where the application is granted, give responsibility for authorising every sale of alcohol at the premises to the holder of the premises licence. (c) Following any review by the licensing authority of such a premises licence on grounds relating to the four licensing objectives, give the licensing authority discretion to impose conditions similar to those in section 19 of the 2003 Act where necessary for the promotion of the four licensing objectives.

- 7.10 Option 3 differs from Option 2 in that not all village halls and similar community premises would automatically benefit from the proposal. Each premises would need to apply for the mandatory conditions to be removed from the relevant licence. Following appropriate representations from responsible authorities or (in the case of new alcohol licence applications) interested parties, licensing authorities would have the discretion to refuse to remove the conditions if this was necessary for the promotion of one of the four licensing objectives. For example, premises with some history of alcohol sales to people under 18 years might be refused this facility for the promotion of the protection of children from harm. However, every premises would have to go through a process in order to identify a small minority which may give rise to risks of any substance.
- 7.11 As previously stated, reviews are an essentially reactive measure after problems have arisen. Filtering those premises which might benefit from this deregulation would add an additional preventative control and, where necessary, allow adjustments to be made to operating schedules to remove or reduce risks. The Government believes that the identified risks to the public are limited in the case of the category of premises affected. However, informal discussions with police representatives and local authorities suggest that there are examples of problems arising at such premises and that it is justified to have an application process which allows higher risk premises or activities to be excluded from the new arrangements. In addition, any hall which does not currently have an alcohol licence will have to apply to vary the licence in any case to add alcohol. We therefore do not believe there is a significant burden in requesting removal of the DPS/Personal Licence requirement at the same time. Those halls which already have a licence to sell alcohol will already have had their application and operating schedule scrutinised. We therefore suggest that the application to disapply the requirements could be achieved through a process similar to the change of DPS arrangements.

- 7.12 Accordingly, the Government considers that, while the balance in the case of Option 3 may swing towards the wider public interest and may be unfair to the premises affected, this does not seem unreasonable or a significant additional burden.

- 7.13 Do you agree that Option 3 strikes a fair balance between the public interest and the interests of those affected adversely by the proposal?**

Chapter 8: Would an Order remove any necessary protection?

(This section examines whether each of Options 1- 3 removes any necessary protection)

8.1 Options 1 - 3 would be delivered by means of a regulatory reform order made under the Legislative and Regulatory Reform Act 2006.

How do the current arrangements contribute to public protection?

8.2 The first question to consider is how the existing arrangements involving the specification of a designated premises supervisor, holding a personal licence, contributes to public protection in the context of the category of premises including village halls and similar community buildings.

8.3 As explained earlier, the arrangements involving personal licence holders directly influence the protection of:

- the vulnerable (children and people with alcohol dependence);
- the public who may be directly affected by crime committed by intoxicated children (eg. criminal damage) and anti-social behaviour carried out by drunks (eg. public urination and defecation);
- law-abiding people using village halls and similar premises that might be harmed by alcohol-related disorder there;
- people living in the vicinity of such premises who may be disturbed by disorder occurring near-by; and
- society which is damaged by unchecked criminal activity.

Is public protection “necessary” in the context of village halls selling alcohol?

8.4 The second question to consider is whether the removal of the designated premises supervisor in the context of the main proposal would remove public protection that is fundamentally necessary. Personal licence holders have been trained in licensing law and in the social responsibilities associated with the retail of alcohol. A personal licence holder authorises every sale of alcohol but does not have to be present on the premises at all times that alcohol is sold. He may give a written or oral authorisation to others. A designated premises supervisor provides a single point of contact for the responsible authorities where action is needed to be taken quickly to solve problems arising on the premises. Any issues that do not necessitate immediate action would be the responsibility of the premises licence holder which might be a business, a village hall committee or a charity. The designated premises supervisor avoids confusion where more than one personal licence holder is operating on the premises.

- 8.5 As also explained earlier in this consultation document, while the Government considers that the risks identified above are considerably and significantly lower than in the vast majority of commercial premises, they are not absent. Unlawful sales to children and drunks and other crime and disorder can occur on such premises.
- 8.6 Accordingly, the Government considers that any absolute removal of these requirements would remove some necessary public protection unless the arrangements set out in the regulatory reform order actively put in place comparable and adequate protection.

Option 1

Option 1: (a) Disapply the two mandatory conditions (currently required by section 19 of the Licensing act 2003) relating to personal licence holders and designated premises supervisors in respect of premises licences authorising sales of alcohol at village halls, church halls, chapel halls and similar premises. (b) Give responsibility for authorising every sale of alcohol at the premises to the holder of the premises licence. (c) Do not allow such conditions to be imposed on the premises licence in any circumstances.

- 8.7 Option 1 would effectively leave responsibility for compliance with licensing law and licence conditions in the hands of the premises licence holder which, in the context of this proposal, would often be the village or church hall committee. The Act would provide for the premises licence to be reviewed if problems relating to the four licensing objectives arose, but no requirement for a designated premises supervisor to be appointed could be required following such a review. Other remedies could, however, be adopted by the licensing authority including revocation of the premises licence.
- 8.8 In the Government's opinion this Option would remove necessary public protection and would not therefore meet the pre-conditions in the Legislative and Regulatory Reform Act 2006 which must exist before a regulatory reform order can be made.

8.9 **Do you agree that Option 1 removes necessary public protection?**

Option 2

Option 2: (a) Disapply the two mandatory conditions (currently required by section 19 of the Licensing act 2003) relating to personal licence holders and designated premises supervisors in respect of premises licences authorising sales of alcohol at village halls, church halls, chapel halls and similar premises. (b) Give responsibility for authorising every sale of alcohol at the premises to the holder of the premises licence. (c) Following any review by the licensing authority of such a premises licence on grounds relating to the four licensing objectives, give the licensing authority discretion to impose conditions similar to those in section 19 of the 2003 Act where necessary for the promotion of the four licensing objectives.

- 8.10 In addition to the provisions of Option 1, Option 2 would provide that following a review of the premises licence, the licensing authority could re-impose the requirement for a designated premises supervisor to be specified on the premises licence and for every sale of alcohol to be authorised by a personal licence holder.
- 8.11 In pre-consultation discussions, police and local authorities have raised concerns about the activities at some village and community halls, not least public nuisance. They would be concerned about more halls gaining alcohol licences, particularly if there were not qualified people involved or identified as the main point of contact. While accepting this risk, the Government believes that the majority of halls and activities within them will not present a high risk and that any problems can be dealt with by the review process.
- 8.12 Given the lower risk identified, and acknowledging that such arrangements are reactive, the Government considers that such arrangements do provide for necessary public protection to remain in place.

8.13 Do you agree that Option 2 does not remove necessary public protection?

Option 3

Option 3: (a) Allow relevant premises licence holders (or prospective premises licence holders) to apply for the disapplication of the two mandatory conditions (currently required by section 19 of the Licensing act 2003) relating to personal licence holders and designated premises supervisors in respect of premises licences authorising sales of alcohol at village halls, church halls, chapel halls and similar premises. (b) Where the application is granted, give responsibility for authorising every sale of alcohol at the premises to the holder of the premises licence. (c) Following any review by the licensing authority of such a premises licence on grounds relating to the four licensing objectives, give the licensing authority discretion to impose conditions similar to those in section 19 of the 2003 Act where necessary for the promotion of the four licensing objectives.

- 8.14 In addition to the provisions of Option 2, Option 3 would give licensing authorities powers to filter those premises which should benefit from the main proposal. The discretion would be exercised after assessing the risk that each premises poses to the four licensing objectives.
- 8.15 This adds an element of prevention to the reactive measures provided in the review procedures. However, it would add a new administrative procedure under which individual premises would need to apply to be exempted and would have a right of appeal against any adverse decision. The Government is satisfied that Option 3 does not remove any necessary public protection

8.16 Do you agree that Option 3 does not remove necessary public protection?

Chapter 9: Rights and Freedoms (This section examines whether each of Options 1 – 3 prevents any person from continuing to exercise any right or freedom that they might otherwise reasonably expect to continue to exercise)

- 9.1 The 2006 Act requires as a necessary pre-condition to making a regulatory reform order that the proposal should not prevent any person from continuing to exercise any right or freedom that that person might otherwise reasonably expect to continue to exercise.
- 9.2 The two mandatory conditions which section 19 automatically attaches to any premises licence authorising sales of alcohol are not rights or freedoms. They are restrictions imposed on the premises licence holder for the promotion of the licensing objections.
- 9.3 As such, the removal of these restrictions for the category of premises including village halls, church halls, chapel halls and similar premises, should not therefore result in any person continuing to exercise a right or freedom.
- 9.4 The Government therefore considers that Options 1 – 3 meet the required pre-condition in the 2006 Act.

9.5 Do you agree that Options 1 - 3 would not prevent any person continuing to exercise a right or freedom that that person might otherwise reasonably expect to continue to exercise? If you do not agree, please explain why.

Chapter 10: Summary Conclusions

- 10.1 The Government considers that Option 4 which would involve no change to the current arrangements is a viable option only if the deregulatory measures proposed in this consultation document are unacceptable for any reasons relating to the four statutory licensing objectives. The licensing objectives should be paramount in any consideration.
- 10.2 The Government's view is that it would be more proportionate and involve minimal risks to the statutory objectives to provide arrangements which are more suitable and a lighter burden for volunteers who support the community activities of village halls and similar premises. **The Government therefore favours rejecting Option 4.**
- 10.3 No premises are immune to problems. The risk of the premises being used for criminal purposes is extremely limited, but even rural village halls holding events for young people could be a focus of drug dealing or under age alcohol sales. Accordingly, the question is whether a village hall committee can exert sufficient control to prevent these problems.
- 10.4 Clubs have codes of discipline applying to their membership. This often includes sanctions such as loss of membership where rules are broken. However, village hall committees do not necessarily have similar leverage over people using their halls.
- 10.5 The Licensing Act 2003 also includes a number of restrictions on clubs in relation to the sale of alcohol for private profit and on off-sales. The Government has considered whether similar requirements should be applied where the DPS/Personal Licence Holder condition is removed. It has concluded that this would be inappropriate as there will be entirely legitimate activities that involve the sales of alcohol for private profit – for example an indoor farmers market or a small wine producer's stall at a Christmas or summer fair. Where there are concerns about the impact of sales for private profit on the licensing objectives, it would be possible to seek appropriate conditions or changes to the operating schedule at application or review stage. The Government therefore does not propose to introduce such conditions.
- 10.6 The Government believes Option 1 is ruled out as because it fails to meet certain pre-conditions for making a regulatory reform order as set out in section 3 of the Legislative and Regulatory Reform Act 2006. It does not:
- strike a fair balance between the public interest and the interests of any person adversely affected by it for the reasons given in Chapter 7; and
 - because it would remove necessary protection for the reasons given in Chapter 8.

- 10.7 The Government considers that Options 2 and 3 do meet the necessary pre-conditions set out in section 3 of the 2006 Act. Both options would also reduce an administrative burden on volunteers working for village halls and similar premises, which has made such premises reluctant to apply for premises licences authorising sales of alcohol. Although 90 per cent have premises licences covering other licensable activities, the identified burden is reducing their flexibility to take full advantage of the licensing reforms put in place by the Licensing Act 2003. This puts an unhelpful strain on the limitations on temporary event notices, which exist for the benefit of local residents living near such premises. By removing the administrative burden, the Government believes that the pressure on the temporary event notice limits can be significantly reduced without compromising the protection provided by the Act for residents.
- 10.8 In addition, the proposal would place the main burden of ensuring compliance with licensing law and licence conditions collectively on the body holding the premises licence. This is not without precedent and is comparable to the arrangements for non-profit making members' clubs, which appear to work well.
- 10.9 Option 3 has the added pre-cautionary measure that any change has to result from an application procedure. For premises without a licence, this would be part of the new licence application procedure. Similarly, those premises currently only licensed for regulated entertainment and/or late night refreshment would apply as part of a licence variation process to allow alcohol sales. Premises which already hold an alcohol licence would have to apply to remove the DPS/Personal Licence requirement. The Government envisages that this would be a variation on the change of DPS process which allows the views of the police to be taken into account.
- 10.10 The Government therefore prefers Option 3

Option 3: Option 3: (a) Allow relevant premises licence holders (or prospective premises licence holders) to apply for the disapplication of the two mandatory conditions (currently required by section 19 of the Licensing act 2003) relating to personal licence holders and designated premises supervisors in respect of premises licences authorising sales of alcohol at village halls, church halls, chapel halls and similar premises. (b) Where the application is granted, give responsibility for authorising every sale of alcohol at the premises to the holder of the premises licence. (c) Following any review by the licensing authority of such a premises licence on grounds relating to the four licensing objectives, give the licensing authority discretion to impose conditions similar to those in section 19 of the 2003 Act where necessary for the promotion of the four licensing objectives.

10.11 Do you agree that Option 3 is the best Option?

10.12 If not, which of Options 1, 2 and 4 would you prefer to see adopted?

10.13 Do you consider that there are other options that should be explored, which are not identified in this consultation document?

Chapter 11: Summary of Questions

11.1 The Government would be therefore be grateful if you would respond to the following questions:

- Do you agree that the requirements for personal licence holders and designated premises supervisors in respect of volunteers providing services for village halls and similar premises represent a burden as defined in section 1(3) of the Legislative and Regulatory Reform Act 2006? **(Paragraph 2.20)**
- Do you agree that the proposal only covers premises that are or form part of a church hall, chapel hall or other similar building or a village hall, parish hall or community hall or other similar building? **(Paragraph 2.23)**
- Do you agree that it will be for the relevant Licensing Authority to determine whether an individual premises is, or forms part of, a similar building to a church hall, chapel hall, village hall, parish hall or community hall? Please indicate whether your view depends on which option from section 4 is adopted. **(Paragraph 2.24)**
- Do you agree that the proposal shall only cover village halls and similar community buildings where a formal management or executive committee or trustees will hold a premises licence? **(Paragraph 2.28)**
- Do you agree that it will be for the relevant Licensing Authority to determine whether an individual premises has the appropriate formal management or executive committee or trustees to hold the premises licence? **(Paragraph 2.29)**
- Do you agree that the risk to the promotion of the four licensing objectives is probably lower in respect of village halls, church halls, chapel halls and similar community premises is than at most other premises selling alcohol for consumption on the premises? **(Paragraph 4.13)**
- Do you agree that Option 4 – “No Change” – should be rejected? If not, please give your reasons. **(Paragraph 4.14)**
- Do you agree that the required changes identified under Options 1-3 cannot be achieved by non-legislative means? If you consider that the change can be given effect by non-legislative means, please provide your reasons. **(Paragraph 5.8)**
- Do you agree that the proposals to remove the mandatory conditions for village and community halls is proportionate to the policy aims set out above? **(Paragraph 6.4)**
- Do you agree that Option 1 does not strike a fair balance between the public interest and the interests of those affected adversely by the proposal? **(Paragraph 7.6)**
- Do you agree that Option 2 strikes a fair balance between the public interest and the interests of those affected adversely by the proposal? **(Paragraph 7.9)**
- Do you agree that Option 3 strikes a fair balance between the public interest and the interests of those affected adversely by the proposal? **(Paragraph 7.13)**
- Do you agree that Option 1 removes necessary public protection? **(Paragraph 8.9)**
- Do you agree that Option 2 does not remove necessary public protection? **(Paragraph 8.13)**

- Do you agree that Option 3 does not remove necessary public protection? **(Paragraph 8.16)**
- Do you agree that Options 1 - 3 would not prevent any person continuing to exercise a right or freedom that that person might otherwise reasonably expect to continue to exercise? If you do not agree, please explain why. **(Paragraph 9.5)**
- Do you agree that Option 3 is the best Option? **(Paragraph 10.11)**
- If not, which of Options 1, 2 and 4 would you prefer to see adopted? **(Paragraph 10.12)**
- Do you consider that there are other options that should be explored, which are not identified in this consultation document? **(Paragraph 10.13)**

11.2 The Government would also be grateful for any comments on the impact assessment at Annex B.

Appendix A: List of Consultees

Action in Rural Sussex
Action with Communities in Rural England
Alcohol Concern
Arts Council
Association of Chief Police Officers
Association of Convenience Stores
Association of Licensed Multiple Retailers
Association of School and College Leaders
Association of Show and Agricultural Organisations
Better Regulation Commission
British Beer and Pub Association
British Hospitality Association
British Institute of Innkeeping
Charity Commission
Chief Fire Officers' Association
Church of England General Synod
Churches Conservation Trust
Commission for Rural Communities
Committee of Registered Clubs Associations
Community Matters
Crown prosecution Service
(DEFRA) Rural Communities Buildings Network
English Heritage
National Farmers' Retail & Markets Association
Federation of Private Residents' Association
Federation of Licensed Victuallers
Federation of Licensed Victuallers (Wales)
Greater London Authority
Girlguiding UK
Historic Houses Association

Independent Schools Council
Interfaith Network
Institute of Licensing
Licensing Act Active Residents Network
Local Authorities Coordinators of Regulatory Services
Local Government Association
London Councils
Musicians Union
Open all Hours
National Association of Head Teachers
National Association of Local Councils
National Confederation of Parent Teacher Associations
National Federation of Women's institutes
National Neighbourhood Watch Association
National Operatic and Dramatic Association
National Organisation of Residents Associations
National Village Halls Forum
Police Federation
Police Superintendents' Association
Rotary International in Great Britain and Ireland
Rural Shops Alliance
Small Business Service
Society of Local Council Clerks
The Civic Trust
The Magistrates Association
The Scouts Association
Trading Standards Institute
Tourism for All
Voluntary Arts Network
Wales Council for Voluntary Action
Welsh Assembly
Welsh Local Government Association
Welsh Music Foundation
Wine Spirits Trade Association

Respondents are invited to contact us with the names of any other stakeholders groups not on this list who they feel might be able to contribute.

Appendix B: Impact Assessment

Summary: Intervention & Options		
Department /Agency: Department for Culture, Media and Sport	Title: Impact Assessment of the proposal to remove the requirements for a Designated Premises Supervisor and personal licence holder for community premises	
Stage: Consultation	Version: 1.8	Date: 05/07/07
Related Publications: Licensing Act 2003, Consultation Paper on the proposal to remove the requirement for a Designated Premises Supervisor for community premises under the LA 2003		

Available to view or download at:

<http://www.culture.gov.uk>

Contact for enquiries: David Gookey

Telephone: 0207 211 6351

What is the problem under consideration? Why is government intervention necessary?

Organisations representing village and community halls have identified a barrier to such premises applying for a licence that allows the sale of alcohol as the requirement for a designated premises supervisor (DPS)/personal licence holder to authorise the sale of alcohol. Volunteers are reluctant to take on this role which means many premises are relying on temporary permissions to allow alcohol sales (Temporary Event Notices) which are limited to 12 events each year. Government intervention is required to amend the Licensing Act to disapply these requirements.

What are the policy objectives and the intended effects?

It is intended that more village halls and similar community premises will apply for a licence that allows the sale of alcohol if these requirements are disapplied. This would include those which are at risk of not being able to accommodate all of the activities which are being demanded under the Temporary Event Notice (TENS) regime and ensure the licensing regime is not unnecessarily restricting local community activities. It should provide greater flexibility for these premises and have a potential reduction in costs over a 10 year period.

What policy options have been considered? Please justify any preferred option.

Those who represent community premises have called for a substantial increase in the limit of TENs. However, other key stakeholders including some local authorities, residents groups and the police are concerned about relaxing limits on a light touch regime that does not allow residents to object to events. The proposal was supported by an independent panel which was set up to review the licence fee and other costs. It concluded that village halls should apply for full premises licences in order to reduce their reliance on temporary permissions and longer term administrative burdens.

When will the policy be reviewed to establish the actual costs and benefits and the achievement of the desired effects? Spring 2010

Ministerial Sign-off For consultation stage Impact Assessments:

I have read the Impact Assessment and I am satisfied that, given the available evidence, it represents a reasonable view of the likely costs, benefits and impact of the leading options.

Signed by the responsible Minister:

..... Date:

Summary: Analysis & Evidence

Policy Option:	Description: the proposal to remove the requirements for a Designated Premises Supervisor and personal licence holder for community premises
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COSTS	ANNUAL COSTS		Description and scale of key monetised costs by 'main affected groups' Should the proposal go ahead, there will be a potential saving of up to £273 in the application costs for those village and community halls that wish to get a premises licence that allows the sale of alcohol.
	One-off (Transition)	Yrs	
	£ 0		
	Average Annual Cost (excluding one-off)		
	£ 0		Total Cost (PV) £ 0
Other key non-monetised costs by 'main affected groups'			

BENEFITS	ANNUAL BENEFITS		Description and scale of key monetised benefits by 'main affected groups'		
	One-off	Yrs			
	£		Potential Annual Savings (10 yr period)	'At Risk' Premises	Premises with an alcohol licence
	Average Annual Benefit (excluding one-off)		Option 1	£1,092,000	£1,092,000
			Option 2	£1,083,810	£1,083,810
			Option 3	£1,083,810	£953,890
		£	Total Benefit (PV)		£ 2,184,000 (up to)
Other key non-monetised benefits by 'main affected groups'					
No individual person (usually a volunteer) would be required to take on DPS responsibility. Additional flexibility for those that get a full premises licence (reducing reliance on TENs).					

Key Assumptions/Sensitivities/Risks Estimated 'at risk premises' and those with an alcohol licence have been extrapolated from surveys by other organisations about the number of village and community halls.

Price Base Year	Time Period Years	Net Benefit Range (NPV) £	NET BENEFIT (NPV Best estimate) £
-----------------	-------------------	-------------------------------------	---

What is the geographic coverage of the policy/option?	England & Wales
On what date will the policy be implemented?	Spring 2008
Which organisation(s) will enforce the policy?	Licensing Authorities
What is the total annual cost of enforcement for these organisations?	£ 0 (fees cover)
Does enforcement comply with Hampton principles?	Yes
Will implementation go beyond minimum EU requirements?	No
What is the value of the proposed offsetting measure per year?	£ n/a
What is the value of changes in greenhouse gas emissions?	£ n/a
Will the proposal have a significant impact on competition?	No

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Department for Culture, Media and Sport

Regulatory Reform Order: Proposal to Remove the Requirement for the Designated Premises Supervisor for Community Premises

Annual cost (£-£) per organisation <small>(excluding one-off)</small>	Micro 0	Small 0	Medium 0	Large 0
Are any of these organisations exempt?	No	No	N/A	N/A

Impact on Admin Burdens Baseline (2005 Prices)		(Increase - Decrease)	
Increase of	£	Decrease	£
		Net Impact	
		£	

Key:

Annual costs and benefits: Constant Prices

(Net) Present Value

Evidence Base (for summary sheets)

[Use this space (with a recommended maximum of 30 pages) to set out the evidence, analysis and detailed narrative from which you have generated your policy options or proposal. Ensure that the information is organised in such a way as to explain clearly the summary information on the preceding pages of this form.]

The Burden - Background

Section 19 of the Licensing Act 2003 provides that where a premises licence authorises the supply of alcohol, the licence must include two conditions.

- The first condition is that no supply of alcohol may be made under the premises licence:
 - at a time when there is no “designated premises supervisor” in respect of the premises licence;
 - or at a time when the designated premises supervisor does not hold a personal licence or his personal licence is suspended.
- The second condition is that every supply of alcohol under the premises licence must be made or authorised by a person who holds a personal licence.

The Government's proposal

The proposal is that the 2003 Act be amended so that premises licences held by village halls, church halls, chapel halls, community halls and similar community premises would be exempted from the two mandatory conditions described above.

The Act would also be amended so that the responsibility for authorising sales of alcohol would fall on the premises licence holder which might be, for example, the village hall committee collectively. This would mean that a member of the organisations using these premises for the sale of alcohol would not be required to obtain a personal licence.

The Government announced, in a Ministerial written statement in July last year, the Government's intention to work up these proposals for Parliamentary consideration subject to the outcome of public consultation.

The Burden – Costs

Personal Licences

Applicants for personal licences must:

- complete the necessary forms – estimated to be 1 hour;
- apply and pay for a certificate that reveals the individual's criminal record or lack of one at a cost of £20 from *Disclosure Scotland*;
- pay a fee of £37;
- attend a course for one day – estimated to be 6 hours; and
- pay an average cost of £150 for the course.

Using the BRE's estimate for the hour cost of a volunteer to be £9.48, the total cost of gaining a personal licence is estimated to be approx £273.

Premises licences.

The application and annual fees for licensed premises are based upon the premise's non domestic rateable value band. The majority of village and community halls and similar premises are likely to be in Band A and band B. Under the Licensing Act, the fees are:

Band A

Application fee: £100 Annual fee: £70

Band B

Application fee: £190 Annual fee: £180

No fees are payable for premises licences allowing regulated entertainment only (no alcohol) at church halls, chapel halls or other similar buildings, or village, parish or community halls, or schools or colleges (for the purpose of the educational institution).

Temporary Event Notices (TENs)

Apply for events up to 96 hours and for a maximum of 499 people. Limit of 12 TENs per premises, up to a maximum 15 days, per year. Each TEN costs £21.

Who is covered by the burden

The assumptions made below are based upon the existing, albeit limited, evidence about the potential burden costs to village halls and community halls and similar premises in England and Wales.

A survey published in 1997 by Paul Marriott for *Community Matters* established that there were approximately 18,800 community buildings, such as village halls and community halls and community centres across in non-rural and rural England and Wales. Marriott's report

estimated that more than a third of these were village halls, a quarter were community centres and one in twelve were church buildings. More recently, Action with Communities in Rural England (ACRE) has estimated that there are approximately 8,900 village halls in rural areas in England.

Research conducted by ACRE indicates that over 90 per cent of village halls in rural areas in England have obtained premises licences which have been in force since 24 November 2005. However, the vast majority of these licences are limited to the provision of regulated entertainment and only a third of the premises licences authorise the sale by retail of alcohol. This suggests that the majority of village halls and similar premises rely on temporary event notices (TENs), which are limited to 12 notices for each premises in a calendar year, for activities which involve the sale of alcohol.

‘At risk premises’

ACRE’s research showed that approximately 20% of the village halls in the survey which have no licence to sell alcohol were at risk of exceeding their limit of TENs for the number events that involve the sale of alcohol. While this was based on a small sample of village halls, if extrapolated to ACRE’s total estimate of village halls, this would suggest that around 1,200 (20% of the approximately 6000 village halls with no alcohol licence) village halls in England alone might be at risk of not being able to accommodate all of the activities which are being demanded. If similar assumptions, in terms of the proportion of community premises that do not have a licence to sell alcohol and that are likely to exceed their TENs limit are made to Marriot’s figures then the number would be approximately 2,500. In reality, some of the premises included in Marriot’s figure (such as church halls and other similar community buildings) are less likely than village halls to want to allow alcohol sales, so the total figure needs to be adjusted downwards accordingly. We therefore estimate that the range of premises most likely to consider applying for a premises licence that allows the sale of alcohol, should the options be taken forward, of around 2,000.

By removing the requirement for a DPS and a personal licence holder for such premises (cost has been estimated above to be £273) then the **potential initial saving would be approximately £546,000** (2,000 x £273). As well as the saving at application stage, there would be a saving each time the DPS changed. Conservatively, if we estimate there would have been at least an average of one change in who is the DPS (for example if a volunteer steps down or leaves the village) in a 10 year period (the maximum duration of a personal licence) then the potential for additional savings will be the same as the initial saving (ie £546,000). **The total potential saving would therefore be £1,092,000 over a 10 year period** (£546,000 x 2) **which equates to an average saving of £109,200 per year.**

Village and community halls already with a premises licence to sell alcohol

In addition, village and community halls which already have a premises licence to allow the sale of alcohol might wish to take advantage of the new arrangements. According to ACRE’s survey, there are about 2,400 village halls with alcohol licences in England. If similar assumptions, in terms of the proportion of community premises that do have a licence to sell alcohol are made to Marriot’s figures then the number would be approximately 5,000 premises. As above, not all of the premises included in Marriot’s estimate (such as church halls and other similar community buildings) will have as high a requirement to sell alcohol

as village halls, so this higher figure will probably be less. We therefore estimate that the number of premises most likely to benefit from a premises licence that allows the sale of alcohol (but without a DPS or personal licence holder) could be around 4,000.

By removing the requirement for a DPS and a personal licence holder (cost has been estimated to be £273) then the potential saving over each 10 year period (the duration of a personal licence) would be **£1,092,000** (4,000 x £273) or **approx £109,200 per year**. This assumes, conservatively, that there would have been (on average) no more than one change in the DPS over the 10 year period.

Costs for different options

Option 1) Automatically disapplying the requirement for a DPS and a personal licence holder for village and community halls, and for similar conditions never to be added to a premises licence following a review.

Given that the requirements would be automatically disappplied, then it is likely that the full estimate of potential savings, identified above, from not having a personal licence holder could be made. **This could be £2,184,000 over 10 years or £218,400 per year.**

Option 2) Automatically disapplying the requirement for a DPS and a personal licence holder for village and community halls, but allow similar conditions to be added to a premises licence following a review.

Although there is a possibility of the DPS requirement could be added to a premises licence, following a review, and therefore an additional cost, we have little evidence to show how often this may happen. A short survey carried out by DCMS in 2006 suggested that, overall, around 0.3% of all premises had their licences reviewed in the first year following the new regime coming into effect. A review allows a number of actions to be taken to address problems that arise and if a village or community hall licence is reviewed, it is by no means certain that a reinstatement of the DPS requirement would be the outcome. If we assumed that 1% of halls would have their licences reviewed over a 10 year period and have the DPS requirement reinstated as a result, this might amount to 60 out of 6000 halls and a total of £16,380 in potential savings lost over the 10 year period. For the sake of ease, we have assumed that this would be split between both types of premises listed in this assessment. We therefore estimate that the potential savings would be reduced slightly to **£2,167,620 over 10 years or £216,762 per year.**

Option 3) Requiring village and community halls to apply for the removal of the requirement for a DPS and a personal licence holder for village and community halls and allowing similar conditions to be added to a premises licence following a review.

For the 'at risk premises' there would be no additional burden in requiring them to apply for the removal of the requirement for the DPS and personal licence holder, since they would be applying for a licence to include alcohol for the first time in any case. The potential savings, identified above, of £1,092,000 over a 10 year period therefore remain. For those premises that already have a licence that allows the sale of alcohol, we envisage that the cost to apply for the removal of the DPS and personal licence holder (assuming that the process and cost will be similar to the current process and cost for the variation of DPS) would be approximately £32.48, including 1 hours work for a volunteer. This additional cost for the

estimated 4,000 premises would reduce the potential savings over 10 ten years by approx £129,920 making them £962,080.

The potential savings could be reduced further if the application attracts representations and is denied at a hearing. However, concerns may be addressed in other ways, so it is difficult to estimate how many applications would be unsuccessful in removing the DPS (as opposed to other outcomes). If we assume the same level as for licence reviews above (1%), this would mean a reduction in savings of £16,380. Therefore, the overall potential savings under Option 3 could be **£2,037,700 over 10 years or £203,770 per year**.

Option 4) No change. *With this option, there would be no savings.*

The Government's Preferred Option

The Government prefers Option 3 as the removal of the DPS/personal licence requirement would not be an automatic right, but would be subject to an application process which would allow objections by the police (for example on crime and disorder grounds) and objections from interested parties such as residents. This would potentially allow the activities covered by the licence at an individual premises to be limited and for appropriate conditions to be added (for example requiring proper hire agreements) before the DPS/personal licence requirement is removed. The Government believes that it strikes the right balance between relaxing requirements for village halls so they can respond to the needs of local communities, but in doing so, instilling a greater sense of responsibility for the management of the hall.

Competition Assessment

The British Beer and Pub Association and the Federation of Licensed Victuallers Associations have suggested that there may be competition issues where a village hall begins to allow alcohol on a more regular basis and in effect competes with rural pubs. Whilst this may already be a theoretical possibility, it is impossible to predict how often this might be the case *as a result of these proposals*. Discussions with village hall representatives suggest that most village halls are not interested in operating in this way. In addition, any application to allow the sale of alcohol requires an operating schedule to be completed which indicates the type and frequency of activity to be licensed. Interested parties, such as local businesses and police can make representations against such applications. While competition issues are not licensing objectives, the DPS/personal licence requirements are there largely in recognition of the potential of alcohol sales to lead to crime and disorder, including sales to children. The rationale for removing this requirement from village and community halls is that their activities carry less risk as they are overseen by a management committee and do not constitute to same level of commercial interest in making retail sales of alcohol to the public. We would expect that any application for the sales of alcohol that would, in effect, mean the community premises were operating like a commercial outlet would be subject to the necessary scrutiny and very careful consideration given before the DPS requirement was removed. The protection would be strongest under the Government's preferred Option 3. We therefore do not believe that the proposed policy is likely to raise any competition concerns as it will not directly or indirectly limit the number or range of suppliers, limit the ability of suppliers to compete or reduce suppliers' incentives to compete vigorously.

Small firms impact test

Village and community premises are generally run by public bodies or as charities and we do not believe there is likely to be a significant impact on small businesses. To the extent that any of the premises covered by these proposals might be businesses, the impact can only be one of reducing burden and allowing greater flexibility. As well as discussing these proposals in detail with organisations representing village and community premises, officials have had brief informal discussions to sound out organisations which represent businesses involved in the sale of alcohol. Their interest was whether these proposals would generate competition issues for small pubs, rather than the impact of these changes directly on small businesses in their sector (see above).

Equality Impact Assessment

Please see attached annexe which assesses the possible impact of the proposal on the DCMS equality strands of Age, Disability, Gender, Race, Religion or belief, and Sexual Orientation.

Rural Proofing

Throughout the development, implementation and monitoring of the Licensing Act 2003 we have engaged with groups representing rural interests. Action with Communities in Rural England (ACRE) was asked to represent rural interest on DCMS Minister's High Level Group of key stakeholders and has been part of other working groups including the Live Music Forum. A senior official of the Commission for Rural Communities was appointed as a member of the independent Fees Review Panel and the ten Scrutiny Councils included a mainly rural local authority.

This proposal has been brought forward as a result of our continuing engagement with representatives of rural communities. In working up these specific proposals, officials have liaised closely with ACRE, Community Matters and DEFRA. They have also had pre-consultation discussions with rural authorities and police and have spoken at the National Village Halls Forum and Rural Community Buildings Network.

Health Impact Assessment Screening

We have undertaken a screening process to determine whether this policy needs a full health impact assessment. Given that the proposal only potentially changes the responsibility for the licensed premises from one designated person to a group of people (e.g. a village hall committee) and does not otherwise change any other element of licensing policy, we do not believe that a health impact assessment is required.

We have considered that the policy will not have:

a significant impact on human health by virtue of its effects on the following wider determinants of health: Income, Crime, Environment, Transport, Housing, Education, Employment, Agriculture or Social cohesion.

a significant impact on any of the following lifestyle related variables: Physical activity, Diet, Smoking, drugs, or alcohol use, Sexual behaviour, Accidents and stress at home or work.

a significant demand on any of the following health and social care services: Primary care, Community services, Hospital care, Need for medicines, Accident or emergency attendances, Social services, Health protection and preparedness response

Specific Impact Tests: Checklist

Use the table below to demonstrate how broadly you have considered the potential impacts of your policy options.

Ensure that the results of any tests that impact on the cost-benefit analysis are contained within the main evidence base; other results may be annexed.

Type of testing undertaken	<i>Results in Evidence Base?</i>	<i>Results annexed?</i>
Competition Assessment	Yes	No
Small Firms Impact Test	Yes	No
Legal Aid	No	No
Sustainable Development	No	No
Carbon Assessment	No	No
Other Environment	No	No
Health Impact Assessment	Yes	No
Race Equality	Yes	Yes
Disability Equality	Yes	Yes
Gender Equality	Yes	Yes
Human Rights	No	No
Rural Proofing	Yes	No

Department for Culture, Media and Sport: Equality Impact Assessment – Initial Screening

Section	Notes
1. Name of the function/policy to be assessed: Possible Regulatory Reform Order to remove the requirement for a Designated Premises Supervisor (DPS) for community premises under the Licensing Act 2003.	
2. What is the aim, objective or purpose of the policy? To remove a potential barrier to village halls and similar community premises from applying for a premises licence that allows the sale of alcohol.	
3. What are the intended outcomes? More village halls etc. may apply for a licence that allows the sale of alcohol in the premises if a potential barrier is removed. This could include those which might be at risk of not being able to accommodate all of the activities which are being demanded.	<p><i>Consider:</i></p> <ul style="list-style-type: none"> • <i>How will you monitor progress towards these outcomes?</i> • <i>Do the outcomes support or hinder other policies, values</i>

	<p><i>or objectives within the Department?</i></p> <ul style="list-style-type: none"> • <i>If they hinder other work is this justifiable?</i>
<p>4. Who are the key stakeholders?</p> <p>Those who represent village hall and community halls interests, including ACRE and Community Matters, those involved with licensing policy implementation including LACORs and the LGA, and those involved in the enforcement of the Licensing Act such ACPO.</p>	<ul style="list-style-type: none"> • <i>Who are the groups/individuals likely to be affected by the function or policy?</i> • <i>Who else might have a significant interest in the implementation of this policy?</i> • <i>Who else might have knowledge of the impact or potential impact of the policy or function?</i>
<p>5. Is the aim of the policy or any of its intended outcomes designed specifically to meet the Public Duties, for example to:</p> <ul style="list-style-type: none"> ➤ Eliminate discrimination? ➤ Promote equality of opportunity? ➤ Promote good relations between different groups? <p><u>NO</u></p> <p><i>[Most functions, policies and practices will not be designed specifically to meet the Public Duties. You need only answer ‘yes’ if the specific intent of the function, policy or practice is to meet the public duties. Otherwise, move on to section 6]</i></p>	<ul style="list-style-type: none"> • <i>For example, a policy that has the aim of preventing harassment and bullying</i> • <i>If the answer is YES to any of the questions, then you are required to proceed to a full impact assessment. You should turn to section 13, though please note that sections 7-12 will help you to conduct a full assessment</i>
<p>6. Does the function or policy involve or have consequences for members of the public or staff employed by the Department?</p> <p><u>YES</u></p>	<ul style="list-style-type: none"> • <i>If the answer is YES proceed to section 7</i> • <i>If the answer is NO list the evidence or other justification opposite or on an attached sheet that identifies why the function or policy has <u>no</u> consequences for members of the public or for staff employed by the Department</i> • <i>If the evidence that you have indicates that there is <u>no</u> impact or likely impact you do not need to conduct an impact assessment but you do need to monitor the implementation of the policy over time to ensure that there continues to be no impact on people. At a minimum this should be every three years</i>

	<ul style="list-style-type: none"> If you are sure the answer is NO, proceed to sections 13 and 14 																												
<p>7. Is there any evidence that tells you how the function or policy is working or is intended to work for the intended stakeholders?</p> <p><u>YES</u></p> <p>According to ACRE’s research, the current requirements in respect to premises licence to allow the sale of alcohol under the Licensing Act 2003 mean that a number of village halls in England are in danger of not being able to undertake all of the activities which are being demanded. ACRE has identified that one of the barriers for village halls applying for a premises licence is the reluctance of an individual, usually a volunteer, to take on the responsibilities of being a DPS. There is also a cost implication in the requirement for a personal licence holder to authorise sales of alcohol (including training and a criminal records check). The RRO proposal would seek to reduce these burdens for village halls and similar community premises who wish to apply for a premises licence to sell alcohol.</p>	<ul style="list-style-type: none"> If you have <u>no</u> evidence available, then you will not be able to assess if the policy is relevant to equality You will need to gather evidence about the effects of the policy on stakeholders. (Please refer to section 2 of the guidance notes on gathering evidence) You should also consider consulting with stakeholder groups and involving disabled people at this stage (Please refer to section 5 on consulting and involving) When you have gathered evidence of the effects of the policy on the intended stakeholders, you can then proceed with the initial screening You should ensure that the actions necessary to collect the evidence are identified in an action plan 																												
<p>8. From the available evidence, is there any reason to believe that people are affected differently or are likely to be affected differently according to any of the listed equality strands, for example, because they have different needs or priorities?</p> <table border="1" data-bbox="137 1473 1018 1899"> <thead> <tr> <th></th> <th>Yes</th> <th>No</th> <th>Not Known</th> </tr> </thead> <tbody> <tr> <td>Age</td> <td></td> <td>X</td> <td></td> </tr> <tr> <td>Disability</td> <td></td> <td>X</td> <td></td> </tr> <tr> <td>Gender</td> <td></td> <td>X</td> <td></td> </tr> <tr> <td>Race</td> <td></td> <td>X</td> <td></td> </tr> <tr> <td>Religion or Belief</td> <td></td> <td>X</td> <td></td> </tr> <tr> <td>Sexual Orientation</td> <td></td> <td>X</td> <td></td> </tr> </tbody> </table> <p>Please summarise what the evidence shows and attach the evidence more fully to this screening document or reference where the evidence is available</p>		Yes	No	Not Known	Age		X		Disability		X		Gender		X		Race		X		Religion or Belief		X		Sexual Orientation		X		<ul style="list-style-type: none"> If the answer to any of these questions is Yes for any of the strands, you will need to proceed to a full impact assessment. In which case, proceed to section 13, though please note that sections 9-12 will help you to conduct a full assessment If the answer is No and the evidence supports this, proceed to section 9 If your evidence is not enabling you to identify the impact on different groups, you will need to gather more evidence that allows you to do this. Refer back to section 7 above
	Yes	No	Not Known																										
Age		X																											
Disability		X																											
Gender		X																											
Race		X																											
Religion or Belief		X																											
Sexual Orientation		X																											

Neither ACRE’s research on the issue of licensing and village halls (available on their website) nor discussions with them and Community Matters indicate that the proposed regulatory change is likely to affect any of the above equality strands any differently.

9. Is there any evidence that the function or policy in any way discriminates or might discriminate unlawfully, directly or indirectly against people from any of the listed strands, for example, in terms of access to a service, or the ability to take advantage of an opportunity?

	Yes	No	Not Known
Age		X	
Disability		X	
Gender		X	
Race		X	
Religion or Belief		X	
Sexual Orientation		X	

Please summarise what the evidence shows and attach the evidence more fully to this screening document or reference where the evidence is available

As in section 8, ACRE’s research and discussions with them and Community Matters does not suggest that the proposed regulatory change will discriminate against people in the listed strands.

- If the answer to any of these questions is **Yes** for any of the strands, you will need to proceed to a full impact assessment. In which case, proceed to section 13, though please note that sections 10-12 will help you to conduct a full assessment*
- If the answer is **No** and the evidence supports this, proceed to section 10*
- If your evidence is not enabling you to identify the impact on different groups, you will need to gather more evidence that allows you to do this. Refer back to section 7 above*

10. Is there any evidence that people from the groups covered by the listed strands have or may have different expectations of the function or policy in questions?

	Yes	No	Not Known
Age		X	
Disability		X	
Gender		X	
Race		X	
Religion or Belief		X	
Sexual Orientation		X	

Please summarise what the evidence shows and attach the evidence more fully to this screening document or reference where the evidence is available

As with sections 8 & 9, neither ACRE nor Community

- If the answer to any of these questions is **Yes** for any of the strands, you will need to proceed to a full impact assessment. In which case, proceed to section 13, though please note that sections 11-12 will help you to conduct a full assessment*
- If the answer is **No** and the evidence supports this, proceed to section 11*
- If your evidence is not enabling you to identify the impact on different groups, you will need to gather more evidence that allows you to do this. Refer back to section 7 above*

Matters believe that any of the above groups will have different expectations of the proposed regulatory change.

11. Is there any evidence that the function or policy affects or might affect relations between groups covered by the listed strands, for example is it, or might it, be seen as favouring a particular group or denying opportunities to another?

	Yes	No	Not Known
Age		X	
Disability		X	
Gender		X	
Race		X	
Religion or Belief		X	
Sexual Orientation		X	

Please summarise what the evidence shows and attach the evidence more fully to this screening document or reference where the evidence is available

As above, discussions with ACRE and Community Matters indicate that the proposed regulatory change will not favour a particular group or deny opportunities to another.

- *If the answer to any of these questions is **Yes** for any of the strands, you will need to proceed to a full impact assessment. In which case, proceed to section 13, though please note that sections 12 will help you to conduct a full assessment*
- *If the answer is **No** and the evidence supports this, proceed to section 12*
- *If your evidence is not enabling you to identify the impact on different groups, you will need to gather more evidence that allows you to do this. Refer back to section 7 above*

12. Have previous consultations with relevant stakeholder groups or individuals indicated that policies of this type create exclusion or hold specific challenges for any of the listed groups?

	Yes	No	Not Known
Age		X	
Disability		X	
Gender		X	
Race		X	
Religion or Belief		X	
Sexual Orientation		X	

Please summarise what the evidence shows and attach the evidence more fully to this screening document or reference where the evidence is available

Again, the type of proposal for regulatory change (which is to reduce burdens on village halls and community halls who wish to apply for a premises licence) will not create exclusions or hold specific challenges for any of the listed group.

- *If the answer to any of these questions is **Yes** for any of the strands, you will need to proceed to a full impact assessment. In which case, proceed to section 13*
- *If the answer is **No** and the evidence supports this, proceed to section 13*
- *If your evidence is not enabling you to identify the impact on different groups, you will need to gather more evidence that allows you to do this. Refer back to section 7 above*

Regulatory Reform Order: Proposal to Remove the Requirement for the Designated Premises Supervisor for Community Premises

<p>13. Is a full impact assessment required?</p> <p><u>NO</u></p> <p>We do not believe that the proposed regulatory change will affect any of the groups under the listed strands in a different way. It will still be for individual village halls and similar community premises to decide whether or not to apply for a premises licence that allows the sale of alcohol.</p>	<ul style="list-style-type: none"> • <i>If the answer is NO please use the space opposite to summarise why and attach any further supporting evidence</i> • <i>If the answer is YES you will need to arrange to carry out a full impact assessment</i> • <i>Please note that the information that you have already identified in this initial screening will be valuable to you in carrying out the full impact assessment</i>
<p>14. If a full impact assessment is not required, please indicate the plans to monitor the implementation of this policy over the next three years.</p> <p>We will check with key stakeholders whether the statement in section 13 is still correct 12 months after the regulatory change (subject to Parliament) is enacted.</p>	
<p>15. Please return a copy of this form to:</p>	
<p>Name: David Gookey</p>	
<p>Unit/Directorate Licensing Act Policy & Implementation Team / Industry Directorate</p>	
<p>Date 14/06/07</p>	

Appendix C: Cabinet Office Code of Practice on Consultations

- C.1 The consultation is being conducted in line with the Cabinet Office's Code of Practice on Written Consultation. The six broad consultation criteria are listed below, but more information can be found at:
<http://www.cabinetoffice.gov.uk/regulation/consultation/code/criteria.asp>
- C.2 The Six Consultation Criteria
- Consult widely throughout the process, allowing a minimum of 12 weeks for written consultation at least once during the development of the policy.
 - Be clear about who may be affected, what questions are being asked, and the timescale for responses.
 - Ensure that your consultation is clear, concise and widely accessible.
 - Give feedback regarding the responses received and how the consultation process influenced the policy.
 - Monitor your department's effectiveness at consultation, including through the use of a designated consultation co-ordinator.
 - Ensure your consultation follows better regulation best practice, including carrying out a Regulatory Impact Assessment if appropriate.
- C.3 If you have any questions or complaints about the process of consultation on this paper, please contact Liz Sweet, Consultation Co-ordinator, Strategy Division, Department for Culture, Media and Sport, 2-4 Cockspur Street, London SW1Y 5DH, liz.sweet@culture.gsi.gov.uk

Appendix D: Response form

Name:

Organisation:

Address:

Town/City:
 County/Postcode:.....
 Telephone:

Fax:
 E-mail:

Place an "X" in this box if you are requesting non-disclosure of your response.

Question	Agree	Disagree	Comment
Do you agree that the requirements for personal licence holders and designated premises supervisors in respect of volunteers providing services for village halls and similar premises represent a burden as defined in section 1(3) of the Legislative and Regulatory Reform Act 2006? (Paragraph 2.20)			
Do you agree that the proposal only covers premises that are or form part of a church hall, chapel hall or other similar building or a village hall, parish hall or community hall or other similar building? (Paragraph 2.23)			
Do you agree that it will be for the relevant Licensing Authority to determine whether an individual premises is, or forms part of, a similar building to a church hall, chapel hall, village hall, parish hall or community hall? Please indicate whether your view depends on which option from section 4 is adopted. (Paragraph 2.24)			

Question	Agree	Disagree	Comment
Do you agree that the proposal shall only cover village halls and similar community buildings (and others identified in 2.23) where a formal management or executive committee or trustees will hold a premises licence? (Paragraph 2.28)			
Do you agree that it will be for the relevant Licensing Authority to determine whether an individual premises has the appropriate formal management or executive committee or trustees to hold the premises licence? (Paragraph 2.29)			
Do you agree that the risk to the promotion of the four licensing objectives is probably lower in respect of village halls, church halls, chapel halls and similar community premises than at most other premises selling alcohol for consumption on the premises? (Paragraph 4.13)			
Do you agree that Option 4 – “No Change” – should be rejected? If not, please give your reasons. (Paragraph 4.14)			
Do you agree that the required changes identified under Options 1-3 cannot be achieved by non-legislative means? If you consider that the change can be given effect by non-legislative means, please provide your reasons. (Paragraph 5.8)			
Do you agree that the proposals to remove the mandatory conditions for village halls and similar community buildings (and others identified in 2.23) is proportionate to the policy aims set out above? (Paragraph 6.4)			
Do you agree that Option 1 does <u>not</u> strike a fair balance between the public interest and the interests of those affected adversely by the proposal? (Paragraph 7.6)			

Regulatory Reform Order: Proposal to Remove the Requirement for the Designated Premises Supervisor for Community Premises

Question	Agree	Disagree	Comment
Do you agree that Option 2 strikes a fair balance between the public interest and the interests of those affected adversely by the proposal? (Paragraph 7.9)			
Do you agree that Option 3 strikes a fair balance between the public interest and the interests of those affected adversely by the proposal? (Paragraph 7.13)			
Do you agree that Option 1 removes necessary public protection? (Paragraph 8.9)			
Do you agree that Option 2 does <u>not</u> remove necessary public protection? (Paragraph 8.13)			
Do you agree that Option 3 does <u>not</u> remove necessary public protection? (Paragraph 8.16)			
Do you agree that Options 1 - 3 would not prevent any person continuing to exercise a right or freedom that that person might otherwise reasonably expect to continue to exercise? If you do not agree, please explain why. (Paragraph 9.5)			
Do you agree that Option 3 is the best Option? (Paragraph 10.11)			
If not, which of Options 1, 2 and 4 would you prefer to see adopted? (Paragraph 10.12)			
Do you consider that there are other options that should be explored, which are not identified in this consultation document? (Paragraph 10.13)			

Do you have any comments on the Impact Assessment (Appendix B) Paragraphs 1.12 & 11.2	
Are there any other points you would like to make about the Government's proposal?	

Please send this completed response form to:

Nigel Wakelin
Tourism & Licensing Division
6th Floor
2-4 Cockspur Street
London SW1Y 5DH

by 31 October 2007.

Or e-mail your response to:

licensingconsultation@culture.gov.uk

by that date.

Appendix E: Parliamentary process for making regulatory reform orders

- E.1 Following this public consultation, if the Minister intends to proceed with his proposal, he must lay before Parliament a draft of the regulatory reform order that he wishes to make, along with an explanatory document. The explanatory document must include an explanation as to why the Minister considers that the preconditions in section 3 are satisfied, and information about the consultation he has undertaken.
- E.2 The explanatory document must also include an assessment of the extent to which the provision made by the order would remove or reduce any burden or burdens. The requirement to make and give such an assessment is intended to be proportionate to the nature of the order being made. In some cases the effect of the order will be worthwhile but minor and will not merit a very detailed assessment, in which case a brief statement will be included in the explanatory document to the order.
- E.3 Where appropriate it is expected that, in practical terms, the assessment required by 14 (2)(d) may be included in an Impact Assessment.
- E.4 The Minister must also identify and give reasons for any powers to legislate conferred by the order, and which procedural requirements will have to be complied with when the power to legislate is exercised.
- E.5 Where a person makes representations in response to consultation and asks the Minister not to disclose those representations, the Minister must not disclose where such disclosure would constitute an actionable breach of confidence by any person. The Minister need not disclose information contained in representations relating to another person if it appears to him that such disclosure could adversely affect the interests of that other person and he has been unable to obtain the consent of that person. These provisions do not affect any disclosure that is requested by, and made to, a Parliamentary committee charged with reporting on draft orders.

Determination of Parliamentary procedure

- E.6 There are three alternative types of parliamentary procedure which apply to a regulatory reform order. They are detailed below.
- E.7 The explanatory document laid by the Minister must contain his recommendation as to which Parliamentary procedure should apply and his reasons for this recommendation. This will depend on his view of the complexity of the order and the level of scrutiny it should be subject to.
- E.8 The Minister's recommendation for a procedure shall apply unless either House of Parliament requires that a more onerous procedure shall apply.

- E.9 There are two different ways in which a House is taken to have required a particular procedure. A House may either require a procedure by making a resolution, or a committee of that House, which is responsible for reporting on orders made may recommend a procedure, which takes effect where such recommendation is not subsequently rejected by a resolution of the House.
- E.10 Both the recommendation of the committee and any resolution of the House rejecting it must be made within the 30-day period in order to determine the procedure which will apply to the order.
- E.11 So, if the Minister recommends the negative resolution procedure, this will apply unless either House requires the affirmative resolution or super-affirmative resolution procedure, in which case that higher level of procedure will apply instead. Similarly, if the Minister recommends the affirmative resolution procedure, that will apply unless, within 30 days, either House requires the super-affirmative procedure (in which case that will apply instead). If the Minister recommends the super-affirmative procedure from the start, that is the procedure which will apply.
- E.12 In effect, either House is able to require which level of procedure they consider appropriate, although it should be noted that the committees can require a higher, but not a lower, level of procedure. Parliamentary scrutiny of regulatory reform orders is currently undertaken by the House of Commons Regulatory Reform Committee and the House of Lords Delegated Powers and Regulatory Reform Committee.

Negative resolution procedure

- E.13 Where an order is to be made under the negative resolution procedure, the Minister may make an order in the terms of the draft he laid (allowing for non-material changes) unless, within 40 days of the draft order being laid, either House of Parliament passes a resolution that the order may not be made.
- E.14 However, a committee of either House charged with reporting on the order can, at any time after the expiry of the 30-day period and before the expiry of the 40-day period, require that no further proceedings be taken on the draft order by making a recommendation in those terms. A committee can make such a recommendation if it considers that the provision made by the draft order does not serve the purposes specified in Sections 1 – 2 of the 2006 Act, or that the preconditions set out in Section 3 are not satisfied. Where such a recommendation is made by a committee, the Minister may not make the order unless that recommendation is overturned by a resolution of the relevant House in the same Parliamentary session.



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