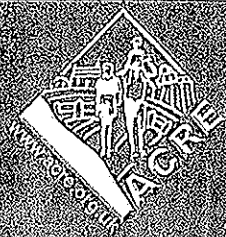


Action with Communities in Rural England

Supporting vibrant and sustainable rural communities through the RCAN network and its partners



ACRE's Response Legislative Reform Orders Consultation August 2008

Action with Communities in Rural England is the national umbrella of the Rural Community Action Network (RCAN), which operates at national, regional and local level in support of rural communities across the country.

RCAN members are charitable local development agencies that provide a unique mix of services tailored to the specific needs of rural communities, and exert strategic influence on their behalf with relevant county and regional stakeholders. RCAN members provide traditional infrastructure support. However, they also use a community development approach within rural communities to help tackle a wide range of local issues which include affordable housing, transport and community planning as well as community buildings.

ACRE co-ordinates the national village hall advice service that is delivered through RCAN members. Our response reflects the very specific needs of village and community hall management committees and we would ask that they are carefully considered especially when processes and procedures are being put in place.

Introduce a simplified process for minor variations to premises licence and club premises certificate

Question 1

Yes – we agree

Question 2

Yes, we believe that licensing officers should be able to come to an informed decision using this Guidance.

We are pleased to note that some types of regulated entertainment will be able to be added as a minor variation. However, the comments at 8.45 regarding noise nuisance could equally apply to other types of regulated entertainment as live music. For instance the varying sound effects (such as explosions) from a film show in a small hall, in a residential area could result in increased noise levels. Each case needs to be dealt with individually and live music should not be singled out to demonstrate noise nuisance particularly as it is the government's intention that live music should benefit from the minor variation process.

Through ACRE's membership of the Live Music Forum we are aware that there is no evidence to demonstrate that the performance of live music impacts on the public nuisance objective.



Question 3

The licensing authority should be required to write to the applicant if the statutory time limit is exceeded. In the vast majority of cases we would not expect this to be necessary and therefore the amount of added bureaucracy would be negligible. We were pleased to note that in the event of the applicant having to reapply it is recommended that another fee would not be payable.

A concern has been raised in regard to a delay that may prevent a TEN being submitted in time for an event.

Question 4

The fee is acceptable at this level, given the exemption from fees for community premises will apply.

Question 5

Yes, the form is straight forward and no legal advice would be needed

Question 6

Yes. We recommend two small changes:

- There should be a note to the applicant that there is no right of appeal for a minor variation and that they should speak with their licensing officer in advance of putting in an application to avoid possible rejection and loss of the fee.
- In the guidance notes it should state that a plan is not expected to be submitted unless changes to the structure or layout are being sought. We note it does say 'if appropriate' in the checklist.

Remove the requirement for a Designated Premises Supervisor and Personal Licence at Community Premises

Question 1

Yes, we agree

Question 2

Yes, on the whole

The definition of community premises section may benefit from a short explanation that community premises are multi-purpose and of the different types of activities that would be expected to take place in community premises (playschools, senior citizens, indoor sports, youth clubs, public meetings etc)

The Guidance does state within the various paragraphs the responsibilities of the management committee but there is not a clear statement about their liabilities for prosecution should a hirer commit an offence under the Licensing Act.

A number of members of our network still have concerns that licensing officers may insist on supervision of alcohol sales by a management committee member at all times. In that context paragraph 4.44,4.45 and 10.53 are particularly significant and highlight the need for adequate supervision for private parties.

It would be useful to add as an example that where hire to a local voluntary group for a short fundraising event or meeting takes place management committee members may reasonably regard the risk to the licensing objectives of alcohol sale as sufficiently small that they do not require personal supervision. In this situation where hirers are provided with a written summary of their responsibilities under the Licensing Act regarding the sale of alcohol, the management committee would not be expected to be subject to prosecution if a licensing offence is committed.

Question 3

The fee is acceptable at £23. However, where a premises licence does not allow the sale of alcohol further costs will be incurred for a new application or a variation as well as for advertising.

Question 4

Yes, the form is straightforward and legal advice would not be needed.

Question 5

No

Part 1 needs reconfiguring to provide clarity for licensing officers. They need to be satisfied that the management committee can demonstrate clear lines of responsibility when hiring out the hall and we don't believe that the boxes allow this despite the adequacy of the notes for the applicants.

The boxes requesting a description of the premises, management structure and alcohol supervision should be changed.

The first box should read: Please provide a brief description of the premises and the management structure for the premises.

The second box should read: Please describe your arrangements for hiring out the premises and how you will ensure that sales of alcohol are correctly and safely supervised.

It may assist a licensing officer to make a judgement about whether the premises are genuinely used for community activities if applicants were required to supply a list of community activities including fundraising events and social activity for the previous year.

In note 4 it may provide further clarity to amend the brackets to read (e.g. when the hall is hired to private parties, when it is hired for large fundraising events and when it is hired for short fundraising events by local voluntary organisations)

Part 2

It is normal practice to require two signatories of a management committee on documentation.