EXPLANATORY MEMORANDUM TO

THE LICENSING ACT 2003 (PERMITTED TEMPORARY ACTIVITIES) (NOTICES) (AMENDMENT) REGULATIONS 2016

2016 No. 20

1. Introduction

1.1 This explanatory memorandum has been prepared by the Home Office ("the Department") and is laid before Parliament by Command of Her Majesty.

2. Purpose of the instrument

2.1 These Regulations amend the Licensing Act 2003 (Permitted Temporary Activities) (Notices) Regulations 2005 (S.I. 2005/2918) ("the 2005 Regulations") to prescribe a revised version of the form of Temporary Event Notice ("TEN"). The purpose of the amendments is to update the form to state that 15 TENs are permitted at a single premises per calendar year.

3. Matters of special interest to Parliament

Matters of special interest to the Joint Committee on Statutory Instruments

3.1 None.

Other matters of interest to the House of Commons

3.2 As this instrument is subject to the negative resolution procedure and has not been prayed against, consideration as to whether there are other matters of interest to the House of Commons does not arise at this stage.

4. Legislative Context

4.1 The Licensing Act 2003 ("the 2003 Act") provides a system of authorisation for certain activities (referred to as "licensable activities"), namely: the sale by retail of alcohol; the supply of alcohol by or on behalf of a club to, or to the order of, a member of the club; the provision of regulated entertainment; and the provision of late night refreshment. It is an offence to carry on, or attempt to carry on, a licensable activity on or from any premises without an appropriate authorisation under the 2003 Act. Such an authorisation may comprise a premises licence, a club premises certificate or a TEN.

4.2 Part 5 of the 2003 Act sets out a framework under which a person ("the premises user") can carry on licensable activities without having to obtain a licence or certificate. The premises user may instead give a TEN to the licensing authority which must include certain information (for example, the proposed licensable activities and duration of the proposed event). Section 68 of the Deregulation Act 2015 amended the Licensing Act 2003 to increase the maximum number of TENs permitted at any one premises from 12 to 15 per calendar year

4.3 These Regulations amend the 2005 Regulations to revise the form of a TEN to specify that the maximum number of TENs permitted is 15.

5. Extent and Territorial Application

5.1 The extent of this instrument is England and Wales.

5.2 The territorial application of this instrument is England and Wales.

6. European Convention on Human Rights

6.1 As the instrument is subject to negative resolution procedure and does not amend primary legislation no statement is required.

7. Policy background

What is being done and why

7.1 The Government increased the number of TENs permitted in a calendar year from 12 to 15 by amending the Licensing Act 2003 via the Deregulation Act 2015. The effect of this change is to increase the flexibility that pubs and other licensed premises have to extend their licensing hours, for example for specific occasions such as sporting events or weddings; and to give additional opportunities for individuals and community groups to hold events where they want to carry on licensable activities.

Consolidation

7.2 The Department does not consider that consolidation is appropriate at this stage, but will consider the need for this if the 2005 Regulations are amended in future. There are no planned further amendments at present.

8. Consultation outcome

8.1 No consultation has been undertaken in relation to these Regulations. The provision in the Deregulation Act 2015 to increase the number of TENs permitted per year formed part of the wider Alcohol Strategy consultation in 2012, and is available on Gov.uk at https://www.gov.uk/government/consultations/alcohol-strategy-consultation

9. Guidance

9.1 In accordance with section 182 of the 2003 Act, the Secretary of State issues guidance to licensing authorities on the discharge of their functions under the 2003 Act. The guidance is available on Gov.uk.

10. Impact

10.1 The impact on business, charities or voluntary bodies of these regulations is that it will be clear from the TENs form that the maximum number of TENs permitted at any one premises is 15 per calendar year.

10.2 There is no impact on the public sector.

10.3 An impact assessment has not been prepared for this instrument. However, an impact assessment has been published in respect of the measure in the Deregulation Act 2015 to increase the number of TENs permitted per year. This has a positive impact on businesses, community groups and individuals who wish to carry out licensable activities. The impact assessment is available on Gov.uk at https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/261279/TENs_IA.pdf

11. Regulating small business

11.1 The legislation applies to activities that are undertaken by small businesses.

11.2 This measure will have a positive impact on small businesses. This is because updating the form makes it clear to small businesses that the maximum number of TENs that they can have in one calendar year at a particular premises is 15 (rather than 12, as previously).

12. Monitoring & review

12.1 These regulations are not subject to a review provision, since they provide an updated form to reflect the change made to the Licensing Act 2003 by section 68 of the Deregulation Act 2015. It is not necessary to monitor or review these regulations as this is a factual change.

13. Contact

13.1 Robert Turner at the Home Office. Telephone: 020 7035 8836 or email: Robert.Turner2@homeoffice.gsi.gov.uk for further information.