

## **House of Lords Select Committee on the Licensing Act 2003**

ACRE is the national charity supporting rural community action through its founder members, the Rural Community Councils (RCCs) across England. The 38 RCCs are independent local development agencies, based at county level, addressing social, economic and environmental challenges in rural areas. They provide help, support and advice for community led action in rural areas throughout England. Our vision – to be the voice of rural communities – is supported by the wealth of evidence and intelligence on rural matters that we collect from our members.

ACRE delivers the national information and advice service for 10,000 village halls across rural England through its Network of 38 RCCs and co-ordinates the National Village and Community Hall Network.

### **Public Call for Evidence**

Village hall charities are low risk venues providing entertainment (fetes, live music, theatre and social activity for the local community). Alcohol is made available as ancillary to the activities where requested. As far as we are aware, they do not cause local licensing and police authorities' significant problems. In effect they are self-policing as local people value and respect the communities they live in and village halls provide activities to create a more cohesive community. The Government statement in the introduction to this Call for Evidence is not relevant to village hall charities.

ACRE produced an Information Sheet, Entertainment in village halls, which helps hall committees understand the legislation requirements and changes.

The introduction of the Licensing Act 2003 in 2005 caused an upheaval for the 10,000 village hall charities and similar rural community buildings across England. By 2009, 75% of village halls held a Premises Licence approximately a third of those included alcohol on the licence (we suspect this may now be reduced). Hall management committees were expected to meet the same criteria as pubs and clubs who had paid staff and access to legal advice.

ACRE welcomed the opportunity, offered by the Department for Culture Media and Sport and latterly the Home Office, to input to working groups, consultations and local authority guidance when the Regulations for the 2003 Act were being put in place. The introduction of the Legislative Reform (Supervision of Alcohol Sales in Church and Village Halls) Order 2009, the Live Music Act 2012 and the Deregulation Act 2015 has lessened the burdens of compliance, but in turn complicated the situation for many hall management committees as they try to understand the changes for village hall charities.

However, the above workload and associated cost to input to the Regulations and subsequent changes could have been avoided if Government had understand the organisations and situations likely to be impacted on by the legislation and sought a dialogue and suggestions so as to avoid unforeseen consequences. Government should respond to well-presented and evidenced cases from representative Networks and not regard it as lobbying (as is sometimes the case). Putting evidence and cases together creates work for under resourced organisations and volunteers and for civil servants charged with compiling responses but it avoids work to make changes once the Act is in place. See **Appendix for additional information.**

### **Licensing objectives**

1. The intentions of the four licensing objectives are clear and can be enforced using other legislation that enables authorities to take appropriate action should it be necessary to do so. We believe that the protection of health and wellbeing would be difficult to introduce as an objective, especially to regulate for and be harder to enforce.
2. Local licensing policies are the appropriate vehicle to encourage and facilitate licensable activity for the public and in communities. In rural communities Town and Parish Councils are well placed to assist in putting those policies into practice. Access and enjoyment of licensable activities does not need to be a licensing objective. The four as set out in the 2003 Act are appropriate.

### **The balance between rights and responsibilities**

3. ACRE was pleased at the success of the Live Music Act 2012. In 2009 92% of village halls responding to our research had live music on their Premises Licence. Music is an important element of entertainment in rural communities and village halls are often the place where young people begin their musical careers and learn their trade. Touring musicians and artists are a regular feature in village halls' calendars. For the majority of village halls the audience limit of 200 was appropriate but the increase to 500 enables larger community events. The Late Night Levy and Early Morning Restriction Orders have not impacted on village halls as far as we are aware although we would envisage there may be some impact on urban community centres, which often have the functions as village halls?
4. We have been informed that Planning and Licensing Departments do not always share information effectively. Two of ACRE's local advisers in the West Midlands conclude that licensing authorities are passive and, so long as village halls don't appear to have problems or ask any questions, they leave them alone!

Comments from hall committees:

- A. A village hall committee member in the Stockton on Tees area told us *"The Licensing Act 2003 is fairly clear and straightforward. However amendments to it make the present position difficult to understand and, if it is further amended, that difficulty will be still greater"* He went on to say *"It is quite difficult to get to see an officer and then they do not seem to know that permission is not needed at (say) a wedding reception when alcohol is given as part of the wedding breakfast. The officer I managed to see thought it was needed until I got him to check with his legal department"*
- B. *"Our Village Hall has had a licence for several years. It was exceptionally hard filling in the forms but Leeds County Council was very helpful. The forms cover everything from village halls to strip clubs so there is a lot of extraneous form filling. The cost of announcing the licence application in the media is horrendous and Leeds allowed us to make the announcement in our village magazine which*

*was free. We have experienced no problems with VH users or with neighbours but we are very conscious of the fact that we do have neighbours. We feel that a streamlined form for village halls would have helped a lot but it is important that H&S guidelines are followed."*

- C. *"We have just applied for a full premises licence from Scarborough Borough Council who was in fact very helpful but it is an expensive process for an establishment which is a charity run by volunteers who depend on fundraising in a small village for their income. We were also somewhat confused by conflicting advice given us about no longer needing a full licence and applying for a CAN instead. Scarborough Borough Council told us that this was not possible so we ended up going for the full one."*

### **Licensing and local strategy**

5. Our knowledge in this area is limited. We are aware that the 2003 Act has encouraged licensing authorities to consider and regularly review their policies with regard to entertainment and licensing. In addition discussions took place in relation to supermarkets and the regulation of the cost of alcohol and sales to those underage.
6. Licensing and planning policy should be integrated more closely.

### **Crime, disorder and public safety**

7. In our opinion the knowledge of licensing and police authorities varies and they are not always aware of licensing legislation outside of that relating to Pubs, Clubs and larger commercial venues. ACRE's adviser in Durham has worked with the local licensing officer to produce factsheets to assist village halls and communities to understand their responsibilities and liabilities and they have been helpful and proactive. In contrast a Community Centre, albeit in London, had problems with the local police regarding an event that was allegedly being held without appropriate licences. ACRE and Community Matters (now disbanded) obtained a Barrister's opinion to support other guidance material that had been provided by the Centre and ourselves and rejected by the police. All parties were very grateful to the Barrister for the pro bono work he carried out to assist and prove the police were incorrect in their assessment of the situation.
8. Not applicable

### **Licensing procedure**

9. We agree that licensing procedure has become increasingly complex to explain to village hall committees due to the changes over the last 10 years and because committee members do not always pass on relevant information to new members. However, ACRE and its Network of Advisers do not receive complaints and queries on a regular basis and licensing officers do not report any significant problems with village hall premises.

Attempting to simplify the procedure might inadvertently make it more complicated.

10. Not applicable

### **Sale of alcohol for consumption at home (the off trade)**

11. Not applicable

## Pricing

12. Not applicable

## Fees and costs associated with the Licensing Act 2003

13. It is usually the unintended consequences of a change that have an impact. Locally set fees will remove the [exemption from fees](#) for a Premises Licence where alcohol is not included in a village hall's licence. Where alcohol is included village halls pay the same fees as other premises licensed for the provision of alcohol, which are aligned with rateable value. However, it is not now necessary for all village halls to hold a Premises Licence following the Deregulation Act 2015 so the loss of this exemption may not have such an impact as it would have done previously. Nonetheless its removal must be carefully considered.

During 2014 ACRE submitted a response to the Home Office consultation making a case against locally set fees. This was supported by circa 50 village hall management committees. The ACRE response, can be made available, but it highlighted the following main points:

- Village halls and similar licensed premises in rural areas with low key activity would inevitably be subsidising the costs of policing and enforcement in nearby towns and cities. We suggested that where a village hall has a negative impact on the environment due to its low key activity and alcohol sale fees should be set accordingly.
- There would be disparities between village halls bordering each other but in different local authority areas.
- There were no clear criteria for how local authorities would set their fees and suggested fee levels would have meant a significant increase.
- The suggested cap of £100 for a Temporary Event Notice (TEN) was considered much too high. The current cost of a TEN is £21 (although we recognise that this fee has been in place since 2005 with no increase).

The impact assessment contained in the consultation didn't appear to take into account the impact on village halls that would chose to retain their Premises Licence. At that time ACRE had concerns that the Government had taken the view that because of the pending deregulation and possible implementation of the Community Ancillary Sellers Notice (CAN) the burden had been lifted from community premises. We did not have any evidence that village halls were intending to rescind their Premises Licences.

We still have no further information about the implementation of the CAN and the possibilities for village halls to use it so our comments in that consultation response still stand.

## International comparisons

14. Not applicable

Should further information on any of these points be required we would be happy to assist.

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**ACRE**

**31<sup>st</sup> August 2016.**

## Appendix

### Commentary received from Louise Beaton, [Community Halls Consultant](#)

I have not received any comments from village hall committees to submit on the Licensing Call for Evidence, but it occurred to me that this is an opportunity to reflect on the process that the Licensing Bill went through, as there are lessons from it which are relevant for the future:

Licensing affects a wide variety of community and charitable activity by tens of thousands of organisations. It tends to be organised differently in urban and rural areas (eg village halls tend to use TENS, villages have fetes, urban areas community centres with licensed bars or social clubs and larger public events). Consequently any changes to licensing regulation or law demands a thorough approach to consultation with and reaching such organisations. Many organisations affected are very small and only rarely need to engage with the licensing system, and effort therefore needs to be made through the networks they belong to, otherwise unforeseen adverse implications may not be realised until it is too late.

In the case of village halls, it was fortunate that ACRE had the network (trained county village hall advisers), the capacity (staffing), the evidence of the National VH Surveys and crucially the opportunity (a scheduled meeting with the Defra Minister, who happened to understand charities) to raise wide-ranging repercussions in the Licensing Bill. As a result essential changes were made to the Bill which avoided it being completely unworkable for the majority of community buildings (principally the increase from 5 to 12 TENS per premises pa). Nevertheless it took years of patient evidencing and high level working with civil servants and ministers to undo pieces of the legislation which were difficult or costly for community organisations to manage and obtain appropriate regulations (an increase in TENS, advertising regulations, the power for community buildings to obtain a premises licence to sell alcohol without a DPS). The Red Tape initiative fortunately offered another route to raise these issues. Since the TENS increase to 15 pa was announced complaints have fallen away.

During the passage of the Bill, ACRE had lobbied Lords and MPs in the usual way but civil servants on the Bill team never responded to phone calls or Emails (presumably because we were considered to be lobbying) so dialogue and proper understanding by them was impossible. Had the Bill been subject to informal consultation with ACRE before it was published, much of the work required over subsequent years could have been avoided. Any future changes need to be subject to information exchange with the ACRE network prior to finalisation and formal consultation.

Organisations such as ACRE need to be resourced by Government to provide the networking to and from grassroots organisations that enable the impacts of such changes in legislation to be properly considered, and if necessary to hold consultation events locally throughout the country.

Key networks need all four attributes highlighted above: a network, capacity, resources for evidence gathering and opportunity for dialogue with Government. Funding needs to be consistent, so that these attributes are in place when required. The cost of running and attending local information/training/consultation events about the Licensing Bill was borne by charities and volunteer trustees, which was inappropriate: A budget should have been available to help fund this.

Fundamentally the problem is that Government tends to regard such engagement as lobbying, something to be funded by an affected organisation, whereas in fact government **needs** to understand the organisations and situations which may be impacted by legislation and seek a dialogue and suggestions so as to avoid unforeseen consequences. Government responds more to a "higher count" on an issue than to a well presented and evidenced case from a representative network, which creates more work for under resourced organisations and volunteers and for civil servants charged with compiling responses.

Posting information on the internet is not sufficient: Busy trustees, volunteers and councillors suffer from information overload. They need to have their attention drawn to proposals by Email from those whom they are expecting to hear from, and that requires resourcing, explanation and analysis. The internet is not a substitute for proper dialogue and understanding.

