

## **BRECKLAND DISTRICT COUNCIL**

**Report of:** Phil Adams – Building Control and Environmental Health Manager

**To:** Licensing Committee 16 November 2011

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**Subject:** Regulated Entertainment – the proposal to deregulate

**Purpose:** To outline the government's consultation on deregulating Regulated Entertainment.

### **Recommendation(s):**

To consider and discuss the Department for Culture, Media and Sports' proposal to deregulate Regulated Entertainment under the Licensing Act 2003.

## **1. INTRODUCTION**

### **1.1 Background**

1.1.2 The government (via the Department for Culture, Media and Sport [DCMS]) is consulting on the proposal to reform the activities currently classed as regulated entertainment in Schedule 1 of the Licensing Act 2003. This means the removal in certain circumstances of the requirement for a licence to host:

- The performance of a play
- The exhibition of a film
- Indoor sporting events
- Performance of live music
- Playing of recorded music
- Performance of dance
- Provision of facilities for entertainment

The supply of alcohol, the provision of late night refreshment will still require authorisation from the licensing authority.

1.1.3 The consultation is asking any interested persons what would happen if these activities were no longer licensable. The proposal is seeking to remove the need for a licence from as many types of entertainment as possible.

1.1.4 The current position under the Licensing Act 2003 is for permission for licensable activities to be given under a premises licence, club premises certificate or Temporary Event Notice. Regulation and charges apply if events are free to the public or at public or private events where a charge is made with a view to making profit (including for a charity).

1.1.5 The Licensing Act 2003 is based around the promotion of the four licensing objectives which are the prevention of crime and disorder, prevention of public nuisance, public safety and the protection of children from harm.

1.1.6 Conditions are placed on premises licences and club premises certificates to detail the steps licence holders will take to promote the licensing objectives. These conditions are volunteered by the applicant in their operating schedule, imposed by the licensing authority at a hearing or have been converted from the previous licensing regime.

1.1.7 Reasons for proposing a change:

The government states:

- The Licensing Act 2003 contains contradictions and can be difficult to interpret.
- There is a bureaucratic and financial burden for community groups and the voluntary sector.
- Musicians and performers unions are concerned that the legislation is an obstacle for new talent.
- Small scale venues find it hard to cope with all the red tape. The government state there is some evidence that pubs which diversified to offer other activities other than wet sales have been better able to survive the recession and the proposed changes could mean a new source of income for them.
- There is a burden or barrier on community creativity and expression in that a large range of events are restricted. This could mean reduced participation in cultural and / or sporting events.

## 1.2 Issues

1.2.1 The government intends to keep in all circumstances the requirement to licence:

- Performance of live music (amplified and unamplified), plays, dancing, recorded music, indoor sport or exhibition of a film for audiences of 5,000 people or more.
- Boxing and wrestling
- Any performance of dance classed as sexual entertainment but that is exempt from Sexual Entertainment Venues regulations.

1.2.3 In terms of the impact on our current licensing regime, some premises are licensed for entertainment only (for example village halls). If the proposed changes are implemented such premises may no longer require a licence. If there was no requirement for a licence then there would be no licensing conditions for event organisers to adhere to.

1.2.4 Under the proposal premises would still require a licence for the supply of alcohol, late night refreshment and some forms of regulated entertainment. Premises could have entertainment that was formerly regulated without the need to apply for a variation of their licence.

1.2.5 The government's proposal is that all existing licence conditions would continue to apply until a variation is made to remove or amend them. This is to prevent the licensing authority having the administrative and financial burden of reissuing all licences.

- 1.2.6 Event organisers or premises would not need to apply for Temporary Event Notices solely for regulated entertainment which reduces their administration burden and need to pay the fee.
- 1.2.7 The government proposes the use of existing powers and legislation to control problems that may arise from deregulation. These include Environmental Protection legislation, anti-social behaviour legislation, Health and Safety legislation and fire legislation as well as police powers.
- 1.2.8 The government are keen to stress that they do not wish to create loopholes for example in terms of illegal raves and seek input and advice on this through the consultation.
- 1.2.9 Licences that authorise the supply of alcohol can be used to address problems relating to the licensing objectives such as noise and there are closure powers already in existence under the Licensing Act 2003.
- 1.2.10 There is a potential for an increase in noise complaints if less events are regulated plus a possible rise in complaints to the Licensing Team and an increased number of reviews. There may be an increase in applications to vary existing licences.
- 1.2.11 It is not yet possible to determine exactly how many premises and events would be affected by proposed changes. The following figures illustrate the number of premises and Temporary Event Notices (TEN's) within the Breckland district:

• Premises and clubs with alcohol	376
• Premises with no alcohol	81
• TEN's with alcohol (2010)	365
• TEN's with no alcohol (2010)	28

More interrogation of our records is required to establish what activities each licence authorises.

### **1.3 The consultation and the next steps**

- 1.3.1 There is a large list of organisations and industry bodies that have been consulted and the consultation is open to the public. The consultation takes the form of a list of specific questions totalling 48 in number. The DCMS have also published an Impact Assessment for the proposal which contains details of figures and potential savings identified by the government. The consultation runs from 10<sup>th</sup> September 2011 to 3<sup>rd</sup> December 2011.
- 1.3.2 Following responses the DCMS will undertake further work to quantify costs, benefits and burdens on licensing authorities. All comments will be reviewed and the government will publish a response.
- 1.3.3 It is the government's intention to use existing powers in the Licensing Act 2003 to make changes (e.g. amendments to the Schedules of the legislation). If new exemptions or provisions to the legislation are necessary the government states they will assess the options and detail their next steps in the consultation response.

## **2. IMPLICATIONS**

- 2.1 As these are only proposed changes it is not yet possible to state the risk, financial, legal, equality and diversity implications at this stage.

## **3. Alignment to Council Priorities**

- 3.1 Building Safer & Stronger Communities  
Prosperous Communities

## **4. Wards/Communities Affected**

- 4.1 All

### **Background papers:**

Licensing Act 2003

Regulated Entertainment – A consultation proposal to examine the deregulation of Schedule One of the Licensing Act 2003 (Department for Culture, Media and Sport, September 2011)

Impact Assessment for the proposal to exempt regulated entertainment from the provisions of the Licensing Act 2003 (Department for Culture, Media and Sport, September 2011)

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