

LICENSING COMMITTEE – 11TH OCTOBER 2011

Report of the Strategic Director of Housing, Planning and Regeneration and Regulatory Services

ITEM 5 CONSULTATION BY DEPARTMENT OF CULTURE MEDIA AND SPORT ON DEREGULATION OF ELEMENTS OF THE LICENSING ACT 2003

1. Purpose of the Report

1. To make Committee aware of the consultation;
2. To seek approval for the process for responding to the consultation.

2. Recommendation

That the Head of Regulatory Services be authorised to respond to the consultation by the Department of Culture, Media and Sport following consultation with members of the Committee.

3. Reason

To enable a response to be submitted to the consultation before the closing date.

4. Report

The Department for Culture, Media and Sport has commenced a consultation on their proposal to remove licensing requirements on most types of regulated entertainment. Currently, the following are classified as regulated entertainment by the Licensing Act 2003 and require a licence or temporary event notice:

- a performance of a play
- an exhibition of a film
- an indoor sporting event
- a boxing or wrestling entertainment (both indoors and outdoors)
- a performance of live music
- any playing of recorded music
- a performance of dance
- the provision for entertainment facilities.

The Government has stated in the consultation document that it intends to retain licensing requirements for:

- any performance of live music, theatre, dance, recorded music, indoor sport or exhibition of film where the audience is of 5,000 people or more;
- boxing and wrestling;
- any performance of dance that may be classed as sexual entertainment, but is exempt from separate sexual entertainment venue regulations.

The proposals are based on the Government's endeavours to reduce "red tape". The basic argument is that there are many anomalies in the regime, and for some activities and venues the bureaucracy involved is too onerous, for both Licensing Authorities, and for prospective applicants. In addition, other legislation might be more appropriate for control measures.

The Consultation was announced on Saturday 10th September 2011, leaving little time for a considered response to be formulated and agreed before this Committee meeting. The consultation period closes on 3rd December and the next meeting of the Committee is programmed for 13th December 2011.

The breadth of this consultation, which includes 48 separate questions, requires some careful consideration, and because of the time constraints described above it is proposed that formulating the response is delegated to officers. However once officers have drafted a response it will be circulated to all members of the Committee for comment and the Chair and Vice-chairs will be consulted on the final version.

Officers Comments

Officers have some concerns about the proposals. For example, the relaxation for school plays and similar events in premises not licensed for the sale of liquor may have some merit, but this has to be balanced against the licensing objective of preventing Public Nuisance. The lack of control proposed for pubs and clubs and other entertainment venues on regulated entertainment will have significant impacts on Public Nuisance because of noise and other anti-social behaviour. It could be argued that the objective of the prevention of Crime and Disorder would also be compromised. This would have a massive knock on effect to other services such as Environmental Protection. It should be noted that the entertainment that is deregulated from the need for licensing will still be the subject of other legislation, and it is difficult to envisage how any general "controls" such as those relating to health and safety, fire safety and similar, could be managed in a coherent fashion.

A major concern is that a large event could be organised without prior notice to any of the recognised agencies, leading to serious public safety issues, public nuisance and potentially crime and disorder. An event would be considered large if there were more than, say, 500 people attending. There are few venues currently licensed with capacities larger than this in the borough, and currently, this would mean that, if such an event were to be contemplated, there would probably be no health, safety, noise reduction, first aid and traffic management infrastructure in place.

Financial Implications

There are few financial implications arising from the proposals. If the Government's proposals are adopted the impact on licensing income would be relatively minor – the fee for a premises licence remains the same whether or not regulated entertainment is applied for, in addition to the sale of alcohol. There may be some savings in terms of officer time due to the removal of non-liquor licensed premises from the need to be licensed.

Risk Management

No risks have been identified relating to this decision.

Background Papers: (already circulated)	DCMS Consultation on Regulated Entertainment
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