



PART A:	MATTERS DEALT WITH UNDER DELEGATED POWERS
REPORT TO:	LICENSING COMMITTEE
DATE:	24 JANUARY 2013
REPORT OF THE:	HEAD OF ENVIRONMENT PHIL LONG
TITLE OF REPORT:	ENTERTAINMENT DEREGULATION – DCMS CONSULTATION RESPONSE
WARDS AFFECTED:	ALL

EXECUTIVE SUMMARY

1.0 PURPOSE OF REPORT

1.1 The purpose of this report is to advise Members of the Government's response to the consultation on the deregulation of most of the entertainment activities that require a licence under the Licensing Act 2003.

2.0 RECOMMENDATION

2.1 That the Government Response is noted and that any amendments to the legislation and guidance are taken account during the next review of the Councils Licensing Policy.

3.0 REASON FOR RECOMMENDATION

3.1 To ensure the Council's Licensing Policy is in line with changes to legislation and guidance.

4.0 SIGNIFICANT RISKS

4.1 There are no significant risks if the Council as the licensing authority apply the proposed changes of legislation and guidance. The deregulation may result in more noise complaints with additional costs incurred in their investigation and enforcement, however in the case of licensed premises the Live Music Act 2012, provides that licence reviews can be held if there were any problems.

5.0 POLICY CONTEXT AND CONSULTATION

5.1 The Council is obliged to follow its own Licensing Policy and have regard to the Secretary of States Guidance issued under section 182 of the Licensing Act 2003. Consultation is undertaken in accordance with the statutory provisions and statutory

guidance.

REPORT

6.0 REPORT DETAILS

- 6.1 A report was submitted to the Licensing Committee on 24 November 2011 regarding the Government's consultation proposals on the deregulation of most of the entertainment activities that require a licence under the Licensing Act 2003. The consultation put forward the case for the removal of licensing from performances of plays, dance, live and recorded music, as well as indoor sporting events and film exhibition. A response from this Committee was sent in relation to the consultation.
- 6.2 The consultation received 1,350 responses and was dominated by the issue of live and recorded music. Many responses showed strong opinions on whether live and /or recorded music should be deregulated:
- to audiences of up to 4999
 - in any location
 - at all times of the day or night.
- 6.3 The key findings were that there was considerable support for deregulation, but that certain protections need to be retained, including an 11pm end time for deregulated performance, and in most circumstances, a lower audience cap than was originally proposed.
- The new policy for entertainment is outlined below:
- *Performance of plays and dance*: no longer requires a licence between 08:00 -23:00 for audiences of up to 500 people
 - *Indoor sport*: no longer requires a licence between 08:00 -23:00 for audiences of up to 1000 people.
 - *Live music*: live music has already been deregulated under the Live Music Act 2012, which came into force on 1 October 2012, with the following effect: Unamplified live music deregulated between 08:00-23:00 with no restrictions on audiences size and amplified live music deregulated between 08:00-23:00 in premises licensed for sale and supply of alcohol, and in certain workplaces. It is proposed to raise the permitted audience ceiling from 200 to 500, in on-licensed premises and workplaces in line with most other deregulated activities.
 - *Recorded music*: in line with live music deregulation, regulation for recorded music (mainly discos and DJs) will be suspended between 08:00-23:00 in premises licensed for the sale and supply of alcohol. This measure, like live music deregulation, is subject to controls from the local licence review process.
 - *Film exhibition*: film exhibition will remain regulated, but consultation will take place in 2013 on community film deregulation proposals to examine the possibilities for safe community-focused screenings that maintain important child protections.
 - Plays, films, indoor sporting events, live and recorded music and performances of dance held on their own premises by local authorities, hospitals, nurseries and schools (except Higher Education) will be exempt between 08:00 -23:00, with no audience limit
 - Similarly, live and recorded music held on premises owned by premises owned by the above organisations will be exempt from licensing requirements for audiences up to 500 people.

- Community premises such as church halls, village halls and community centres will be exempt from licensing requirements for live and recorded music for audiences of up to 500 people.
- Circuses will be exempt from regulation for live and recorded music, plays, dance and indoor sport between 08:00-23:00 with no audience restrictions
- Regulations will remain in place for all activities that exceed the audience limits and timings above. Boxing and wrestling will remain regulated, with the exception of the Olympic sport of Greco-Roman and Freestyle wrestling. As proposed in the consultation, cage fighting/mixed martial arts will become regulated activities. The Government are to ensure there are no loopholes that deregulate adult entertainment.

7.0 IMPLICATIONS

7.1 The following implications have been identified:

- a) Financial – There is likely to be little impact on the financial impact for the Council as Temporary Event Notices will remain and the vast majority include for the sale of alcohol. Where community premises are authorised only for regulated entertainment and not sale by retail of alcohol, no fees are chargeable. The greater impact on resources may arise from increased noise complaints from exempt entertainment, which is at present regulated through conditions on premises licences.

Phil Long
Head of Environment

Author: Steven Richmond, Health and Environment Manager
Telephone No: 01653 600666 ext: 247
E-Mail Address: steve.richmond@ryedale.gov.uk

Background Papers:

DCMS. *Entertainment Deregulation. DCMS consultation response.* January 2013

<http://www.culture.gov.uk/consultations/9650.aspx>

Ryedale District Council, Licensing Committee. *Consultation on proposals to examine the deregulation of Schedule One of the Licensing Act 2003 – Regulated Entertainment.* 24 November 2012