RYEDALE DISTRICT COUNCIL

PART A:	**MATTERS DEALT WITH UNDER DELEGATED POWERS**
REPORT TO:	**LICENSING COMMITTEE**
DATE:	**24 NOVEMBER 2011**
REPORT OF THE:	**HEAD OF ENVIRONMENT PHIL LONG**
TITLE OF REPORT:	**CONSULTATION ON PROPOSALS TO EXAMINE THE DEREGULATION OF SCHEDULE ONE OF THE LICENSING ACT 2003 - REGULATED ENTERTAINMENT**
WARDS AFFECTED:	**ALL**

EXECUTIVE SUMMARY

1.0 PURPOSE OF REPORT

1.1 The purpose of this report is to present the Governments consultation proposals on the examination of deregulation of Schedule One of the Licensing Act 2003 and to agree a response to those proposals.

2.0 RECOMMENDATION

It is recommended that, subject to any amendments proposed by the Committee, the response to the consultation "Regulated Entertainment: A Consultation proposal to examine the deregulation of Schedule One of the Licensing Act 2003", as contained in Annex 1 to this report be approved.

3.0 REASON FOR RECOMMENDATION

3.1 The Department for Culture, Media and Sport (DCMS) has recently issued its consultation paper, "Regulated Entertainment: A Consultation proposal to examine the deregulation of Schedule One of the Licensing Act 2003". The Licensing Team has considered the paper and drafted a response to the consultation which is attached as Appendix 1 to this report. The response must be submitted by the 2 December 2011.

4.0 SIGNIFICANT RISKS

4.1 Any deregulation of Schedule One entertainment may result in more noise complaints with additional costs incurred in their investigation and enforcement.

REPORT

5.0 BACKGROUND AND INTRODUCTION

5.1 The Department for Culture, Media and Sport (DCMS) is currently consulting on proposals to examine the deregulation of Schedule One of the Licensing Act 2003. The proposals would have a significant effect on the way that entertainment is regulated.

6.0 POLICY CONTEXT

6.1 Not applicable.

7.0 CONSULTATION

7.1 Not applicable.

8.0 REPORT DETAILS

8.1 The DCMS has recently issued its consultation paper, "Regulated Entertainment: A Consultation proposal to examine the deregulation of Schedule One of the Licensing Act 2003".

Due to the length of the document and associated printing costs, a copy of the consultation paper has not been printed for distribution. The document is available to view on the DCMS website at:- http://www.culture.gov.uk/consultations/8408.aspx. Hard copies can be provided upon request. A list of the questions being asked in this consultation paper and a proposed response to each is attached at Appendix 1.

8.2 The Government is proposing a reform of activities currently classed as "regulated entertainment" in Schedule One of the Licensing Act 2003. The consultation seeks views on the removal of the requirement for entertainment, which is currently regulated by the Licensing Act 2003, to be deregulated. This would mean that no licences or Temporary Event Notices would be required for authorising activities such as live music, recorded music, exhibition of film, and in many cases these could take place without any restrictions and without the knowledge of Local Authorities and Emergency Services.

8.3 The main concerns being highlighted in the proposed response relate to the potential impact of increased noise complaints and the corresponding financial burden for local authorities and local communities when dealing with the problems arising from unregulated entertainment.

8.4 Responses to this type of consultation are normally completed and returned by the Licensing Team. On this occasion, due to the nature of the proposed changes and the impact that they may have on a wide range of services within the Council, a copy of the consultation and proposed response is being made available for consideration by the Committee.

9.0 IMPLICATIONS

9.1 The following implications have been identified:

a) Financial

A deregulation of entertainment under Schedule One of the Act may result in a

very small reduction (one) in the number of licensed premises. Where community premises are authorised only for regulated entertainment, and not sale by retail of alcohol, no fees are chargeable, so there would be little expected change to annual income. In 2010, a total of 20 (7.6%) of the applications made for Temporary Event Notices were to authorise regulated entertainment only. This would equate to a reduction in income of £420. The greater impact on resources may arise from increased noise complaints from exempt entertainment, which at present is regulated through conditions on premises licences.

b) Legal
There are no significant legal issues arising from this report.

c) Other
There are no significant other issues arising from this report.

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Background Papers:
Nil

SUMMARY LIST OF QUESTIONS

Proposal Impacts: Questions

Q1: Do you agree that the proposals outlined in this consultation will lead to more performances, and would benefit community and voluntary organisations? If yes, please can you estimate the amount of extra events that you or your organisation or that you think others would put on?

The breadth of potential activities under the banner of 'regulated entertainment' is wide ranging, and has caught a number of activities which previously were exempted from the licensing requirements for public entertainment (for example, duos and pianists in a bar). Whilst it is fair to say that some activities pose little risk to promotion of the licensing objectives, such as some of the more exceptional/anecdotal examples given in the consultation document at para 1.5, others that are far more commonplace e.g live music can pose significant risk to the prevention of public nuisance objective in particular. There is no evidence but it would seem likely that the number of performances would increase if regulations were relaxed.

However, the current licensing process also alerts Local Authorities to other regulatory aspects of an event or activity that may require their further 'joined-up' attention (for example health and safety, planning, police, smoke-free regulations or food safety). This can also necessitate input from other partners such as the Highways Authority, Ambulance Services, Community Safety or Safety Advisory Group. Licensing forms an integral part of the toolkit necessary to help control venues/events and also manage safe and vibrant night time economies. Licensing is clearly not just a 'red tape' or administrative exercise nor do the licensing objectives only become engaged through supply of alcohol activity. There are existing exemptions within Schedule 1 of the act which are applicable to some of those activities cited in paragraph 1.5, for example:

- Music performances to hospital patients
- Costumed storytellers
- Pianists in restaurants
- Magicians shows

Popular regulated entertainment events/activities, whether held indoors or outdoors, include 'club nights', promoted DJs, 'drum'n'bass' performances, battles of the bands, discos and light shows, amplified group performances, festivals, karaoke, open-mic night, and third-party hirings (including events then opened up to anyone to attend via social networking sites). These activities can clearly have a significant impact on promotion of the licensing objectives depending on when, where, their frequency, capacity, performers, and the control measures in place.

It seems therefore right and proper that a prior assessment, and recording, of all potential events/activities is made and this generally works well under the existing licensing framework. It is logical that this pro-active and balanced mechanism should continue.

Q2: If you are replying as an individual, do you think this proposal would help you participate in, or attend, extra community or voluntary performance?

n/a

Q3: Do you agree with our estimates of savings to businesses, charitable and voluntary organisations as outlined in the impact assessment? If you do not, please outline the areas of difference and any figures that you think need to be taken into account (see paragraph 57 of the Impact Assessment).

The figures are likely to be inaccurate for the following reasons:

•During the year 2010/2011 this authority received 16 new licence applications and 7 variations **none** of which related to the provision of regulated entertainment only, all applications involved the sale of alcohol. This does not reflect the estimated 10.4% of applications the DCMS predict for new and varied licences for regulated entertainment only.

•Disagree with the estimated number of licences issued solely for regulated entertainment where an annual fee applies. In this district non alcohol licensed premises currently account for **0.35%** of the total no premises attracting an annual fee.

•No reasoning has been provided for the estimated burden lifted for TENs at paragraph 58 of the impact assessment, and this seems to be contradicted by paragraph 59. In this authority only 7.6% of all TEN applications for the year 2010 were for regulated entertainment only, the remaining 92.4% also involved the sale of alcohol

Q4: Do you agree with our estimates of potential savings and costs to local authorities, police and others as outlined in the impact assessment? If you do not, please outline the areas of difference and any figures you think need to be taken into account.

No, as can be seen from above, this authority would not expect any appreciable savings as all new/variation applications for 2010/2011 have **all** included the sale of alcohol

Q5: Would you expect any change in the number of noise complaints as a result of these proposals? If you do, please provide a rationale and evidence, taking into account the continuation of licensing authority controls on alcohol licensed premises and for late night refreshment

It is likely that there would be a significant increase in the number of noise complaints resulting from a de-regulation of Schedule 1.

Currently in this authority the split between alcohol and non alcohol licensed premises is as set out below:

Licence Type	Alcohol	Non –alcohol(fee)
Premises	343	1
Club	19	0

We disagree with the sweeping statement in the consultation document in para 3.3 that "regulated entertainment itself in general poses little risk to the licensing objectives" and this assertion is contrary to our own experience of the 2003 Act, public perception, case law and the current guidance issued under section 182 of the 2003 Act. Most of this authority's hearings are a result of relevant representations from local communities who have responded in numbers (including petitioning and campaign groups) to oppose applications that include amplified live or recorded music. This is particularly true of applications in residential or noise sensitive locations or in areas with higher densities of elderly persons or families with young children. It can be a very emotive subject for local residents and

businesses with real potential to impact negatively on people's quality of life, amenity and the licensing objectives.

Our experience of representations against applications is that the majority centre on concerns about the impact on their amenity of noise from regulated entertainment. Few representations from interested parties raise concerns directly about the impact of the sale of alcohol.

Complaints lodged with both the Council's licensing team and environmental health services also support our views that concern over noise from regulated entertainment is consistently the issue of greatest concern to local residents. This is particularly true with respect to events which operate under TENs, where local residents have no right of consultation, and often little warning of the event. The proposals appear contradictory to the reforms introduced by the Police Reform and Social Responsibility Act 2011 which expands the meaning of "relevant person"(Section 122) in relation to TENS to allow Environmental Health Officers to object to TENs in relation to "minimising or preventing the risk of pollution of the environment..". This provision will in future allow them to make representations where they consider noise from public entertainment will be an issue. It is the noise generated by the event that is a problem, not the impact on other licensing objectives. Our experience does not therefore sit well with the statement in the consultation document at 2.21 that the Impact Assessment has found that 'there are expected to be substantial benefits to individual and collective wellbeing due to extra provision of entertainment…'. We would suggest that wholesale de-regulation will, in not an insignificant number of instances, have an opposite outcome.

Section 2.33 of the s182 guidance states that "it is important to remember that the prevention of public nuisance could therefore include low-level nuisance perhaps affecting a few people living locally as well as major disturbance affecting the whole community. It may also include in appropriate circumstances the reduction of the living and working amenity and environment of interested parties (as defined in the 2003 Act) in the vicinity of licensed premises."

'Public nuisance' under the Licensing Act 2003 'retains its broad common law meaning' according to para 2.33 of s182 and case law precedents would indicate it is a question of fact in every case. It is therefore proper that consideration at both an individual and local level should continue to be made via a licensing process.

The licensing system provides a good balance between the rights of neighbours not to be disturbed and rights of the licensed establishments. This is evidenced by the fact that we deal with very few representations, as the Licensing Act 2003 allows any issues to be resolved informally, quickly and without bureaucracy.

Q6: The Impact Assessment for these proposals makes a number of assumptions around the number of extra events, and likely attendance that would arise, if the deregulation proposals are implemented. If you disagree with the assumptions, as per paragraphs 79 and 80 of the Impact Assessment, please provide estimates of what you think the correct ranges should be and explain how those figures have been estimated.

We cannot reasonably estimate correct ranges at this stage.

Q7: Can you provide any additional evidence to inform the Impact Assessment, in particular in respect of the impacts that have not been monetised?

No

Q8: Are there any impacts that have not been identified in the Impact Assessment?

No

Q9: Would any of the different options explored in this consultation have noticeable implications for costs, burdens and savings set out in the impact assessment? If so, please give figures and details of evidence behind your assumptions.

We believe that a general de-regulation of Schedule 1 of the Licensing Act would be likely to have significant implications for environmental health services in dealing with complaints about noise from local residents.

Q10: Do you agree that premises that continue to hold a licence after the reforms would be able to host entertainment activities that were formerly regulated without the need to go through a Minor or Full Variation process?

This is a difficult issue potentially and should be assessed very carefully, otherwise there will be an inequality between existing premises and new premises licences. Licences may have generic controls to both prevent public nuisance generally or some very specific controls linked to a specific activity. Some conditions also promote more than one objective. Removal of the activity may lead to confusion over the enforceability and/or wording of remaining conditions for licence holders and regulators alike. As a result, a variation or minor variation may be preferential for the sake of clarity. This would obviously have a major cost and resource implication on licensees and relevant authorities. Licences would need to considered individually and also some going through full variation process could potentially be subject to further representation and hearings. If given the option, licence holders will undoubtedly vary licences to remove conditions in significant numbers to reduce their potential liability. Depending on any transitional arrangements this could mean a glut of de-regulatory variations for the LA, and responsible authorities, to process.

The Role of Licensing Controls: Questions

Q11: Do you agree that events for under 5,000 people should be deregulated across all of the activities listed in Schedule One of the Licensing Act 2003?

No, 5,000 people is too large a number. The potential for disturbance, crime and disorder and public safety problems are huge. Most event organisers are grateful that the licensing process gives them access to expert advice from the regulators whilst giving ultimate control over those who do not meet the standard. To allow anyone to put on such events would give good professional operators unfair competition and would leave customers disappointed or even endangered by their experience.

Q12: If you believe there should be a different limit – either under or over 5,000, what do you think the limit should be? Please explain why you feel a different limit should apply and what evidence supports your view.

Were it to be events for under 500 (i.e. events that would normally be covered by a TEN), this would make more sense. However, setting a limit is arbitrary. Even small scale events e.g. a live band playing in a pub or beer garden, can affect the licensing objectives, and therefore each event should be assessed locally and on its individual merits, with a mechanism for local community input. The main issue is amplified live and recorded music and the suitability of the premises. The proposal strikes no balance between say allowing 2 performers in a pub and up to an audience of 5,000. One option would be to exempt the low

risk activities as in paragraph 1.5 of the consultation from the definition of "regulated entertainment".

Q13: Do you think there should there be different audience limits for different activities listed in Schedule One? If so, please could you outline why you think this is the case. Please could you also suggest the limits you feel should apply to the specific activity in question.

This would be likely to be too complex and cause confusion and challenge to the regulatory scheme, particularly where more than one type of activity is provided. Experience of outdoor events particularly is that they encompass a wide range of the activities identified under Schedule 1 as regulated entertainment.

Q14: Do you believe that premises that would no longer have a licence, due to the entertainment deregulation, would pose a significant risk to any of the four original licensing objectives? If so please provide details of the scenario in question.

Yes, particularly prevention of public nuisance and public safety. Village Halls in particular have little experience, or resources available to ensure public safety, and the licensing regime provides an opportunity to ensure that these factors are considered.

Many village halls and community centres let their premises out to different groups and individuals for parties and receptions which could have a significant impact on noise in the vicinity, and the amenity of the local area. This is particularly true with respect to lettings for birthday parties, which can often cause a nuisance.

We strongly believe the licensing objectives, 'big society' principles and local democracy would be undermined by deregulation due to the reasons and scenarios contained within our response commentary.

Q15: Do you think that outdoor events should be treated differently to those held indoors with regard to audience sizes? If so, please could you explain why, and what would this mean in practice.

Yes, this is because outdoor events are often held by individuals and groups who may have little or no experience in organising such complex activities. Some activities such as wedding marques with entertainment can be unsuitable but become semi-permanent premises. Further more, these events are generally a greater risk to public safety and public nuisance, particularly where they take place over a short period of time and there may be limited investment of resources.

Outdoor events generally carry particular risks and special considerations. Again it is our experience of the 2003 Act that some small-scale indoor events have much the same potential for causing public nuisance, which has been identified by section 2.33 of the statutory guidance and case law. Audience size/capacity is therefore something that should be assessed individually on its merits together with the event, the type of activity and the site proposals.

Q16: Do you think that events held after a certain time should not be deregulated? If so, please could you explain what time you think would be an appropriate cut-off point, and why this should apply.

Yes, events taking place after 23:00 and before 08:00 hours should not be de-regulated. Local residents should have a greater say over activities likely to cause nuisance at times when they are likely to have a greater detrimental impact on the amenity of their residences.

Frequency as well as actual timings is very important to local residents. Blanket-setting of timings is arbitrary but generally more sensitive periods of the day or night are likely to attract more complaints. A noisy activity, such as thumping bass of a rock band or karaoke/disco, has the potential for impacting on the licensing objectives at any time of the day depending on where it is taking place.

Q17: Should there be a different cut off time for different types of entertainment and/or for outdoor and indoor events? If so please explain why.

Too many options are likely to make the regime too complex to enforce and add to "red tape" rather than remove it. Although the difference between indoor and outdoor events can generally be easily distinguished, in many cases, more than one type of entertainment is provided during an event, and therefore different cut off times for different activities would be likely to be impractical and the subject of dispute.

Q18: **Are there alternative approaches to a licensing regime that could help tackle any potential risks around the timing of events?**

No. We strongly believe that the current licensing system is already the fairest, most inclusive, balanced and locally determined and accountable method of achieving this. The LA2003 is clearly better, and less onerous, than the several individual licensing regimes that preceded it.

Q19: Do you think that a code of practice would be a good way to mitigate potential risks from noise? If so, what do think such a code should contain and how should it operate?

No, there is no point in having an unenforceable code of practice. We believe that this is a backward step from the individually considered, pro-active, proportionate, individually tailored and enforceable controls we have via the licensing system. Whilst many operators are responsible, and volunteer some excellent conditions, there are unfortunately other poor or inexperienced operators that would be unlikely to comply with any voluntary and unenforceable code. Controls should be considered and applied locally, based on local circumstances and Licensing Authorities now have considerable expertise in balancing this. The scale and scope of potential activities under the banner of 'regulated entertainment' is so wide that any generic or pick-list type of Code of Practice is going to be difficult to develop and unlikely to achieve adequate controls. Standard type conditions under the old PEL system were similarly flawed when compared to the LA2003 process. Paragraph 10.13 of s182 guidance endorses this approach:

"The Act requires that licensing conditions should be tailored to the size, style, characteristics and activities taking place at the premises concerned. This rules out standardized conditions which ignore these individual aspects."

Q20: Do you agree that laws covering issues such as noise, public safety, fire safety and disorder, can deal with potential risks at deregulated entertainment events? If not, how can those risks be managed in the absence of a licensing regime?

They can but we don't think all the above mentioned issues can be properly managed in the absence of a licensing regime. In many cases, health and safety legislation depends upon the employment of individuals for it to have effect. Under new Health ands Safety Executive guidance such premises would not be a priority for local authority enforcement. The Fire service have made it clear that the regulatory reform act does not apply where a premises

does not exist (e.g. where there is no physical building). Noise abatement notices would be of little help to residents where a wide range of activities organised by different individuals and organisations are taking place on open land, for example. Police powers of closure for the purposes of noise nuisance, and local authority powers for warning or seizure only apply to licensed premises. If a premises were to provide regulated activity without retail sale or supply of alcohol, or late night refreshment, and therefore no longer require a premises licence, then these powers could not be used. If reliance is placed on noise nuisance legislation a good level of evidence will be required and be retrospective. The provisions of the Licensing Act 2003 allows control by condition. The knowledge that the EHO could make a representation for a review of the licence following noise complaints/breach of conditions is normally sufficient to resolve issues arising from entertainment noise

The current licensing system is mature, balanced and works well, with some excellent licences in place to both offer the flexibility and diversity operators need but also adequately promoting the licensing objectives and protecting the rights of interested parties. Licensing is the most suitable methodology for assessing and managing risk linked to promotion of the licensing objectives and it clearly encourages partnership working.

Q21: How do you think the timing / duration of events might change as a result of these proposals? Please provide reasoning and evidence for any your view.

We believe that de-regulation will lead to more uncontrolled events, later into the night or at other sensitive times (or even continuous over days at some festivals), more complaints and the very real risk of some major consequences and incidents in relation to public safety, prevention of public nuisance, protection of children from harm and crime and disorder. You could have an outdoor event taking place, with no prior notice to relevant authorities, in an area unsuitable or dangerous where there is no sale of alcohol (e.g. people bringing their own alcohol), with camping, staging, amplification, parking etc for 4999 people totally uncontrolled and without any time limit, identifiable or contactable organiser, without risk assessments or any consideration of promotion of licensing objectives. This type of scenario is of major concern.

Q22: Are there any other aspects that need to be taken into account when considering the deregulation of Schedule One in respect of the four licensing objectives of the Licensing Act 2003?

See response to Q20 re powers available to police and local authorities to control noise, where premises are not licensed (severely limited). Para 3.4 of the consultation assumes that all crime and disorder problems result from alcohol, but experience of police and licensing authorities indicates, that, certain types of music (particularly DJ's and MC's associated with particular groups) can result in crime and disorder issues. If entertainment is de-regulated, there may be little or no control over temporary music events where no alcohol is sold (raves).

Performance of Live Music: Questions

Q23: Are there any public protection issues specific to the deregulation of the performance of live music that are not covered in chapter 3 of this consultation? If so, how could they be addressed in a proportionate and targeted way?

The consultation assumes, that health and safety and the fire service would be aware of unregulated events. If events are only regulated where there is a sale of alcohol, a range of events which could have an impact on public protection could take place without any controls or guidance. No opportunity will exist to send out guidance information to event organisers as at present.

Q24: Do you think that unamplified music should be fully deregulated with no limits on numbers and time of day/night? If not, please explain why and any evidence of harm.

Un-amplified music and un-amplified singing are the only activities which would be likely to pose minimal risk to public protection, irrespective of numbers or times. Un-amplified music (with the exception of drums) is less likely to pose a noise nuisance risk when compared to amplified music.

Q25: Any there any other benefits or problems associated specifically with the proposal to deregulate live music?

The majority of music events taking place, particularly outdoors, combine a mix of live, recorded music and provision of facilities for dancing. For this reason, it would be impractical to treat them as separate issues. As identified in our comments throughout our response, we believe the current licensing system, assessing each on merit including community engagement, is the best mechanism. Our view is based on the evidence of our contested licensing hearings, several of which have included petitions in relation to concerns over music events in premises within residential areas.

Performance of Plays: Questions

Q26: Are there any public protection issues specific to the deregulation of the performance of plays that are not covered in chapter 3 of this consultation? If so, how could they be addressed in a proportionate and targeted way?

There is already an inherent prohibition in the Act (section 22) on LAs imposing conditions relating to the nature and manner of plays, but this section also explicitly preserves the right to condition relating to public safety. Therefore this assessment should be maintained whether plays are indoors or outdoors. Clearer s182 guidance would assist with approaching this in a consistent and targeted way. Annex D of the s182 guidance offers possible controls measures for theatres in relation to public safety, although some of these may be duplication of other provisions so this needs revising or updating.

Outdoor theatre, which in certain circumstances can include battle re-enactments with higher risk activities (for example, explosives, use of domesticated animals, temporary structures, electrics, etc), or which may take place in the hours of darkness poses a much higher risk to public safety

Q27: Are there any health and safety considerations that are unique to outdoor or site specific theatre that are different to indoor theatre that need to be taken into account?

See Q26.

Q28: Licensing authorities often include conditions regarding pyrotechnics and similar HAZMAT handling conditions in their licences. Can this type of restriction only be handled through the licensing regime?

Our Licensing Authority does not knowingly duplicate any provision/regulatory control elsewhere as a licence condition. However, the risk is that were plays to be entirely deregulated, groups putting on such events may not have access to such guidance, and statutory authorities may be entirely unaware of the events taking place.

Q29: Any there any other benefits or problems associated specifically with the proposal to deregulate theatre?
Members of the public would expect that such premises, as any premises where public entertainment takes place are safe regarding occupancy, structure and fire safety.
Plays generally attract little specific comment from interested parties. Some clearer definitions relating to what regulated plays are (especially things like historical re-enactments, costumed town and historic building guides etc) would help achieve greater consistency across Licensing Authorities. The Police and County Council may also have a view on protecting children from harm for this activity – for example a CRB check on a licence applicant for a children's performance may possibly reveal child protection concerns.

Without knowledge of events taking place, additional provisions for the protection of children which are implemented by County Council's (chaperoning, restrictions on hours etc) may have limited effect.

Performance of Dance: Questions

Q30: Are there any public protection issues specific to the deregulation of the performance of dance that are not covered in chapter 3 of this consultation? If so, how could they be addressed in a proportionate and targeted way?

No.

Q31: Any there any other benefits or problems associated the proposal to deregulate the performance of dance?

Dance activity generally attracts little specific comment from interested parties but the amplified music accompanying it does.

Exhibition of Film: Questions

Q32: Do you agree with the Government's position that it should only remove film exhibition from the list of regulated activities if an appropriate age classification system remains in place?

Yes.

Q33: Do you have any views on how a classification system might work in the absence of a mandatory licence condition?

By the use of National Legislation, requiring the showing of only age classification films.

Q34: If the Government were unable to create the situation outlined in the proposal and above (for example, due to the availability of Parliamentary time) are there any changes to the definition of film that could be helpful to remove unintended consequences, as outlined earlier in this document - such as showing children's DVDs to pre-school nurseries, or to ensure more parity with live broadcasts?

The Secretary of State could produce a list of exempted activities.

Q35: Are there any other issues that should be considered in relation to deregulating the exhibition of film from licensing requirements?

No.

Indoor Sport: Questions

Q36: Are there any public protection issues specific to the deregulation of the indoor sport that are not covered in chapter 3 of this consultation? If yes, please outline the specific nature of the sport and the risk involved and the extent to which other interventions can address those risks.

Capacity issues/crowd control linked to large or popular indoor sporting events – for example competition finals. This can impact on promotion of the licensing objectives. If this activity is in a licensed venue such as a pub then assessment of the indoor sporting aspects of the licence application help towards the holistic approach to management of operation of the venue.

Q37: Are there any other issues that should be considered in relation to deregulating the indoor sport from licensing requirements?

Some specific exemptions for certain types of low/no risk indoor sporting activity, or in certain types of venue such as schools or sports centres, could be considered rather than complete deregulation.

Boxing and Wrestling, and Events of a Similar Nature: Questions

Q38: Do you agree with our proposal that boxing and wrestling should continue to be regarded as "regulated entertainment", requiring a licence from a local licensing authority, as now?

Since the introduction of the Licensing Act 2003, Ryedale District Council has never had either a boxing or wrestling event so is not in a position to comment. However, we are aware that boxing/wrestling outdoors is regulated by the LA2003 and would respond along similar lines as for 'indoor sports'. The choice of exemption to boxing and wrestling appears arbitrary and has less potential t impact on the licensing objectives than live or recorded amplified music. Capacity issues/crowd control linked to boxing or wrestling events may impact on promotion of the licensing objectives.

Q39: Do you think there is a case for deregulating boxing matches or wrestling entertainments that are governed by a recognised sport governing body? If so please list the instances that you suggest should be considered.
See above

Q40. Do you think that licensing requirements should be specifically extended to ensure that it covers public performance or exhibition of any other events of a similar nature, such as martial arts and cage fighting? If so, please outline the risks that are associated with these events, and explain why these cannot be dealt with via other interventions.
See above

Recorded Music and Entertainment Facilities: Questions

Q41: Do you think that, using the protections outlined in Chapter 3, recorded music should be deregulated for audiences of fewer than 5,000 people? If not, please state reasons and evidence of harm.

No, recorded music is often provided in combination with other currently regulated entertainment, for example, provision of facilities for dancing, and can be a substantial

source of noise nuisance. Karaoke has also been a source of nuisance complaints for Ryedale Council.

Q42: If you feel that a different audience limit should apply, please state the limit that you think suitable and the reasons why this limit is the right one.

Audience limits are to a large extent arbitrary as it is the music, and, with particular genres of music the volume of music, which is likely to undermine the licensing objectives.

Q43: Are there circumstances where you think recorded music should continue to require a licence? If so, please could you give specific details and the harm that could be caused by removing the requirement?

See answers to questions 41 and 42.

Q44: Any there any other benefits or problems associated specifically with the proposal to deregulate recorded music?

Low key events which pose little risk would be better dealt with by means of additional clarification of the exemptions (for example, street entertainers who play live instruments accompanied by recorded music could be considered for an exemption).

Q45: Are there any specific instances where Entertainment Facilities need to be regulated by the Licensing Act, as in the current licensing regime? If so, please provide details.

Clarification of those circumstances where the provision of facilities is licensable would be beneficial. Currently, there is an exemption from licensing where the provider of the facilities is not involved in the management or organisation of the event, however, the activity itself may still have an adverse effect on the licensing objectives. For example, a public house which regularly lets out its function room for private parties, but plays no part in the organisation of the event (p3.16-p3.18 Section 182 Guidance).

Unintended consequences: Questions

Q46: Are there any definitions within Schedule One to the Act that are particularly difficult to interpret, or that are otherwise unclear, that you would like to see changed or clarified?

See response to Q45 above.

Q47: Paragraph 1.5 outlines some of the representations that DCMS has received over problems with the regulated entertainment aspects of the Licensing Act 2003. Are you aware of any other issues that we need to take into account?

No, but it may be a more rational response to simply confirm this list as exempted entertainment and remove the need for this review exercise and provide additional guidance.

Adult Entertainment: Question

Q48: Do you agree with our proposal that deregulation of dance should not extend to sex entertainment? Please provide details.

Yes, as it covers the gap between dance that may be classed as sexual entertainment, but is exempt from separate sexual entertainment venue regulations.