

**TO: LICENSING AND SAFETY COMMITTEE
9 JANUARY 2014**

**DEREGULATION OF ENTERTAINMENT LICENSING
Chief Officer: Environment and Public Protection**

1 INTRODUCTION

- 1.1 This report highlights the ongoing deregulation of entertainment licensing under the Licensing Act 2013.

2 SUPPORTING INFORMATION

- 2.1 The first wave of deregulation of entertainment licensing occurred by way of the Live Music Act 2012 (the 2012 Act) and the Licensing Act 2003 (Descriptions of Entertainment) (Amendment) Order 2013 (the 2013 Order). This followed a consultation by the Department of Culture, Media and Sport (DCMS) in 2011 with the aim of exempting lower risk activities and relaxing existing controls on live and recorded music.

- 2.2 The effect of the 2012 Act and the 2013 Order is that the following activities are no longer licensable when they take place between 08:00 and 23:00 on any day:

- A performance of a play in the presence of any audience of no more than 500 people
- An indoor sporting event in the presence of any audience of no more than 1000 people
- A performance of dance in the presence of any audience of no more than 500 people
- Live music, where the live music comprises:
 - i) A performance of unamplified live music
 - ii) A performance of live amplified music in a workplace with an audience of no more than 200 people
 - iii) A performance of live music on licensed premises (open for the sale of alcohol for consumption on the premises) which takes place in the presence of an audience of no more than 200 people.

- 2.3 The second wave of deregulation was proposed in a DCMS consultation in October 2013 and a legislative reform order may come into force as early as April 2014. The proposed changes would mean that the following are no longer licensable when they take place between 08:00 and 23:00 on any day:

- Entertainment activities at local authority, hospitals and school premises (not higher education) where the event is hosted by or on behalf of the organisation (with no audience limit)
- Entertainment activities as part of nursery provision on non-domestic premises.
- Live music in licensed premises (open for the sale of alcohol for consumption on the premises) or in a workplace with an audience of not more than 500 people
- Recorded music in licensed premises (open for the sale of alcohol for consumption on the premises) with an audience of not more than 500 people
- Live and recorded music at local authority, hospitals, school and community premises (where the entertainment is arranged by others e.g. the premises is hired out) with an audience of not more than 500 people

Unrestricted

- Live and recorded music, plays, dance and indoor sport at tented circuses between 08:00 and 23:00 with no audience limits.
- Greco-Roman and freestyle wrestling at any premises with no audience limits.

An additional proposal is to suspend the effect of any condition of a premises licence or club premises certificate that relates to recorded music between 08:00 and 23:00. This is to mirror the provision for live music conditions brought in by the 2012 Act.

2.4 The Government, in making these changes, state that they believe local authorities and other competent and trusted civil society organisations should where possible be freed from current entertainment licensing arrangements. It is understood that guidance will clarify exactly which types of premises will fall within the exemption detailed in the first bullet point under 2.3, but that it is likely to include the following:

- Non-domestic property or land over which the local authority or statutory parish council has control, e.g. parks, libraries, swimming pools and leisure centres;
- Hospitals, clinics and hospices, and
- Schools and sixth form colleges (including any school land or buildings).

2.5 A workplace means any premises which are not domestic premises and are made available to any person as a place of work. Community premises are defined as 'premises that are or form part of (a) a church hall, chapel hall, or other similar building, or (b) a village hall, parish hall, community hall or other similar building'.

2.6 The third wave of change will be to deregulate community film exhibition, defined as 'not for profit' film exhibitions on community premises between 08:00 and 23:00. A film screening will have to have age classification from the BBFC or the relevant licensing authority to be eligible for the community film exemption. The Government also proposes to deregulate the exhibition of films which are incidental to an activity which is not itself regulated entertainment. These changes are intended to be included in the legislative reform order detailed in 2.3.

2.7 In proposing this further deregulation, DCMS has stated that the Government wishes to remove bureaucracy and cost from community entertainment activities and encourage community participation in cultural and sporting events. They also wish to remove burdens from small and medium sized businesses such as pubs and hotels so they can offer additional activities and diversify. Deregulation will only apply to activities conducted between 08:00 and 23:00 to 'minimise any risk of excess noise when the impact of noise disturbance on households is highest' and in line with other night-time environmental protection regimes.

2.8 Regulation will remain in place for all activities that exceed the audience limits and timings detailed in 2.3, and adult entertainment will also remain regulated. In addition, any sale of alcohol at any of the above must still be authorised by either a premises licence or temporary event notice.

3 EQUALITIES IMPACT ASSESSMENT

3.1 None.

4 STRATEGIC RISK MANAGEMENT ISSUES

4.1 None.

Unrestricted

Background Papers

Licensing Act 2003 (Descriptions of Entertainment) (Amendment) Order 2013

Live Music Act 2012

DCMS Consultation Documents (various)

Contact for further information

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