

# NORWICH CITY COUNCIL

## Report for Resolution

**Report To** Licensing committee  
8 December 2011

**6**

**Report of** Head of citywide services

**Subject** Consultation: deregulation of schedule 1 of the Licensing Act 2003

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### **Purpose**

To inform members of the consultation document issued by the Department for Culture, Media and Sport (DCMS) seeking views on the proposed de-regulation of schedule 1 of the Licensing Act 2003.

### **Recommendation**

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 Appendix A to the report, be approved.

### **Financial Consequences**

A deregulation of entertainment under Schedule One of the Licensing Act 2003 may result in a very limited reduction in the number of licensed premises. Where community premises are authorised for regulated entertainment only (and not sale by retail of alcohol) no fees are chargeable, so there would be little expected change to annual income. It is estimated that there would be an annual reduction of approximately fifty Temporary Event Notices authorising regulated entertainment only. This would equate to a reduction in income of £1050.

### **Corporate Objective/Service Plan Priority**

The report helps to achieve the service plan priority of protecting the interests of the public through the administration of the licensing function.

### **Contact Officers**

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### **Background Documents**

DCMS consultation: 'Regulated Entertainment: A Consultation proposal to examine the deregulation of Schedule One of the Licensing Act 2003'.

## **1.0 Introduction**

1.1 Currently, the Licensing Act 2003 (The Act) classifies the following activities as “regulated entertainment”, and therefore licensable:

- 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

1.2 In addition, there is a licence requirement relating to the provision of entertainment facilities (which generally means the provision of facilities which enable members of the public to make music or dance).

1.3 Licensable activities can only be carried out under the permission of a premises licence or club premises certificate (‘a licence’) or a temporary event notice (TEN) from a local licensing authority. Licences or TEN’s are required for any of the activities in paragraph 1.1 above whether they are free events to which the general public is admitted or public and private events where a charge is made with the intention of making a profit.

## **2.0 Consultation proposals: audience capacity / retained licensable activity**

2.1 The consultation makes it clear that in any instance Government intends to retain the licensing requirements for:

- Any performance of live music, theatre, dance, recorded music, indoor sport or exhibition of film where the audience is of 5000 people or more.
- Boxing and wrestling
- Any performance of dance that may be classified as sexual entertainment, but is exempt from separate sexual entertainment venue regulations.

2.2 However, the consultation proposes that events of regulated entertainment (other than the two exemptions above) with an audience of fewer than 5000 people are deregulated from The Act. The effect of this would be that no licences or TENs would be required authorising such activities, and in many cases they would then take place without any restrictions and without the knowledge of Local Authorities and responsible authorities (e.g. police and fire service).

2.3 The main premise of the DCMS is that in most cases, entertainment without the supply of alcohol does not result in crime and disorder.

### **3.0 Consultation response**

3.1 Due to the length of the consultation document and the associated printing costs, a copy of the consultation paper has not been printed for distribution. However, the document is available to view on the DCMS website at:-

[http://www.culture.gov.uk/images/consultations/consultation\\_deregulationscheduleon\\_e\\_2011\\_vs2.pdf](http://www.culture.gov.uk/images/consultations/consultation_deregulationscheduleon_e_2011_vs2.pdf)

A hard copy of the document will be available at the meeting.

3.2 A response to the questions raised in the consultation has been prepared and is attached at Appendix A.

# APPENDIX A

## Annex A: 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 previous public entertainment / liquor licensing requirements (e.g. 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 paragraph 1.5, others that are far more commonplace can pose significant risk to the prevention of public nuisance objective in particular. The licensing process 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, building control, smoke-free regulations or food safety). This can also necessitate input from other partners such as the Highways Authority, First Aid Services, Community Safety or Safety Advisory Group. Licensing forms an integral part of the toolkit necessary to both 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: necessary

- 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 the promotion of the licensing objectives depending on when, where, their frequency, capacity, performers, and the control measures in place. It seems valid therefore 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).**

This is not relevant as there is no application or annual fee applied for community / village / church halls, other similar buildings and educational establishments where the only licensable activities are regulated entertainment. Most TENs applied for by these type of premises are for the supply of alcohol only as they already have premise licences in place for regulated entertainment. The only costs incurred by these type of premise when applying for a grant or variation of a premise licence is for the press notice.

**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 premises such as schools / community buildings do not have to pay an annual charge there is no burden on local authorities to collect annual charges from these premises. Therefore your estimated savings to local authorities of £980,530 is irrelevant and the total saving to local authorities as stated in paragraph 74 of £1.03million is therefore incorrect. There will be a financial impact to local authorities to investigate public nuisance and safety issues. With a licence condition, a licensing enforcement officer who would already be on site assessing compliance with other controls can easily check whether actions are in place to comply with licence conditions. Examples of this would be whether doors and windows are closed, whether live music is taking place after a particular time. To rely on nuisance and safety legislation would take more time to resolve the problem. This would adversely affect the local residents being affected as they would need to experience the noise for longer than if it were dealt with through a straight forward breach of a condition and the safety of people attending the premise could be put at risk. To assess whether a statutory nuisance exists, trained officers need to investigate for a period of time to allow an assessment to be made. This may need to take place over a period of time at different times of night to be sure that the statutory nuisance exists. The financial burden to the local authority is therefore more when dealing with the issue reactively rather than proactively through licensing controls.

**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. We strongly disagree with the sweeping statement in the consultation document in paragraph 3.3 that

“regulated entertainment itself in general poses little risk to the licensing objectives” and submit that this assertion is contrary to the legislation, our own experience of the 2003 Act, public perception and the current guidance issued under section 182 of the 2003 Act. We have seen in many licensing hearings where local residents and community groups 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, for poorly sound attenuated buildings/open spaces, 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 lives, amenity and the licensing objectives.

Our experience of representations against applications is that a large number centre on concerns about the impact on their amenity of noise from regulated entertainment. This is particularly true of events outdoors. Few representations from interested parties raise concerns solely 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. 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 strongly suggest that wholesale deregulation will, in not an insignificant number of instances, have an opposite outcome. Section 2.33 of the s182 guidance illustrates 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 paragraph 2.33 of s182. It is therefore proper that such individual, and local level, consideration should continue to be made via a licensing process. Clearly there would have been many more legal challenges to decisions taken by Licensing Authorities if regulated entertainment activities generally have little or no impact on the licensing objectives.

**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 can not reasonably estimate correct ranges at this stage, but disagree with the assumptions made in the impact assessment. We are concerned that the proposed changes, with such a potential for impact on the licensing objectives, is being considered for a potential increase of 3-4% in the number of venues that would put on live music. The increased number of people attending the event is not likely to be

the same as the percentage increase in the number of venues putting on such events.

**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. 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 be 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?**

The limit of 4999 persons being able to attend a performance of recorded music (no alcohol sales) or similar without the need to inform any statutory body or obtain any licence (see paragraph 10.3 for example) appears excessive, noting the problems the council has had in the past with significantly small outdoor events.

**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.**

If the limit for events were to be 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 can impact on the licensing objectives, and therefore each event should be assessed locally and on its individual merits, with a mechanism for local community input.

**Q13: Do you think there should 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. 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. Additionally, premises could provide entertainment and invite the audience to bring their own alcohol. No licences would be required for the entertainment or alcohol, because there would be no sale and consumption is not licensable. This scenario could give rise to significant risks to all of the licensing objectives.

**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. 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. Audience size/capacity is therefore something that should be assessed individually on its merits together with the event/activity/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 11pm and before 6am 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 depending where it is taking place, the nature of the local area/building/area to be used, proximity to residents/ noise-sensitive locations, control measures in place (or lack of) etc.

**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. 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. It is believed that the current licensing system is a suitably balanced and locally 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 appear to be little merit 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 COP is going to 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?**

No, there would be too much opportunity for passing responsibility and assuming that measures are in place. It is felt that it would be problematic in managing these issues 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. The Fire service have indicated 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, fixed penalty notices 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. The current licensing system is mature, and works, 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.**

It is believed 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), 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 regarding 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 (e.g. 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 (e.g. '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 wide range of events which could have an impact on public protection could take place without any controls or guidance, for example, events where people may take their own alcohol (consumption is not a licensable activity).

**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.**

This is the only activity which would be likely to pose minimal risk to public protection, irrespective of numbers or times. Unamplified music is less likely to pose a noise nuisance risk when compared to amplified music. The licensing objectives can still be affected by the event generally though – for example outdoor festivals may impact on all four of the licensing objectives.

**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 the comments throughout this response, it is believed that the current licensing system, assessing each case on merit including community engagement, is the best mechanism. Our view is based on the evidence of many contested licensing hearings in relation to concerns over proposals relating to live music.

## **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 licensing authorities imposing conditions relating to the nature and manner of plays, but this section also explicitly preserves the right to apply conditions relating to public safety. Therefore this assessment should be maintained whether plays are indoors or outdoors.

**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?**

Outdoor theatre, which in certain circumstances can include battle re-enactments with higher risk activities (e.g. explosives / pyrotechnics, special effects etc), or which may take place in the hours of darkness and accompanied by the consumption of bringing your own alcohol, poses a much higher risk to public safety.

**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?**

As a licensing authority, the council 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?**

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.

## **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?**

Clearer good practice s182 guidance would assist and/or some specific exemptions for low/no-risk activities.

**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?**

An equivalent of the mandatory condition on age classification should remain in place. There are already limited exemptions for certain film activities under Part 2 of Schedule 1. In reality it seems bizarre that a simultaneous broadcast is exempt but showing the same programme on a DVD is regulated. Cinema and theatres still carry some particular public safety risks as identified in Annex D of s182 guidance so de-regulation will require careful consideration of how to address these matters.

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

See Q32 above.

**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?**

Is the example given of showing of children's DVD's to pre-school nurseries actually licensable under existing licensing requirements? It appears to be exempt reliant on 'private' or 'educational' provisions. Clearer good practice guidance will help if this remains a licensable activity or else some better framed exemptions.

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

Under the transitional arrangements, cinemas were subject to conversion of measures which reproduced the requirements of the now repealed Cinematograph (Safety) Regulations 1955 (S.I 1995/1129). Public safety must still be assessed by the Licensing Authority and Responsible Authorities as part of applications for new cinemas or variations. See 2.30 of s182 guidance. Whilst digital cinema (including mobile) is now more commonplace, venues which still use and store flammable film reels need assessment.

## **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 on the assumption the activity would rarely affect the licensing objectives.

## **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?**

Whilst being aware that boxing/wrestling outdoors is regulated by the LA2003, we would respond along similar lines as for ‘indoor sports’. Capacity issues/crowd control linked to boxing or wrestling events can impact on promotion of the licensing objectives. Boxing entertainments are licensed at certain venues within the city and suitable licensing measures need to be assessed and in place, alongside any separate sport governing body regulation. Whilst cage fighting and some contact martial arts could already fall into the definition some additional clarity in Schedule 1 and/or guidance will assist.

**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 Q38 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 Q38 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.**

Recorded music is often provided in combination with other currently regulated entertainment, for example, provision of facilities for dancing, and is a major component of nuisance arising from ‘raves’ or other similar activity, i.e. events commonly not linked to a retail sale of alcohol.

**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 Q 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.

**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 and/or review 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, or a recording studio, may be exempt at present from licensing.

#### **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 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?**

See Q45 above

#### **Adult Entertainment: Question**

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

Yes. Any dance, which would be likely to impact on the protection of children from harm should be licensable.