

Government proposals to deregulate live entertainment licensing

Dear Friends,

I would like to bring to your attention a government proposal that will have a serious impact on our residents and their quality of life.

The Department for Culture, Media & Sport (DCMS) has published a consultation on the 'deregulation' of regulated entertainment under the Licensing Act 2003. The proposals are radical and if they are implemented we would see a dramatic change in the licensing regulations of pubs, clubs and other entertainment venues. It would also see a dramatic increase in workload for Enforcement Officers and the Police.

Key points of the Government's proposal

The performance of live music, dance, recorded music, plays, indoor sport or exhibition of film and provision of entertainment facilities for an audience of less than 5,000 people should no longer be classified as 'regulated entertainment' and, subject to certain safeguards, should not require a licence or permission under the Licensing Act 2003. This has the potential to have a real impact on enforcement resources, as there is every potential for concerts for 4999 people to be taking place in a function hall, school hall and the Council would not necessarily know about it and so may only know of an event when complaints regarding noise nuisance or disturbance arise. This will be the same for the police.

The DCMS has outlined some proposed exemptions in particular, boxing and wrestling events will still be licensable, as will the irregular performance of dance that may be classified as sexual entertainment, which is exempt from the separate sexual entertainment venue regulations.

It is important to note that the proposals do not affect the requirements for premises selling alcohol to be licensed. The Government is mindful that a vast majority of premises providing forms of entertainment are also licensed to sell alcohol.

The Government considers that the regulation of entertainment within the Licensing Act 2003 is over-bureaucratic and placed an unnecessary and heavy administrative burden on the voluntary sector, local communities and businesses which should be reduced.

The Government envisages that licence conditions would still apply and be used for premises licensed to sell alcohol and the threat and use of review powers under the Licensing Act 2003 would provide sufficient protection to communities. It should be noted that this would only apply to premises that are licensed due the alcohol activity. If it is a church hall or function room that hires out for music events, and were not selling alcohol we would not know about it and would have to take action under the types of legislation listed



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above as we could not use the threat of review of the licence as there would be no licence in place.

This is very radical deregulatory proposal and if implemented will have a significant effect on the licensing control of entertainment. Following the end of the Consultation, the Government will assess these responses and produce a Deregulatory Order with a view to implementation around October 2012.

There are some other key points to make on the proposals and how they could affect the entertainment industry:

The proposal is that deregulation would apply 24 hours every day although views are sought on whether entertainment after 11 pm should remain regulated.

The consultation seeks views on the proposed re-regulation for capacity less than 5,000 and mentions the police preferred view for a 499 limit.

Views are sought on whether there should be an unrestricted capacity for unamplified music on the basis that the music noise would be self-limiting due to acoustic reach. This is a bold proposal and would allow acoustic bands and singers to perform before an unrestricted audience at any time of the day and night but is certain to receive unfavourable responses from local organisations.

Premises Licence conditions (many of which will include 'noise conditions' and limitations on opening hours) will remain in force unless they are varied. There are some difficult issues to consider here because existing premises will be forced to comply with these restrictions unless and until they are removed and these applications may be contentious.

The Government suggests of a Code of Conduct may be considered for premises wishing to provide entertainment although recognise this will not have the force of law.

The deregulation of films will result in many benefits and, for example, cinemas would not require a premises license unless they also wish to sell alcohol.

The Government is aware of the possibility of unintended consequences and asks for views on this. There will in fact be many but one that stands out is the risk that new entertainment venues could become unregulated by simply not selling alcohol. Technically, they would still be able to charge for entry and in fact allow customers to bring in their own alcohol.

We envisage the main users of this proposal will be schools, community halls and church groups etc. that want to put on relatively small events for the benefit of the community but might have been put off taking such action beforehand because of the administrative burden in making the necessary applications. However, pubs and bars not currently licensed for live music will also benefit as they will be able to provide this entertainment without the restrictions that are likely to apply to premises which already have this permission.

The impact on residents needs to be considered. If they are not alcohol licensed premises the added weapon of applying for a review would not be relevant. Residents could only rely on enforcement officers and police dealing with any issues under various laws, which would not necessarily bring about a quick fix for the problems being experienced.



The benefits would be for the businesses, as they would be able to add a further dimension to their business at no further cost. Parks, Schools etc would be able to generate revenue from the hire of the facility; they would not need to get a licence before hand, so no initial expense is incurred.

I will be responding on behalf of the Council as the de-regulation will have a negative impact on our residents. Lots of residents will not be aware of the proposals and may only realise once they find themselves bothered by noise or anti-social behavior from a church hall or community centre or school where previously there was no entertainment being offered.

All responses must be received by 3 December 2011 to the DCMS in writing to

regulated_entertainment_consultation@culture.gsi.gov.uk.

The consultation itself can be accessed via this link

<http://www.culture.gov.uk/consultations/8408.aspx>

Please send this briefing to your contacts in the community for them to submit their views direct to the government. If you would like to share your comments with me so that I can incorporate them into Haringey's response please send your views to daliah.barrett@haringey.gov.uk by 3 November.

Many thanks,

Nilgun Canver
Cabinet Member for Environment
Haringey Council

