

Appendix 4: Outline Council response to the consultation questions

Proposal Impacts

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?
A	The deregulation of Schedule 1 would make it easier for more premises to allow entertainment, thereby increasing opportunities for performers. However, many community organisations use premises that are already exempt from licence fees and therefore do not have any substantial barriers to performances. Furthermore, events held by such organisations pose little threat to the licensing objectives and therefore licences are issued with minimal or no additional conditions.
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?
A	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).
A	We would agree with this information.
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.
A	We would agree with this information.
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
A	We would expect an increase in noise complaints. We consider that amplified live and/or recorded music is the main cause of disturbance and should not be deregulated – particularly in alcohol licensed premises. The proposal states that conditions would remain on licences, but these can be removed on variation and the licensing authority would not be able to prevent their removal if they were directly associated with a deregulated activity. The quality of life as been greatly improved for those living near to licensed premises by the knowledge that the operation is controlled by clear conditions. Furthermore, with well written, pragmatic conditions, operators have a much clearer understanding of the required controls. They can be confident they are operating within their licence, rather than having to

	prevent a 'statutory nuisance' – which is not easily understood and would inhibit suitable proactive controls. We acknowledge that the licensing authority will be able to use its controls for alcohol and late night refreshment, but schedule 1 should remain for those venues that provide alcohol, particularly for amplified live and/or recorded music.
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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.
A	We would agree with these estimates.

Q7	Can you provide any additional evidence to inform the Impact Assessment, in particular in respect of the impacts that have not been monetised?
A	No.

Q8	Are there any impacts that have not been identified in the Impact Assessment?
A	None.

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.
A	None identified.

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?
A	We would agree that this appears to be the most pragmatic option to avoid the need for substantial numbers of applications. Nevertheless, the premises licence holder can subsequently apply to remove conditions designed to control disturbance from entertainment and the licensing authority would have little grounds to prevent their removal if they were solely applicable to that entertainment.

The Role of Licensing Controls

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?
A	No. We feel that the limit is too high, as the risks to the licensing objectives can be significant for events with a much lower attendance. We do support the essence of the deregulation, but would state that schedule 1 should remain for alcohol licensed premises/events and particularly for amplified live and/or recorded music.

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.
A	We do not feel that attendance limits are appropriate as an arbitrary method of deciding the risks associated with a given type of entertainment, but do understand the need to assess the scale of an event and its impact of the licensing objectives. However, the risks to the objectives can be substantial to those affected by the premises/event regardless of the number of attendees. Such limits also pose problems for event organisers and enforcement agencies, as it will be difficult to prove the exact numbers of attendees for those events which capacity is close to a set limit. This principle exists with TENs when, in practice, it is very time consuming and problematic to prove exact attendance.

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.
A	As detailed in Q12, we do not consider attendance limits to be an effective solution.

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.
A	We agree that the proposed deregulation is appropriate for regulated entertainment other than amplified live and/or recorded music. We do feel that there would be an increased risk where entertainment is carried out in alcohol licensed.

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.
A	No.

Q16	Do you think that events held after a certain time should not be
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	deregulated? If so, please could you explain what time you think would be an appropriate cut-off point, and why this should apply.
A	Disturbance is often caused, and public awareness of this disturbance heightened, during night time hours. However, an additional cut off time would add confusion for operators and enforcers. We would not support an additional cut off time other than that set through the licensing process.

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.
A	No. We would not support an additional cut off time other than that set through the licensing process.

Q18	Are there alternative approaches to a licensing regime that could help tackle any potential risks around the timing of events?
A	To focus on those types of entertainment that causes disturbance i.e. amplified live and/or recorded music. We would support a regime that deregulates 'entertainment only' premises apart from those with amplified live and/or recorded music or those that pose significant risk to the licensing objectives.

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?
A	Similar documents exist, locally and nationally, to assist operators in the control of noise.

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 are managed in the absence of a licensing regime?
A	Existing legal provisions could address the potential risks from deregulated entertainment. However, we feel the exception should be amplified live and/or recorded music, which should not be deregulated. Furthermore, with noise legislation particularly, the problem has to have taken place (or is taking place) for action to be taken. The licensing regime allows proactive steps to be taken to control an issue before it becomes a problem. This is not over precaution; action is based on a risk assessment according to potential detriment to the licensing objectives.

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.
A	Without any specific 'terminal hour' by which events would have to stop, it would rely on the organiser to stipulate the duration of the event. In smaller events, we would anticipate that the event could last longer until there was a natural conclusion, whereas in larger events,

	times would have to be stipulated to control the event itself i.e. to control performances or access/aggress.
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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?
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A	None identified.
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Performance of Live Music

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?
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A	No.
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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.
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A	We would support that unamplified live music be deregulated.
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Q25	Any there any other benefits or problems associated specifically with the proposal to deregulate live music?
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A	No.
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Performance of Plays

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?
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A	No.
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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?
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A	None that cannot be addressed with relevant legislation and/or guidance.
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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?
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A	No. We would not support conditions that simply replicate existing legislation.
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Q29	Any there any other benefits or problems associated specifically with the proposal to deregulate theatre?
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A	No.
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Performance of Dance

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?
A	No.

Q31	Any there any other benefits or problems associated the proposal to deregulate the performance of dance?
A	No.

Exhibition of Film

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?
A	Yes, we would support this view.

Q33	Do you have any views on how a classification system might work in the absence of a mandatory licence condition?
A	No.

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?
A	Consistency is important. The changes should follow the existing regime and any changes in definition should be succinct and clear.

Q35	Are there any other issues that should be considered in relation to deregulating the exhibition of film from licensing requirements?
A	No.

Indoor Sport

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.
A	No.

Q37	Are there any other issues that should be considered in relation to deregulating the indoor sport from licensing requirements?
A	No.

Boxing and Wrestling, and Events of a Similar Nature

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?
A	Yes.

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.
A	No.

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.
A	The risks associated with these events are similar to boxing and/or wrestling, which are currently licensed. However, care should be taken with the definition of these activities to address the varied nature and styles of martial arts or mixed martial arts.

Recorded Music and Entertainment Facilities

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.
A	We do not consider the above protections sufficient for amplified recorded and/or live music. Existing legal provisions can address the potential risks from deregulated entertainment, however, with noise legislation particularly, the problem has to have taken place (or is taking place) for action to be taken. The licensing regime allows proactive steps to be taken to control an issue before it becomes a problem. This is not over precaution; action is based on a risk assessment according to potential detriment to the licensing objectives.

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.
A	We do not feel that attendance limits are appropriate as an arbitrary method of deciding the risks of a type of entertainment upon 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?
A	Amplified recorded music when it is intended to directly entertain an audience should continue to require a licence. In many community pubs and clubs, the operation of a disco can cause significant disturbance, which would be exacerbated if relevant conditions were removed from the licence.

Q44	Any there any other benefits or problems associated specifically with the proposal to deregulate recorded music?
A	See previous responses.

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.
A	We would agree that entertainment facilities be deregulated.

Unintended consequences

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?
A	None – other than those identified in the consultation.

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?
A	None.

Adult Entertainment

Q48:	Do you agree with our proposal that deregulation of dance should not extend to sex entertainment? Please provide details.
A	We do not agree with this proposal. The definition of an SEV is suitable to address any type of dance of this nature.