

**EXETER CITY COUNCIL  
LICENSING COMMITTEE**

**12 FEBRUARY 2013**

**PROPOSALS FOR DEREGULATING ENTERTAINMENT LICENSING**

**1. PURPOSE OF THE REPORT**

- 1.1 To inform the Licensing Committee of proposed changes to the Licensing Act 2003 and to advise on the potential impact this new legislation will have when in place.

**2. BACKGROUND**

- 2.1 The Government has carried out a consultation on the deregulation of most entertainment activities that require a licence under the Licensing Act 2003.
- 2.2 There were around 1350 responses to the consultation with over half coming from persons who identified themselves as musicians and performers. Therefore, issues relating to live and recorded music dominated responses.
- 2.3 The Government has made proposals based on its conclusions drawn from the consultations.
- 2.4 The proposals are expected to be brought into force in April of this year.
- 2.5 There are no proposals to alter anything relating to the sale or supply of alcohol on this occasion.

**3. PROPOSALS FOR DEREGULATION**

- 3.1 Licensing Authorities are responsible currently for the licensing of premises which among other things provide plays, films, indoor sporting events, performance of dance, unamplified music and anything similar to these activities.
- 3.2 It is proposed that these activities will be deregulated between 0800hrs and 2300hrs on any day to audiences of less than 500 (plays and dance), 1,000 (indoor sporting activities) or unlimited (unamplified music).
- 3.3 There is ongoing consultation with a view to the partial deregulation of films for community film exhibition.
- 3.4 A further category of regulated entertainment, boxing and wrestling will remain licensable with the exception of Olympic style Greco-Roman and Freestyle wrestling. Mixed Martial Arts and Cage fighting style events will become a new category of regulated entertainment.

#### **4. PROPOSALS FOR SUSPENSION OF LICENSING BETWEEN 0800HRS – 2300HRS**

- 4.1 In addition, Licensing Authorities are responsible currently for the licensing of premises which provide live and recorded amplified music. Proposals are that licensing should be suspended unless or until any application for a Review of the licence upon the basis that the licensing objectives are being undermined.
- 4.2 It is proposed that licensing will be suspended in respect of amplified live music between 0800hrs and 2300hrs on any day, before audiences of no more than 500 on premises authorised to sell or supply alcohol for consumption on the premises; this was originally 200 under Live Music Act 2012 (amplified live music in workplaces will be deregulated).
- 4.3 Further, licensing will be suspended in respect of recorded music between 0800hrs and 2300hrs before audiences of not more than 500 people in on licensed premises
- 4.4 Where licensing is suspended any premises that already has a premises licence that permits the provision of any of the relevant activities will **not** be subject to any conditions that are in part 2 of their licence (conditions offered at the time of application). Conditions imposed on a licence following a hearing will always have effect.

#### **5. PROPOSALS FOR EXEMPTIONS**

- 5.1 There are proposals to make certain venues exempt from the requirements of licensing of regulated entertainment. The exact scope of these proposals will depend upon the extent to which the foregoing proposals are adopted. On the basis of currently licensable regulated entertainment activities the following exemptions will apply.
- 5.2 All licensable regulated entertainment activities (not sale of alcohol) hosted by local authorities on their own premises (including hospitals, nurseries and schools) will be exempt from all licensing requirements between 0800 and 2300 with no audience limitations.
- 5.3 Live and recorded music activities held in local authority premises by others will be exempt from regulation between 0800hrs and 2300hrs for audiences up to 500.
- 5.4 Live and recorded music held in community premises, churches, community centres etc will be exempt from regulation between 0800hrs and 2300hrs for audiences up to 500. Examples of what are included in this exemption are school concerts; charity fetes, garden parties and similar activities where no alcohol is provided.
- 5.5 Live and recorded music, plays, dance and indoor sport at circuses will be exempt from regulation between 0800hrs and 2300hrs with no audience limitations.

## **6. IMPLICATIONS**

- 6.1 Although it is not possible to quantify precisely the impact, it is anticipated more hearings will be required as premises providing regulated entertainment are likely to be reviewed to bring nuisance premises or those giving rise to crime and disorder into line.
- 6.2 The introduction of the legislation is also expected to give rise to a reduction in applications and the resultant drop in projected income as premises seek to avoid having to bear the cost of a licence and of course facing objections from residents and Responsible Authorities.
- 6.3 One other unintended consequence is likely to be a drop in the number of TEN's received as premises which currently require a licence for short term activities become exempt. If this comes about this will mean another drop in anticipated income although the impact is likely to be minimal. On average 300 TENs are year are processed. A reduction greater than 10% of that total is unlikely, on those figures the drop in revenue would equate to some £610.

## **7. RECOMMENDATION**

It is recommended that the Licensing Committee note the report.

### **Assistant Director Environment**

Community and Environment

Local Government (Access to Information) Act 1985 (as amended)

Background papers used in compiling this report:

DCMS Entertainment Deregulation – DCMS consultation response January 2013

DCMS Deregulating entertainment licensing – Questions and answers 7 January 2013