

# BRIDGEND COUNTY BOROUGH COUNCIL

## REPORT TO LICENSING COMMITTEE

14 FEBRUARY 2013

### REPORT OF THE ASSISTANT CHIEF EXECUTIVE LEGAL AND REGULATORY SERVICES

#### LICENSING ACT 2003 PROPOSALS TO DEREGULATE CERTAIN TYPES OF ACTIVITIES FROM THE LICENSING PROCESS

#### 1. Purpose of Report

To update the Committee on forthcoming changes to the Licensing Act 2003 to deregulate some entertainment activities from the licensing process.

#### 2. Connection to Corporate Improvement Objectives/Other Corporate Priorities

2.1 This work links to the Corporate Improvement Objectives of:-

- Building safe and inclusive communities
- Creating vibrant and thriving towns

#### 3. Background

3.1 Under the Licensing Act 2003 a range of entertainment activities such as plays and dance events currently require a licence from the Council. The Department for Culture Media and Sport (DCMS) has concluded a consultation on removing or suspending the licensing requirements for a range of entertainment activities. The legislative changes to bring these into force are likely to be effected during 2013. This report summarises the changes and how they will impact on the community and local businesses.

#### 4. Current situation / proposal

4.1 The DCMS has stated that the changes to legislation seek to address the concerns of respondents whilst seeking to maximize the removal of red tape and bureaucracy from the licensing process. The key effect of the changes is that most plays, dance shows and indoor sport will no longer need a licence from local authorities and that it will be easier to host music events in community premises.

4.2 In terms of protecting local residents, the changes to the law largely affect entertainment events taking place between 0800 and 2300 hours and only for a certain audience threshold. For example, the organiser of a one-off play, which will end by 2300 hours and seat an audience of no more than 500, will no longer need to submit a Temporary Event Notice to the Council. Similarly licensing will be suspended for amplified live music and recorded music between 0800 hours and 2300 hours in on-licensed premises for audiences up to 500.

- 4.3 In addition, activities hosted by local authorities, hospitals, nurseries and schools (except Higher Education establishments) on their own premises will be exempt from all licensing requirements between 0800 and 2300 hours with no audience limitations. These are deemed to be low risk venues and this means that the majority of school venues will no longer need to apply for authorisations, except those which involve the sale by retail of alcohol. For example, end of term school pantomimes will no longer require a licence, but Parent/Teacher Association fundraising events held on school premises will require a licence when the sale of alcohol forms part of the event.
- 4.4 Community premises (e.g. church and village halls, community centres etc) will be exempt from regulation for live and recorded music between 0800-2300 for audiences up to 500.
- 4.5 Circuses will be exempt from regulation for live and recorded music and other regulated entertainment between 0800 and 2300 with no audience limitations. This removes the regulatory burden which applies to temporary premises which move around the country. The deregulation only applies to the entertainment activities and therefore controls relating to wild animals and the Health and Safety at Work Act 1974 etc will continue to apply to the event.
- 4.6 As well as deregulating some activities, the Government proposes to add a new new licensing category to bring mixed martial arts/cage fighting style entertainment within the licensing regime.
- 4.7 Full details of the proposals are contained in Appendix A.
- 4.8 It is important that local residents remain confident that any concerns can be addressed and that the licensing objectives remain the key focus of the licensing regime. As part of the regulatory review, the DCMS carried out an assessment as to the impact of the changes on crime and disorder and public nuisance on both the licensing authority and police resources. The Environmental Protection Act 1990 and the Noise Act 1996 as well as current fire, health and safety and planning legislation will continue to offer protection and control for entertainment events.
- 4.9 It is important to note that these exemptions from licensing will not apply if an event includes the sale of by retail of alcohol and if the event takes place after 2300 hours or with an audience of more than 500 persons.
- 4.10 The licensing process offers a measure of advance notification to the police, Council Department such as the Public Protection Department and other partner agencies, so that they can assess how an event will impact on the community or their service. The DCMS has acknowledged that deregulation will mean that agencies will not necessarily know in advance about some events and there will be no obligation on organisers to notify the police or local authority about their event. However, before the changes come into force, the Licensing Section will make contact with its network of organisers to emphasise the benefits of contacting the Council and other agencies to take advantage of the information and available on organising events; this will include the contacts across partner agencies who help event organisers meet their duties to prevent crime and disorder, ensure fire safety, health and safety, preventing noise nuisance and protecting children.

**5. Effect upon Policy Framework & Procedure Rules**

5.1 None.

**6. Equality Impact Assessment**

6.1 An Impact Assessment, including a Statutory Equality Duties Impact Test was undertaken by the Department for Culture Media and Sport as part of the consultation process for this proposal.

**7. Financial Implications**

7.1 There is potential for a small loss of income for events which will be exempt from licensing but this will be met from existing budget.

**8. Recommendation**

8.1 **Members are requested to note the above report.**

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**8 February 2013**

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**Background documents**

Deregulating entertainment licensing; Department for Culture Media and Sport 7 January 2013 available at [www.culture.gov.uk](http://www.culture.gov.uk)

## SUMMARY OF PROPOSED CHANGES TO THE LICENSING ACT 2013

<i>CATEGORY OF ENTERTAINMENT</i>	<i>Position</i>
<i>Plays</i>	<i>Deregulated between 0800-2300 for audiences up to 500</i>
<i>Dance</i>	<i>Deregulated between 0800-2300 for audiences up to 500</i>
<i>Indoor Sport</i>	<i>Deregulated between 0800-2300 for audiences up to 1000</i>
<i>Live Music *</i>	<ul style="list-style-type: none"> <li><i>Licensing suspended for <u>amplified</u> live music between 0800-2300 in on-licensed premises and deregulated in workplaces for audiences up to 500 (raised from 200 in Live Music Act 2012)</i></li> </ul>
<i>Recorded Music</i>	<ul style="list-style-type: none"> <li><i>Licensing suspended between 0800-2300 in on-licensed premises (but not in workplaces) for audiences up to 500</i></li> </ul>
<i>Film</i>	<i>Consultation on partial deregulation for community film exhibition</i>
<i>Boxing / Wrestling</i>	<ul style="list-style-type: none"> <li><i>Licensing requirement retained with the exception of deregulation for Olympic style Greco-Roman and Freestyle wrestling</i></li> <li><i>Mixed Martial Arts/Cagefighting style events added to Schedule 1 categories of regulated entertainment</i></li> </ul>

\* NB: the Live Music Act 2012 already deregulates unamplified live music between 0800-2300 with no audience limitations

<b>Cross-activity Exemptions</b>	<b>Position</b>
Activities hosted by local authorities, hospitals, nurseries and schools (except HE establishments) on own premises	Exempt from all Schedule 1 licensing requirements between 0800-2300 with no audience limitations
Activities held on local authority, hospital, nursery and school premises (except HE establishments) by others	Exempt from regulation for live and recorded music between 0800-2300 for audiences up to 500

with their permission	
Community premises (eg: church and village halls, community centres, etc)	Exempt from regulation for live and recorded music between 0800-2300 for audiences up to 500
Circuses	Exempt from regulation for live and recorded music, plays, dance and indoor sport (ie: not boxing/wrestling or film) between 0800-2300 with no audience limitations