

# LICENSING COMMITTEE (LICENSING ACT 2003)

## Agenda Item 17

Brighton & Hove City Council

<b>Subject:</b>	<b>Further Entertainment Deregulation Consultation</b>		
<b>Date of Meeting:</b>	<b>21 November 2013</b>		
<b>Report of:</b>	<b>Head of Planning and Public Protection</b>		
<b>Contact Officer:</b>	<b>Name:</b>	<b>Jim Whitelegg</b>	<b>Tel: 29-2438</b>
	<b>Email:</b>	Jim.whitelegg@brighton-hove.gov.uk	
<b>Ward(s) affected:</b>	<b>All</b>		

### FOR GENERAL RELEASE

#### 1. SUMMARY AND POLICY CONTEXT:

- 1.1 On 23rd October 2013 DCMS issued a Consultation proposing to further deregulate Regulated Entertainment. This Consultation is the second phase in a 3 pronged attack on red tape in the entertainment licensing regime - the first being deregulating plays and performances of dance for audiences of up to 500 and indoor sporting events for audiences of up to 1000; the third being the proposed deregulation of community films and a possible exemption for films incidental to another activity which is not itself Regulated Entertainment (e.g. eating). This report sets out the second phase.

#### 2. RECOMMENDATIONS:

- 2.1 That members note this report.
- 2.2 That Members consider whether a response to this consultation is appropriate and if so what that response should be

#### 3. RELEVANT BACKGROUND INFORMATION/CHRONOLOGY OF KEY EVENTS:

- 3.1 This second phase encompasses deregulating the following (all between 08:00 - 23:00):
- With no audience limitation, entertainment activities held by, or on behalf of, Local Authorities, schools and hospitals on their own premises, or entertainment activities that are part of nursery provision on non-domestic premises.
  - The present audience limit of 200 for live music in licensed premises or a workplace will be increased to 500.
  - Recorded music in alcohol licensed premises only will benefit from the same exemption as exists presently for live music, including the suspension of recorded music - related conditions.
  - Live and recorded music held on Local Authority, hospital, school or community premises by anyone but with the relevant organisation's permission.

- Tented circuses will be exempt in respect of performance of dance, performance of live music, recorded music, indoor sporting events and any performance of a play with no audience limitation.

- Greco - Roman and freestyle wrestling will be exempt with no audience limitations.

3.2 Recorded music is not being extended like for like with live music, apparently due to Police fears about raves and under 18's parties. The exemption will therefore only apply to on-licensed premises (whereas live music also applies to workplaces, and will continue to do so when the limit is increased to 500).

3.3 Boxing, wrestling and adult entertainment are generally untouched by these proposals, as are films (part of the third wave of deregulation). The only exception to this is for Local Authorities, hospitals, schools and nurseries where films and boxing/wrestling are exempted in addition to other entertainment activities because such 'trusted bodies' are considered lower risk.

3.4 Refer to the appended consultation document and the questions posed. The Consultation ends on 17th December 2013.

#### **4. COMMUNITY ENGAGEMENT AND CONSULTATION**

4.1 Finance and legal services.

#### **5. FINANCIAL & OTHER IMPLICATIONS:**

##### Financial Implications:

5.1 The Licensing Act 2003 provides for fees to be payable to the licensing authority in respect of the discharge of their functions. The fee levels are set centrally at a level to allow licensing authorities to fully recover the costs of administration, inspection and enforcement of the regime

Finance Officer Consulted: Jeff Coates                      *Date:* 25.10.13

##### Legal Implications:

5.2 Legal implications within the body of this report.

Lawyer Consulted: Rebecca Sidell                      *Date:* 24.10.13

##### Equalities Implications:

5.3 None

##### Sustainability Implications:

5.4 There are no direct sustainability implications.

##### Crime & Disorder Implications:

5.5 There are no direct crime implications.

Risk and Opportunity Management Implications:

5.6 None.

Public Health Implications:

5.7 None.

Corporate / Citywide Implications:

5.8 None

**6. EVALUATION OF ANY ALTERNATIVE OPTION(S):**

6.1 The duties of the licensing authority are mandatory.

**7. REASONS FOR REPORT RECOMMENDATIONS**

7.1 To inform members.

**SUPPORTING DOCUMENTATION**

**Appendices:** DCMS document - Consultation on a proposal to use a Legislative Reform Order to make changes to entertainment licensing 2013

**Documents in Members' Rooms:** None

**Background Documents:** None

