

Licensing Committee – 11 October 2011

## 8. Consultation on a proposal to deregulate Schedule One of the Licensing Act 2003 - In relation to Regulated Entertainment

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### Purpose of the Report

To advise the Licensing Committee of a Home Office consultation concerning the proposed deregulation of regulated entertainment under the Licensing Act 2003.

### Recommendation

That the Licensing Committee authorise the Licensing Manager in consultation with the Chair & Vice Chair of the Licensing Committee to agree the final response to the consultation document.

### Background

On 10 September 2011 the Department for Culture Media & Sport (DCMS) published a consultation document entitled “Regulated Entertainment” - a consultation proposal to examine the deregulation of schedule one of the Licensing Act 2003.

The consultation period ends on 3 December 2011.

### The Proposal

The Governments view is as follows:

At the moment, the law and regulations that require some (but not all) types of entertainment to be licensed are a mess. For example, you will need a licence if you want to put on an opera but not if you want to organise a stock car race. A folk duo performing in the corner of a village pub needs permission, but the big screen broadcast of an England football match to a packed barn-like city centre pub does not. An athletics meeting needs licensing if it is an indoor event, but not if it's held outdoors. A free school concert to parents doesn't need a licence, but would if there is a small charge to raise money for PTA funds or if there are members of the wider public present. A travelling circus generally needs a permit whereas a travelling funfair does not. A carol concert in a Church doesn't need a licence, but does if it is moved to the Church Hall. There are many other examples where types of entertainment are treated differently for no good reason – the distinctions are inconsistent, illogical and capricious.

But they cause other problems too. Whenever we force local community groups to obtain a licence to put on entertainment such as a fundraising disco, an amateur play or a film night, the bureaucratic burden soaks up their energy and time and the application fees cost them money too. Effectively we're imposing a deadweight cost that holds back the work of the voluntary and community sector, and hobbles the big society as well.

Equally importantly, the various musicians' and other performers' unions are extremely concerned that all these obstacles reduce the scope for new talent to get started,

because small-scale venues find it harder to stay open with all the extra red tape. There is also evidence that pubs that diversified their offer to include activities other than drinking were better able to survive the recession. Making it easier for them to put on entertainment may therefore provide an important source of new income to struggling businesses such as pubs, restaurants and hotels.

Last but not least, laws that require Government approval for such a large range of public events put a small but significant dent in our community creativity and expression. If there's no good reason for preventing them, our presumption should be that they should be allowed.

So this is a golden opportunity to deregulate, reduce bureaucratic burdens, cut costs, give the big society a boost and give free speech a helping hand as well. Our proposals are, simply, to remove the need for a licence from as many types of entertainment as possible. I urge you to participate in this consultation so that we can restore the balance."

### **Where We Are?**

The consultation asks some 48 detailed questions, which will require input from Licensing, Health & Safety and Environmental Protection. In addition a South West training day has been facilitated in order that a holistic response from the South West authorities can be produced.

It was hoped that a detailed response could be brought before this committee, however it is essential that officers attend the South West training day prior to a detailed response being finalized, so this has not been possible.

### **Financial Implications**

Not yet known.

### **Implications for Corporate Priorities**

Not yet known.

### **Other Implications**

None.

**Background Papers:** *Licensing Act 2003*  
*DCMS consultation document – "Regulated entertainment – A consultation proposal to examine the deregulation of schedule one of the Licensing Act 2003.*

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