

SOUTH CAMBRIDGESHIRE DISTRICT COUNCIL

REPORT TO: Licensing Committee

7 November 2011

AUTHOR/S: Executive Director, Operational Services / Corporate Manager, Health & Environmental Services

DEPT FOR CULTURE, MEDIA AND SPORT (DCMS) CONSULTATION ON LICENSING ACT 2003, REGULATED ENTERTAINMENT

Purpose

1. To consider and prepare a response to the DCMS proposals to remove regulated entertainment from Schedule 1 of the Licensing Act 2003 circulated to local Authorities on the 3 September 2011 and respond by no later than 3 December 2011.
2. This is not a key decision because any feedback will only have the effect of an expression of views rather than a direct impact on the Council's aims and objectives.

Recommendations

3. That the Licensing Committee agree and send a response on behalf of South Cambridgeshire District Council to the questions posed in the DCMS consultation attached as **Appendix A**.

Reasons for Recommendations

4. The consultation expressly seeks views on its proposals of a licensing activity currently carried out by powers delegated by full Council to the Licensing Committee.
5. The effect of the proposals will directly affect the current licensing regime with respect to regulated entertainment and may impact on residents and businesses within South Cambridgeshire District.

Background

6. The Licensing Act 2003 came into force in November 2005 bringing together under one piece of legislation the sale/supply of alcohol and the provision for defined entertainments referred to as "regulated Entertainment".
7. Regulated entertainment is clearly defined in the act as the following activities:
 - (a) A performance of a play
 - (b) An exhibition of a film
 - (c) An indoor sporting event
 - (d) A boxing or wrestling entertainment
 - (e) A performance of live music
 - (f) Any playing of recorded music
 - (g) A performance of dance
 - (h) Entertainment of a similar nature to that above
 - (i) The provision of entertainment facilities for making music
 - (j) The provision of entertainment facilities for the provision of dancing
 - (k) The provision of facilities of a similar nature to that above.

These activities must take place in the presence of an audience and should be provided at least partly to entertain that audience. There are further exceptions for activities that are incidental. Educational, activities of worship, rehearsals or for the purpose of demonstrating a product.

8. When considering any response, the current status of licenses within South Cambridgeshire should be considered, these are as follows:
 - (a) Total number of licensed with alcohol & entertainment provision = 314
 - (b) Total Number of premises with ONLY entertainment provisions = 102
 - (c) Total number of premises with alcohol provision only = 88
 - (d) Total Number of Temporary Event Notices issued for entertainment only (Jan 2010 to Dec 2011) = 37
9. The Officer's interpretation of the consultation document is that the proposals would directly affect premises that have no provision for the sale or supply of alcohol. This would therefore primarily affect village halls and community centres. It is, however, unclear from the consultation document whether this would affect premises that sell or supply alcohol by default or whether they would be permitted to apply to have entertainment restrictions removed.
10. The view from Government in the consultation document is that: *"despite a radical approach to alcohol licensing, the 2003 Act failed to match its ambition. The regime for regulated entertainment missed a real opportunity to enable entertainment activities and either simply aped old licensing regimes or instead took a new overcautious line".* Government sees this consultation as *"A golden opportunity to deregulate. Reduce bureaucratic burdens, cut costs, give the big society a boost and give free speech a helping hand."*
11. The proposals are to remove the need for a licence from as many types of entertainment as possible by examining the need for a licensing regime for each of the activities referred to in para.7 above, where there is no such need it is proposed to remove the licensing requirement.
12. In preparing this consultation, Government has stated the following parameters:
 - Events with audiences of more than 5000 (Five Thousand) will still be subject to regulation
 - An intention to keep Boxing and Wrestling within the scope of licensing
 - To keep a licensing requirement for performances of dance that may be classed as sexual entertainment.

Considerations

13. In preparing a response, the Licensing Committee may choose to respond to all or parts of the consultation as it sees fit and consider the potential effects of the proposals in whole or part on the residents, businesses of South Cambridgeshire and the cost implications in respect of staffing, enforcement and administration of the proposed changes by South Cambridgeshire District Council.

Options

14. The Licensing Committee may choose to respond in whole or part of the consultation as it sees appropriate.

Implications

15. There are no immediate implications arising from response to this consultation, however, any amendments to existing legislation will affect residents and businesses within South Cambridgeshire in differing ways and may impact on existing staffing resources within South Cambridgeshire District Council.
16. The removal of entertainment from the existing licensing regime may have a significant impact on the ability to deal with issues, particularly noise related, within an acceptable period of time due to the constraints of other pieces of legislation and create an increased burden on existing Environmental Health Officers involved in such complaints.

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| 17. Financial | It is estimated that there would be a reduction of income to the Council of approximately £5,000 or 5% of licensing income per annum should the proposed changes be introduced |
| Legal | Proposed changes would result in an increase to the legal costs due to the differing legal processes that would be required to deal with issues arising, particularly in respect of noise and nuisance issues. In broad terms, matters would be dealt with through the Courts process rather than the Council Sub Committee process |
| Staffing | The proposed changes will have a likely impact on the existing resources in respect of Environmental Health Officers. There will not be an equal reduction in resources to Licensing staff as premises with alcohol will still be subject to regulation |
| Risk Management | None identified at present |
| Equality and Diversity | N/A |
| Equality Impact Assessment completed | No Consultation document only |
| Climate Change | N/A |

Consultations

18. None, this is a consultation by Central Government.

Consultation with Children and Young People

19. As this is a Government consultation they will determine whom they wish to consult with.

Effect on Strategic Aims

20. When considering its response, the Licensing Committee will take into consideration the overall effect of any proposals on the Council's strategic aims and objectives.

Conclusions / Summary

21. This consultation represents the biggest change to the licensing controls exerted over entertainment facilities in public places since 1982. The Government's stated intention is to deregulate such activities unless it can be shown that there is a good and valid reason to keep such legislation either in full or part.

22. The deregulation of entertainment as proposed would impact on the way in which officers of South Cambridgeshire District Council deal with nuisance issues relating to public premises that hold entertainment events and in many cases this would be reactive rather than proactive which due to the structure of current legislation would require more investigative work before enforcement can take place.
23. This document provides the primary way in which South Cambridgeshire District Council can express its views in relation to the questions asked and will form part of a national response from all sections of society that are involved in providing or regulating entertainment activities at present. It is important, therefore, that a balanced and considered response is submitted that reflects the views of the Council.

Background Papers: the following background papers were used in the preparation of this report:

Licensing Act 2003

Guidance issued under S.182 of the Licensing Act 2003

DCMS consultation document on “regulated Entertainment” – September 2011

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