

Dudley Metropolitan Borough Council

Licensing and Safety Committee – 15th November 2011

Joint Report of the Director of Corporate Resources and the Director of the Urban Environment

Government Consultation of the Deregulation of Regulated Entertainment

Purpose of Report

1. To consider the response to the Governments consultation proposal to examine the deregulation of Schedule 1 of the Licensing Act 2003.

Background

2. The Licensing Act 2003 brought together nine separate licensing related regimes covering alcohol supply and sale, late night refreshment, and regulated entertainment. The definitions of regulated entertainment are as follows:-

- a) a performance of a play,
- b) an exhibition of a film,
- c) an indoor sporting event.
- d) a boxing or wrestling entertainment (both indoors and outdoors),
- e) a performance of live music,
- f) a performance of dance

In addition regulated entertainment can be carried out under a Temporary Event Notice.

3. In September this year the government issued a Consultation document together with an impact assessment in relation to the deregulation of regulated entertainment. In this document it is proposed that all regulated entertainment will be deregulated where there is an attendance of less than 4999 people and this will include indoor and outdoor events and live and amplified music. The only regulated entertainment that the government intends to retain are :-

- any performance of live music, theatre, dance, recorded music, indoor sport or exhibition of a film where the audience is of 5000 or more.
- Boxing and wrestling.

- Any performance of dance that may be classed as sexual entertainment, but is exempt from separate sexual entertainment venue regulations.

A copy of the consultation document and the impact assessment are attached to this report as appendix 1

4. On page 13 of the Consultation document the government sets out its view, as to why the deregulation of regulated entertainment will not have a negative impact on the four licensing objectives together with the alternative legislation which it believes will adequately control public nuisance.
5. For the Council the effects of deregulation of regulated entertainments will have the most impact within the Environmental Health section of the Directorate of the Urban Environment and the Licensing section of the Directorate of Corporate Resources. Having read carefully both the consultation document and the impact assessment the Council's concerns are primarily with the consequences of deregulating live music, recorded music and performance of dance. We would agree with the government that the list of activities listed within 1.5 on page 5 of the Consultation document should be deregulated. Similarly the performance of plays, the exhibition of films (provided an appropriate age classification remains in place) and indoor sporting events do not give great rise for concern. However the intention to remove karaoke as a licensable activity is an entirely different matter as many of the problems we encounter with small public houses is the noise nuisance generated by karaoke.
6. The Consultation questions are quite repetitive so rather than answer every single question Dolores Nellany, Food and Occupational Safety Manager, and Janet Elliott, Licensing Officer, have prepared a draft response to those questions that relate to the Council's primary concerns. For Members' consideration, a copy of the draft response has been attached to this report as appendix 2.

Finance

7. There could be financial implications for both the Licensing Section and the Environmental Health Section if all regulated entertainment is deregulated; it is expected that environmental health will see a workload increase and a possible demand for a specific out of hours service. It is also anticipated that licensing enforcement, licensing administration and Members workload will increase if as expected there is an increase in requests for licensing reviews.

Law

8. The licensing of regulated entertainment is governed by The Licensing Act 2003 schedule 1.

Equality Impact

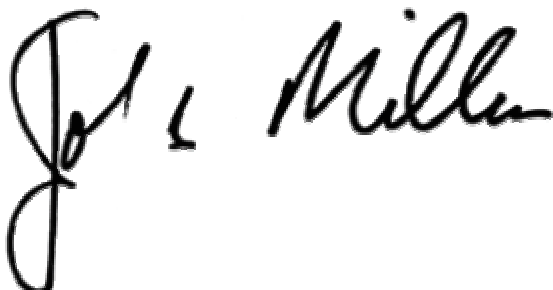
9. This report complies with the Council's policy on equal opportunities
The licensing of premises and individuals will impact on children and young people through their attendance at licensed premises.
There has been no consultation or involvement of children and young people in developing these proposals.

Recommendation

10. That the Committee consider the draft response to the government's Consultation on the deregulation of regulated entertainment and authorise officers to submit a formal response to the consultation.



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Background Papers

The government's consultation and impact assessment on the deregulation of regulated entertainment.