

Decision Maker: GENERAL PURPOSES AND LICENSING COMMITTEE

Date: Thursday 26 March 2015

Decision Type: Non-Urgent Non-Executive Non-Key

Title: DEREGULATION OF ENTERTAINMENT LICENSING -
LICENSING ACT 2003

Contact Officer: Paul Lehane, Head of Food Safety, Occupational Safety and Licensing
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Chief Officer: Nigel Davies, Executive Director of Environment & Community Services

Ward: (All Wards);

1. Reason for report

To advise Members of changes to the licensing of entertainment with likely effect from 6 April 2015

2. **RECOMMENDATION(S)**

Members are asked to note the changes.

Corporate Policy

1. Policy Status: Existing Policy: Statement of Licensing Policy 2011-2016
 2. BBB Priority: Children and Young People Excellent Council Quality Environment Safer Bromley Vibrant, Thriving Town Centres:
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Financial

1. Cost of proposal: Not Applicable:
 2. Ongoing costs: Not Applicable:
 3. Budget head/performance centre: Public Protection & Safety Portfolio Budgets
 4. Total current budget for this head: £2.5m
 5. Source of funding: Existing Controllable Revenue Budget 2014/15
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Staff

1. Number of staff (current and additional): 57.33
 2. If from existing staff resources, number of staff hours:
-

Legal

1. Legal Requirement: Statutory Requirement:
 2. Call-in: Not Applicable:
-

Customer Impact

1. Estimated number of users/beneficiaries (current and projected):
-

Ward Councillor Views

1. Have Ward Councillors been asked for comments? Not Applicable
2. Summary of Ward Councillors comments:

3. COMMENTARY

3.1 The Government are planning further deregulation of aspects of entertainment and indoor sports. These are expected to come into effect on 6 April but the final order had not been made at the time of writing (2 March 15).

3.2 As a result of amendments to the 2003 Act by the Live Music Act 2012 and the 2013 deregulation Order, no licence is required for the following activities to the extent that they take place between 08:00-23:00 on any day:

- a performance of a play in the presence of any audience of no more than 500 people;
- an indoor sporting event in the presence of any audience of no more than 1,000 people;
- a performance of dance in the presence of any audience of no more than 500 people; and
- live music, where the live music comprises:
 - a performance of unamplified live music;
 - a performance of live amplified music in a workplace with an audience of no more than 200 people; or
 - a performance of live music on relevant alcohol licensed premises which takes place in the presence of an audience of no more than 200 people, at a time when the premises are open for the purpose of being used for the supply of alcohol for consumption.

3.3 Further changes are being introduced and are expected to be operational from April 6 and include

a. **Cross-activity exemption**

The provision of regulated entertainment by or on behalf of local authorities, health care providers, or schools on their own defined premises will be exempt from entertainment licensing between 08.00-23.00 on the same day, with no audience limit.

b. **Live music in relevant alcohol licensed premises and workplaces**

The audience limit for a performance of live amplified music in relevant alcohol licensed premises or in a workplace between 08.00-23.00 on the same day will be raised from 200 to 500.

c. **Recorded music in relevant alcohol licensed premises**

Any playing of recorded music in relevant alcohol licensed premises will be deregulated (on a conditional basis) when it takes place between 08:00-23:00 on the same day for audiences of up to 500.

d. **Live and recorded music exemptions**

Local authorities, health care providers and schools will be exempt from entertainment licensing when making their own defined premises available to third parties for live and recorded music activities between 08:00-23:00 on the same day for audiences of up to 500.

Community premises not licensed to supply alcohol will be exempt from entertainment licensing requirements for live and recorded music between 08:00-23:00 on the same day for audiences of up to 500.

e. **Travelling circuses**

Travelling circuses will be exempt from entertainment licensing in respect of all descriptions of entertainment, except an exhibition of a film or a boxing or wrestling entertainment, where the entertainment or sport takes place between 08:00-23:00 on the same day, with no audience limit.

f. **Incidental film**

An exhibition of film that is incidental to another activity (where that other activity is not itself a description of entertainment set out in paragraph 2 of Schedule 1 to the 2003 Act) is exempt from licensing.

g. Greco-Roman and freestyle wrestling

Greco-Roman and freestyle wrestling will be deregulated between 08:00-23:00 for audiences of up to 1000 people.

- 3.4 When these exemptions are fully implemented there will be no control under the Licensing Act 2003 over any entertainment or indoor sport provided between 08.00 and 23.00 where the audience limit is met. Licensing control will only be available where the entertainment / indoor sport goes beyond 23.00 or for large capacity venues.

If this leads to disorder, public nuisance or risks to safety these can be addressed through other legislation.

4. POLICY IMPLICATIONS

- 4.1 The Councils statement of licensing policy is due for review this summer and the changes to the licensing regime will be incorporated.

5. FINANCIAL IMPLICATIONS

- 5.1 The exemption of entertainment and indoor sport may remove the need for some licences but as most premises also sell or supply alcohol they will still need a licence so the income from licence fees is not expected to be significantly affected.

6. LEGAL IMPLICATIONS

- 6.1 Where the provision of exempt entertainment or indoor sports leads to disorder, public nuisance or risks to safety the Council has recourse to other legal powers to deal with such matters.

Non-Applicable Sections:	PERSONNEL IMPLICATIONS
Background Documents: (Access via Contact Officer)	Licensing Act 2003, Live Music Act 2012, The Licensing Act 2003 (Descriptions of Entertainment) (Amendment) Order 2013, DCMS Explanatory document – The Legislative Reform Order (Entertainment Licensing) Order 2014.