

**A CONSULTATION PROPOSAL TO EXAMINE THE DEREGULATION OF
SCHEDULE ONE OF THE LICENSING ACT 2003.**

(Report by the Head of Legal and Democratic Services)

1. INTRODUCTION

- 1.1 The purpose of this report is to advise members of a consultation exercise currently being undertaken by the Department of Culture, Media and Sport (DCMS). The aim of the consultation exercise is to examine the deregulation of Schedule One of the Licensing Act 2003 and remove the need for a licence from as many types of entertainment as possible.

2. BACKGROUND INFORMATION

- 2.1 Responsibility for licensing within the Government has changed from the Department of Culture, Media and Sport (DCMS) to the Home Office. Amendments to the Licensing Act 2003 are currently being made through the Police Reform and Social Responsibility Act 2011, giving local authorities and the police much stronger powers to remove licences from, or refuse to grant licences to any premises that are causing problems.
- 2.2 Responsibility for entertainment licensing, however, has remained with the DCMS. The Coalition Programme for Government made a firm commitment to remove red tape affecting live music in small venues. Then, as a part of the Growth Review, the Government announced an examination of 'regulated entertainment' with the aim of removing licensing regulation that unnecessarily restricts creativity or participation in cultural and sporting events. The Minister for Tourism and Heritage considers this to be a golden opportunity to deregulate, reduce bureaucratic burdens and costs by removing the need for a licence from as many types of entertainment as possible.
- 2.3 The starting point for the consultation is to examine the need for a licensing regime for each of the activities classed as 'regulated entertainment'. Where there is no such need, the Government propose to remove the licensing requirement, subject to the views and evidence generated through the consultation.
- 2.4 However it is also acknowledged that licensing will be retained either in full or in part where there is a genuine need. The consultation paper makes it clear that licensing requirements will be retained for performances:
- where the audience is of 5000 people or more;
 - for boxing and wrestling; and
 - any performance classed as sexual entertainment, but is exempt from separate sexual entertainment venue regulations.
- 2.5 It is expected that the proposals will be of interest to a wide range of interested parties, including charities, schools, the music industry, licensed premises, cultural, creative and sporting development organisations and the

responsible authorities with an interest in public safety and crime and disorder.

- 2.6 It is proposed that premises currently holding a licence only for activities formerly classed as regulated entertainment would no longer need a licence. The licensing requirements would cease and the fees and licence conditions would end when a licence is surrendered. Venues would be able to host events formerly classed as regulated entertainment without the need for a licence.
- 2.7 For premises that continue to hold a licence after the reforms, the proposals would allow them to host entertainment activities that were formerly regulated without the need to go through a minor or full variation process. Conditions would continue to apply unless there was a variation to remove or amend them.
- 2.8 Guidance would be issued to licensing authorities and other interested parties before any changes were made

3. CONSULTATION

- 3.1 The consultation exercise is available on line at Regulated entertainment consultation@culture.gsi.gov.uk and contains 48 individual questions. A summary list of the questions are attached as Annex A of the consultation document and have been appended to this report. Responses can be returned on line or by post to the Regulated Entertainment Consultation Co-ordinator, DCMS, 2-4 Cockspur Street, London SW1 5DH.
- 3.2 The closing date for responses to the consultation is 3rd December 2011. A summary of the responses will be posted on the DCMS website www.culture.gov.uk after the end of the consultation, together with an analysis of the responses.

4. CONCLUSION

- 4.1 The aim of the consultation is to gain the views of the public to the proposals of deregulating regulated entertainment wherever possible.
- 4.2 The Government will collate and review comments from the consultation exercise and publish a Government response. Where deregulation is an activity that is supported, they will look to remove or replace the Schedule One definition relating to that activity as soon as possible, using existing powers in the 2003 Act to do so where feasible.
- 4.3 Where changes require new exemptions or provisions in the Licensing Act 2003, or amendment to other legislation, the Government will assess the needs and legislative options and set out a forward plan in the consultation response.

5. RECOMMENDATION

- 5.1 The Committee are invited to note the contents of this report.

BACKGROUND INFORMATION

Regulated Entertainment – A consultation proposal to examine the deregulation of Schedule One of the Licensing Act 2003 - DCMS

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Filepath: <http://teams.huntsdc.gov.uk/admin/Democratic%20Services/Shared%20Documents/Forms/AllItems.aspx>