

Committee(s):	Date(s):	Item no.
Licensing Committee	16 January 2012	
Subject: Consultation Responses to:- Department of Media Culture and Sport concerning Deregulation of Schedule One of Licensing Act 2003 regarding 'Regulated Entertainment' and Home Office concerning Relaxation of Licensing Hours for The Queen's Diamond Jubilee		Public
Report of: Director Markets and Consumer Protection		For Information
<p style="text-align: center;"><u>Summary</u></p> <p>In September 2011 the Department of Media Culture and Sport issued a consultation paper that examined the deregulation of Schedule One of the Licensing Act 2003 regarding regulated entertainment that required a response by 3 December 2011.</p> <p>Subsequently, The Home Office issued a consultation paper in October 2011 concerning relaxation of the licensing hours during the period of the Queen's Diamond Jubilee in June 2012 that required a response by 1 December 2011.</p> <p>Responses were drafted on behalf of the City Corporation and were agreed prior to submission by the Chairman and Deputy Chairman. The responses may be found as Appendices 1 and 2 to this report.</p> <p>Recommendations</p> <ul style="list-style-type: none"> • That the response made on behalf of the City Corporation for both consultations be noted; • That all future consultations that impact on the Licensing Committee will be drawn to the attention of the Chairman and Deputy Chairman in the first instance and, if considered necessary, a report will be presented to the full Committee. 		

Main Report

Background

1. The Department of Culture, Media and Sport (DCMS) consultation paper sought views on the implications of implementing the proposals rather than solely inviting consideration on the suggested changes themselves. It

indicated in the introduction that the consultation was predicated on the presumption that Government considers there is ample scope to deregulate most, if not all, of the provisions for proactive licensing of regulated entertainment.

2. The Home Office consultation paper was much narrower in its scope setting out the proposal of Government to mark the occasion of the Queen's Diamond Jubilee by moving the late May Day Bank Holiday to 4 June 2012 with an additional Jubilee Bank Holiday on 5 June. The Government proposes to extend licensing hours to 0100 on Friday 1 June and on subsequent days of the Jubilee to the same hour.

DCMS consultation

3. Schedule One of the Licensing Act 2003 classifies the following activities as 'regulated entertainment' which are therefore licensable:
 - A performance of a play
 - An exhibition of a film
 - An indoor sporting event
 - A boxing or wrestling entertainment, both indoors and outdoors
 - A performance of live music
 - Any playing of recorded music
 - A performance of dance
4. Licensable activities can only be carried out under the permission of a premises licence or under a Temporary Event Notice, whether free of charge to the public or at private events, where a charge is made with the intention of making a profit, even where this is designed to raise money for charity.
5. The DCMS paper states that Government intends to retain licensing requirements for: performances of live music, theatre, dance, recorded music, indoor sport or film with audiences of 5,000 or more, boxing and wrestling and any performance of dance that may be classed as sexual entertainment but is exempt from separate sexual entertainment venue requirements.
6. The DCMS considers that the proposed changes could provide a boost for the community organisations, cultural and sporting organisations, charities, artists and performers, entertainment venues and local institutions such as

schools and hospitals by removing them from the red tape of licensing of regulated entertainment.

7. The response provided to Government to the DCMS paper, with agreement of the Chairman and Deputy Chairman, is at Appendix 1 to this report.

Home Office consultation

8. The Home Office consultation set out its intention to use the powers of the Secretary of State under section 172 of the Licensing Act 2003 to make an order relaxing the hours for licensed premises to mark an occasion of 'exceptional international, national or local significance'. The consultation asked responders to consider the previous similar occasion when this power was used on Friday 29 and Saturday 30 April 2011 for the Royal Wedding of HRH Prince William and Miss Catherine Middleton in terms of any anti-social behaviour, and cites potential advantages to the trade with additional trade and income, along with relief of an administrative burden to trade and Police/Licensing Authorities if TENS had to be obtained.
9. The response provided City to Government regarding the Home Office paper, with agreement of the Chairman and Deputy Chairman, is at Appendix 2 to this report.

Proposals

10. The responses are for information only; any subsequent proposed changes in legislation will be carefully examined with regard to their likely impact and reported to your Committee.
11. All future consultations that impact on the remit of the Licensing Committee will be drawn to the attention of the Chairman and Deputy Chairman in the first instance and, if considered necessary, a report will be presented to the full Committee.

Corporate & Strategic Implications

12. This report particularly supports the City's Sustainable Community Strategy theme: '... is safer and stronger' specifically the objective: 'to minimise any aspects of the emerging night time economy which are detrimental to the City, whilst continuing to support a vibrant and culturally rich environment.'

Implications

13. There are no financial implications with respect to the City's response but there may be significant changes that require additional policing from

regulators, if the Government enacts some of the changes implied by the consultation questions within the DCMS paper.

Conclusion

14. The responses provided by the City are for information and to highlight to Members that there is likely to be subsequent legislation from Government, after its consideration of the responses it has received.

Appendices:

Appendix 1: City Corporation response to Department of Media Culture and Sport consultation concerning Deregulation of Schedule One of Licensing Act 2003 regarding ‘Regulated Entertainment’

Appendix 2: City Corporation response to Home Office consultation concerning Relaxation of Licensing Hours for The Queen’s Diamond Jubilee

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