

**Response to DCMS consultation - 'Regulated Entertainment - A Consultation Proposal To Examine The Deregulation Of Schedule One Of The Licensing Act 2003'.**

Dear Sirs,

The Licensing Committee of the City of London Corporation would like to make the following response to the consultation proposal on the deregulation of Schedule One of the Licensing Act 2003. Our response concerns the answers to questions that are most applicable to the City Corporation.

**Q.4: Do you agree with our estimates of potential savings and costs to local authorities, police and others as outlined in the impact assessment? If you do not, please outline the areas of difference and any figures you think need to be taken into account.**

**A:** We do not agree that all the potential costs to Local Authorities have been identified.

a) No costs have been identified relating to the Local Authority having to review their Statement of Licensing Policy as a consequence of changes in legislation and the publicising of any changes in legislation/procedures.

b) We must disagree with the statement in paragraph 62 of the risk assessment, '...noise problems from venues are fairly infrequent.' It is our experience that 80% of complaints received concerning licensed premises relate to noise nuisance caused by recorded or live music.

The general statement in paragraph 3.3 of the consultation document that, '...regulated entertainment itself in general poses little risk to the licensing objectives...' would in our opinion be therefore inaccurate. In fact, 100% of hearings heard during 2011 concerned the risk to the licensing objective, 'the prevention of public nuisance' caused by regulated entertainment.

**Q.5: Would you expect any change in the number of noise complaints as a result of these proposals? If you do, please provide a rationale and evidence, taking into account the continuation of licensing authority controls on alcohol licensed premises and for late night refreshment.**

**A:** We would expect the number of noise complaints to increase.

a) As stated above, 80% of complaints received concerning licensed premises relate to noise nuisance. Deregulation will increase the number of venues able

to put on entertainment and as a consequence we see no reason why the number of complaints will not increase pro rata.

b) Deregulation will result in a larger number of premises with an alcohol licence not having conditions on the licence relating to noise. Problems relating to noise nuisance will then have to be dealt with by way of complaint, initially by Environmental Health officers, and not by members of the licensing team looking at a breach of conditions.

c) The volume of extra complaints is obviously difficult to quantify but the many hearings that take place are a good indicator that deregulation and uncontrolled activities will lead to significantly more complaints.

**Q.11: Do you agree that events for under 5,000 people should be deregulated across all of the activities listed in Schedule One of the Licensing Act 2003?**

**A:** No, the capacity of 5,000 people is set too high and therefore we do not agree with this proposal.

**Q.12: If you believe there should be a different limit - either under or over 5,000, what do you think the limit should be? Please explain why you feel a different limit should apply and what evidence supports your view.**

**A:** If certain events are to be deregulated then the limit could be set at 500 which is just above the capacity allowed in respect of Temporary Event Notices. This would be synonymous with the Government's 'light touch' approach intended for the use of such notices.

It is unlikely that any event outlined within paragraph 1.5 of the consultation would attract more than 500 persons. Therefore a limit of 500 persons would still allow the Government's intention to encourage such events but at the same time prevent unforeseen consequences such as an increase in 'rave' type events.

**Q.16: Do you think that events after a certain time should not be deregulated? If so, please could you explain what time you think would be an appropriate cut-off point, and why this should apply?**

**A:** Nearly all of the complaints received that relate to noise nuisance in licensed premises occur after 11.00 pm. It is therefore our opinion that the appropriate cut-off time for deregulated entertainment should be 11.00 pm. However, frequency of noise as well as actual timings can be equally important to local residents.

**Q.22: Are there any other aspects that need to be taken into account when considering the deregulation of Schedule One in respect of the four licensing objectives of the Licensing Act 2003?**

**A:** Under the Licensing Act 2003 the Licence holder has to promote the four licensing objectives in respect of the activities contained on the licence. When applying for a licence the applicant has to complete an operating schedule indicating steps which it is proposed to take to promote the licensing objectives.

Should the deregulation go ahead as proposed, Schedule One entertainment would no longer be a licensable activity for the majority of premises and therefore not appear on the licence. This would almost certainly result in fewer conditions relating to such activities as recorded and live music.

We are unclear, and concerned, as to how the Licensing Act objectives can be utilised in respect of activities that are no longer licensable under that Act. The only outcome we believe is more uncontrolled events, more complaints and the very real risk of major consequences in relation to public safety, the prevention of public nuisance, the protection of children from harm and crime and disorder.

**Q.23: Do you think that unamplified music should be fully deregulated with no limits on numbers and time of daylight? If not, please explain why and any evidence of harm.**

**A.** No, we do not feel that unamplified music should be fully deregulated for similar reasons given elsewhere in this response.

**Q.25: Are there any other benefits or problems associated specifically with the proposal to deregulate live music?**

**A:** As stated elsewhere, most problems occur after 11 pm. And relate to noise nuisance. We see no reason why deregulation should diminish this problem and going by past experience, we can only see this problem increasing. We believe the current licensing system assessing each application on its merits, including community engagement, is the best mechanism.

**Q.32: Do you agree with the Government's position that it should only remove film exhibition from the list of regulated activities if an appropriate age classification system remains in place?**

**A:** We agree that film exhibition could be removed from Schedule One. However, this is on the basis that the appropriate age classification protections remain in place and the attendance is limited to under 500.

**Q.38: Do you agree with our proposal that boxing and wrestling should continue to be regarded as ‘regulated entertainment’, requiring a licence from a local licensing authority, as now?**

**A:** We do not see any reason to differentiate between indoor sports and the provision of boxing and wrestling. If indoor sports can be deregulated then, in our opinion, so can boxing and wrestling.

**Q.41: Do you think that, using the protections outlined in Chapter 3, recorded music should be deregulated for audiences of fewer than 5,000 people? If not, please state reasons and evidence of harm.**

**A:** The limit should be set at 500 as per our reasons for question 12.

**Q.42: If you feel that a different audience limit should apply, please state the limit that you think suitable and the reasons why this limit is the right one.**

**A:** The limit should be 500 as per our comments elsewhere in this response.

**Q.43: Are there any circumstances where you think recorded music should continue to require a licence? If so, please could you give specific details and the harm that could be caused by removing the requirement?**

**A:** If recorded music is to be deregulated licensing should remain where the attendance is over 500 persons and in all circumstances where the premises are running a promoted event.

Failure to maintain a licence in these circumstances would result in an increase in public nuisance for residents and an associated increase in noise complaints as per our comments elsewhere in this response.

**Q.48: Do you agree with our proposals that deregulation of dance should not extend to sex entertainment? Please provide details.**

**A:** We agree that deregulation of dance should not be extended to cover sex entertainment. We feel that this type of entertainment is now adequately dealt with under the Local Government (Miscellaneous Provisions) Act 1982.

The deregulation of Performance of Dance relating (without the appropriate safeguards in place) could have the unintended consequence of increasing the number of premises able to offer monthly lap dancing facilities.