

**NEWCASTLE-UNDER-LYME BOROUGH COUNCIL**

**LICENCING COMMITTEE**

**Date: Tuesday 3<sup>rd</sup> September 2013**

**1. DEREGULATION OF ENTERTAINMENT**

**Submitted by:**                      **Head of Business Improvement & Partnerships**

**Portfolio:**                              **Safer and Stronger Communities**

**Ward(s) affected:**                      **All Wards**

**Purpose of the Report**

At the behest of the Chair, to provide the Committee with a note of the deregulation measures that have been recently implemented by the Government.

**Recommendations**

That the report be received.

**Reasons**

The Government has amended the Licensing Act 2003 to take account of the provisions contained in this report.

**1. Background**

Regulated entertainment is defined in Schedule 1 of the Licensing Act 2003 and includes both entertainment and entertainment facilities.

The categories of entertainment and entertainment facilities are capable of being amended and, as Members will be aware, the Act provides that the Secretary of State can modify the descriptions by adding, varying or removing any of them.

**2. Issues**

The Live Music Act passed in to law on 8<sup>th</sup> March 2012 and took effect from 1<sup>st</sup> October 2012.

The act disapplies live music related conditions if the following criteria are satisfied:

- (a) There is a premises licence or club premises certificate in place permitting 'on sales'.
- (b) The premises are open for the sale or supply of alcohol for consumption on the premises.
- (c) Live music is taking place between 8.00 am and 11.00 pm.
- (d) If the live music is amplified, the audience consists of no more than 200 people.

Live music also ceases to be classed as regulated entertainment if the above criteria are satisfied.

The Act also creates a general exemption that live unamplified music provided anywhere shall not be regarded as the provision of regulated entertainment if it takes place between 8.00 am and 11.00 pm, regardless of the number of people in the audience.

The Act removes the need to licence entertainment facilities completely – regardless of time or audience size. This means that dance floors, microphone stands, pianos made available for use by the public etc. will not now be licensable. Health and safety law will of course continue to apply.

2. The Licensing Act 2003 (Description of Entertainment) (Amendment) Order 2013 which de-regulates certain other aspects of Regulated Entertainment came into effect on 27 June 2013. The Order:

- removed the need for entertainment licenses between 8am and 11pm for the performances of plays and exhibitions of dance for audiences of upto 500 people (except for dancing for which a Sexual Entertainment Venue Licence is required)
- removed the need for indoor sport Licences for audiences of upto 1000 people between the hours of 8am and 11pm.
- clarified the position on combined fighting sports such as mixed martial arts are a form of Boxing and Wrestling and will continue to be regulated.

3. Later in the year it is expected that firm proposals will be announced and draft legislation produced for the deregulation of Films for community screenings.

4. There are further proposals for the deregulation of regulated entertainment and it is proposed to keep members abreast of the changes as further information is released.

3. **Options**

Not applicable

4. **Proposal**

That the Committee receive the report.

5. **Reasons for Preferred Solution**

Likely legislative changes to the Licensing Act 2003

6. **Outcomes Linked to Sustainable Community Strategy and Corporate Priorities**

- Creating a cleaner, safer and sustainable Borough
- Creating a healthy and active community.

7. **Legal and Statutory Implications**

Implementation of changes to Licensing Act 2003.

8. **Equality Impact Assessment**

The Act and Order revise legislation already in force.

9. **Financial and Resource Implications**

There will be a slight reduction in income as a result of the deregulation measures.

10. **Key Decision Information**

This is not a Key Decision.

11. **Earlier Committee Resolutions**

A number of items relating to the Licensing Act 2003 have been published to Committee since the Act came into force.

12. **Background Papers**

Legislative documents of record.