

Regulated entertainment: A consultation proposal to examine the deregulation of Schedule One of the Licensing Act 2003

www.culture.gov.uk/consultations/8408.aspx

Detailed answers to the specific questions raised in the consultation are set below. The main points are summarised as follows:

- The proposals will effectively remove control of all regulated entertainment in England & Wales, with the exception of a very small number of outdoor festivals.
- Removal of the controls is likely to have a significant adverse effect on the licensing objectives of public nuisance, public safety and crime and disorder.
- The control of noise nuisance will become less effective and more costly and some nuisances such as noise outside premises will become impossible to deal with.
- Local residents will have their ability to be involved in the prevention of public nuisance through the licensing process removed.
- Premises selling alcohol are expected to reduce the licensable area to just the bar area, making existing conditions relating to public entertainment unenforceable.
- Local authorities' powers to manage the night time economy will be significantly reduced as there will be no control of the closing time of premises providing entertainment, including night clubs.
- The effectiveness of controls the government is about to introduce in relation to the late night levy and early morning alcohol restriction orders will be reduced.
- **The aims of the proposals could be achieved by introducing exemptions to licensing requirements for some small scale types of entertainment.**

Proposal Impacts: Questions

Q1: Do you agree that the proposals outlined in this consultation will lead to more performances, and would benefit community and voluntary organisations? If yes, please can you estimate the amount of extra events that you or your organisation or that you think others would put on?

No. We are of the opinion that this will not significantly increase the number of performances, but will adversely impact on the control of those that are already taking place. Community & Voluntary organisations will benefit from not paying fees

Q2: If you are replying as an individual, do you think this proposal would help you participate in, or attend, extra community or voluntary performance?

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N/A

Q3: Do you agree with our estimates of savings to businesses, charitable and voluntary organisations as outlined in the impact assessment? If you do not, please outline the areas of difference and any figures that you think need to be taken into account (see paragraph 57 of the Impact Assessment).

There is no explanation of the 'estimated' figures to enable anyone to assess if they are reasonable or not. For these reasons, we cannot agree with the estimated savings. We believe that the licensing landscape is likely to change significantly, because business will licence only a small part of their premises for selling alcohol and thereby take the majority of their premises out of licensing control.

Q4: 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.

There is no explanation of the 'estimated' figures to enable an assessment of whether they are reasonable or not. For these reasons, we do not agree with the estimated savings.

Dealing with complaints, particularly late at night, is likely to be more expensive than preventing them from occurring by using appropriate licensing controls. As there would be no licensing controls over opening hours for premises solely providing entertainment then police resources are likely to be required throughout the night.

Q5: 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.

One of the principal benefits of the Licensing Act 2003 is the involvement of local residents in decision making about licensed premises. These proposals would bring an end to that and local residents would not be able to make representations about premises providing entertainment or apply for a review of a licence of a premises causing a nuisance.

Another benefit of the Licensing Act is that conditions relevant to the licensing objectives can be agreed between the applicant and responsible authorities (e.g. the Police, Environmental Health Officers, the Fire Service etc.) at the application stage. This enables a relationship to be built

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between a potential Premises Licence Holder and enforcement authorities which often reduces the need for formal action at a later stage.

Conditions on licences related to public nuisance will immediately become ineffective if this legislation is brought in. This is because if any attempt to enforce them is made or a licence is reviewed, we believe a new licence will be applied for just covering the serving area in the bar as described below.

Conditions need to be appropriate and proportionate and this means it is unlikely that nuisance prevention conditions would be relevant to the service of alcohol.

We would expect an increase in the number of complaints, because premises currently have to comply with conditions that are designed to prevent noise nuisance. In the absence of regulatory controls these conditions would not exist and it is highly foreseeable that premises would not adopt them voluntarily. This could be due to either not knowing or not caring about the impact their entertainment may have on the surrounding area. Whilst there are controls under the Environmental Protection Act, this provides far weaker controls than a licensing regime. In particular;

- It would be virtually impossible to prevent noise from one off or occasional events;
- The control is via service of notice, forfeiture of equipment and/or prosecution, which is likely to take far longer to achieve a remedy than by review of a licence;
- Management of premises facing potential loss of their licence are more cooperative;
- There is significant demand to gather evidence of nuisance which will be sufficient for a criminal prosecution;
- Business premises have the defence of best practicable means against statutory nuisance action which does not apply as under the Licensing Act
- Noise from customers in the street outside the premises cannot be dealt with as it falls outside the definition of statutory nuisance. This is an aspect which is controlled using time restrictions under the Licensing Act.

Q6: The Impact Assessment for these proposals makes a number of assumptions around the number of extra events, and likely attendance that would arise, if the deregulation proposals are implemented. If you disagree with the assumptions, as per paragraphs 79 and 80 of the Impact Assessment, please provide estimates of what you think the correct ranges should be and explain how those figures have been estimated.

There is no explanation of the 'estimated' figures to enable an assessment of whether are reasonable or not. For these reasons, we do not agree with the assumptions and are unable to comment further.

Q7: Can you provide any additional evidence to inform the Impact Assessment, in particular in respect of the impacts that have not been monetised?

No

Q8: Are there any impacts that have not been identified in the Impact Assessment?

The Impact Assessment does not consider alternative options other than, 'do nothing', 'deregulate completely' or 'deregulate to a large extent'. There should be at least two more options, namely addressing the problems by means other than deregulating, and deregulating to a much lesser degree than currently proposed.

The government proposes that venues with an alcohol licence would still be subject to conditions to control regulated entertainment. However, it is difficult to see how this would work in the long term. The Licensing Act allows applicants to specify the extent of their premises and conditions must be necessary and proportionate in relation to that premises. So, for example, a premises such as a concert hall could just licence its bar areas and leave the rest of the premises unlicensed. A pub could licence its serving area and not the rest of the building.

Q9: Would any of the different options explored in this consultation have noticeable implications for costs, burdens and savings set out in the impact assessment? If so, please give figures and details of evidence behind your assumptions.

The consultation document refers to reducing bureaucracy and cost for community premises, schools, etc. However, there is already an exemption for such premises from the fees for a full licence so there is no cost saving, and any bureaucracy has already happened for many premises because they have got their licence in place.

Indeed, it could be argued that the licensing process serves to ensure that organisers consider certain aspects of holding events that they may otherwise have not given adequate thought to. This is particularly relevant for people and premises who are not usually involved in providing regulated entertainment.

Q10: Do you agree that premises that continue to hold a licence after the reforms would be able to host entertainment activities that were formerly regulated without the need to go through a Minor or Full Variation process?

No, because we do not support the proposals. If the proposals are taken forward then we believe there must be a formal process to remove activities and conditions from licences, for the sake of clarity. The cost of doing this should not fall on licensing authorities.

The Role of Licensing Controls: Questions

Q11: 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?

We do not agree based on the following:

1. The reasoning behind the need to deregulate is flawed. The examples given include costumed storytellers, pianists in restaurants, magic shows, Punch & Judy, school plays. These events are either not licensable under the current regime or not licensable in certain circumstances. Virtually all of the examples given are 'low level' regulated entertainment and if the government doesn't want them to be licensed, **they could easily make these types of event exempt from licensing controls.**
2. The suggested figure of deregulating entertainment provided for events with 4,999 people or less is too high. This would mean that virtually all regulated entertainment would not be licensable. Basing the level of risk associated with a particular event based solely on the numbers of people involved is far too simplistic. Risk depends on a range of factors.
3. The government proposes that venues with an alcohol licence would still be subject to conditions to control regulated entertainment. However, it is difficult to see how this would work in the long term. The Licensing Act allows applicants to specify the extent of their premises and conditions must be necessary and proportionate in relation to that premises. So, for example, a premises such as a concert hall could just licence its bar areas and leave the rest of the premises unlicensed. A pub could licence its serving area and not the rest of the building (consumption of alcohol is not licensable).
4. The consultation document refers to reducing bureaucracy and cost for community premises, schools, etc. However, there is already an exemption for such premises from the fees for a full licence so there is no cost saving, and any bureaucracy has already happened for many premises because they have got their licence in place.
5. The consultation proposal suggests that regulated entertainment poses little risk to the licensing objectives. We strongly disagree with this. Although alcohol features highly in the enforcement work associated with licensing, so does noise from regulated entertainment and nuisance from people attending events. Public safety refers to physical safety of people attending and in the vicinity of events, and to suggest that this would not be compromised by removing the need to licence premises that just

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provide regulated entertainment (cinemas, theatres, music venues) is simply ridiculous.

6. It appears that a two tier system will be created, with alcohol premises being properly regulated and other premises being left to their own devices. The consultation document includes statements such as “Events in non-licensed premises that are currently held under a TEN will usually be held in non-commercial premises that are overseen and controlled by a management committee or governing body or otherwise run by the local authority”
“One alternative option ... could be to develop a Code of Practice for entertainment venues”
“...local management arrangements are likely to provide a common sense solution to any potential problems”

In our opinion, this is a naïve approach to the way a number of premises are run. Whilst there are lots of very well run premises, there are also a number that are poorly run. This may be due to anything from a lack of knowledge and ability, to a total disregard for any rules and regulations. Deregulating on the scale proposed will not mean that the well run premises will stop running their premises well, but it will reduce our ability to do anything about the other premises. In other words, it will be counter-productive.

7. The consultation refers to a number of other regulatory regimes that may be able to deal with issues arising from what is currently regulated entertainment. However, there are currently limited resources in these areas and so it is unlikely that these regimes will be a viable alternative to licensing enforcement and advice. Furthermore, the current system works because people who want to provide entertainment etc. pay for a licence, thus financing the associated work to make sure the provision of that entertainment is provided in an appropriate way. If entertainment is deregulated the money for enforcement will have to be found from other areas, which, frankly does not exist. “The polluter pays” principle is a good one – anyone who wants to provide entertainment should meet the associated costs. Enforcement should not come from general funds collected from the tax payer.

Q12: 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.

The suggested figure of deregulating entertainment provided for events with 4,999 people or less is way too high. This would mean that virtually all regulated entertainment would not be licensable. There are often issues with regulated

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entertainment in venues much smaller than this that cause problems arising from regulated entertainment.

Both the government and the police have proposed capacity limits that would remove the need for Temporary Event Notices to be given for events involving only entertainment. This reduces the capacity of enforcement agencies to advise organisers of what may be appropriate control measures to put in place. The TEN system is extremely useful in this regard, and allows agencies to liaise with organisers in advance where there would otherwise have been no contact at all. This liaison is preventative and helps everyone involved (organisers, authorities, customers and neighbours).

Q13: Do you think there should be different audience limits for different activities listed in Schedule One? If so, please could you outline why you think this is the case. Please could you also suggest the limits you feel should apply to the specific activity in question.

No. It is not simply the type of entertainment that causes a problem, but also the venue, the management, the day of the week and time of day, and the individual people attending.

Q14: Do you believe that premises that would no longer have a licence, due to the entertainment deregulation, would pose a significant risk to any of the four original licensing objectives? If so please provide details of the scenario in question.

Yes.

All four licensing objectives are likely to be adversely affected because premises would be less likely to be 'on the radar' of the responsible authorities. The RAs and interested parties (IP's) would have much less say in, or control over, the way a premises operates. The rights of entry under the Licensing Act 2003 are very helpful to enforcement agencies, and it is helpful to RAs and IPs alike to have certainty about what is allowed and when.

There have been numerous cases in the past of serious public safety risks and, indeed, tragedies that the public safety objective is intended to prevent happening again. The thought that up to 5,000 people could be at an entertainment venue without the safeguards currently in place through the LA 2003 is very worrying.

Q15: Do you think that outdoor events should be treated differently to those held indoors with regard to audience sizes? If so, please could you explain why, and what would this mean in practice.

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We believe that the existing legislation works well for both indoor and outdoor events. The 2003 Act enables applicants and, where necessary, responsible authorities, interested parties and licensing authorities, to tailor their decisions to the circumstances. So an indoor event would be subject to different hours, conditions, etc. to an outdoor event.

Q16: Do you think that events held 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.

We believe that no events should be deregulated, all for the same reasons. Therefore we do not have and reasons to give for an appropriate cut off point.

Q17: Should there be a different cut off time for different types of entertainment and/or for outdoor and indoor events? If so please explain why.

We believe that no events should be deregulated, all for the same reasons. Therefore we do not have and reasons to give for an appropriate cut off point.

Q18: Are there alternative approaches to a licensing regime that could help tackle any potential risks around the timing of events?

We believe that no events should be deregulated, all for the same reasons. Therefore we do not have and reasons to give for an appropriate cut off point.

Q19: Do you think that a code of practice would be a good way to mitigate potential risks from noise? If so, what do think such a code should contain and how should it operate?

There is suggestion of a Code of Practice to ensure preventative best practice, but similar schemes in the past have been shown to be worthless.

In our opinion, this would not be effective because of the way a number of premises are run. Whilst there are lots of very well run premises, there are also a number that are poorly run. This may be due to anything from a lack of knowledge and ability, to a total disregard for any rules and regulations. Deregulating on the scale proposed will not mean that the well run premises will stop running their premises well, but it will reduce our ability to do anything about the other premises. In other words, it will be counter-productive.

Q20: Do you agree that laws covering issues such as noise, public safety, fire safety and disorder, can deal with potential risks at deregulated entertainment events? If not, how can those risks be managed in the absence of a licensing regime?

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The consultation refers to a number of other regulatory regimes that may be able to deal with issues arising from what is currently regulated entertainment. However, there are currently limited resources in these areas and so it is unlikely that these regimes will be a viable alternative to licensing enforcement and advice. Furthermore, the current system works because people who want to provide entertainment etc. pay for a licence, thus financing the associated work to make sure the provision of that entertainment is provided in an appropriate way. If entertainment is deregulated the money for enforcement will have to be found from other areas, which, frankly does not exist. "The polluter pays" principle is a good one – anyone who wants to provide entertainment should meet the associated costs. Enforcement should not come from general funds collected from the tax payer.

We do not believe that the risks can be managed in the absence of a licensing regime.

Q21: How do you think the timing / duration of events might change as a result of these proposals? Please provide reasoning and evidence for any your view.

There is a statement in the document that "... most currently regulated entertainment does not go beyond 11pm". This is far from reality.

- There is a strong likelihood that some premises licensed to sell alcohol and provide regulated entertainment will stay open beyond the hours for which they are licensed for the sale of alcohol. As no licensable activities are taking place they will not be committing any offence. This raises several concerns:
- Customers may be allowed to buy alcohol for later consumption. The sale of alcohol and not its consumption is licensable.
- **Customers may bring their own alcohol.**
- Premises will be open for as long as they want, with ensuing problems of nuisance and crime and disorder whilst they are open late or in the street when they close.
- Residential neighbourhoods near late night venues which decide to open late for entertainment are likely to be affected by noise from customers long after the hours which the local authority has set for the sale of alcohol to end.
- Unscrupulous operators may be tempted to sell alcohol after hours, bearing in mind other people on the premises could be legitimately be drinking alcohol they bought earlier. Whilst this could happen now, it is far more likely if the premises is lawfully open for entertainment.
- Enforcement of closing times for the sale of alcohol will become much more problematic.
- Temporary events in premises not permanently licensed for entertainment will be able to allow alcohol to be brought onto the premises by attendees. There will be no licensing control of the event whatsoever. The impact of

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these temporary events, which are often quite large, on the licensing objectives could be considerable.

Q22: 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?

The consultation proposal suggests that regulated entertainment poses little risk to the licensing objectives. We strongly disagree with this. Although alcohol features highly in the enforcement work associated with licensing, so does noise from regulated entertainment and nuisance from people attending events. Public safety refers to physical safety of people attending and in the vicinity of events, and to suggest that this would not be compromised by removing the need to licence premises that just provide regulated entertainment (cinemas, theatres, music venues) is simply ridiculous.

We believe the consultation document is ill thought out and unjustified. It makes a number of sweeping and naïve assumptions and does not take account of the fact that regulated entertainment DOES currently cause problems. It also ignores the likelihood that alcohol licensed premises will (understandably) seek to amend their current licences in order to take commercial advantage of these changes. There is no justification for anything other than some minor changes to the LA 2003 in order to exempt certain low risk events (e.g., school plays) and to clarify what is and is not regulated entertainment (e.g., a costumed storyteller is not the performance of a play).

The Home Office has just promoted legislation in parliament to allow local authorities to use early morning alcohol restriction orders to allow local authorities to effectively close the night time economy in all of parts of its area, and a late night levy to enable the local authority to recover some of the costs associated with it. It seems perverse for the Department of Culture, Media and Sport to be proposing a deregulation that will have exactly the opposite effect. Any hoped for reduction in police resources needed or reduction in rowdy late night behaviour as a result of these measures may not materialise if premises stay open for regulated entertainment. The DCMS should consult thoroughly with the Home Office on the potential effect of these proposals.

We are concerned that if these proposals are enacted, we would have premises saying they will be for fewer than 5,000 people but actually going over this limit. Also that we will simply not know what events are planned because TENs are no longer required, and which may be encouraged to operate without the retail sale of alcohol but on a 'bring your own' basis in order to circumvent licensing controls.

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The consultation document gives examples of events that take place outside the licensing regime. These include political rallies and demonstrations, and yet we know that there is massive police and council input into such events.

It appears that a two tier system will be created, with alcohol premises being properly regulated and other premises being left to their own devices.

Performance of Live Music: Questions

Q23: Are there any public protection issues specific to the deregulation of the performance of live music that are not covered in chapter 3 of this consultation? If so, how could they be addressed in a proportionate and targeted way?

See general comments to the deregulation of regulated entertainment.

Q24: Do you think that unamplified music should be fully deregulated with no limits on numbers and time of day/night? If not, please explain why and any evidence of harm.

No. In the past we have received a significant number of complaints for events involving, for example, steel bands in the city centre. Music involving drums does not need amplifying in order to cause a nuisance in small venues.

Q25: Any there any other benefits or problems associated specifically with the proposal to deregulate live music?

The impact assessment states that there has been a 5% drop in the provision of live music in secondary venues due, in large part, to a decrease in provision in church halls and community centres. It ignores the general economic state of the country and the fact that premises themselves are closing for that reason.

We have recent experience of a live music event in a very small venue, for which live music is the cornerstone of the business. The enthusiasm of the performers led to a number of actions that could have had serious consequences for the performers, the audience and staff and the venue itself.

Live music events can be very volatile, due to the immediate and sometimes unexpected nature of the interactions between the performers and the audience. Live events can be unpredictable and hence it is important that a suitable regime is in place to control them as far as necessary and practicable.

Performance of Plays: Questions

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Q26: Are there any public protection issues specific to the deregulation of the performance of plays that are not covered in chapter 3 of this consultation? If so, how could they be addressed in a proportionate and targeted way?

Our general comments to the deregulation of regulated entertainment apply.

Q27: Are there any health and safety considerations that are unique to outdoor or site specific theatre that are different to indoor theatre that need to be taken into account?

Our general comments to the deregulation of regulated entertainment apply.

Q28: Licensing authorities often include conditions regarding pyrotechnics and similar HAZMAT handling conditions in their licences. Can this type of restriction only be handled through the licensing regime?

Q29: Any there any other benefits or problems associated specifically with the proposal to deregulate theatre?

Our general comments to the deregulation of regulated entertainment apply.

Performance of Dance: Questions

Q30: Are there any public protection issues specific to the deregulation of the performance of dance that are not covered in chapter 3 of this consultation? If so, how could they be addressed in a proportionate and targeted way?

Our general comments to the deregulation of regulated entertainment apply.

Q31: Any there any other benefits or problems associated the proposal to deregulate the performance of dance?

Our general comments to the deregulation of regulated entertainment apply.

Q32: 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?

No – we do not believe it should be deregulated at all.

Q33: Do you have any views on how a classification system might work in the absence of a mandatory licence condition?

Not applicable

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Q34: If the Government were unable to create the situation outlined in the proposal and above (for example, due to the availability of Parliamentary time) are there any changes to the definition of film that could be helpful to remove unintended consequences, as outlined earlier in this document - such as showing children's DVDs to pre-school nurseries, or to ensure more parity with live broadcasts?

We would be content with proposals to extend the list of circumstances under which showing a film is exempt from the 2003 Act.

Q35: Are there any other issues that should be considered in relation to deregulating the exhibition of film from licensing requirements?

Indoor Sport: Questions

Q36: Are there any public protection issues specific to the deregulation of the indoor sport that are not covered in chapter 3 of this consultation? If yes, please outline the specific nature of the sport and the risk involved and the extent to which other interventions can address those risks.

Our general comments to the deregulation of regulated entertainment apply.

The consultation refers to outdoor sport being excluded from the LA 2003 but then says it is regulated under a different regime. Whilst it is agreed that the LA 2003 goes too far in some cases, it would be more appropriate to simply exempt these activities rather than deregulate the whole thing.

Reference is also made to safety at sports grounds legislation, although we understand there are proposals to change the existing arrangements in relation to this as well.

Q37: Are there any other issues that should be considered in relation to deregulating the indoor sport from licensing requirements?

It is not clear why boxing and wrestling is being kept as a regulated activity but not any others. People present at a boxing match are just as likely to be subjected to the same crowd controls, capacity limits, and to make the same amount of noise etc., as people attending a music event. Why retain boxing and wrestling but not other forms of regulated entertainment.

Boxing and Wrestling, and Events of a Similar Nature: Questions

Q38: 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?

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Yes, this is one of the few aspects of the consultation with which we agree!!

Q39: Do you think there is a case for deregulating boxing matches or wrestling entertainments that are governed by a recognised sport governing body? If so please list the instances that you suggest should be considered.

No. Indeed, we would welcome more clarity on the age of competitors in boxing and wrestling matches, and on which type of events they may participate in. (E.g., children fighting before a paying mainly adult audience)

Q40. Do you think that licensing requirements should be specifically extended to ensure that it covers public performance or exhibition of any other events of a similar nature, such as martial arts and cage fighting? If so, please outline the risks that are associated with these events, and explain why these cannot be dealt with via other interventions.

Yes. Why would boxing and wrestling be included in the licensing regime but not other types of martial arts?

Recorded Music and Entertainment Facilities: Questions

Q41: 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.

The controls for the public's safety at an event should not vary depending on the size of the audience.

Q42: 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.

All of our earlier comments set out the reasons why we feel that this proposal should not proceed. There is a need for appropriate regulation of entertainment and the four licensing objectives remain valid. There may be circumstances where control is not required, for 'low level' activities such as Punch and Judy, but these can be addressed by simply clarifying and/or extending the exemptions contained in Schedule 1 to the 2003 Act.

Q43: Are there 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?

All of our earlier comments set out the reasons why we feel that this proposal should not proceed. There is a need for appropriate regulation of entertainment

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and the four licensing objectives remain valid. There may be circumstances where control is not required, for 'low level' activities such as Punch and Judy, but these can be addressed by simply clarifying and/or extending the exemptions contained in Schedule 1 to the 2003 Act.

Q44: Any there any other benefits or problems associated specifically with the proposal to deregulate recorded music?

Our general comments to the deregulation of regulated entertainment apply.

Q45: Are there any specific instances where Entertainment Facilities need to be regulated by the Licensing Act, as in the current licensing regime? If so, please provide details.

Our general comments to the deregulation of regulated entertainment apply.

Unintended consequences: Questions

Q46: Are there any definitions within Schedule One to the Act that are particularly difficult to interpret, or that are otherwise unclear, that you would like to see changed or clarified?

No.

Q47: Paragraph 1.5 outlines some of the representations that DCMS has received over problems with the regulated entertainment aspects of the Licensing Act 2003. Are you aware of any other issues that we need to take into account?

Some examples cited are not licensable under the Act. I would like to see 'Carnivals' added to the list and all 'low risk events' shown at 1.5 of the consultation added to the list of exemptions from regulated entertainment Under schedule 1 part 2.

Adult Entertainment: Question

Q48: Do you agree with our proposal that deregulation of dance should not extend to sex entertainment? Please provide details.

It is not clear how sexual entertainment could be kept as a regulated activity when dance is to be removed. Premises licensed for dance under the LA 2003 can provide sexual entertainment without a SEV licence in certain limited circumstances. It is very difficult to see how the exemption for performances of sexual entertainment for up to twelve times a year could continue to operate. To this extent the proposals would impose extra burdens on business.

Conclusion

We strongly urge the government to think again about these proposals. There is considerable potential for significant problems of crime and disorder, public nuisance and public safety which are likely to occur if they come into effect. It is not always easy to be certain the ultimate effect of legislative proposals.

The Licensing Act 2003 itself produced changes to the night time economy which were considerably different to the café culture that was intended. The Home Office is now engaged in a process of legislative reform to remedy that. It is our view that these proposals, for the reasons identified throughout this response, will bring about changes quite different to those intended.

Damage to communities is being risked on the basis of a very unconvincing case for savings to business. We would suggest that if the proposals are brought in, they will need to be revisited and probably reintroduced in the very near future. The cost of this to the government, local authorities and business will be considerably more than any possible benefit that could have been achieved.