



department for  
**culture, media  
and sport**

# Entertainment Deregulation

DCMS consultation response

January 2013

Our aim is to improve the quality of life for all through cultural and sporting activities, support the pursuit of excellence, and champion the tourism, creative and leisure industries.

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# Section 1: Introduction

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1. A year ago the Government launched a consultation on the deregulation of most entertainment activities that require a licence under the Licensing Act 2003 (the 2003 Act).
2. The consultation put forward the case for the removal of licensing from performances of plays, dance, live and recorded music, as well indoor sporting events and film exhibition. It set out the need to consider entertainment licensing regulation afresh, looking in detail at controls in place under other legislation. The consultation posed the central question: “What if we removed regulation for these activities for audiences under 4,999 people?”
3. The consultation also examined whether, should deregulation occur, there is a need to set time limits for performances to end, or whether other legal responsibilities outside the terms of the 2003 Act would provide adequate safeguards and allow greater, more proportionate freedoms for people staging these kinds of activities.
4. The consultation asked a range of generic questions about the 2003 Act’s four licensing objectives: preventing crime and disorder; public safety; preventing public nuisance; and protecting children from harm. It also posed additional questions relating specifically to each licensable activity, and examined whether or why licensing protections were required in each case.
5. The consultation thus aimed to start with a blank canvas. It sought to encourage thinking freed from the constraints of the existing system, and adhere to the maxim: “Where regulation is not needed it should be removed; but where protections are genuinely needed, they will be retained”.
6. The Government is extremely grateful to all respondents for taking the time to share their views and expertise. Section 2 of the document provides a thematic digest of the responses received, and aims to provide a general narrative to illustrate the story told by the consultation responses. This section, by theme, also sets out the Government’s opinion on the responses received. Section 3 then outlines the Government’s final policy position and the proposed next steps.

## Section 2: Consultation overview

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### Responses and respondents

7. Around 1350 responses to the consultation were received.
8. More than half of the overall total, around 800 responses, were received from those identifying themselves as musicians or performers. Around 250 responses, a sixth of the total, were received from local government. Around 100 responses were received from the culture and creative sectors, and various trade organisations. The remainder were received from responsible authorities such as the police, fire and environmental health services, and also from residents associations and individual members of the public.

### Headline issues

9. The consultation responses were dominated by the issues of **live and recorded music**. Many responses showed strong opinions on whether live and/or recorded music should be deregulated:
  - to audiences of up to 4999
  - in any location
  - at all times of the day or night
10. Some responses to the consultation though answered all, or most, of the 49 questions posed and provided technical details and extensive rationale. Other responses were more direct, focussing mainly or solely on the issues outlined at paragraph 9.
11. Because of this, the consultation had two distinct poles: those in favour of the deregulation of music entertainment - whether to a greater or lesser extent - and those who were opposed to it; again, whether to a greater or lesser extent.

### Headline views: by response cluster

12. In general, most musicians were in favour of maximum deregulation, with a small number in favour of partial deregulation, generally expressed either in terms of favouring a smaller permitted audience than 4,999 people, and / or otherwise with time restrictions

imposed. More detailed views on live and recorded music can be found later in this document.

13. Local government did not favour full deregulation in the manner outlined in the consultation. Many local authorities though did agree that some deregulation could reasonably take place. The view of the Local Government Association (LGA), which aims to provide a representative single voice for Local Authorities, was that most activities could be deregulated for audiences of up to around 500 people, but not beyond that limit on public order / public safety grounds – and only if entertainment ceased at 23:00 hours. The LGA had concerns about the potential for noise nuisance if live or recorded music was completely deregulated, although later wrote in support of the partial deregulation of live music proposed by the Live Music Bill<sup>1</sup> as it progressed through Parliament.
14. The voluntary and creative sectors, having campaigned for licensing freedoms, welcomed the deregulation, agreeing that the removal of cost burdens would be very helpful to many small charities and third sector organisations.
15. The culture and creative sectors generally welcomed the deregulation. Key umbrella organisations such as Arts Council England, Voluntary Arts Network, Arts Development UK supported deregulation in its fullest terms. Some sector specific organisations raised a number of considerations that are addressed in more detail later in this section when addressing individual activities.
16. The views of trade sectors varied dependent on the interest group represented. Again, details can be found in the later parts of this section when examining individual activities.
17. Residents were in general very concerned about the deregulation of music entertainment in the context of the issues outlined at paragraph 9. Some residents stated that they accepted that there was a case for some deregulation in some circumstances. The National Organisation of Residents Associations, for example, which is the key national association for residents' rights, stated that it would be content with the complete deregulation for audiences of up to 499 people, but requested controls for amplified events with potential to be vexatious.
18. The concerns of Responsible Authorities generally centred on music activities and the issues outlined in paragraph 9. The Association of Chief Police Officers (ACPO) gave a detailed rationale explaining that, in their view, all types of entertainment events need to be judged against a range of criteria, and recommended that blanket deregulation does

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<sup>1</sup> The Live Music Act 2012 deregulates unamplified live music between 08:00-23:00 in any location with no audience cap. It also deregulates between 08:00-23:00 live amplified music performances in both premises that hold an on-licence for alcohol and in workplaces. In the case of licensed premises, licence reviews can be held if there were any problems.

not take place in the “one size fits all” manner outlined in the consultation. ACPO highlighted a series of potential risks associated with events management and noted that in their opinion the existing robust licensing regime goes a significant way to minimising such risks.

19. For most entertainment events, under the existing licensing system, the police receive prior notification of events either via the process for licensing premises or for “one-off” events under the regime of temporary events notices (TENs). If deregulated, the police would no longer receive prior notification of and would no longer be able to plan for such events. The ACPO response also suggested based on the original proposals as outlined in the consultation document that there was likely to be a requirement for additional police intervention and increased burdens on police resources, including dealing with noise nuisance concerns. ACPO did not consider that risks can be fully managed in the absence of a entertainments licensing regime, noting that “pre-loading” of alcohol was a significant issue as well as the risks of “bring your own” alcohol events. ACPO emphasised the need for good practice in risk and impact assessments by events organisers prior to events.

### **The case for change: views**

20. The consultation explained the Government’s view that the 2003 Act unfairly penalises the many small and medium sized local organisations and charities that make up the Big Society. Since 2005, Government had received many representations reporting that valuable local cultural and sporting opportunities were being lost through unnecessary bureaucracy and cost, and subsequently that local community interaction and expression was being hindered – which also held back artistic progression and the creative economy.
21. Additionally, the consultation described some of the effects of the burdens placed by the 2003 Act on small businesses, such as halting diversification for many pubs currently in dire economic straits. The 2003 Act’s requirement for obstructive licensing process and fees has meant that premises such as pubs or restaurants are often unable to provide small scale musical performances or other cultural events at short notice.
22. The consultation illustrated the case for change with an expansive draft Impact Assessment, which was developed to demonstrate the potential economic effect of deregulation across England and Wales and facilitate scrutiny of the policy rationale at a national level . The consultation asked a range of questions relating to this Assessment.

23. Question 1 of the consultation is thus at the heart of the proposals, requesting views as to whether the deregulation would lead to more cultural and sporting performance across England and Wales.

*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?*

24. The majority of respondents that replied directly to this question thought that the deregulation would provide growth. The most comprehensive replies came from key cultural organisations:

*As a result of de-regulation, small companies and artists will be better placed to develop and present their work, incurring fewer costs from licensing fees. Small venues will also be more disposed to support plays that may not necessarily guarantee significant income. De-regulation will therefore support the growth of the arts ecology and the professional development of the artist. (Arts Council England)*

*The escalating burden of entertainment licensing and similar regulation has in recent years been a major obstacle to voluntary arts groups putting on small local events and performances. The complexity and cost of regulation originally intended for much larger-scale events has had a detrimental effect on the tens of thousands of volunteers who give up their own free time for the benefit of their communities. Voluntary Arts therefore welcomes these proposals to reduce the regulatory burden on the amateur groups and individuals that contribute to the Government's vision of a Big Society. (Voluntary Arts Network)*

25. Many performers and musicians that responded wrote in support of statements made by Equity and the Musician's Union. In respect of the case for change, these campaigns stated:

*We agree with the Government's assessment that there will be substantial benefits to individual and collective wellbeing due to the deregulation of entertainment. The Government's estimate of an additional economic benefit of £43.2m per year is likely to be at the lower end of the scale as currently many artists and small businesses are put off from considering organising live entertainment. (Equity)*

*We agree that these proposals would lead to more performances of live music, particularly in small venues. Over the past few years our members have been telling us that the number of gigs available to young musicians who are still perfecting their craft has gone down. This is primarily due to a reduction in the number of smaller venues which traditionally offered this level of gig. (Musician's Union)*



26. Arts Development UK, which represents many local authority arts officers and other leading cultural practitioners, said:

*..we expect that the full, long term impact of the proposed deregulation will be felt by those individuals and groups who do not organize 'regulated entertainment' on a professional basis, but who do so in the context of schools, village halls, and other community based venues, where the relative burden of the licensing regime is very high, and severely limits the range and extent of activity. Both the reality and the perception of the current licensing regime for regulated entertainment is extremely off putting for community groups, and it is difficult to imagine the full scope of local creativity that could be developed as community spaces become far more readily available for arts activity.*

*In the short term we expect to see at least one additional arts activity in each local neighbourhood per year, as local amateur groups take up opportunities to mount informal performances in pubs and community spaces. It is difficult to put a precise number on this, however the Voluntary Arts Network research 'Our Creative Talent' in 2008 identified over 49,000 voluntary arts groups, (a figure which does not include the huge number of informal groups), and if 20% of those formally constituted groups mounted one extra event per year, this would provide a conservative estimate of 10,000 small scale additional activities. The VAN research found an average audience of 220 for voluntary arts performances, again taking a conservative approach and assuming that the additional events will be smaller in scale (possibly taking place in local pubs or at other local events as an addition to the groups' main performances), additional audiences of 1,000,000 plus can also be suggested.*

27. Responses on this subject from the police and from some Licensing Authorities were less optimistic. Like Arts Development UK they found positive growth difficult to quantify, and most did not attempt a detailed critique of the economic case in this area. These respondents did often suggest that the disbenefits in the Assessment had been undercosted, particularly in respect of:

- Costs of reactive policing for events that run post 23:00 hours
- The negative value of loss of wellbeing for those affected by anti-social behaviour caused by large audiences at events
- Time and cash costs to those who wish to complain to local authorities
- The high cost of public order incidents arising from large events

**28. The Government is grateful for all responses. We agree that quantification of growth is a difficult area, but are clear that the case for change to free up community organisations and small business is strong. We have noted the**

**comments on public order costs, and will make every effort to reduce potential for disbenefits in the final policy position and via supporting guidance.**

### **Audience size**

29. As set out in paragraph 9, the feasibility of deregulation for audiences of up to 4,999 people was one of the key issues – and one of the most controversial – in the consultation.

30. The question of audience size relates in various ways to all four of the objectives of the Licensing Act 2003 - public safety, the prevention of public nuisance, protection of children from harm and the prevention of crime and disorder.

31. Three questions provided the main platform for comment:

- *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? (Question 11)*
- *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 different limit should apply and what evidence supports your view. (Question 12)*
- *Do you think there should there 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 (Question 14)*

32. As stated above, these questions demonstrated the nature of the polar argument around amplified music deregulation. Many musicians and performers were in favour of complete deregulation, and many residents stated only their opposition to deregulation based on comments on the issues at paragraph 9.

33. Local Government, and responsible authorities such as the police and emergency services, made the point that audience size alone does not determine the risk for that event, and that many other factors need also to be considered such as the wider nature of an event and its operating environment. It was also generally felt by these external partners that deregulating activities to audience level of 4,999 people was not tenable as a means of ensuring public safety and public order.

34. Such partners also often made the point that the likelihood of a public safety failure at unregulated large events is far higher than at small events, as the safety issues at play have a much larger degree of interdependency at larger events, and a potential to create more serious problems. At larger events, safety issues around crowd management,

security for means of entry and egress, stage safety, stands safety and lighting gantries all take on a much greater aspect. Consultation responses frequently alluded to fatalities and injuries at the recent *Indiana State Fair* and *Belgian Pukkelpop* festival and at events such as the crush during a JLS performance at the Christmas lights ceremony in Birmingham in 2009, when up to 20,000 people were planned but nearly 30,000 turned up. These responses also explained that the consequence of public safety failure is simply too great to be left to chance, and that it was not feasible to rely on reactive legislation for events of this magnitude given the potential consequences.

35. Some respondents were of the view that, on public safety grounds, an audience number of 500 should not generally be exceeded, and that this was a more suitable general upper limit for deregulation, although additionally the effect of removal of the licensing notification should also be taken into account. This number was echoed by many others on grounds of public nuisance, with the National Organisation of Residents Associations stating:

*...since events controlled by Temporary Event Notices (TENs) involving up to 500 people rarely cause offence, NORA members consider that events involving more than 500 people should not be de-regulated in order to protect the amenity of residents.*

36. The view of musicians and performers was generally supportive of deregulation to the proposal limits of 4,999. The view of Equity was:

*We are in favour of the proposal to deregulate the suggested areas of regulated entertainment up to this threshold of 5000 as we do not believe that live entertainment is or should be linked to public order issues. Most of the art forms included in Schedule One as 'regulated entertainment' such as theatre, dance and film exhibition are low risk activities.*

Similarly, the response from the Musicians' Union wrote principally in support of deregulation in small venues, but extended its support also to deregulated events for large audiences:

*We would support the limit suggested by the proposals, but at the very least we would want to see an exemption to the Licensing Act for small venues with audiences of fewer than 200 people, since it is primarily these venues which have suffered as a result of the Act."*

37. Turning to question 14 - views on whether there should be different audiences for different activities - there was a relatively even spread of opinion. There was a common view that setting a single upper audience threshold would minimise confusion across the regime, especially where some events may feature a number of different types of activity.

There was also acknowledgement that some types of activity inherently carried less risk than others.

38. The view from many residents, local government and responsible authorities was that *in general* music events – particularly recorded music events – have the greatest potential for disruption from a public order viewpoint. Responsible authorities made the point that whilst one well-planned and organised recorded music activity may fairly reasonably be held with a large audience present, another held without notification for even a small audience may prove disastrous to public order.
39. **The Government has listened carefully to these views. Whilst a single audience upper threshold seems clearly preferable for the sake of simplicity, the final policy outcome will take into account public order and public safety considerations in respect of higher risk activities.**

### **Performance end times**

40. The issue of performance closure time is another key issue in the consultation. Questions 16-21 addressed the subject in detail.
41. Question 16 asked whether events after a certain time should not be deregulated and, if it was thought that a time cut off point should be imposed, asked for views on what a suitable time should be. Those who wrote in support of campaigns from Equity and the Musicians' Union: agreed with the following positions:
- **Equity** - no need for an end time
  - **Musicians' Union** – did not comment on Question 16, but stated that the Union did not believe that music should be licensable
  - Most other respondents who responded directly to the question thought that there *should* be a cut-off point beyond which a licence or permission should be required.
42. A frequent view was that 23:00 hours, in line with other environmental protection regimes, was a suitable end point, although some residents wanted an earlier closure time if amplified music was to be deregulated (NORA for example requested 22:00 hours). Many musicians and performers either wanted no centrally set end point, or wanted a later time, such as midnight - or even later in some responses.
43. Local government and many residents made the point that in addition to noise from the activity itself, the related noise nuisance from those going to and from venues, singing after events, and general rowdiness also needed to be considered. This aspect, they argued, is exacerbated where there are large audience numbers present or where the activities are of a kind that are particularly likely to cause excitement or an increased

likelihood of drunkenness. Again, the common view was that this was more likely to occur at music events than most of the other activities, although there was some concern about noise in respect of all activities.

44. The police and local government also made the point that responsible authorities are less likely to be able to deal with noise issues reactively at night due to pressures on resources being most acute during night time hours. Both sets of partners made the point that most local authorities do not operate out of hours services, and duties would fall to the police. Additionally, the police and local authorities made the case that events held in the late evening or at night are in general more likely to cause or attract trouble.
45. These views permeated throughout other lines of questioning, such as Question 17, which asked whether there should be different cut off points for different activities and / or indoor / outdoor events, The headline view from those who were not musicians or performers was that 23:00 hours should be a set end time for both types of activity due to the issues involved as set out above.
46. The consultation threw up little in the way of new thinking around alternatives to a licensing regime (Question 18), although there was a suggestion from the police that a new regime could be constructed, possibly under the auspices of a framework for Safety Advisory Groups (SAG)s, using local police experience and intelligence to decide whether an activity needed to enter the licensing process or whether it could simply go ahead.
47. Views on the application of Codes of Practice (Question 19) were mixed. Although many thought that this could be helpful, the majority view from those with concerns about amplified music deregulation was generally that voluntary codes would be a poor substitute for legislative controls and could only be used as an additional tool to manage activities with a higher risk of public nuisance.
48. Responses to these questions and Question 20 also brought out the point that venues that are currently licensed for entertainment but not alcohol sale / consumption would be completely deregulated, and so the Noise Act 1996 would no longer apply. This would leave the Environmental Protection Act 1990 as the main form of redress, and those enforcement sanctions were generally thought to be less effective.
49. **The Government has carefully noted comments on this issue and will take these into account in the final policy position.**

## Health and safety

50. Question 20 asked for views on whether existing legal duties beyond the 2003 Act could adequately address any potential problems should Schedule One activity be deregulated, as a raft of protections are already in place under health and safety and related legislation. Question 22 also provided an open opportunity for any additional considerations to be raised.
51. As set out in paragraph 29-39, there was concern from local government and responsible authorities that public safety could be compromised if events were completely deregulated for audiences of up to 4,999 people, and / or which were held during night time hours. Some respondents also favoured the retention of additional layers of protection afforded by a licensing system. ACPO took the view that licensing conditions fill the gaps left by other legislation. It did not believe that risks can be fully managed in the absence of a licensing regime.
52. Additional concerns were expressed by some respondents about events run by unscrupulous operators, who were prone to take short cuts when arranging large events for commercial profit, and who may disappear should any problems occur. This issue was felt to be a particular problem in respect of recorded music events (the police and local government made considerable reference to serious concerns about raves, including similar events held during the day).
53. Concerns were raised about large events organised by those with insufficient capability or in unsuitable venues – with particular reference to issues around crowd management, fire risk and unsafe temporary structures, as referenced in paragraphs 29-39. There were also concerns that deregulation would remove the ability to provide conditions for door staff and ticketing. Additionally, there was no clear consensus, from a Health and Safety perspective, as to the legal status of events organised by volunteers outside of a linear employer/employee relationship.
54. Some responses noted the Regulatory Reform (Fire Safety) Order 2005, which came into force in 2006, and separated fire controls from other regulation (including the 2003 Act) so that fire safety was covered by a single regime. The general view, outside of musicians and performers, was that some deregulation was likely to offer little in the way of concern, but as expressed in paragraphs 29-39, there was felt to be considerable risk in completely deregulating events with large audiences, and / or where activities have inherently higher risk profiles.
55. Some respondents also noted that while outdoor events had a greater capacity for ease of escape in the case of problems, they were subject to additional hazards, such as crowd surges caused to sudden weather changes, the effect of wind on unregulated temporary structures, and electrical safety issues.
- 56. The Government has paid very close attention to the extensive information that has been provided and is grateful to respondents. This information will be taken**

**into account in the final policy position to find a sensible balance between public safety and deregulation.**

### **Other issues**

57. Question 22 also brought up three further issues:

- The police and local government raised the issue of the potential use of Temporary Event Notices (TEN) for alcohol supply in connection with large-scale events following the proposed deregulation – “parasitic TENs” - thereby creating a higher risk event.
- The police and local government raised the issue of multiple unregulated events with no prior notification taking place in close proximity to each other, either overloading local infrastructure capacity or providing a surge into one event from the other.
- The police and local government questioned the extent to which alcohol licences can be used to control non-licensable events, given trends to “pre-load” alcohol or for “bring your own alcohol events.”

**58. The Government is grateful to respondents who raised these points. On the issue of “parasitic bars”, under the existing regime deliberate failure to provide correct contextual information is a criminal offence, but we will look to make the TENs forms even clearer in this respect. We will address the additional points in the final policy position and any supporting guidance.**

### **Regulated Activities: further questions**

#### **Live music**

59. As stated, music has been the overwhelming focus for most of the responses, and the vast majority of issues raised in responses have been provided earlier in this document. Since the consultation was published, the Live Music Act 2012 was passed by Parliament and came into force on 1 October 2012. The Live Music Act<sup>2</sup>, between 08:00-23:00:

- deregulates live unamplified music in any location

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<sup>2</sup> A full Explanatory Memorandum for the Live Music Act can be found at <http://www.legislation.gov.uk/ukpga/2012/2/notes/contents?view=plain>

- deregulates live amplified music where there is an “on-licence” for alcohol (such as in pubs and clubs) for audiences of up to 200 people
- deregulates live amplified music in workplaces as defined by the Workplaces (Health, Safety and Welfare) Regulations 1992
- removes references to “entertainment facilities” in the 2003 Act

Consultation questions 24 and 45 are therefore no longer relevant, as the consultation stated that the Government’s baseline position is to deregulate to the policy position set out by the Live Music Bill, should the Bill not succeed in its passage through Parliament. The consultation’s main focus was to ascertain whether this deregulation went far enough.

60. In addition to issues raised in response to the consultation’s generic headings or which are otherwise outline, questions 23 and 25 in the consultation brought up no new individual issues that have not been raised above, aside from general narrative around growth in artistic diversity - for example:

*“The Arts Council sees particular benefits to the growth and development of independent music, particularly genres such as jazz, folk and other forms of contemporary popular and classical music”.*(Arts Council England)

## **Recorded music**

61. The recorded music activity relates to recorded music which is either played at events to attract public audiences or at private events where a charge is made with a view to profit. Such instances include DJ events and discos but do not generally apply to jukeboxes or radios in public spaces, or any form of “piped” background music in places like shops or restaurants,

62. The examination of deregulation of recorded music attracted considerable comment, particularly in the light of the issues at paragraph 9. Most residents were very opposed to recorded music deregulation either totally, or outside of a controlled environment. The view from the police and local authorities was that recorded music activities should not be completely deregulated to audiences of any size, based on experience of this type of unlicensed activity and the likelihood of provoking public order incidents and public nuisance problems.

63. The police also had serious concerns about “raves” (unlicensed music events, often in conjunction with excessive alcohol or drug consumption). The police were concerned about the overall public order and public safety aspects of these events if deregulated, including any draw on policing resources, and the overall difficulty in halting such an event when it is in progress. The public safety element was also echoed by local



authorities and other blue light services, who gave examples of unregulated events which had proved problematic and which could have ended disastrously. ACPO were of the view that more of these problem events would be likely to occur if licensing for recorded music events were removed, noting also the increased portability of equipment suited to purpose and unprohibitive costs,

64. The police also stated concerns about recorded music activities held outside of a licensing framework in respect of gang violence, drug, knife and gun crime and other local disturbance. There were additional concerns, particularly in relation to recorded music events, about “bring your own” or “pre-loading” for events and also the effect of “dry discos” for the under 18, which the police stated were often far from “dry” and which can cause disorder problems.
- 65. The Government has considered these points very carefully and has taken the comments on public order and public safety very seriously. The final policy position will address the issues that have been raised.**

## **Plays**

66. As above, there was considerable recognition of the case to deregulate plays, and general support for deregulation of the activity where it was held before small audiences.
67. Questions 26-29 asked questions around theatre safety safeguards. There was a general recognition that most plays performed in front of audiences of above 500 people are commercially oriented events, usually held in purpose built theatres that operate in tandem with alcohol licencing controls. These questions also foregrounded a number of concerns from residents and some licensing authorities where plays would be deregulated outdoors when featuring amplification.
68. A small number of respondents, including a small number from within the theatre industry, had concerns about public safety in respect of crowd management, fire safety (including issues such as entry/egress, signage in dark buildings) and theatrical pyrotechnics.
- 69. Response: Government has given careful consideration to the issues raised. We have noted the positive response to the deregulation of community theatre for small audiences and have noted concerns in respect of large audiences. We have also noted that in the case of commercial theatre, many theatres operate licensed bars and will be subject to alcohol licensing controls.**
- 70. We believe that responsibilities under health and safety legislation and fire laws do provide adequate protection for the hosting of the events in the final policy**

**position outlined in section 3. Government will work with the creative sectors to ensure any remaining concerns are addressed.**

## **Dance**

71. As outlined earlier, there was general recognition of the positive effect of the deregulation of dance activities. Questions 30 and 31 provided the opportunity to explore the issue further.
72. Comments raised in this area of the consultation showed that there was agreement amongst many authorities that the dance activity could be sensibly deregulated (the view was often that performances could be held in front of small audiences during day time hours, although there were some concerns from some respondents around the use of amplified music).
73. Some of the points made at paragraph 67 applied to the exhibition of dance as well as the performance of plays, and the same partners raised additional points such as the unregulated activity providing a danger through trip hazards and the lack of “spring” available in unregulated dance floors/environments.
74. There was near universal agreement to the Government’s proposal to ensure that any striptease or similar activities that are on occasion licensed via the 2003 Act would remain regulated as now.
- 75. Government agrees that dance exhibition should be deregulated. As with other activities, the government has heard comments about audience size and performance end time, and will reflect these concerns in the final position. The Government is grateful for all views although does not agree that the arguments in favour of retaining regulation are proportionate. Government will revise Section 182 guidance issued under the Licensing Act 2003 to make clear when dance exhibition activities should be classified as live or recorded music activities. Dance performances of a sexual nature will continue to be regulated.**

## **Indoor sport**

76. Responses to the proposal to deregulate indoor sport were relatively uncontroversial. Although support for deregulation was not universal, there was an acknowledgement amongst many authorities that this activity did not need to be regulated in the current manner – some responses outlined that the sole purpose in their area was to regulate swimming galas at swimming pools owned by local authorities and already subject to Health and Safety legislation.
77. Some authorities were of the opinion that this activity could be deregulated to larger

audience numbers than for other activities, given that most venues are likely to be purpose built, and often in local authority ownership, or else where events were developed in partnership with local authorities.

**78. Government has looked carefully at this issue and will reflect these views in the final position.**

## **Film**

79. The consultation stated that the deregulation of film exhibition would only take place if a suitable solution was found to maintain appropriate child protection measures to prevent children from seeing unsuitable content. There was near universal agreement that age classification protections need to be retained, but little in the way of new creative thinking around how this could be achieved if licensing were to be completely deregulated for film exhibition.

80. There was support from community focused organisations for some deregulation, and general support also from wider organisations such as ACRE that represent areas that are not well served by the existing commercial market.

81. Larger umbrella organisations within the film industry did not favour complete deregulation for a variety of reasons, but agreed that community cinema in certain circumstances could be exempted from the regime.

**82. Government will not pursue blanket deregulation for film exhibition. We will examine opportunities for licensing deregulation for low risk community-based film exhibition in suitable circumstances. To do this we will consult this year on a range of options to examine carefully and precisely where this may be possible, whilst upholding the important principle of child protection.**

## **Boxing and wrestling and similar activities**

83. There was near universal agreement to the proposal to maintain regulation for boxing and wrestling. There was, though, support in the sports sector to deregulate the Olympic sports of Greco-Roman and Freestyle wrestling overseen by British Wrestling, the National Governing Body.

84. There was overwhelming support from local government, responsible authorities and residents to ensuring that cage fighting and mixed martial arts were clearly regulated in Schedule One should the Indoor Sport activity be deregulated. Licensing Authorities welcomed the opportunity to clarify this situation, which would make clearer the legal

position (rather than relying on the proximity of these activities to boxing and wrestling, the position adopted by some Licensing Authorities).

**85. Government will take forward these measures. Implementation details are outlined in section 3.**

### **Sex entertainment**

86. There was near universal support for the proposal to retain licensing controls for premises wishing to host adult entertainment.

**87. Government will ensure these measures remain robustly in place. Details are outlined in section 3.**

## Section 3: Conclusion

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88. The consultation has been helpful in identifying areas of general agreement for a way forward and providing detail where the original consultation proposal required attention.
89. It is clear that the **audience levels** need to be adjusted to address the concerns that have been raised by respondents. Most entertainment activities that are licensable will be deregulated up to an audience threshold of **500** people, save for indoor sport, which will have a higher audience ceiling of 1000 people. Music activities will be deregulated up to audiences of 500 people in prescribed circumstances. There will also be a small number of controlled exemptions which will not have an upper threshold imposed.
90. The argument for a **performance end time** has been made persuasively, and an end time of 23:00 will apply to any deregulated activities.
91. **Plays and dance:** There was general recognition of the valuable role that these activities play in local life, and that most events are very low risk in nature. Our view is that in combination with alcohol licensing controls, other controls in other planning, fire, and health and safety legislation, plus remaining controls from the Theatres Act 1968 - which prevent obscenity, provocation of breaches of the peace and defamation - these activities are suitable for deregulation. The “performance of plays” and “exhibition of dance activities” will therefore be deregulated for audiences of up to 500 between the hours of 08:00-23:00.
92. **Indoor sport:** There was general support for deregulation in this area, and acknowledgment that this activity should perhaps never have been regulated as other legislation provides adequate control. The “indoor sport” activity will deregulated for audiences of up to 1000 between the hours of 08:00-23:00.
93. **Live and recorded music:** Live Music has been deregulated under the Live Music Act 2012, since 1 October 2012 in the following circumstances:
- live *unamplified* live music in any location between 08:00-23:00
  - live *amplified* music in on-licensed premises or workplaces for audiences of up to 200 people between 08:00-23:00

We have listened to calls in the consultation to retain controls so that amplified music is not deregulated in all circumstances. We have noted also the various calls for a higher audience threshold than the 200 audience limits in the Live Music Act 2012, and noted also the widespread support for the 2012 Act's use of Reviews under the Licensing Act 2003 as a deterrent for noise and public order problems. We will therefore launch a Legislative Reform Order this year to raise the Live Music Act's audience threshold for permitted music performance from 200 to 500 in on-licensed premises and workplaces so that more small businesses and premises can benefit in these controlled circumstances. This Order will also suspend regulation for the "recorded music" activity in on-licensed premises between 08:00-23:00, which like live music in the same premises will be subject to licensing Reviews and the ever present potential for licence controls and sanctions under the 2003 Act.

94. **Film:** As set out in paragraphs 79-82, film exhibition will remain regulated, but we will consult this year on carefully drawn community film deregulation proposals to examine the possibilities for safe community-focussed screenings that maintain important child protections.

95. **Exemptions:** The following exemptions will apply:

- **All Schedule One activities**, held on their own premises by
  - Local Authorities (to Parish Council level)
  - Hospitals
  - Nurseries
  - Schools (except Higher Education)

will be exempt from entertainment licensing between 08:00-23:00, with no audience restrictions.

- **Live and recorded music** activities held on premises owned by:
  - Local Authorities (including parish councils) with the specific permission of that authority
  - Hospitals
  - Nurseries
  - Schools (except Higher education)

with the specific permission of those organisations, will be exempt from licensing requirements for audiences of up to 500 people

- **Community premises** such as
  - church halls
  - village halls
  - community centres

Will be exempt from licensing requirements **for live and recorded music** for audiences of up to 500 people

- **Circuses** will be exempt from regulation for live and recorded music, plays, dance and indoor sport between 08:00-23:00 with no audience restrictions.

96. **Remaining areas of regulation:** Regulation will remain in place for all activities that exceed the audience limits and timings above. Boxing and wrestling will remain regulated, with the exception of the Olympic sports of Greco-Roman and Freestyle wrestling. As proposed in the consultation, cage fighting / mixed martial arts will become regulated activities. We will ensure there are no loopholes that deregulate adult entertainment.