



Department  
for Culture  
Media & Sport

# Consultation on a proposal to use a Legislative Reform Order to make changes to Entertainment Licensing

Summary of responses

July 2014

Department for Culture, Media & Sport

**Consultation on a proposal to use a Legislative Reform Order to make changes to Entertainment Licensing**

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# Chapter 1: Background to the consultation

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## Background

- 1.1 In October 2013, DCMS published a consultation about changes to entertainment licensing that were to be implemented via a Legislative Reform Order (LRO). The consultation set out in detail how the Government intended to use an LRO to remove unnecessary regulation from certain smaller scale and neighbourhood events, thereby freeing up organisers to put on eligible entertainment without having to fill in licensing paperwork and go through a costly process. It covered plans to:
- amend the licensing requirements in respect of live music and recorded music;
  - bring in cross-activity licensing exemptions for local authorities, schools, hospitals, nurseries and circuses; and
  - remove the licensing requirement for Greco-Roman and Freestyle wrestling.
- 1.2 By bringing forward these proposals the Government wished to:
- remove bureaucracy and cost from community entertainment activities and bolster creativity and community participation;
  - make it easier for schools, community groups and civil society organisations to put on cultural and sporting events by removing them from the entertainment licensing regime; and
  - grow the creative economy and remove burdens from small and medium sized businesses. In particular, the measures in relation to live and recorded music were focussed on helping pubs, hotels and other hospitality businesses diversify their offer and access new markets.
- 1.3 A previous policy consultation in 2011 had sought views on removing licensing requirements in England and Wales for most entertainment activities. As a result of that 2011 consultation, the Government announced a set of deregulatory measures in January 2013. The October 2013 consultation set out the detail of the announced policy and invited views on whether the proposal to implement through an LRO satisfied the preconditions set out in the Legislative and Regulatory Reform Act 2006 (LRRRA).

## Consultation Proposal

### **Policy position as consulted on:**

**Deregulation will only apply to activities below which are conducted between 08:00-23:00 to minimise any risk of excess noise when the impact of noise disturbance on households is highest.**

#### **Cross-activity exemptions**

The following will be exempt from entertainment licensing between 08:00-23:00 with no audience limitations:

- Entertainment activities held by, or on behalf of, local authorities on their own premises.
- Entertainment activities held by, or on behalf of, hospitals and schools on their own premises.
- Entertainment activities that are part of nursery provision on non-domestic premises.

#### **Live music**

A performance of live amplified music in alcohol licensed premises or in a workplace will not require specific permission where the entertainment takes place between 08:00-23:00 and the audience consists of up to 500 people. The present audience ceiling is 200 people.

#### **Recorded music**

Any playing of recorded music in alcohol licensed premises will not require specific permission where the entertainment takes place between 08:00-23:00 and the audience consists of up to 500 people.

#### **Live and recorded music exemptions**

The following events will be exempt from entertainment licensing for live and recorded music between 08:00-23:00, where the audience consists of up to 500 people:

- Activities held on local authority premises.
- Activities held on hospital and school premises.
- Activities held in community premises.

#### **Circuses**

Tented circuses will be exempt from entertainment licensing in respect of performances of live music, the playing of recorded music, indoor sporting events and any performance of a play or dance that takes place between 08:00-23:00, with no audience limitation.

#### **Greco-Roman and freestyle wrestling**

Above wrestling disciplines to be exempt from licensing, with no audience limitations, if these contests take place between 08:00-23:00.

## Chapter 2: Consultation summary

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### Details of the consultation

- 2.1 A public consultation in accordance with section 13 of the LRRRA began on 22 October 2013, ran for 8 weeks and closed on 17 December 2013. 64 replies were received by the closing date, with a further 25 replies received thereafter in the consultation mailbox. The Department decided to analyse all responses, including those received beyond the stated closing date. The consultation sought views on: whether an LRO is appropriate for making reforms to entertainment licensing; whether the pre-conditions in section 3(2) of the LRRRA were met; and whether there was agreement with the recommended Parliamentary scrutiny procedure.
- 2.2 A list of those who responded is in the **Appendix**. This summary of responses document has been published on the gov.uk website, with the original consultation document.<sup>1</sup>

### Summary of the views of respondents

- 2.3 A breakdown of the consultation responses by type of respondent is below:

Breakdown of responses by type of respondent						
Local authority	Entertainment/ Arts/Music organisation	Community Group	Residents' Association/ Group	Children/ Youth organisation	Individual	Other
23	13	3	6	7	27	10

- 2.4 Although the majority of questions sought qualitative comments rather than asking whether respondents agreed or disagreed, a breakdown has been produced from analysing consultation responses.

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<sup>1</sup> <https://www.gov.uk/government/consultations/legislative-reform-order-changes-to-entertainment-licensing>

<b>Analysed breakdown of consultation responses in terms of level of overall support for an LRO</b>			
<b>Supportive</b>	<b>Qualified support</b>	<b>Opposed</b>	<b>Undetermined</b>
47	20	17	5
53%	22%	19%	6%

## Summary of comments submitted

2.5 The following points were typical of those who supported the reforms:

- Make it easier to put on lower risk entertainment without the need for bureaucratic licence administration
- Local authorities, health care providers and schools can be expected to act responsibly without being licensed
- Make it easier for local authorities to hold events that bring communities together and are a vital part of the visitor economy
- Make it easier for 'friends' of hospitals to organise fund-raising or social entertainment activities on hospital premises
- Make it easier for schools to organise creative and cultural events that benefit pupils and the local community
- Make it easier for Parent Teacher Associations (PTAs) to organise entertainment activity in support of schools
- Licensing not required for lower risk events, taking into account that other legislation protects the public
- Will encourage talent through fostering grassroots music, with knock-on benefits for the music industry as a creative industries sector
- Will benefit hospitality and tourism businesses that wish to create new revenue streams through offering music entertainment
- Circuses, as family orientated entertainment, should not be subject to the licensing regime

2.6 The following points were typical of those who were against the reforms:

- The public will not be sufficiently protected from noise nuisance, particularly outdoors
- Residents would no longer be able to make representations to the licensing authority on licence conditions where there is no premises licence
- Environmental Health Officers are not able to effectively control noise from music events
- Deregulation will lead to a greater resource burden on local authorities due to noise complaints and having to conduct more licence reviews
- Disorder, anti-social behaviour and noise nuisance are associated with providing recorded music
- Community premises are not necessarily lower risk in terms of music entertainment

## **Pre-conditions of a Legislative Reform Order**

- 2.7 The consultation paper asked six questions on whether the proposal satisfied the preconditions for a Legislative Reform Order. On average 37% of respondents answered these questions, and of those, 67% agreed with the Government's assessment and 33% disagreed.

## **Parliamentary procedure**

- 2.8 The consultation paper asked whether the affirmative resolution procedure should apply to Parliamentary scrutiny of the proposal. There were 31 responses to this question (35 per cent of the total numbers of responders) of which 21 (68% agreed) and 10 (32%) disagreed.



# Chapter 3: Consultation response

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## Details of responses received

3.1 Questions 1-12 sought views on the individual component parts of the LRO proposal.

**Q1. Do you have any comments on how this LRO deregulatory measure will work for local authorities?**

3.2 Most respondents offered supportive comments or indicated that they were content that the LRO should include a measure to remove the requirement for a licence for any entertainment activity organised by, or on behalf of, a local authority body. This was on the basis that such activities were unlikely to cause issues and such events were lower risk in terms of the licensing objectives.

3.3 Local authority respondents noted that it would remove from the licensing regime those council premises which only carry out regulated entertainment between 08:00-23:00. It was felt that an exemption would make it easier for local authorities to make their premises available at lower cost to the communities they serve, and without the need for bureaucratic licence administration that was costly and time consuming. They considered that events organised by, or on behalf, of a local authority would still be responsibly and safely organised without the requirement for a premises licence. It was argued that authorities would be able to exercise control over events organised “on their behalf” that would minimise any potential issues for low risk events. It was noted that some local authorities were licensing authorities and so would be well aware of their legal responsibilities under relevant legislation, as well as being directly and democratically accountable to the local community.

3.4 The Local Government Association (LGA) considered that the proposal offered a sensible way forward and should be introduced. They commented that proportionate steps for low-risk forms of entertainment made it easier for local authorities to organise and hold events that brought communities together. They noted that such events formed a fundamental part of the visitor economy.

3.5 A number of other respondents noted that deregulation was on the presumption that local authorities would be expected to act responsibly in not allowing the use of their premises (including outdoor spaces) for music activities that could lead to public nuisance. It was noted that many authorities had licensed outdoor spaces to facilitate events.

- 3.6 Some respondents were not in favour of the measure. They argued that premises licences remained appropriate for local authority events on local authority premises. They made reference to the ‘Register of Licensed Public Spaces’<sup>2</sup> that event organisers could use to find out if a space was already covered by a licence. Such respondents argued that the removal of the licensing requirement meant that there would be no licence conditions in relation to controlling noise and that this undermined the public nuisance licensing objective. They considered that it could lead to conflict between residents and local authorities in respect of noise from amplified music events, particularly from public open spaces. Those in favour of the measure commented that a local authority was highly likely to want to ensure that any event organised on their behalf conformed to statutory limits on noise output.
- 3.7 One respondent argued that entertainment events conducted by local authorities should not require a licence, but that local residents should have the ability to request a review of the situation with a view to licensing being re-imposed should it be determined that controls were required. Other respondents went further, suggesting that the measure would extinguish the rights of residents and businesses to object to local authority premises providing entertainment.
- 3.8 Some respondents considered that it would be important to define “on behalf of a local authority” to ensure there was consistency of approach and that an exemption without an audience cap was not abused for revenue generating purposes. It was noted that local authorities might own, or have interests in, what were essentially commercial venues that were in competition with private sector businesses.
- 3.9 There were concerns that higher risk events, such as pop concerts and music festivals with considerable audience capacities in large open spaces, might be construed as being held under the aegis of a local authority and so not require a licence. It was suggested that having no audience capacity restriction was anomalous in comparison to (a) the audience limit of 500 for entertainments included in The Licensing Act 2003 (Descriptions of Entertainment) (Amendment) Order 2013 (‘2013 Order’<sup>3</sup>) and (b) what was proposed in the LRO for live and recorded music in alcohol licensed and community premises. It was said that the Impact Assessment that accompanied the consultation made reference only to small low risk entertainment events being deregulated.
- 3.10 One respondent drew attention to the importance of each authority having a Safety Advisory Group (SAG) to advise persons ‘acting on behalf of’ the authority to safely organise an event. They considered that without a SAG in place, responsible authorities such as the Police and the Fire Service might have no opportunity to scrutinise proposed local authority events.

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<sup>2</sup> <https://www.gov.uk/government/publications/licensed-spaces-register>

<sup>3</sup> <http://www.legislation.gov.uk/ukdsi/2013/9780111538609/contents>

- 3.11 One respondent drew attention to the list of bodies in paragraph 5.6.1 of the consultation and noted that some of the public bodies included were not directly and democratically accountable to the local community to a comparable degree to councils. They suggested that the London Legacy Development Corporation should not be included in the exemption.
- Q2. Do you have any comments on how this LRO deregulatory measure will work for hospitals?**
- 3.12 Most respondents offered supportive comments or indicated that they were content for the LRO to include a measure that removed the requirement for a licence for any entertainment activity organised by, or on behalf of, a health care organisation on their own hospital premises. This was on the basis that entertainment on such premises did not cause issues and any such events were lower risk in terms of the licensing objectives.
- 3.13 A number of respondents considered that removing the requirement for Temporary Event Notices (TENS) would ease the administrative burden on health care providers. It was felt that an exemption could make it easier for 'friends' of a particular hospital to organise fund-raising or social entertainment activities on hospital premises in support of the work of that hospital. Other respondents commented that they had no evidence that present regulation was burdensome for the health care sector.
- 3.14 Some respondents noted that health care providers have hierarchical management structures and are subject to regulatory regimes that ensure care of people. Those that supported the exemption considered that health care providers would use the licensing exemption responsibly and in a similar fashion to local authorities, without detriment to the licensing objectives.
- 3.15 Two respondents commented on the role that music can play in the rehabilitation of health and how licensing deregulation could reinforce the use of music interaction as a therapeutic practice.
- 3.16 As with local authorities, a number of respondents noted that deregulation was on the presumption that health care providers could be expected to act responsibly in not allowing the use of hospital premises (including outdoor spaces) for music activities that could lead to public nuisance. However, there was some concern that responsible persons within health care providers might not be sufficiently aware of public nuisance issues.
- 3.17 Some respondents were not in favour of the measure and considered it to be unnecessary as few hospital premises had the capacity for larger entertainment events. They were concerned that music events could be a noise nuisance for nearby residents and argued that it was unclear how patients would be protected from amplified noise.
- 3.18 One respondent commented that health care providers were unlikely to want to put on all the entertainment activities that were being deregulated (e.g. indoor sporting events).

**Q3. Do you have any comments on how this LRO deregulatory measure will work for schools?**

- 3.19 Most respondents offered supportive comments or indicated that they were content for the LRO to include a measure to remove the requirement for a licence for any entertainment activity organised by, or on behalf of, the governing body of a school on school premises. This was on the basis that such entertainment did not cause issues and such events were lower risk in terms of the licensing objectives.
- 3.20 Those that supported the measure noted that it would remove from licensing those school premises that only carried out entertainment events and were not licensed for alcohol purposes. The reduced bureaucracy would give schools more opportunities to showcase pupils' work and undertake creative and cultural events that would benefit pupils and the local community. Schools would also be able to organise events to raise funds, but without the need for costly and time-consuming licence administration. There was also a view that it would encourage more schools to perform live music and this was welcome as part of improving music education.
- 3.21 PTA-UK estimated that the exemption could provide an annual administrative saving of £500k across volunteer run Parent Teacher Associations (PTAs). It would also remove the risk of PTAs falling foul of current legislation and had the potential to increase the level of PTA entertainment activity in support of schools. PTA-UK considered that it would be important to define "on behalf of" to ensure that it included PTA-organised entertainment events where the school was less directly involved. They considered that linking the exemption to the consent of the school to the event would demonstrate that PTAs, as separate legal entities, were acting on behalf of the school.
- 3.22 Some respondents made reference to the 'protection of children' licensing objective and one respondent considered that schools would need to ensure that they had a policy in place regarding screening age-restricted films.
- 3.23 One respondent argued that colleges of further education should be included in the exemption where they were partially funded and supervised by the Skills Funding Agency. Another respondent had concerns about the inclusion of 16-19 Academies in relation to use of alcohol, given the age dynamic of the academies (e.g. pre-loading, or alcohol being brought by individuals to an event).
- 3.24 A number of respondents were not in favour of the measure. They argued that premises licences remained appropriate and that without a licence requirement, there would be no licence conditions in relation to controlling noise. As schools were often located in residential areas, there was the potential for conflict with local residents regarding unwanted noise from amplified music. There was concern about events at independent schools that were not subject to local authority control, and particularly school grounds being used for larger concerts. Other respondents argued that a school head teacher and its governing body were highly likely to want to ensure that any event organised on their behalf conformed to statutory limitations on noise output.

**Q4. Do you have any comments on how this LRO deregulatory measure will work for any person offering early years and day care provision?**

- 3.25 A number of respondents commented favourably, or indicated that they were content for the LRO to include a measure to remove the requirement for a licence for any entertainment activity organised as part of nursery provision. This was on the basis that such activities did not cause wider issues and such events were lower risk in terms of the licensing objectives.
- 3.26 Those that supported the measure noted that it would categorically remove from the licensing regime: private and voluntary nurseries; pre-schools; and children's centres that provided entertainment to children and sometimes parents. It was suggested that it might give nursery providers greater opportunity to undertake creative and cultural events to benefit children and to fund-raise without the need for costly and time-consuming licence administration.
- 3.27 However, a number of respondents, while supporting the policy intention, had concerns about the clarity and workability of such a measure. While welcoming the measure, the Professional Association for Childcare & Early Years (PACEY) was concerned about a lack of clarity on whether entertainment provided as part of childcare provision on domestic premises (child minders, and home child carers such as nannies) could still technically require a licence if it was not solely educational and/or non-residents were also present in the home. They suggested that the Government needed to clarify unequivocally the policy in respect of all childcare settings where entertainment may be provided as part of childcare. Other respondents were concerned about the exclusion from the exemption of non-registered providers, such as school holiday provision, play groups, 'cylchoedd meithrin' (Welsh medium play groups) and out of school childcare clubs that in some cases were excluded from registration because of the duration of the care they provided.
- 3.28 Some respondents considered applying the exemption to 11pm was inappropriate, given that childcare was carried out during the day, and suggestions were made as to a more appropriate terminal hour. There were also views that specific types of entertainment could not, in any circumstances, be appropriate for an early years/day care setting.

**Q5. Do you agree that all local authorities and every hospital, school and nursery provider specified above, regardless of size, resources and capability should be included in these exemptions? If not, which bodies would you exclude from these exemptions and why?**

- 3.29 Of those respondents that directly answered the question, more agreed with the statement made than disagreed. Those in favour of the exemptions felt that the requirements of other legislation, such as the Environmental Protection Act 1990 and the Licensing Act 2003 in relation to alcohol, offered sufficient protections for the public. One respondent commented that a licensing exemption must not be viewed as removing the need to undertake health and safety risk assessments.

- 3.30 Some respondents were not in favour of any of the exemptions on the basis that an entertainment licence should always be required to help prevent public nuisance. It was suggested that the proposals would remove the rights of residents and businesses introduced by the 2003 Act and other legislation such as the Localism Act 2011 and the right to respect for private and family life pursuant to the Human Rights Act 1998. There was concern that public sector premises were being treated differently from commercial entertainment premises in terms of licensing, and it was queried whether this was appropriate.
- 3.31 One local authority was of the view that, as the licensing authority, it had to set an example in the responsible operation and management of events and that as a consequence it would wish to see larger events on local authority land continue to require a licence. Another local authority was concerned about the inclusion of parish council premises in highly residential areas leading to noise nuisance complaints. There were also comments that only the licensing system could proactively ensure that a premises/event was safe for the public to attend, as other legislation often assumed compliance, and was reactive with sanctions applying retrospectively when things had gone wrong. It was argued that licensing provided a level of early warning that premises were to be used for entertainment (and how regularly), and there could then be intervention to check that fire safety and health and safety risk assessments were in place.
- Q6. Are you aware of any local authority body, hospital, school, (including children's residential provision) or nursery provider that, in terms of the licensing objectives, ought to be included in these cross-activity exemptions and currently would not be?**
- 3.32 Most respondents offered no comments in response to this question.
- 3.33 Some suggested that all childcare providers and childcare groups, including those that were unable to register with the childcare regulatory body because they operate for less than 2 hours daily (e.g. a breakfast club), should be included in the nursery exemption (see question 4) as they posed little risk to the licensing objectives. It was argued that they should be included as they were not necessarily covered by any other measure in the LRO or an existing licensing exemption.
- 3.34 There was also some support for including colleges of further education under the exemption for schools and sixth form colleges (see question 3) on the basis that, as organisations, they were very much 'trusted civil society organisations'.
- 3.35 One respondent, while noting that 5% of village halls were owned and managed by Parish Councils, expressed disappointment that 'village halls' as a category were not covered by an explicit exemption. They argued that they were similarly publicly accountable under charity law.

### Government Response to Questions 1-6

- 3.36. The Government agrees with most respondents that an LRO is suitable and workable for a deregulatory measure for local authorities, health care providers and schools. The Government believes that local authorities, health care providers and school proprietors can be trusted to be responsible for entertainment that takes place on their own premises. The Government does not agree with a minority of respondees that the risk to the licensing objectives from any noise associated with music entertainment is such that licensing should not be reformed. The Environmental Protection Act 1990 provides for redress for noise nuisance should incidents occur.
- 3.37. Details of changes made to the measure, post-consultation, are set out in the Explanatory Document that accompanies the LRO (chapters 3 and 11). These include: a fuller explanation of “on behalf of”; the removal of some bodies from the original definition of ‘local government ’; and a decision not to proceed with an LRO measure for nurseries (early years and day care provision) on the basis that, post-consultation, it is deemed no longer desirable or necessary.
- 3.38 The Government considers that an audience limit is not required for this exemption in terms of the risk to the licensing objectives. The Government considers that local authorities, health care providers and school proprietors should have greater freedom to manage their own affairs with regard to the provision of entertainment. The Government does not start from the position that entertainment provided by such providers always requires regulation and control through licensing.
- 3.39. The Government considers that the exemption will strike the right balance between removing unnecessary licensing burdens that hamper community creativity and protecting the rights of individual citizens.
- Q7. Do you have any comments on how this LRO deregulatory measure will work for live music, taking into account experience since the Live Music Act 2012 came into force?**
- 3.40 Most respondents offered supportive comments or indicated that they were content for the LRO to raise the audience ceiling to 500 for permitted live music performance, from the current level of 200. This was on the basis of musicians having more opportunities to perform in front of larger audiences.

- 3.41 Those that supported the measure thought that it would have both cultural and economic benefits. It was suggested that it would improve the quality of night-time entertainment by broadening the number of venues that musicians could work in. It was noted that the pub and bar circuit remained the breeding ground for musicians to hone their craft and that the music success stories of tomorrow – who would help maintain the UK's global position as an exporter of music content – needed all the opportunities they could get. Some respondents made reference to established UK acts that had begun their careers playing in back rooms of pubs. It was suggested that the LRO would help this grass-roots tradition flourish once again. It was argued that the greater the number of venues available and the larger the audiences, the better the opportunities for aspiring musicians. It was noted that a 500 audience threshold was in line with that applying to other forms of entertainment following the 2013 Order.
- 3.42 It was suggested that the measure could encourage more tourism and hospitality businesses, such as hotels, to offer live music, creating important new revenue streams. It was noted that the pub sector was an industry made up of small businesses, many of them independently owned/managed with low net profit margins of around 4%. Business representatives commented that pubs faced higher than average compliance costs and increasing levels of red tape. They suggested that any legislation that made it easier for live music to take place would benefit the economy and small businesses that relied on leisure and tourism spend.
- 3.43 The 'Rocktober Report'<sup>4</sup> was cited as evidence that the implementation of the Live Music Act 2012 (LMA)<sup>5</sup> was working as intended and that live music provision was starting to benefit, albeit that the 200 audience limit was preventing greater impact. While it was difficult to quantify precisely the impact of the LMA, it was suggested that the 29% loss in music venues reported by the Live Music Forum in 2010/11 was now being recovered. The ALMR Annual Benchmarking Report 2013 was also cited as showing increased expenditure by pub operators of all sizes and trading styles on music entertainment. As a percentage of turnover, expenditure on music entertainment had increased by 42% since the introduction of the LMA, from 3.8% of turnover to 5.4%. It was noted that while PRS and PPL music fees had increased over the same period, these had been broadly in line with inflation and the upturn in music entertainment expenditure was likely to have been significantly influenced by the increased ease of hosting live music events. It was also reported that PRS for Music had found that, on average, music venues took £306 more in drink sales on a day when they staged live music.

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<sup>4</sup> [http://www.ukmusic.org/assets/general/UKMUSIC - The Rocktober Report.pdf](http://www.ukmusic.org/assets/general/UKMUSIC_-_The_Rocktober_Report.pdf)

<sup>5</sup> <http://www.legislation.gov.uk/ukpga/2012/2/contents/enacted>



- 3.44 One respondent suggested that it was too soon after implementation to accurately assess the impact of the LMA and that the LRO measure should be deferred to allow evidence of the impact to be gathered. They noted that the IA made reference to a Post Implementation Review (PIR) taking place 3 to 5 years after implementation and yet experience of the Live Music Act was being considered as evidence within months of implementation.<sup>6</sup>
- 3.45 The issue of perceived, potential or actual noise nuisance was commented on by many respondents. There was a reasonably broad consensus that unamplified live music, without the use of backing tracks, was not problematic in terms of noise. A number of respondents considered that the audience limit should remain at 200 as the proposed increase to 500 was not compatible with the third licensing objective – the prevention of public nuisance. It was suggested that residents would be affected by noise nuisance at times when they were entitled to expect peace and quiet in their homes. It was argued that residents would be denied the right (as was currently the case following the LMA) to object to larger live music events in workplaces that were not licensed for alcohol. One respondent commented that ‘workplace’ had a very broad definition that was open to interpretation and hence abuse. Another said that, unlike alcohol on-licensed premises, a licensing authority was unable to put in place a licensing remedy for a workplace.
- 3.46 It was uncertain from some responses whether they had appreciated that for premises authorised to sell alcohol (excluding local authority, hospital and school premises), the licensing authority would have the power to impose conditions about live music after calling in the licence for review; and where that power was exercised, performances of live music would become licensable once again. One local authority said that, on balance, they were not against the proposal because of this opportunity to review premises licences or club premises certificates and add conditions, where necessary, in relation to noise and restricting provision of live music. Another broadly concurred, but was concerned about the potential increase in the number of licence reviews and the increased costs that might arise.
- 3.47 Those in favour of the measure considered that existing legislation was more than sufficient to ensure that the licensing objectives were not adversely affected. They cited the Environmental Protection Act 1990, the Anti-social Behaviour Act 2003, the Noise Act 1996 and the Criminal Justice and Public Order Act 1994 as offering protections for the public. It was suggested that recent statistics on licence reviews and enforcement gave no cause for concern, and that the perceived risks that had been highlighted prior to the LMA being passed by Parliament had not materialised. The Live Music Forum’s investigations into actual noise complaints had showed that an estimated 90% of complaints related to music from domestic premises, rather than performances of live music. It was suggested that this meant there was unlikely to be a significant rise in the number of noise complaints as a result of a higher audience limit of 500.

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<sup>6</sup> A PIR for the Live Music Act 2012 has been published alongside this summary of responses and the Explanatory Document to the LRO.

- 3.48 Those who voiced views against the measure suggested that Environmental Health Officers (EHOs) were not able to control noise nuisance from music events effectively, compared with noise emanating from domestic property. This was because the sanction, where a statutory noise nuisance was witnessed, was to serve a time-limited formal order to prevent the noise happening again. They argued that this time-limiting factor meant that compared to music emanating from domestic property, a music event was less likely upon further checks to be found to have breached an Order, because music events were of a lesser frequency. By contrast, the licensing regime provided for an approach, built on compromise, that could bring about a less bureaucratic and ultimately more effective approach to conflict between parties on noise. There were also concerns around resources available to EHOs to assess noise nuisance outside of normal business hours.
- 3.49 Some respondents were particularly concerned that the noise impact of outdoor events on alcohol licensed premises could not so easily be managed. It was noted that there was potential for noise nuisance from beer gardens that did not come under the premises licence, but which would benefit from the exemption for unlicensed 'workplaces' with an audience limit of 500. One respondent suggested that increasing the audience limit to 500 was too large an increase and that it should instead be incremental; 300 was suggested as the next step. A concern was also expressed about premises having adequate arrangements for crowd management.
- 3.50 A number of respondents were uncertain what impact the measure would have in the longer term. They argued that premises that caused problems before the LMA was enacted still did, and that for the majority of venues that held a premises licence to sell alcohol, there would be little deregulatory gain. However, others commented that there would be deregulatory gain because premises licences did not always authorise music entertainment and there was only a finite number of TENs that could be used each year for music events. But there was also a view that applying for a TEN was not particularly onerous, and that it performed the important public function of notifying relevant persons that an event was going to take place.
- 3.51 There was also an argument that the increase to 500 was unlikely to benefit as many premises as might be expected, as capacity limits were derived from fire and health and safety requirements. Capacity limits was also cited as a reason for introducing the measure, as the audience ceiling could be considerably less than the venue capacity. There was also a view that many music events were unlikely to finish before 11pm and so would still require a licence or a TEN. One local authority commented that it had not seen a dramatic increase in noise complaints since the introduction of the LMA. However, anecdotal evidence suggested that the provisions of the LMA were largely unknown by licence holders and therefore take up appeared to be relatively low. It was also suggested that residents could be tolerating noise and disturbance because of the 200 audience ceiling and the 23:00 cut off time; but that 500 would raise the risk of an increase in noise complaints. One respondent commented that the present economic conditions made assessing the likely longer term impact of the measure difficult and another wanted to reserve judgement until there had been a long hot summer.

**Q8 Do you have any comments on how this LRO deregulatory measure will work for recorded music in on-licensed premises?**

- 3.52 There was a very mixed set of responses to this question on whether the LRO should include an exemption for the playing of recorded music between 08:00-23:00 before audiences of no more than 500 on premises used for the supply of alcohol. The proposed exemption is conditional, with the playing of recorded music requiring a licence once again when a licensing authority exercises its power to impose conditions regarding recorded music following a review of a premises licence or a club premises certificate.
- 3.53 Those that supported the measure agreed that there was a read-across from the LMA to having a deregulatory measure for recorded music that would include discos and DJ events (where a performance of live music and the playing of recorded music often met). They considered that it would benefit pubs, clubs and bars that provide a vibrant network of small venues for upcoming musicians – not just traditional live music acts, but also more modern DJ and other performers that switch between performing live music and playing recorded music. It would also deliver benefits for community events (e.g. record clubs). It was suggested that treating recorded music similarly to live music would benefit activities such as karaoke, which has been subject to different interpretations as to whether it was a live or recorded music activity. It was also noted that a 500 audience threshold was in line with the treatment for other forms of regulated entertainment that had been subject to deregulation by the 2013 Order.
- 3.54 A number of respondents supported the measure on the basis that it applied just to alcohol on-licensed premises, with a licence review mechanism in place whereby licence conditions could be re-instated were noise nuisance issues to arise. It was suggested that the licence review procedure would (as was the case with live music) act as a powerful incentive for premises to comply with good practice in relation to putting on recorded music entertainment. Some respondents noted the risk to the licensing objectives of unlicensed or unregulated events outside of alcohol licensed premises due to the relatively low cost and portability of equipment to produce recorded music. One respondent commented favourably that the exclusion of ‘workplaces’ dealt with their concern that unoccupied commercial buildings might be used legitimately for parties (or ‘raves’).
- 3.55 The Association of Chief Police Officers (ACPO) considered that the number of events involving the playing of recorded music was likely to increase and that many licensed premises were already financially reliant on the playing of recorded music and associated dancing facilities. They were of the view that the majority of problems occurred in premises providing recorded music. In comparison, UK Music believed that as a general principle, music, whether recorded or live, should not be a regulated activity. They argued that there were likely to be more incidents of anti-social behaviour in pubs in connection to the showing of a football match than from what was playing on the jukebox.

- 3.56 The issue of perceived, potential or actual noise nuisance and anti-social behaviour was commented on by a number of respondents. There were concerns that the measure was likely to increase the number of noise complaints to local authority environmental health departments as compared to live music, it was relatively inexpensive to put on and that take up by premises was likely to increase. One respondent said that low bass note 'noise' was more penetrating, disturbing and of longer duration and so more likely to generate a noise complaint. Another commented that any licence review process could add to service delivery costs for local authorities in view of the requirement to serve papers, hold hearings, and deal with possible subsequent litigation. Another thought the review process was bureaucratic and would effectively undermine the deregulatory intent of the measure. While another respondent commented that the beneficial impact for businesses could be overridden by the introduction of compensatory licence conditions stipulating that security staff were employed.
- 3.57 A couple of respondents, while not opposing the measure in principle, felt that the audience ceiling should be set at 200 at this time, as 500 for recorded music posed a greater risk of licence reviews due to noise escape than would be the case for live music venues of a similar scale. Another had concerns that the relaxation might lead to more dance environments and a greater potential for incidents to arise.
- 3.58 Those who voiced views against the measure tended to reiterate the points they had made in response to question 7 regarding the increased risk of noise nuisance. It was suggested that residents were already experiencing recurrent problems with amplified recorded music from alcohol licensed premises, both indoors and outdoors, and that the measure would lead to a greater conflict of interests between bar/pub/club owners and residents in their vicinity. There was concern that the 11pm cut-off time took no account of the day of the week. It was suggested that the playing of recorded music outdoors at 'conversation level' could still be a noise irritant for neighbouring properties, as customers then had to talk louder. It was suggested that, as a minimum, the measure should not be introduced for recorded music played outdoors because of the noise nuisance that would result.
- 3.59 One local authority noted that they sought to bring the Notting Hill Carnival to an end between 7 and 8pm on both days in order to reduce crowd numbers and the risk of harm and crime. They suggested that the measure could result in recorded music being provided in licensed premises within the Carnival footprint, which might hinder efforts to reduce those crowd numbers. There was comment that this could lead to 'carnival specific' conditions being placed on licences for problematic premises.
- 3.60 Some respondents commented on the importance of ensuring that, in communicating the deregulation for on-licensed premises, those benefiting from the exemption were reminded of the need to have a PPL (Phonographic Performance Ltd) licence to play copyright protected recorded music. Some others commented that music copyright licensing administered by PRS and PPL arguably had a bigger impact on the ability of small and micro businesses to provide music to develop their business than the regulatory burden of entertainment licensing. One respondent suggested that both entertainment and copyright licensing restrictions should be removed for all venues with a capacity of less than 100.

**Q9 Do you have any views on whether or not there should be an LRO deregulatory measure for live and recorded music on nursery premises?**

- 3.61 Of those respondents that commented on this question, most were not in favour of nursery premises being hired out for music entertainment by any party without a licence authorisation being required.
- 3.62 Those that were against the inclusion of such a measure in the LRO argued that nursery premises were for the primary benefit of young children, and deregulation should not be extended to their 'hiring out' by third parties for music entertainment events. It was suggested that this would be a deregulatory step too far and that nursery premises should be treated in the same manner as any other premises when not in use for their primary function. One respondent commented that nursery management with no experience of third party events could be faced with alcohol being brought on site with risk to the licensing objectives. Another commented that nursery premises could be totally unsuitable for more commercialised events and that the safety of infants and children could be impaired. It was also noted that nurseries were often in residential areas and that the buildings may not have sufficient sound proofing to protect residents from noise nuisance.
- 3.63 Some respondents commented that under measures elsewhere in the LRO, local authority and community premises that were used as nursery premises could be hired out for fund-raising purposes between 08:00-23:00 before audiences of no more than 500 people, where the relevant operator of those premises gave its permission.
- 3.64 Those that were in favour of the inclusion of such a measure argued that early years and day care providers in purpose-built or renovated premises should be allowed to hire out their premises for music entertainment without a licence authorisation. It was argued that this would put such providers on an equal footing, in terms of being able to fund raise and generate income, with those that operated school or community premises. It was suggested that financial sustainability was an issue for all types of childcare provider – e.g. charities, private sector providers and volunteer-led committees. One respondent suggested that private sector providers that operate multiple larger nursery premises should be excluded from any such measure.
- 3.65 One respondent suggested that deregulation should instead focus on nurseries being exempt from copyright licensing costs for the use of music (and film) for education purposes in the curriculum, as was the case for schools under the Copyright, Designs and Patents Act 1988.

**Q10 Do you have any comments on how this LRO deregulatory measure will work for live and recorded music on local authority, hospital, school, or community premises?**

Local authority, hospital and school premises

- 3.66 Most respondents offered supportive comments or indicated that they were content for the LRO to include a measure in respect of performances of live music and the playing of recorded music on local authority, hospital or school premises. This measure related to the 'hiring out' of premises for music entertainment between 08:00-23:00 before audiences of no more than 500 people and with the permission of those in control of the premises.
- 3.67 Those that supported other measures for live and recorded music (Q7 & Q8) or the cross-exemptions (Q1-Q3) tended also to favour the inclusion of this measure. Those who were against the measure suggested that music events on hospital premises were particularly inappropriate, as hospital residents had an expectation of peace and quiet that was consistent with the licensing objectives.
- 3.68 Those in favour commented that music entertainment did not pose a significant risk to the licensing objectives, as any event would always have to be agreed to by the local authority, health care provider or school concerned. They argued that the benefits of freeing up entertainment from regulation outweighed any risks. It was suggested that such premises were operated by responsible persons who could be trusted to ensure that any events provided on their grounds were well organised and did not cause problems for the Police or for neighbours. One respondent commented that these organisations would need to take due diligence steps to ensure that the hirer had the necessary knowledge, experience and qualifications to put on music events for up to 500 people.
- 3.69 One respondent queried whether there was evidence of under-provision of premises for music entertainment, or whether the measure was justified in terms of better enabling income generation from events up to the audience capacity limit.

Community premises

- 3.70 A higher proportion of respondents to this question focussed their comments on music entertainment in community premises. The comments received were very mixed. Those that supported the measure considered that it would encourage a greater number of live and recorded music activities with cultural benefits and opportunities for fundraising. It was argued that it would assist multi-functional community buildings in rural areas to be financially sustainable.

- 3.71 Some respondents, while appreciating that the measure could benefit rural communities, remained concerned about potential nuisance for residents linked to amplified music events. There was an acceptance that many music events were low-risk and the proposal was inherently reasonable. However, based on experience, there was a level of concern that not all third party events were lower risk. It was considered that there was potential for serious noise and disorder problems where the nature of the music (and the audience attracted) led to conflict with people living nearby. It was suggested that there was a risk of a hirer running a 'rave' type event, via a social networking 'bring your own alcohol' invitation. One respondent suggested that the measure should be restricted to instances where the owner/operator of the premises was responsible for the provision of the music. Another commented that the measure would need to be monitored and reviewed, while a third thought that more guidance was needed on safe capacities. One respondent went further, suggesting that operators of community premises did not exercise sufficient control over, or vetting of, who they rented their premises out to, and this lack of management control led to public disorder and anti-social behaviour. They concluded that this particular measure should not be in the LRO.
- 3.72 Some respondents were concerned that unlike alcohol licensed premises, licensing authorities would not have the ability to restrict provision of music were it to prove necessary. One respondent suggested that the TENs regime should remain in place as it gave the police and environment health some notice of an upcoming event. They saw no reason to remove the light touch TENs process.
- 3.73 Those respondents that were fundamentally against the inclusion of this measure in the LRO suggested that a greater number of music events was not necessarily desirable and that the case for removing community premises from the licensing regime had not been sufficiently made.

#### Government Response to Questions 7-10

- 3.74 The Government agrees with most respondents that an LRO is suitable and workable for the deregulation of music entertainment that is of lower risk to the licensing objectives. Where it takes place in pubs and clubs or other relevant alcohol licensed premises, the Government has ensured that the sanction of a licence review will apply to ensure that any instances of public nuisance or disorder can be tackled. The coming into force of the Live Music Act 2012 has not negatively impacted the licensing objectives and the Government considers that having an audience limit of not more than 500 people for music entertainment in relevant premises strikes the right balance between those who welcome it, and those who have concerns about noise nuisance. The Government wishes to encourage small-scale local music performances in community premises that are not licensed for the supply of alcohol – to help promote community interaction and expression and keep community premises viable. The Government considers that such premises that only provide regulated entertainment are low risk in relation to the licensing objectives.

- 3.75 The Government does not agree with respondees that the risk to the licensing objectives from any noise associated with music entertainment is such that licensing of music should not be further reformed. The Environmental Protection Act 1990 provides for redress for noise nuisance should incidents occur at workplaces or community premises that are not licensed for the supply of alcohol. Where the premises are licensed for the supply of alcohol, then licensing conditions can be re-imposed by the licensing authority following a review of a premises licence or club premises certificate for that relevant alcohol licensed premises. The Impact Assessment sets out that that the monetised benefits of deregulation will more than offset the “worst case” cost estimate to local authorities in relation to potential noise complaints and service delivery costs, meaning that local authorities will not be subject to new burdens.
- 3.76. Details of changes made to the measures for music entertainment, post-consultation, are set out in the Explanatory Document that accompanies the LRO (chapters 4-7 and 11). These include: adding a condition that those who would like to provide music entertainment in community premises need to obtain permission from those responsible for the community premises; and a decision not to include a specific LRO measure to exempt both live and recorded music events on any childcare premises.
- 3.77 The Government agrees that is important that performers are aware that entertainment licensing does not relate to copyright and a separate licence may be required to ensure that any performance of live music or playing of recorded music is compliant with the Copyright, Designs and Patents Act 1988.
- Q11 Do you have any comments on how this LRO deregulatory measure will work for circuses?**
- 3.78 Most respondents who answered this question supported the inclusion of a measure for tented circuses that would remove the licensing requirement for the performance of a play, an indoor sporting event, a performance of live music, the playing of recorded music, and a performance of dance between 08:00-23:00hrs, with no audience restriction.
- 3.79 Those that supported the measure considered that travelling circuses, as family orientated entertainment, had been unreasonably caught by the licensing regime as a result of the 2003 Act. They noted that circuses were subject to other legislation and that the siting of circus tents at a distance from residential housing meant that entertainment did not create noise nuisance. Some respondents commented that it would ease the administrative burden for both local authorities and circuses by clarifying treatment under the 2003 Act and in so doing would introduce greater consistency across the country.
- 3.80 A minority of respondents did not support the measure, arguing that many circuses could already benefit from the 2013 Order. There were concerns that a lack of an audience limit had the potential to cause noise nuisance. It was suggested that circuses should continue to be required to submit TENs so that relevant authorities knew about events in advance. It was also argued that TENs were not an unreasonable burden, as there tended to be more than one person concerned in the management of a circus and so each such person could submit five TENs a year.



- 3.81 A number of respondents commented that the measure should apply only to traditional travelling circus shows and not simply to any tented performance. One respondent said that the measure would need to make clear whether modern avant-garde circuses that tended to include more music content were, or were not, included in the measure.

#### Government response to Question 11

- 3.82 The Government agrees with most respondents that an LRO is suitable and workable for the deregulation of certain entertainment activities as part of circus. Post – consultation, we have clarified in the Explanatory Document to the LRO that deregulation will only apply to travelling circuses where relevant entertainment takes place within a moveable structure.

#### **Q12 Do you have any comments on how this LRO deregulatory measure will work for Greco-Roman and freestyle Wrestling?**

- 3.83 Most respondents were supportive or had no issues with the inclusion of this measure to exempt from licensing the traditional Olympic sports of Greco-Roman and freestyle wrestling between the hours of 08:00-23:00. They commented that the measure was unlikely to lead to impacts that were detrimental to the licensing objectives. One respondent said that the definition of the sports should leave no room for ambiguity to avoid issues with regulation of other forms of wrestling.
- 3.84 Some respondents queried why the measure did not include Cornish wrestling or ‘north country’ wrestling disciplines recognised by British Wrestling. One respondent commented that having no audience limit for indoor wrestling was not consistent with the deregulatory treatment of ‘indoor sports’ by the 2013 Order, where the audience size limit was 1000.

#### Government response to Question 12

- 3.85 The Government agrees that an LRO is suitable and workable for the deregulation of Greco-Roman and freestyle Wrestling. Post-consultation, the measure has been amended to include an audience size limit of 1,000 people. The Government considers that Cornish or Cumbrian wrestling entertainments cannot with the same certainty be considered to be lower risk entertainment with respect to the licensing objectives.

#### **The mechanism of the Legislative Reform Order**

- 3.86 Questions 13-16 sought views on the suitability of a LRO in relation to the pre-conditions of Section 3 of the LRA.

#### **Q13 On non-legislative solutions, do you agree with our assessment in this regard?**

- 3.87 The majority of respondents agreed with the Government’s assessment on non-legislative solutions and that the powers of the 2003 Act were not broad enough to allow deregulation by non-legislative means. One respondent commented that an LRO was necessary to address the definitional constraints of the 2003 Act.

- 3.88 Several respondents provided partial support for the Government's assessment. One suggested that an LRO was suitable as a short term measure, but that in view of the number of amendments and Statutory Instruments since implementation of the 2003 Act, there should in time be a new Act of Parliament, as changes led to confusion regarding the legislation in force. Another suggested that primary legislation was required, due to the direct impact on people's lives and the implications for the operation of schools, hospitals and local authorities. A third emphasised the need for greater clarity in statutory guidance, due to inconsistencies in how local authorities interpret licensing.
- 3.89 Some respondents argued that the licensing regime was not a significant burden for the entertainment industry, highlighting the number of venues that held a premises licence, and that the needs of residents and the community needed to be taken into account. They argued that the 2003 Act needed to provide residents with protection from amplified live or recorded music and that the claimed deregulatory saving of £16.8m over 10 years was very small within a wider context.

**Q14 On proportionality, do you agree with our assessment in this regard?**

- 3.90 Of those respondents that directly answered the question, more than half agreed with the Government's assessment on proportionality. It was argued that it would allow smaller businesses to provide a more diverse entertainment offering within a lighter touch regulatory framework, contributing to a vibrant and varied hospitality and arts sector. It was suggested that small events, festivals and cultural activities were worth up to £2 billion each year to the UK economy, making them desirable for local areas looking to support growth. However, some respondents queried whether small businesses and cultural organisations were truly being hindered by licensing regulation.
- 3.91 Some respondents considered that the LRO was going further than was necessary or was supported by evidence. It was argued that it was a substantial change to the 2003 Act and the financial, cultural and community benefits claimed had not been appropriately weighed against the potential for residents to be adversely impacted by music entertainment events right across the country. There was the suggestion that noise legislation did not provide an adequate solution for dealing with noise complaints from music entertainment events, and that reductions in local authority budgets were reducing the service and protection offered by EHOs outside of daytime hours. Furthermore, it was said that any licensing administration saving would potentially be offset by an increased workload for EHOs.
- 3.92 There was also a view that it was impossible to ignore the potential of alcohol misuse from events involving live or recorded music, as the combination of music and alcohol caused problems for communities. It was argued that timings and audience limits may be reasonable for one premises but not for another. One respondent emphasised the value of authorities being given notice of events to prepare resources and prevent issues arising.
- 3.93 One respondent was concerned that once the LRO was implemented, alcohol licensed premises might suffer 'unfair competition' from premises that no longer needed a licence.

**Q15 On fair balance, do you agree with our assessment in this regard?**

- 3.94 Of those respondents that directly answered the question, more than half agreed with the Government's assessment on fair balance. Those who agreed with the assessment made reference to the LMA as evidence that a partial deregulation or suspension of controls could be delivered without a corresponding increase in noise, nuisance or public order complaints. It was suggested that the licence review mechanism and the statutory regime to manage noise complaints were appropriate and available to local authorities, police and residents to deal with any music-related problems that occurred.
- 3.95 A minority of respondents argued that for amplified music, the LRO measures would be detrimental to a wider community of people and that current noise legislation was insufficient to address nuisance concerns. It was argued that without an effective enforcement regime against noise nuisance, the LRO could not be regarded as striking a fair balance.

**Q16 On necessary protection, do you agree with our assessment in this regard?**

- 3.96 Of those respondents that directly answered the question, more than half agreed with the Government's assessment on necessary protection. Those who did suggested that the proposals would have little or no adverse effect on the licensing objectives, particularly as licensing controls were merely suspended for music entertainment on alcohol licensed premises. In addition, enforcement and penalty safeguards still applied to licensable events, including those events which fail to comply with all of the conditions necessary for a particular exemption.
- 3.97 Many respondents accepted that other legislation provided necessary protection, although some suggested that only the licensing regime was fully focussed on prevention of public nuisance through maintaining necessary safeguards via licence conditions and a licensing regime. The LGA cautioned against a continuing emphasis on crowd size in pursuing deregulatory measures. They argued that it was important that public protection was not compromised and that councils and other bodies retained the ability to intervene where events posed a real risk or, for whatever reason, went wrong on the day. The LGA agreed that the activities proposed for inclusion in the LRO were covered by other safety protocols, but Government should be clear that the majority of such powers were retrospective and that serious issues might occur before they could be used. It was considered that for higher risk events, irrespective of the number of people involved, the licensing regime provided councils with the opportunity to work with event organisers, identify potential problems and minimise the risk of these occurring. Another respondent suggested that the 'beyond reasonable doubt' burden of proof in other legislation made enforcement more difficult than taking proactive protective action via the 2003 Act.
- 3.98 Those respondents that were not in favour of the LRO highlighted the threat of public nuisance from live and recorded music, particularly for premises in residential areas that were likely to lack sound attenuation measures and adequate sound proofing. It was suggested that excessively loud music before 11pm from commercially driven businesses was still likely to cause disturbance to residents.

**Q17 On rights and freedoms, do you agree with our assessment in this regard?**

3.99 There was strong agreement with the Government's assessment on rights and freedoms. The minority that disagreed highlighted concerns over promotion of the licensing objectives.

**Q18 On constitutional significance, do you agree with our assessment in this regard?**

3.100 89% of respondents agreed with the assessment on constitutional significance.

**Parliamentary procedure****Q19 Do you agree that the Affirmative Parliamentary procedure should apply to the scrutiny of these proposals?**

3.101 Question 19 sought views on the parliamentary procedure that the Minister should recommend.

3.102 Of those respondents that directly answered the question, more than half agreed that the Affirmative Parliamentary procedure should apply. Those that agreed cited the successful passage through Parliament of the LMA, albeit accepting that the LRO was more comprehensive in coverage than the LMA. A minority of respondents argued that the measures required careful consideration and a longer period of scrutiny. One considered that super-affirmative was appropriate because the Minister was obliged to have regard to any representations. Another commented that the measures were fundamental changes that were being slipped through on a short consultation and that an LRO abrogated the right of Parliament to rule on such fundamental changes.

**Government response to Questions 13-19**

3.103 The Government considers that the consultation response demonstrates that there is wide support for deregulation of certain entertainment activities in defined circumstances via a LRO, albeit with a significant minority of stakeholders opposed. As set out in the Explanatory Document, the Government considers that the LRO balances freedoms and risk in a precise and targeted manner that will bring proportionality back to entertainment licensing. The Government also considers that it strikes a fair balance between the wider public interest and potential impacts on individual citizens, particularly in relation to the provisions for live and recorded music. The Government is also convinced that key safeguards will continue to remain in place, as the LRO is only concerned with deregulating lower risk activities as borne out by consultation.

**Financial estimates****Q20 Do you have views on the expected impact as set out in the accompanying Impact Assessment?**

3.104 Question 20 on sought views on the impact of the LRO, as set out in the consultation-stage Impact Assessment.

- 3.105 A range of views were expressed in relation to the LRO and the supporting Impact Assessment (IA). Several respondents highlighted the opportunities that would be created for performers, communities, entertainment venues and pubs. It was suggested that the LRO measures would give smaller businesses and organisations more freedom and flexibility concerning entertainment provision, but without undue risk.
- 3.106 Other respondents claimed that any benefits were outweighed by risks and disadvantages. It was suggested that the IA did not take into account the additional financial burdens, notably the loss of licence fees to local authorities, costs of ensuring public safety and investigating noise complaints, and increased demands on Police and EHOs. It was argued that the financial savings claimed were not sufficient to justify the LRO.
- 3.107 It was also argued that the effects of the 2003 Act and the LMA were unknown, as there was no published data on the number of entertainment events taking place in the UK. Comments were also made about a lack of evidence to demonstrate that entertainment activities were not taking place due to the licensing regime.

#### Government response to Question 20

- 3.108 The Government has updated the Impact Assessment, post-consultation, in accordance with the Better Regulation Framework Manual.

## Chapter 4: Next steps

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- 4.1 Having held a detailed consultation and taken into account all views, the Government has decided to implement further reforms through an LRO.
- 4.2 This summary of responses has been included as an Annex to the Explanatory Document to the LRO that has been laid in Parliament. The Explanatory Document explains why the Minister considers it appropriate to use the order making powers in section 1 of the LRRA, and where revisions to the LRO have been made following this consultation.
- 4.3 All the responses to the consultation will be taken into account by Parliament in considering the LRO. The Parliamentary process for LROs was set out in Annex C of the consultation document, which explained how further views can be put to the Parliamentary Scrutiny Committees now that the LRO has been laid.

## Appendix

### Respondents to the consultation

#### Local authorities

Babergh and Mid Suffolk District Councils  
Bodmin Town Council  
Breage Parish Council  
Brighton and Hove Council  
Bristol City Council  
Broadland District Council  
Cannock Chase District Council  
Ceredigion County Council  
City of London  
Colchester Borough Council  
Cornwall Council  
Horsham District Council  
Ipswich Borough Council  
Liverpool City Council  
London Borough of Hackney  
London Borough of Newham  
Medway Council  
Northumberland County Council  
Powys County Council  
Royal Borough of Kensington and Chelsea  
Shepway District Council  
Stithians Parish Council  
Tendring District Council

#### Organisations

Association of Chief Police Officers  
Association of Licensed Multiple Retailers  
Association of School and College Leaders  
Association of Show and Agricultural Organisations  
Business in Sport and Leisure  
Clybiau Plant Cymru Kids' Clubs  
Concert Promoters Association  
Cornish Wrestling Association  
Equity  
Forest Children Centre  
Historic Houses Association  
Institute of Licensing  
Jazz Services  
Local Government Association  
Musicians' Union  
NALEO  
National Day Nurseries Association  
Palms Bude  
Phoenix Artist Club  
Play Wales

Professional Association for Childcare and Early Years  
PTA-UK  
Sports Grounds Safety Authority  
Superact  
The Agents' Association  
UK Music  
UnsignedFM  
Variety and Light Entertainment Council  
Wales Tourism Alliance  
Working Men's Club and Institute Union

**Residents'/community groups**

Action with Communities in Rural England (ACRE)  
Action in rural Sussex  
Federation of Bath Residents' Association  
Federation of Private Residents' Association  
Finchampstead Memorial Park Committee  
Frinton Residents' Association  
Loughton Residents Association  
National Organisation of Residents Associations (NORA)  
Residents Action, Southampton

**Individuals**

Alastair Clark  
Ben Smith  
Chris Barltrop  
Colin Henson  
Corrie Dick  
Dr Arnie Rainbow  
Drew Sewell  
Gay Sutton  
Hilda C Littlewood (Piano Teaching)  
Jake Bradford-Sharp  
Jennifer Townsend  
Katarina Dordevic  
Luis Cano  
Mark Goslett  
Martin Galbraith  
Michelle Saacks  
Mr G Phillips  
Myles Eastwood  
Nicholas Tuff  
Phil Rowland  
Premlal Salgado  
Rick Finlay  
Sara and David Nixon  
Sarah Jones  
Stuart Street  
Susan Clark  
Trevor Brunwin