

LONDON BOROUGH OF ENFIELD

RESPONSE TO DCMS REGULATED ENTERTAINMENT CONSULTATION

Proposal Impacts: Questions

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

No. Your proposals would allow any promoter to provide any type of regulated entertainment at any time in any place to any audience (other than boxing/sexual entertainment or events for 5,000+ people), the net 'benefit' for community organisations will be negative. Unregulated and uncontrolled entertainment events throughout the borough will lead to an increase in crime & disorder, public nuisance, child harm and public safety risks. The resources of community and voluntary organisations will be diverted from arranging their own events to ameliorating the effects of de-regulated events on their members/service users.

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

Not applicable.

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

No. The savings businesses, charitable and voluntary organisations will make from the removal of the existing low-level licence fees (which have remained unchanged since 2005) will be out-stripped by the additional costs these organisations will incur by action the Council will need to take under other legislation to address crime & disorder, public nuisance, child harm and public safety risks at their own events.

Q4: Do you agree with our estimates of potential savings and costs to local authorities, police and others as outlined in the impact assessment? If you do not, please outline the areas of difference and any figures you think need to be taken into account.

No. The costs to the Council will rise exponentially under your proposals. Rather than addressing crime & disorder, public nuisance, child harm and public safety risks at entertainment events through the (cost-effective) existing licensing regime, these issues will instead have to be addressed under the Environmental Protection Act 1990, Noise Act 1996, Health & Safety at Work Act 1974 and the Children Act 1989. The use of these acts involve considerably more public expenditure.

Q5: Would you expect any change in the number of noise complaints as a result of these proposals? If you do, please provide a rationale and evidence, taking into account the continuation of licensing authority controls on alcohol licensed premises and for late night refreshment.

Yes. The majority of noise complaints, about commercial premises, relate to the provision of regulated entertainment. Under your proposals, the vast majority of existing entertainment would not be regulated and any amount of additional entertainment could be provided without restriction. The number of noise complaints will rise exponentially.

Further, the Council's controls in respect of alcohol and late night refreshment will not control entertainment. Any/all existing licence conditions which relate to the provision of regulated entertainment will be null and void. The Council could not impose any such conditions on new licences.

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

We agree that the provision of regulated entertainment will rise exponentially under your proposals.

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

You have not monetised the additional costs that the Council will incur, under your proposals, by addressing crime & disorder, public nuisance, child harm and public safety risks at de-regulated entertainment events under the Environmental Protection Act 1990, Noise Act 1996, Health & Safety at Work Act 1974 and the Children Act 1989. The use of these acts involve considerably more public expenditure.

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

You have not monetised the additional costs that the Council will incur by servicing the exponential rise in the number of noise complaints we will received, under your proposals.

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

Yes. By retaining the status-quo (i.e. by not adopting your proposals), local residents and communities will be better protected from the risks of crime & disorder, public nuisance, child harm and public safety entertainment events. Further, the Council will be able to deal with noise complaints in the existing cost-effective manner (through attaching conditions to licences, reviews etc). This is the best result in respect of burdens and savings for the community and Council.

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

No. Under your proposals, any the Council's controls in respect of alcohol and late night refreshment will not control entertainment. Any/all existing licence conditions which relate

to the provision of regulated entertainment will be null and void and will need to be removed from licences.

The Role of Licensing Controls: Questions

Q11: Do you agree that events for under 5,000 people should be deregulated across all of the activities listed in Schedule One of the Licensing Act 2003?

No. Your proposals would allow any promoter to provide any type of regulated entertainment at any time in any place to any audience (other than boxing/sexual entertainment or events for 5,000+ people),

Q12: If you believe there should be a different limit – either under or over 5,000, what do you think the limit should be? Please explain why you feel a different limit should apply and what evidence supports your view.

The existing status-quo should be retained.

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

No. The existing status-quo should be retained.

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

Yes. Your proposals would allow any promoter to provide any type of regulated entertainment at any time in any place to any audience (other than boxing/sexual entertainment or events for 5,000+ people), the net 'benefit' for community organisations will be negative. Unregulated and uncontrolled entertainment events throughout the borough will lead to an increase in crime & disorder, public nuisance, child harm and public safety risks. The resources of community and voluntary organisations will be diverted from arranging their own events to ameliorating the effects of de-regulated events on their members/service users. The Council will incur, under your proposals, additional costs by addressing crime & disorder, public nuisance, child harm and public safety risks at de-regulated entertainment events under the Environmental Protection Act 1990, Noise Act 1996, Health & Safety at Work Act 1974 and the Children Act 1989. The use of these acts involve considerably higher public expenditure than under the Licensing Act 2003.

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

No.

Q16: Do you think that events held after a certain time should not be deregulated? If so, please could you explain what time you think would be an appropriate cut-off point, and why this should apply.

Yes. The existing status-quo should be retained.

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

No.

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

No.

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

No.

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

No. They can't.

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

Yes. Your proposals would allow any promoter to provide any type of regulated entertainment at any time in any place to any audience (other than boxing/sexual entertainment or events for 5,000+ people).

Q22: Are there any other aspects that need to be taken into account when considering the deregulation of Schedule One in respect of the four licensing objectives of the Licensing Act 2003?

The Government has legislated (under the Police Reform and Social Responsibility Act 2011) to rebalance alcohol licensing to give more power to local communities, local authorities and the Police.

Your proposals will rebalance entertainment licensing in favour of promoters and to the detriment of local communities, local authorities and the Police.

Whilst your proposals will support your 'Culture and Sport Evidence Programme', your proposals are a clear example of two Departments (the Home Office and the Department of Culture, Media and Sports) not working together. Your proposals will cause a measurable reduction in the quality of life of local communities.

Performance of Live Music: Questions

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

Yes. Your consultation assumes that no crime and no disorder occurs at entertainment events. Your proposals would allow any promoter to provide any type of regulated entertainment at any time in any place to any audience (other than boxing/sexual entertainment or events for 5,000+ people). There are real risks of crime and disorder at unregulated events.

Your consultation assumes that 'noise' is the only type of public nuisance that occurs at entertainment events. Your proposals would allow any promoter to provide any type of regulated entertainment at any time in any place to any audience (other than boxing/sexual entertainment or events for 5,000+ people). There are real risks of public nuisances other than noise at unregulated events.

Your consultation assumes that a rave would cause no greater risk to public safety than a religious meeting. Your proposals would allow any promoter to provide any type of regulated entertainment at any time in any place to any audience (other than boxing/sexual entertainment or events for 5,000+ people). There are real risks of public safety at unregulated events.

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

No. See response to Q.23 above.

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

No.

Performance of Plays: Questions

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

Yes. Your consultation assumes that no crime and no disorder occurs at entertainment events. Your proposals would allow any promoter to provide any type of regulated entertainment at any time in any place to any audience (other than boxing/sexual entertainment or events for 5,000+ people). There are real risks of crime and disorder at unregulated events.

Your consultation assumes that 'noise' is the only type of public nuisance that occurs at entertainment events. Your proposals would allow any promoter to provide any type of regulated entertainment at any time in any place to any audience (other than boxing/sexual entertainment or events for 5,000+ people). There are real risks of public nuisances other than noise at unregulated events.

Your consultation assumes that a rave would cause no greater risk to public safety than a religious meeting. Your proposals would allow any promoter to provide any type of regulated entertainment at any time in any place to any audience (other than boxing/sexual entertainment or events for 5,000+ people). There are real risks of public safety at unregulated events.

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

No.

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

Yes.

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

No.

Performance of Dance: Questions

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

Yes. Your consultation assumes that no crime and no disorder occurs at entertainment events. Your proposals would allow any promoter to provide any type of regulated entertainment at any time in any place to any audience (other than boxing/sexual entertainment or events for 5,000+ people). There are real risks of crime and disorder at unregulated events.

Your consultation assumes that 'noise' is the only type of public nuisance that occurs at entertainment events. Your proposals would allow any promoter to provide any type of regulated entertainment at any time in any place to any audience (other than boxing/sexual entertainment or events for 5,000+ people). There are real risks of public nuisances other than noise at unregulated events.

Your consultation assumes that a rave would cause no greater risk to public safety than a religious meeting. Your proposals would allow any promoter to provide any type of regulated entertainment at any time in any place to any audience (other than boxing/sexual entertainment or events for 5,000+ people). There are real risks of public safety at unregulated events.

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

No.

Exhibition of Film: Questions

Q32: Do you agree with the Government's position that it should only remove film exhibition from the list of regulated activities if an appropriate age classification system remains in place?

Yes.

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

No. The status-quo should be retained.

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

No.

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

No.

Indoor Sport: Questions

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

Yes. Your consultation assumes that no crime and no disorder occurs at entertainment events. Your proposals would allow any promoter to provide any type of regulated entertainment at any time in any place to any audience (other than boxing/sexual entertainment or events for 5,000+ people). There are real risks of crime and disorder at unregulated events.

Your consultation assumes that 'noise' is the only type of public nuisance that occurs at entertainment events. Your proposals would allow any promoter to provide any type of regulated entertainment at any time in any place to any audience (other than boxing/sexual entertainment or events for 5,000+ people). There are real risks of public nuisances other than noise at unregulated events.

Your consultation assumes that a rave would cause no greater risk to public safety than a religious meeting. Your proposals would allow any promoter to provide any type of regulated entertainment at any time in any place to any audience (other than

boxing/sexual entertainment or events for 5,000+ people). There are real risks of public safety at unregulated events.

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

No.

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

Q38: Do you agree with our proposal that boxing and wrestling should continue to be regarded as “regulated entertainment”, requiring a licence from a local licensing authority, as now?

Yes.

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

No.

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

Yes.

Recorded Music and Entertainment Facilities: Questions

Q41: Do you think that, using the protections outlined in Chapter 3, recorded music should be deregulated for audiences of fewer than 5,000 people? If not, please state reasons and evidence of harm.

No. Your consultation assumes that no crime and no disorder occurs at entertainment events. Your proposals would allow any promoter to provide any type of regulated entertainment at any time in any place to any audience (other than boxing/sexual entertainment or events for 5,000+ people). There are real risks of crime and disorder at unregulated events.

Your consultation assumes that ‘noise’ is the only type of public nuisance that occurs at entertainment events. Your proposals would allow any promoter to provide any type of regulated entertainment at any time in any place to any audience (other than boxing/sexual entertainment or events for 5,000+ people). There are real risks of public nuisances other than noise at unregulated events.

Your consultation assumes that a rave would cause no greater risk to public safety than a religious meeting. Your proposals would allow any promoter to provide any type of regulated entertainment at any time in any place to any audience (other than

boxing/sexual entertainment or events for 5,000+ people). There are real risks of public safety at unregulated events.

Q42: If you feel that a different audience limit should apply, please state the limit that you think suitable and the reasons why this limit is the right one.

The status-quo should be retained.

Q43: Are there circumstances where you think recorded music should continue to require a licence? If so, please could you give specific details and the harm that could be caused by removing the requirement?

Yes. The status-quo should be retained. Please see response to Q.41 above.

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

No.

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

Yes. The status-quo should be retained. Please see response to Q.41 above.

Unintended consequences: Questions

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

No.

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

Yes. Your proposals would allow any promoter to provide any type of regulated entertainment at any time in any place to any audience (other than boxing/sexual entertainment or events for 5,000+ people).

The Government has legislated (under the Police Reform and Social Responsibility Act 2011) to rebalance alcohol licensing to give more power to local communities, local authorities and the Police.

Your proposals will rebalance entertainment licensing in favour of promoters and to the detriment of local communities, local authorities and the Police.

Whilst your proposals will support your 'Culture and Sport Evidence Programme', your proposals are a clear example of two Departments (the Home Office and the Department

of Culture, Media and Sports) not working together. Your proposals will cause a measurable reduction in the quality of life of local communities.

Adult Entertainment: Question

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

Yes.