



Licensing Reforms – Let us entertain you!

BRIEFING

Introduction

The Government has published a consultation document ('the Consultation') detailing its proposed reforms for the regulated entertainment provisions of the Licensing Act 2003 ('the Act').

The Act brought together six different licensing regimes. Under the Act the concept of the separate public entertainment licence disappeared. The intention was to simplify the licensing regime so that only a single authorisation would be needed to supply alcohol, provide regulated entertainment, the performance of live music or provide late night refreshment or any combination of these activities.

Background

Prior to the Act, many licensed premises were able to take advantage of what was known as the 'two in a bar rule'. This exempted the need for a public entertainment licence in certain situations, such as two performers singing or playing music at premises where a justices' licence (alcohol licence) was in force.

At the time, the Government believed that this rule encouraged public houses to put on only one or two entertainers all night, rather than face the full cost of a public entertainment licence.

Since the Act came into force, small venues have been discouraged from providing music entertainment faced with the prohibitive costs of a

variation to the premises licence or, indeed, potential onerous conditions that could be imposed on such a licence.

The Proposals

The Government now proposes to remove the requirement for licensing in England and Wales for most activities currently defined as 'regulated entertainment' in schedule 1 to the Act. The Government recognises, in the Consultation, that the Act failed to match its ambition. Instead of modernising the old law that had simply gone past its sell by date, the Act 'ends up potentially criminalising a harmless cultural pastime'.

Regulated Entertainment

The following activities are currently licensable as regulated entertainment:

- The performance of a play
- An exhibition of a film
- An indoor sporting event
- A boxing or wrestling entertainment (both indoors and outdoors)
- A performance of live music
- Any playing of recorded music and
- The performance of dance

In addition, there is a licence requirement relating to the provision for entertainment facilities.



Licensable activities, including those for regulated entertainment, can only be carried out under the provision of a premises licence or a temporary event notice ('TEN') from a local licensing authority.

The Government is now prepared to consider whether there is a need for a licensing regime for each of the activities classed as regulated entertainment. Where there is no such need, the Government proposes to remove the licensing requirement, subject to the views and evidence of generated through the consultation.

The Proposal

The Government intends to retain the licence requirements for:

- Any performance of live music, theatre, dance, indoor sport or exhibition of film where the audience is of 5,000 people or more.
- Boxing and wrestling.
- Any performance of dance that may be classed as sexual entertainment, but is exempt from separate sexual entertainment venue regulations.

This is a major change, long demanded by the live music lobby.

Response to Consultation

Responses must be sent to the Department for Culture, Media and Sport no later than 3 December 2011.

If you would like further information on the proposed changes and how the changes may affect your business or, if you wish to consider responding to the consultation, please contact Robert Botkai.

Robert Botkai

Partner : Winckworth Sherwood Solicitors

DT: 020 7593 5004

E: rbotkai@wslaw.co.uk