department for
culture, media
and sport

Deregulating entertainment licensing

Questions and answers

7 January 2013

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improving
the quality
of life for all

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

Contents

1. General

Q: Why are you deregulating?

A: Deregulation will make it easier for schools, community groups and a huge array of civil society organisations and charities to put on cultural and sporting events.

The measures should also help businesses diversify their offer and access new markets.

Q: What are the proposals?

A: Currently a wide range of entertainment activities - such as plays and dance events - require a licence to take place in front of an audience.

These changes will mostly end that situation. In short, most plays, dance shows and indoor sport will no longer need a licence, and it will be easier to host music events in community premises.

Details are in the tables below:

Schedule 1 Category	*Position*
Plays	• *Deregulated between 0800-2300 for audiences up to 500* ➢ *Implemented 27 June 2013: http://www.legislation.gov.uk/uksi/2013/1578/introduction/made*
Dance	• *Deregulated between 0800-2300 for audiences up to 500* ➢ *Implemented 27 June 2013: http://www.legislation.gov.uk/uksi/2013/1578/introduction/made*
Indoor Sport	• *Deregulated between 0800-2300 for audiences up to 1000* ➢ *Implemented 27 June 2013: http://www.legislation.gov.uk/uksi/2013/1578/introduction/made*
*Live Music **	• *Licensing suspended for amplified live music between 0800-2300 in on-licensed premises and deregulated in workplaces for audiences up to 500 (raised from 200 in Live Music Act 2012)*

Recorded Music	• *Licensing suspended between 0800-2300 in on-licensed premises (but not in workplaces) for audiences up to 500*
Film	• *Government response to consultation on partial deregulation for community film exhibition published on xx December 2013, https://www.gov.uk/government/consultations/licensing-act-2003-community-film-exhibition-consultation*
Boxing / Wrestling	• *Licensing requirement retained with the exception of deregulation for Olympic style Greco-Roman and Freestyle wrestling* • Definition clarified to include Mixed Martial Arts/Cage fighting style events (implemented 27 June 2013: http://www.legislation.gov.uk/uksi/2013/1578/introduction/made)

** NB: the Live Music Act 2012 already deregulates unamplified live music between 0800-2300 with no audience limitations*

Cross-activity Exemptions	**Position**
Activities hosted by local authorities, hospitals, nurseries and schools on own premises	Exempt from all Schedule 1 licensing requirements between 0800-2300 with no audience limitations
Activities held on local authority, hospital, nursery and school premises by others with their permission	Exempt from regulation for live and recorded music between 0800-2300 for audiences up to 500
Community premises (e.g.: church and village halls, community halls, etc.)	Exempt from regulation for live and recorded music between 0800-2300 for audiences up to 500
Circuses	Exempt from regulation for live and recorded music, plays, dance and indoor sport (i.e. not boxing/wrestling or film) between 0800-2300 with no audience limitations

Who will benefit from these proposals?

A:

- Schools and PTAs
- Community theatre groups
- Youth dance groups
- Community groups
- Charities
- Churches with church halls
- Local community audiences
- Village hall committees
- Hospitals
- Nurseries
- Circuses
- Musicians
- Professional and non-professional drama performers
- Local authority culture teams
- Swimming clubs
- Pubs and restaurants

2: Implementation

Q: When will these proposals happen?

A: We aim to deliver the main body of work for these changes as soon as possible during 2013/14. Some changes will require amendments to primary legislation and will be subject to the Parliamentary timetable. A consultation on a proposed Legislative Reform Order was issued in October 2013: https://www.gov.uk/government/consultations/legislative-reform-order-changes-to-entertainment-licensing

Q: Why has it taken nearly a year since the end of the consultation exercise in 2011 to come up with these proposals?

A: We wanted to get the detail right. There was a substantial response to the consultation, which covered many different entertainment activities, each with its own detailed considerations.

It was clear that deregulation was possible, but we wanted to make sure we really helped communities, the creative sectors and business. The number of responses meant that we needed to take time to develop robust, practical proposals which addressed the concerns of respondents whilst maximising the removal of red tape and bureaucracy.

Q: Why are these proposals so watered down from the original ones contained in the 2011 consultation document?

A: The consultation exercise set out a 'blank canvas' in order not to set too narrow a scope for responses. From the outcome of the exercise, there was a clear view that deregulation required controls in some situations. For example over audience limits and performance cut-off times, and this view has been reflected in the final proposals.

Q: Do these proposals apply UK-wide?

A: No – these proposals apply to England and Wales, as this is an area of devolved responsibility for the Scottish Parliament and Northern Ireland Assembly.

Q: What if someone wants to sell alcohol at the event?

A: Anyone planning to sell alcohol will still need a licence in order to do so.

3: Activities

Dance:

Q: How exactly has dance been deregulated?

A: Events that are classed as a 'performance of dance' only now need specific licence permission if they are held before 8am, after 11pm or if there are more than 500 people in the audience. This should benefit most community dance performances and remove costs and administrative burdens. Restrictions on 'dance' as sexual entertainment are maintained.

Q: What about noisy dance events?

A: We have carefully considered what controls would remain in place from other legislation (e.g. the Environmental Protection Act 1990 that provides protection to the general public from the effects of noise nuisance. Anyone involved in the organisation or provision of entertainment activities – whether or not any such activity is licensable – must comply with any applicable duties that may be imposed by other legislation (e.g. crime and disorder, fire, health and safety, noise, nuisance and planning).

Q: What about safety at dance events?

A: Anyone involved in the organisation or provision of entertainment activities – whether or not any such activity is licensable – must comply with any applicable duties that may be imposed by other legislation (e.g. crime and disorder, fire, health and safety, noise, nuisance and planning).

In particular, public safety concerns are addressed by the Health and Safety at Work etc. Act 1974, which imposes a number of statutory duties on undertakings to take reasonable steps to protect the public from risks to their health and safety. In addition, legislation such as the Regulatory Reform (Fire Safety) Order 2005 (SI 2005/1541) provides a clear framework in which fire safety issues need to be addressed.

Q: What about dance floors?

A: Dance floors are no longer licensable as entertainment facilities. There are adequate protections under the Health and Safety at Work etc. Act 1974 to ensure venue owners maintain facilities without the need for the additional burden of licensing.

Plays:

Q; How exactly have plays be deregulated?

A: Events that are classed as a 'performance of a play" only need a specific licence permission if they are held before 8am, after 11pm or if there are more than 500 people in the audience. This should benefit most community plays and remove costs and administrative burdens.

Q: What is the definition of a play?

A: A play is defined in the Licensing Act 2003 as a performance (including a rehearsal) of any dramatic piece, whether involving improvisation or not, which is given wholly or in part by one or more persons actually present and performing, and in which the whole or a major proportion of what is done by the person or persons performing, whether by way of speech, singing or action, involves the playing of a role. In this context, "performance" includes rehearsal (and "performing" is to be construed accordingly).

Q: What happens to plays with nudity?

A: If the performance is solely or principally provided for the purpose of sexually stimulating any member of the audience then it will remain regulated. An organiser of plays that feature nudity or semi nudity may check with their local licensing team if they are concerned as to whether the sexual content amounts to 'relevant entertainment' for the purposes of the Local Government (Miscellaneous Provisions) Act 1982.

Q: What about obscene plays?

A: This is already covered in law. A person who presents or directs an obscene play commits a criminal offence under the Theatres Act 1968.

Q: What about plays that cause public order problems?

A: This is already covered in law. A person who presents or directs a public performance of a play, which involves the use of threatening, abusive or insulting words or behaviour and is likely to give rise to a breach of the peace, commits a criminal offence under the Theatres Act 1968.

Q: What about safety in theatres?

A: Anyone involved in the organisation or provision of entertainment activities must comply with their lawful duties under other legislation (e.g. crime and disorder, fire, health and safety, noise, nuisance and planning).

The audience is covered by the Health and Safety at Work Act 1974 which, together with disability legislation, offers protection in relation to the safety of the public at an event, placing a clear duty to take reasonable steps to protect the public from risks to their health and safety. In addition, legislation such as the Regulatory Reform (Fire Safety) Order 2005 (SI 2005/1541) provides a clear framework in which fire safety issues need to be addressed.

Indoor sport:

Q: How exactly has indoor sport been deregulated?

A: Indoor sport events only need a specific licence permission if they are held before 8am, after 11pm or if there are more than 1,000 people in the audience. This should benefit many sporting organisations and local authority venues. An example is where a local authority swimming pool was previously regulated under the 2003 Act for swimming galas attended by the public – when the local authority was already subject to many other health and safety controls.

Q: Why is there a higher audience limit for indoor sport than for plays and dance?

A: We have taken a risk-based approach to deregulation. In general, indoor sporting events take place in venues which are purpose built and under local authority ownership or control, or where they are organised in partnership with local authorities.

Q What about boozy events like darts at Lakeside or snooker championships?

A: These events will continue to be regulated by alcohol controls.

Q: What is indoor sport?

A: As defined in the Licensing Act 2003, an "indoor sporting event" is a sporting event which takes place wholly inside a building, and at which the spectators present at the event are accommodated wholly inside that building. A "sporting event" means any contest, exhibition or display of any sport, and "sport" includes any game in which physical skill is the predominant factor, and any form of physical recreation which is also engaged in for purposes of competition or display.

Q: What is a building in regard to indoor sport?

A: A "building" means any roofed structure (other than a structure with a roof which may be opened or closed) and includes a vehicle, vessel or moveable structure.

Q: Why have you regulated combined fighting sports when the 2011 consultation asked for views on deregulating entertainment?

A: The consultation exercise proposed that boxing and wrestling should continue to be licensable, and asked for views on whether the definition of boxing or wrestling should be refined to ensure licensing requirements would continue to apply to events such as martial arts and cage fighting. In response, there was overwhelming support from local government, responsible authorities and residents to ensure that cage fighting and mixed martial arts were clearly regulated in Schedule One and should stay regulated when indoor sporting events were deregulated. This was implemented by 'The Licensing Act 2003 (Descriptions of Entertainment) (Amendment) Order 2013' that came into force on 27 June 2013.

Q: What are combined fighting sports?

A: The description of combined fighting sports is a contest, exhibition or display which combines boxing or wrestling with one or more martial arts.

Live music:

Q: What about Live Music?

A: We are proposing to raise the audience limit for live music to 500 to bring it in parity with the other deregulated activities.

Q: Why aren't you deregulating live music fully apart from in licensed premises?

A: The Government is fully behind creativity. But there is a balance to be struck in protecting our communities from potential noise nuisance. We think that the exemptions that will be put in place, as well as raising the audience threshold from 200 to 500 people in on-licensed premises and in workplaces, is a great deal for sensible musicians and audiences.

Q: Why aren't you waiting to assess the impact of the Live Music Act 2012 before going ahead with further deregulatory measures in this area?

A: To bring it into parity with the other deregulated activities and to avoid unnecessary confusion. But we will of course keep all these changes under review

Q: Why aren't you extending the Live Music Act deregulation until midnight?

A: Residents groups, local authorities and the police all had concerns about deregulating beyond 11pm, which is recognised in noise legislation as a time when disturbance caused by noise can have a greater impact. However, we will keep these changes under review.

Q: What is the definition of a workplace in relation to regulated entertainment?

A: The term is defined in the Workplace (Health, Safety and Welfare) Regulations 1992 and is, broadly speaking any non-domestic place where someone works.

Recorded music:

Q: What is recorded music?

A**:** Recorded music activities amount mainly to discos and DJ events – where the audience is there primarily to be entertained by the music activity. If in doubt, check with your local licensing authority.

Q: Why have you not deregulated recorded music?

A: The Government is fully behind the creative industries but there is a balance to be stuck in protecting our communities from potential noise nuisance. We think that the exemptions that will be put in place, as well as the measure for on-licensed premises will be a boost for those holding responsible recorded music events.

Q: Why is live music deregulated in workplaces but recorded music will not be?

A: As recorded music events are easily portable, they have in the past been more prone to noise and public order problems from unscrupulous operators. We have looked to support responsible community events, but retain controls where the risks are higher.

Q: Won't this allow raves?

A: No. Recorded music activities (usually disco and DJ events) will only be deregulated in the following places (between 08:00-23:00):

- In premises with an alcohol licence (unless this has been precluded by a licence condition)
- In events organised by Local authorities, schools, nurseries or hospitals, or in 'community premises'.

Q: What if a recorded music event is noisy?

A: Other legislation is already in place which gives powers to Local authorities and the police to deal with issues, arising from a problem event. We do not see this situation as much different to the status quo.

Boxing and wrestling:

Q: Why are you not deregulating boxing?

A: We said in our consultation that we did not intend to deregulate boxing. Responses to the consultation agreed with this position.

Q: Why are you not deregulating wrestling?

A: We are not going to deregulate wrestling as we said in our consultation; however, we do intend to deregulate the low risk Olympic disciplines of Freestyle and Greco-Roman wrestling.

Film:

Q: What do you mean by film exhibition?

A: The Licensing Act 2003 defines the exhibition of film as any exhibition of moving pictures.

Q: How exactly will community film exhibition be deregulated?

A: A specific licence permission will not be needed for 'not-for-profit' film exhibition in community premises, between 08:00-23:00, provided that the film exhibition abides by age classification rating and the audience does not exceed 500 people.

Q: Who might benefit from this licensing exemption?

A: Film societies, film clubs and other local social groups that wish to put on 'film nights' in community premises.

Q: What is meant by 'not-for-profit'?

A: It means that the film entertainment is not provided with a view to profit. It is the inverse of 'with a view to profit' in paragraph 1(2) (c) of Schedule 1 to the 2003 Licensing Act.

Q: What about child protection?

A: A film will have to have an age classification from the BBFC or the relevant licensing authority, to be eligible for this exemption. Those responsible for the exhibition of a film on community premises must have in place operating arrangements that will ensure that age-restricted films may not be viewed by anyone for whom it is unsuitable.

Q: Why are you not deregulating film exhibition more widely?

A. Film exhibition on community premises is a lower risk activity with respect to the licensing objectives and this narrowly drawn exemption will encourage film screenings in rural areas where there may be under-provision. The Government has concluded that a broader-based film exemption around charitable activities, or for not-for-profit organisations, is not in the wider public interest as it risks creating loopholes and unintended consequences (and hence enforcement costs) that might be exploited by those seeking to set up 'for profit' screenings without need for a premises licence in competition to art-house and smaller cinema sites. See https://www.gov.uk/government/consultations/licensing-act-2003-community-film-exhibition-consultation

Q: What about copyright and screening licences?

A: This is about deregulation of entertainment licensing, not licensing to show copyrighted material. Any film content that is screened must be appropriately licensed from the copyright holders or distributors to ensure that the creators can secure their economic and moral rights to their work. See https://www.gov.uk/licence-to-show-a-single-film-title-in-public and https://www.gov.uk/licence-to-show-unlimited-films-in-public

Circuses:

Q: Why are circuses licensed?

A: The Licensing Act 2003 licenses certain aspects of circuses – for example, clown performances are usually scripted and are thus often treated as the "performance of a play", while high wire/trapeze is also sometimes licensed as indoor sport. We do not think this is proportionate. Circuses are also particularly restricted by performance limitations under the 2003 Act.

Q: What will the new position be for circuses?

A: Circuses will no longer in general need a licence, as they will be exempt, with no audience limitations, from the regulation of live music, recorded music, indoor sport, the performance of a play and a performance of dance, between 08:00-23:00. If alcohol is sold or supplied, or if (for example) the performance includes the exhibition of a film, or a boxing or wrestling match is held, then a licence or Temporary Event Notice under the 2003 Act will still be required.

Q: Why are you deregulating circuses more than other mixed entertainment venues?

A: Our intention is to deregulate tented, touring circuses which operate in many different locations, requiring numerous licences or Temporary Event Notices. This means they face a higher regulatory burden than fixed premises and are also less able to change their itinerary at short notice in response to changing circumstances, such as poor ground conditions. . There seems no reason why circuses should be treated differently to fun-fairs, which have remained outside the licensing system but are governed by other legislation such as health and safety.

Q: Does this mean that animal circuses no longer require licences?

A: Definitely not. Defra are responsible for legislation and the licensing of wild animals in circuses.

On 1 March 2012, the Government set out its approach to the use of wild animals in travelling circuses in England, confirming that it intends to pursue a ban on the use of such animals on ethical grounds. .

Circuses will continue to need to comply with other regulatory regimes, such as the Welfare of Wild Animals in Travelling Circuses (England) Regulations 2012, which apply to the small minority of circuses that still use wild animals, as well as health and safety legislation. The Government sees no contradiction between deregulating circus as a form of regulated entertainment, while seeking a ban on the use of wild animals in circuses. The Government wishes to see the circus tradition continue to prosper, but not with the inclusion of wild animals.

Cross activity exemptions:

Q: What is to stop local authorities/schools/nurseries/hospitals putting on inappropriate events if they are exempt from licensing provisions?

A: We do not think this is likely. Local authorities are democratically accountable to the local community and the other types of establishments fall under management or regulatory regimes which ensure they are well run.

4: Supplementary Questions

Deregulation:

Q: Won't these plans to deregulate lead to increased crime and disorder; and didn't the police raise strong concerns about this deregulation?

A:

- The original proposals were to deregulate all entertainment events with audiences of up to 4999 people.
- The revised proposals announced in January 2013 were refined to address the concerns that the police raised, although they still represent a far reaching package to free up community civil society organisations, charities, and business from unnecessary bureaucracy.
- The Government's revised proposals deregulate certain low events for up to 500 people with wider exemptions for "lower risk" environments including events hosted by schools, local authorities and hospitals.
- The changes - follow detailed discussions between representatives of the police and others.
- Since the original proposals and after taking in views from the consultation, recorded music – a particular issue of concern for the police and others – will only be deregulated in licensed premises and other "low risk environments" such as events hosted by local authorities. Crucially, events that finish after 11pm remain regulated.
- The types of events that are being deregulated are low risk, community focussed events. The police and other enforcement agencies continue to have the necessary powers to deal with problems arising from these activities as they would for public disturbance at any other event that is not regulated, such as at a steam fair, an agricultural show or a point to point.

Q: Do organisers have to inform the licensing authorities/police before holding a deregulated entertainment event?

A: No. However organisers should consider whether the nature of their event means they could benefit from discussing their plans with the police or other relevant authorities.

Q: Has an Impact assessment been undertaken?

A: Yes, an Impact Assessment is available: https://www.gov.uk/government/consultations/legislative-reform-order-changes-to-entertainment-licensing

Private events:

Q: Do private events that include recorded music such as a disco in a village hall require a licence?

A: Events that are held in private are not licensable unless those attending are charged for the entertainment with a view to making a profit (including raising money for charity).

For example, a party held in a private dwelling for friends featuring amplified live music, where a charge or contribution is made solely to cover the costs of the entertainment would not be regulated entertainment. Similarly, any charge made to the organiser of a private event by musicians, other performers, or their agents does not of itself make that entertainment licensable – it would only do so if the guests attending were themselves charged by the organiser for that entertainment with a view to achieving a profit.

The fact that this might inadvertently result in the organiser making a profit would be irrelevant, as long as there had not been an intention to make a profit. However, organisers must be mindful of noise legislation (EPA).

Q: What if my performance consists of more than one regulated entertainment and one of those is still licensable?

A: Please check with the Section 182 Guidance https://www.gov.uk/government/publications/licensing-act-2003-amended-guidance-issued-under-section-182 and your local licensing authority if you are not sure if you require a licence for the event.

If you are planning to sell alcohol at your event, however, you will still need a licence.

Audiences:

Q: What happens if more than 500 people attend a deregulated performance of dance or a plays, or more than 1000 attend an indoor sporting event?

A: This would no longer be a deregulated activity and would require prior authorisation (e.g. a premises licence).

Q: If my event includes two deregulated activities with different audience limits which audience limit must I comply with?

A: You must comply with the audience limits to the specific individual activities.

Q: What happens if I anticipate an audience limit below the level at which I require a licence, but more people attend the event than expected, bringing the total above this limit?

A: An audience in excess of the limit would mean that the performance is a licensable activity. It would be an offence under the Licensing Act 2003 Act for such an event to continue without an appropriate licence. Where the organiser of an event can foresee that it might attract an audience of more than the prescribed limit and in circumstances where it may be difficult to restrict entry, the event organiser should consider whether to obtain a licence, or give a Temporary Event Notice, to avoid breaching licensing laws.

Noise:

Q: If premises are causing noise nuisance can I complain?

A: Yes. Residents can complain about licensed premises under the review process in the 2003 Act. In the case of non-licensed premises, local authorities and the police have a range of existing powers to deal with noise issues. However, we are not overly relaxing restrictions around activities and venues that could be problematic. The new measures are a sensible balance between reducing unnecessary red tape, promoting community cultural and sporting activity and maintaining an appropriate level of protection regarding noise.

Safety:

Q: Will deregulated events be safe for the public to watch?

A: Anyone involved in the organisation or provision of entertainment activities – whether or not any such activity is licensable – must comply with any applicable duties that may be imposed by other legislation (e.g. crime and disorder, fire, health and safety, noise, nuisance and planning).

Children:

Q: What are you doing to ensure that these measures don't undermine the protection of ?

A: A film will have to have an age classification from the BBFC or the relevant licensing authority, to be eligible for the film exemption. Parents and guardians will continue to exercise discretion in terms of what entertainment their children are allowed to attend and view - whether that entertainment that is regulated, deregulated, or never has been regulated.

Q: I am hosting a community event that features performing children. Will I need a licence?

A: School age children taking part in entertainment performances may need to be licensed. The Children (Performance) Regulations 1968 apply to all children from birth to the end of compulsory school age, at the end of year 11. The licensing requirements are designed to protect the child's health, education and welfare.

There are many productions each year that are one-off shows where the cast is made up almost entirely of children. They may be taking part as individuals or as part of a drama club, stage school or school group. The age of those involved may range from 5 to 18. The Children (Performances) Regulations 1968 (as amended), sets out requirements for children performing in a show.

Conditions:

Q: What would the effect of the deregulatory proposals be on existing licence conditions?

A: Conditions are generally included in licences to promote the licensing objectives of prevention of crime and disorder, public safety, the prevention of public nuisance and the protection of children from harm. If an activity ceases to be licensable as a result of the proposed deregulation, we envisage that licence holders should be able to remove or modify licence conditions relating to those activities provided that doing so does not detrimentally affect the licensing objectives.

Q: Will premises that continue to hold a licence to sell alcohol be able to host entertainment activities without the need for minor or full variation process to remove conditions that relate to deregulated entertainment?

A: Yes. Conditions on the licence will generally have no effect for deregulated entertainment activities between 08:00 -23:00 as long as the audience is below the specified number for that activity. For activities that take place between 23:00-08:00 or above the specified number conditions will remain in place. Conditions can only be varied away if they are no longer relevant or necessary.

Combined fighting sports - transitional provisions

Q. What were the transitional provisions for combined fighting sports?

A. The Licensing Act 2003 (Descriptions of Entertainment) (Amendment) Order 2013 clarified the licensing provisions for combined fighting sports. This 2013 Order made clear that "combined fighting sports" (boxing/wrestling plus martial arts) is licensable as a boxing or wrestling entertainment. Any boxing or wrestling entertainments that were previously licensed as "indoor sporting" events were reclassified as boxing or wrestling entertainments – and any conditions which had been imposed on those activities would continue to apply. The Order also provided that "a boxing or wrestling entertainment" – including "combined fighting sports" – would not be classed as an "indoor sporting event" for the purposes of the 2003 Act, and so could not benefit from deregulation of "indoor sporting events".

Q. Will the addition of combined fighting sports on an authorisation that already includes boxing & wrestling add extra conditions?

A: No: the effect of the 2013 Order is that premises which are already authorised in respect of boxing or wrestling entertainment do not need to amend that authorisation to permit licensable combined fighting sports to take place on those premises. Additional conditions may be imposed, for example, on review of any relevant authorisation for reasons related to one or more of the licensing objectives.

Q: Does that mean that premises that are authorised to put on boxing and wrestling can hold a contest, exhibition or display of combined fighting sports?

A: Yes, unless the authorisation contains any restrictions which prevent such an event or such activities on those premises.