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**Report to:** Licensing & Regulatory Committee **Date of Meeting:** 23<sup>rd</sup> September 2013

**Subject:** Provisions contained within “*The Licensing Act 2003 (Descriptions of Entertainment) (Amendment) Order 2013*”.

**Report of:** Director of Built Environment **Wards Affected:** All

**Is this a Key Decision?** No **Is it included in the Forward Plan?**  
No

**Exempt/Confidential** No

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### **Purpose/Summary**

To inform Members of the provisions contained within *The Licensing Act 2003 (Descriptions of Entertainment) (Amendment) Order 2013*.

### **Recommendation(s)**

That Members note this Report and its contents.

### **How does the decision contribute to the Council’s Corporate Objectives?**

	<b><u>Corporate Objective</u></b>	<b><u>Positive Impact</u></b>	<b><u>Neutral Impact</u></b>	<b><u>Negative Impact</u></b>
1	Creating a Learning Community		√	
2	Jobs and Prosperity		√	
3	Environmental Sustainability		√	
4	Health and Well-Being		√	
5	Children and Young People		√	
6	Creating Safe Communities	√		
7	Creating Inclusive Communities		√	
8	Improving the Quality of Council Services and Strengthening Local Democracy		√	

**Reasons for the Recommendation:**

To give Members an overview of changes that have been made to the definitions of regulated entertainment contained with the Licensing Act 2003.

**What will it cost and how will it be financed?**

**(A) Revenue Costs**

None.

**(B) Capital Costs**

None.

**Implications:**

The following implications of this proposal have been considered and where there are specific implications, these are set out below:

<b>Legal</b>	The Head of Corporate Legal Services (LD1749/13) has been consulted and has no comments to make.
<b>Finance</b>	The Head of Finance and ICT (FD2444) has been consulted and has no comments to make.
<b>Human Resources</b>	None
<b>Equality</b>	
1. No Equality Implication	<input checked="" type="checkbox"/>
2. Equality Implications identified and mitigated	<input type="checkbox"/>
3. Equality Implication identified and risk remains	<input type="checkbox"/>

**Impact on Service Delivery:**

It is currently not known whether or not these changes will impact on the other work of the Unit.

**What consultations have taken place on the proposals and when?**

None.

**Are there any other options available for consideration?**

N/A

## Implementation Date for the Decision

N/A

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## Background Papers:

- The Licensing Act 2003.
- The Live Music Act 2012.
- Statutory Instrument 1578 / 2013 – *The Licensing Act 2003 (Descriptions of Entertainment) (Amendment) Order 2013* – 26<sup>th</sup> June 2013.
- *Proposed response to DCMS consultation – “Regulated Entertainment - A Consultation proposal to examine the deregulation of Schedule One of the Licensing Act 2003”* – Report to Licensing & Regulatory Committee 21<sup>st</sup> November 2011.
- *Changes to the Licensing Act 2003 made by the Police Reform and Social Responsibility Act 2011 and the Live Music Act 2012* – Report to Licensing & Regulatory Committee 19<sup>th</sup> November 2012.

## 1. Background

- 1.1 Members will recall the DCMS consultation document entitled “*Regulated Entertainment - A Consultation proposal to examine the deregulation of Schedule One of the Licensing Act 2003*” which was followed by the implementation of the Live Music Act 2012.
- 1.2 In response to the consultation, a Written Ministerial Statement was laid before Parliament on 7<sup>th</sup> January 2013 which proposed a number of deregulatory measures relating to the Licensing Act 2003 (“the LA03”), which it stated would be delivered through a range of legislative mechanisms, including through this Order.
- 1.3 The Government state that the intention of this Order is to *remove unnecessary bureaucracy and cost from community performance activities and local sport regulation in particular, as well as bolstering creativity, community participation and volunteering opportunities, and removing burdens from small and medium sized business.*
- 1.4 The provisions of the Order came into force on 27<sup>th</sup> June 2013.

## 2. Summary of the Order

- 2.1 The Order amends the descriptions of entertainment to be found within paragraph 2 of Schedule 1 of the LA03 so that indoor sporting events and the performance of plays or dance are now only licensable where certain conditions are applicable.
- 2.2 The first such condition is that the entertainment:
  - (a) Takes place in the presence of an audience, and

- (b) Is provided for the purpose, or for purposes which include the purpose, of entertaining that audience.
- 2.3 The second condition is relevant only to a performance of a play, and is applicable if one or more of the following applies:
  - (a) The audience consists of more than 500 persons;
  - (b) The entertainment takes place before 8am on any day;
  - (c) The entertainment takes place after 11pm on any day.
- 2.4 The third condition is relevant only to an indoor sporting event, and is applicable if one or more of the following applies:
  - (a) The audience consists of more than 1000 persons;
  - (b) The entertainment takes place before 8am on any day;
  - (c) The entertainment takes place after 11pm on any day.
- 2.5 The fourth condition is relevant only to a performance of dance, and is applicable if one or more of the following applies:
  - (a) The audience consists of more than 500 persons;
  - (b) The entertainment takes place before 8am on any day;
  - (c) The entertainment takes place after 11pm on any day;
  - (d) The entertainment is relevant entertainment within the meaning of paragraph 2A of Schedule 3 to the Local Government (Miscellaneous Provisions) Act 1982 (meaning of “sexual entertainment venue”).
- 2.6 Therefore outside of these conditions the provision of indoor sporting events and the performance of plays or dance are no longer classed as regulated entertainment, for the purposes of the LA03, and will therefore be outside of the licensing regime.
- 2.7 For example, an indoor sporting event that takes place between 7am and 11.30pm on a particular day is licensable in respect of activities taking place between 7am and 8am and between 11pm to 11.30pm only.
- 2.8 In addition to the above the Order also amends the definition of a ‘sporting event’ in paragraph 16(2) of Schedule 1 to the LA03, so that a boxing or wrestling entertainment can no longer be authorised as an indoor sporting event.
- 2.9 Similarly, the definition of a ‘boxing or wrestling entertainment’ in paragraph 17 of Schedule 1 is amended so as to make clear that a contest, exhibition or display that combines boxing or wrestling with one or more martial arts is a ‘boxing or wrestling entertainment’ for which, if other conditions are satisfied, an authorisation (e.g. a premises licence or a club premises certificate) may be required under the LA03. This is to ensure that a licence is still required for entertainment activities deemed to be of higher risk, such as mixed martial arts, following the amendment outlined in 2.8 above.