

- 1. Do you agree that the exemption should be limited to performances held wholly inside a permanent building? Yes/No. If No, please explain why.**

We agree with the proposal that any exemption should apply wholly to the inside of a permanent building. In our experience this will assist with any possible noise breakout from performances which could disturb residents.

- 2. Do you agree that the exemption should be limited to performances of live music for not more than 100 people? Yes/No. If No, please explain why.**

Again we agree with this proposal. The low numbers should assist with the quick and quiet dispersal of persons following the performance thus ensuring residents are not disturbed.

- 3. Do you agree that audiences for exempt performances should be accommodated entirely within the building where the performance is taking place? Yes/No. If No, please explain why.**

We agree with the proposal that the exempt performance should be wholly contained within any building where the performance is taking place. As per our response for Question 1. this will obviously assist with any possible noise breakout from performances (otherwise, for example, patio doors might be opened to allow people in a pub garden to see the performance thus allowing noise to escape).

- 4. Do you agree that exempt performances should not take place between 11pm and 8am? Yes/No. If No, please explain why.**

We agree that any exempt performances should be restricted to the hours outlined. This Authority tends to receive more noise complaints the later an event goes on (and particularly over weekend periods) and therefore any restriction in hours will assist in controlling the potential for complaints to be received regarding late night noise.

- 5. Do you agree that there should be an exclusion process as set out above? Yes/No. If No, please explain why.**

We strongly agree that there should be a process of re-dress, for responsible authorities or interested parties, for those instances where premises (either licensed or unlicensed) are shown to be causing a noise nuisance.

However we are disappointed to note that, as with other previous measures introduced to remove unnecessary burdens for businesses, there is to be no extra funding for Local Authorities to deal with the convening and conduct of hearings, the display of notices etc arising from the new process.

6. **Do you agree that the exclusion process should be similar to the current review process, with the modifications proposed? Yes/No. If No, please explain why.**

The review process is well known and we agree that it is therefore sensible that any “exclusion process” should follow that template.

However, as mentioned above, we are disappointed to note that there is to be no extra funding for Local Authorities to deal with this new “exclusion process”.

7. **Do you agree that licensed premises that qualify for the proposed exemption should have to apply through the Minor Variations process to remove licence conditions that apply to the exempt live music performance? Yes/No. If No, please explain why.**

We agree with the reasoning that some level of scrutiny by the licensing authority is necessary to ensure that conditions that relate to other licensable activities at the premises are not removed (particularly in cases where it is judged that certain conditions are still required).

8. **Do you agree that this proposal cannot be achieved by non-legislative means? Yes/No. If No, please explain why**

Yes.

9. **Do you agree that the effect of the proposal is proportionate to the policy objective? Yes/No? If No, please explain why.**

The Policy objective is stated as being to “remove unnecessary burdens on small live music events”. The exclusion process gives assurance to residents, and the Licensing Authority, that should problems be encountered then they have some recourse.

10. **Do you agree that the proposal, taken as a whole, strikes a fair balance between the public interest and the interests of any person adversely affected by it? Yes/No. If No, please explain why.**

Yes, for the reasons outlined in 9. above.

11. **Do you agree that the proposal does not remove any necessary protection? Yes/No. If No, please explain why.**

Yes, for the reasons outlined in 9. above.

12. **Do you agree that the proposal does not prevent any person from continuing to exercise any right or freedom which that person might reasonably expect to continue to exercise? Yes/No. If No, please explain why.**

An exclusion decision will take effect as soon as it is made (even if there is an appeal) thus ensuring that residents and others are not exposed to further noise nuisance or other problems.

- 13. Do you agree that the proposal has no constitutional significance? Yes/No. If No, please explain why.**

Yes

- 14. Do you broadly agree with the estimates, assumptions and conclusions of the Impact Assessment (published as a separate document, and available alongside this consultation on the DCMS website at [http://www.culture.gov.uk/reference\\_library/consultations/6499.aspx](http://www.culture.gov.uk/reference_library/consultations/6499.aspx))? Yes/ No. If not, please say which estimate you disagree with, and provide any evidence that supports an alternate estimate.**

We have no comments to make on this matter.

- 15. Do you think that this draft Order accurately reflects the proposed change?**

Yes.