

NODA response to Licensing Act consultation

The Licensing Act 2003 brought together nine separate outdated licensing related regimes, and created instead a single Act that controlled alcohol supply and sale, late night refreshment, and "regulated entertainment". In tidying up the old licensing regimes new problems were created for many wishing to host entertainment events.

The Government is therefore proposing a reform of activities currently classed as "regulated entertainment" in Schedule One of the 2003 Act and carried out a consultation between 10th September to 3rd December 2011 seeking views on the removal in certain circumstances of the requirement for a licence in England and Wales to host a performance of a play, an exhibition of a film, an indoor sporting event, a performance of live music, any playing of recorded music, or a performance of dance.

The consultation has now ended, but NODA's response is published below.

For details of the consultation as well as a copy of The Licensing Act 2003, go to

<http://www.culture.gov.uk/consultations/8408.aspx>

NODA response to the consultation proposal to examine the deregulation of schedule 1 of the Licensing Act 2003

Question 1: Do you agree that the proposals outlined in this consultation will lead to more performances, and would benefit community and voluntary organisation? If yes, please can you estimate the amount of extra events that you or your organisation or that you think others would put on?

Answer: We agree that the proposals outlined in the consultation will lead to more performances, to the benefit of community voluntary organisations. We have evidence from our membership that small scale community events in non-licensed venues have reduced, because of the difficulties in obtaining temporary event notices to cover a sufficiently long production period to make those productions viable.

By way of an example, a community group in Sheffield wished to create a community based site specific work for its local museum, which is unlicensed. However, in order for the production to be economically viable, it will be necessary to perform the new production over at least five days. Under the current licensing regime, it is not possible to obtain a temporary events notice for such a long period. Therefore the group took the difficult decision not to proceed with the performances.

We also have anecdotal evidence that a number of small scale performances had been taking place in ignorance of the requirements of the Licensing Act.

Question 5: 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 refreshments.

Answer: We would not expect any change in the number of noise complaints as a result of these proposals. The nature of small to midscale productions are such that the risk of increasing noise complaints is low, since the noise levels also need to be suitable for the performers and audience attending the event. Most events of this type take place during social hours and in public spaces.

Question 10: Do you agree that premises that continue to hold a licence after the performance would be able to host entertainment activities that were formally regulated without the need to go through a Minor or Full Variation process?

We agree that premises that continue to hold a licence should be able to host entertainment activities.

Question 11: Do you agree that events for under 5,000 people should be deregulated across all the activities listed in schedule 1 of the Licensing Act 2003?

Answer: Yes we agree that events for under 5,000 people should be deregulated across all of the activities listed in schedule 1.

Question 12: If you believe that there should be a different limit that either under or over 5,000, what do you think the limit should be?

Answer: We acknowledge that the 5,000 limit is somewhat arbitrary. Although our membership societies perform in many of the larger theatre venues in the country, most would still be possible if the limit was 2,500. However, some of our members are involved in productions for festivals and other outdoor events where a higher limit would be preferable.

Question 14: 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 this scenario in question.

Answer: We do not believe that premises that would no longer have a licence would pose a significant risk to any of the four original licensing objectives. We believe that the deregulation will assist the original licensing objectives by allowing greater access to live entertainment.

Question 20: 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?

Answer: We agree that those laws can deal with potential risks. Please note that child performers are also subject to specific regulations.

Question 21: How do you think determining the duration of events might change as a result of these proposals?

Answer: We believe that events may be performed over a longer time period once the temporary events notice regime is

abolished. However we do not think that any one event will take place over a longer duration or that events will take place at different times of the day following abolition.

Question 25: Are there any other benefits or problems associated specifically with the proposal to deregulate live music?

Answer: There may be issues relating to the definition of "large music" events. It would seem illogical if one set of regulations applied to a live music event and another set of regulations applied to a live dance event or musical play. It would also be unreasonable if a small scale one act play was more highly regulated than a larger live music event. We would therefore suggest that there may be problems if only certain types of live performance are deregulated. This appears to be the case that is being created by the Live Music Bill.

Question 28: Licensing authorities often include conditions regarding pyrotechnics and similar HAZMAT handling conditions and their licences. Can this type of restriction only be handled through the licensing regime?

Answer: We believe that this type of restriction could be handled outside of the scope of licensing regime, in a way that is specifically related to these types of special effect.

Question 29: Are there any other benefits or problems associated specifically with the proposal to deregulate theatre?

Answer: We suggest that there may well be a benefit in treating all types of live performance equally under the regulations.

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