



HILLINGDON

LONDON

Rt.Hon John Randall MP
 Rt.Hon Nick Hurd MP
 Rt.Hon John McDonnell MP

Ref; SW/12/liccom

Your Ref;

Date; 2nd February 2012

Dear Sir

DCMS PROPOSAL TO DEREGULATE SCHEDULE 1 OF THE LICENSING ACT 2003

I am writing to you on behalf of the Licensing Authority of the London Borough of Hillingdon, who are charged with inter alia, the regulation of licensable activities under the Licensing Act 2003.

At a meeting of the Licensing Authority on 17th January 2012, the DCMS proposals to deregulate schedule 1 of the Licensing Act 2003 were discussed at length. Members raised various concerns about the implications the changes may lead to.

Currently, the Authority can control events with elements of regulated entertainment by granting licences by restricting the times of operation and imposing conditions relating to the licensing objectives; Public Safety; Protection of Children; Prevention of Public Nuisance and Prevention of Crime and Disorder.

The Hillingdon Licensing Authority have the following observations to make in respect of the Government's proposals.

Another concern is that event organisers will exploit exemptions for the provision of alcohol, i.e. 'bring your own', for large unregulated events to go ahead without any notification to the Authority or Police and also without any safeguards/controls in place.

The deregulation proposes that licence conditions which relate to regulated entertainment need not be removed. However, confusion is likely to arise in interpreting which conditions are likely to be dis-applied, particularly in relating to enforcement situations where



questions will arise concerning the ability to enforce against such conditions which do not relate exclusively to regulated entertainment.

In regard specifically to the numbers proposed for this exemption i.e. events for less than 5000 attendees, the Authority is extremely concerned that all licensing objectives could potentially be undermined as a result of the deregulation.

Deregulating the requirement for licensing entertainment for events with up to 5000 attendees, is likely to lead to an increase of noise complaints, and in direct contravention of the nuisance prevention licensing objective. The Licensing Act 2003 currently enables Authorities to prevent such nuisances occurring however, if the deregulations are enacted, Authorities can only rely on powers contained within the Environmental Protection Act or the Health & Safety at Work Act in order to combat noise nuisance. This is a slower, costly mechanism of control.

Referring to our own experience using existing powers, the Authority has previously refused permission for a large music event in a busy town centre area, due a wide range of public safety issues. The Authority were satisfied that the applicant was not able to demonstrate adequate safeguards for up to 3000 people. The Authority is deeply concerned that this type of control will be lost if the Government's proposals are implemented.

The Authority are also concerned about the potential lack of regard for public safety at these unregulated events. Currently the Authority can impose public safety conditions which it considers necessary for the promotion of the licensing objectives, a useful tool to protect members of the public on licensed premises particularly as the Legislative Reform (Fire Safety) Order 2005 has already imposed deregulation in this area.

Another matter for the Government to have regard to is the Live Music Bill which is currently in the final reading stages in Parliament. The Live Music Bill proposes to deregulate live music in certain premises at certain times, the two proposals do not seem to correspond with each other.

The deregulation of plays was also a cause for concern, particularly as many performances have large closely seated audiences, scenery, special effects etc which are all currently controlled by premises licence conditions relating to public safety. Obviously Temporary Event Notices cannot have conditions imposed upon them, but an element of control remains with the Police and with the Environmental Protection Authority (from April 2012).

With regard to the exhibition of films deregulation, the Authority is aware of the public safety issues highlighted above and also about the potential lack of safeguarding for children who are admitted to age restricted film screenings. The Authority can currently



find comfort in the mandatory conditions relating to age restricted films however, if no regulation exists for such screenings, the conditions will become void.

The Authority agrees that whilst there are generally no public protection or nuisance issues associated with indoor sporting events, there must remain some control of this type of entertainment, particularly as sports such as mixed martial arts or cage fighting are becoming ever popular.

The Authority also agrees that Boxing and Wrestling entertainment should continue to be regulated but questions why this should be treated differently to other entertainment in Schedule One.

The proposal to deregulate recorded music for audiences of less than 5000, has the potential to see an increase in unregulated rave and festival type events inviting a range of issues relating to crime and disorder, public safety, nuisance and the protection of children. An audience of 5000 people is a substantial event and one which cannot be without any form of regulation. The limits currently imposed for Temporary Event Notices i.e. 499 would be a more suitable limit and in line with current procedure in the Licensing Act 2003.

The Authority is unclear as to what type of benefit could be gained from deregulating dance performances except those for sexual entertainment. With the introduction of powers under the Policing and Crime Act 2010 to control Sexual Entertainment Venues, the Authority sees little need for keeping this regulation in the Licensing Act 2003.

In conclusion, the Authority believes that regulation should remain in place for regulated entertainment so that the licensing objectives can be upheld reducing the need for costly reactive enforcement relying on other pieces of legislation.

I hope that you are able to raise these issues in debates on our behalf.

Yours sincerely

Councillor Andrew Retter
Chairman of the Licensing Committee



INVESTOR IN PEOPLE

Rt. Hon. John Randall M.P.



HOUSE OF COMMONS

LONDON SW1A 0AA

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22 February 2012

Dear Andrew

DCMS Proposals to Deregulate Schedule 1 of the Licensing Act 2003

Thank you very much for your letter of 16 February 2012 concerning the above.

I confirm that I have raised this matter with the responsible Government Minister and I will be in touch with you again as soon as I have more information.

With all best wishes.

Yours ever
John

Cllr. Andrew Retter
Chairman of the Licensing Committee
London Borough of Hillingdon
Civic Centre
Uxbridge
Middlesex UB8 1UW

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HOUSE OF COMMONS

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5 March 2012

Dear Andrew

DCMS Proposals to Deregulate Schedule 1 of the Licensing Act 2003

Further to our previous correspondence, I now enclose a copy of a letter I have received from John Penrose, the Minister for Tourism and Heritage at the Department for Culture, Media and Sport, regarding the proposal to examine the deregulation of the above act.

The attached will be self-explanatory and I trust you will find it of interest.

With kind regards.

Yours ever

John

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John Penrose MP
Minister for Tourism and Heritage

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5 March 2012

department for
**culture, media
and sport**

Dear John

Thank you for your letter of 22 February 2012, enclosing correspondence from Councillor Andrew Retter, Chairman of the Licensing Committee of the London Borough of Hillingdon, Licensing Service, Civic Centre, High Street, Uxbridge, UB8 1UW, about the consultation on the proposal to examine the deregulation of Schedule One of the Licensing Act 2003.

I'm grateful to you for letting me know of the Council's concerns about the consultation proposal. As both you and Councillor Retter may know, the consultation has now closed, but I will, of course, take the Council's concerns into account alongside other representations, and will be paying close attention to issues such as venue safety and public disturbance, when assessing the final policy.

Yours sincerely

John Penrose MP
Minister for Tourism and Heritage



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the quality
of life for all