

## **The Welwyn Hatfield Live Music Forum – Statement on DCMS Proposal to Deregulate Entertainment Licensing**

On 9th September 2011, DCMS published a “consultation proposal to examine the deregulation of Schedule One of the Licensing Act”.

The introduction to the document written by Licensing Minister John Penrose concludes: *'...this is a golden opportunity to deregulate, reduce bureaucratic burdens, cut costs, give the big society a boost and give free speech a helping hand as well. Our proposals are, simply, to remove the need for a licence from as many types of entertainment as possible.'*

But the actual content of the Government’s proposal falls way short of it’s own spin, and a coalition agreement to slash entertainment red tape.

For the largest licensed sector: premises already licensed to serve alcohol and provide live music there is no proposal to cut any red tape whatsoever. There will be no reduction in licensing costs for affected businesses, and there are no measures to encourage live music. In this sector, DCMS are proposing an *increase* in red tape and costs; and with increased powers for Local Authorities to veto events, there is likely to be less live music.

Critically, paragraph 2.25 of the document reveals that existing premises licence conditions relating to regulated entertainment are to be retained. Entertainment in breach of these conditions will remain a criminal offence – maximum fine £20,000 or 6 months in jail. Licensing Authorities will continue to use the previous government’s comprehensive definition of regulated entertainment that includes pretty much everything from carol singing to reciting poetry.

Since 2004/5, Licensing Authorities have wasted £millions hiring thousands of licensing officers, and here is a selection of some of the restrictions on live music now found on premises licences across England and Wales:

- Restrictions on the days of the week live music can be performed
- Restrictions on the number of live music performances per week/month/year
- Restrictions on the instruments musicians may play
- Restrictions on the genre of music musicians can perform
- Bans on under-18 year olds listening to live music
- Bans on amplification

- Requirements to leaflet the surrounding area warning of impending live music events
- Requirements to display a sign outside the premises signalling that live music is in progress
- Restrictions on the number of musicians allowed to perform
- Restrictions on the lyrical content of songs
- Bans on all live music (including unamplified) even where recorded music is still permitted.
- 10 working days notice of live music events to be given to the principal licensing officer.
- Form 696 (look it up – get used to it – it's here to stay). This is bad news for musicians who aren't 'white'.

DCMS is proposing to retain all the existing red tape in premises licensed for alcohol. And this is the very sector which needs URGENT deregulation.

And yet, Conservative and Liberal Democrat spokesmen in both Houses have heavily criticised existing restrictions. A DCMS Select Committee described restrictions as "draconian" and "absurd". The Labour spokesman in the Lords admitted that the previous government "got it wrong" on live music – a matter which they "deeply regret". Even Licensing Minister John Penrose described live music restrictions as "mostly bonkers red tape".

The document (para 2.25) indicates that existing conditions will be retained in order to "prevent the need for a wholesale reissue of licences by licensing authorities". After waiting a year for this consultation to appear, this reason is unacceptable.

The document is proposing a welcome reduction in existing red tape with the removal of the requirement to license entertainment in the small number of premises which do *not* have alcohol permissions. But many of these are public spaces or schools or even derelict bandstands, and will be of little benefit to the core live music sector or licensed trade.

As for the *increase* in red tape – this is concealed within paragraph 3.6 of the document.

Currently, if a premises wants to put on an event falling outside the restrictions on its licence – for example a pub wanting to put on a folk duo, or a restaurant wanting to put on a pianist – it can apply for a Temporary Event Notice (TEN for short). Under the previous government's Licensing Act, only

the Police can object to a TEN. Paragraph 3.6 states that this proposal operates in tandem with the Police Reform and Social Responsibility Bill currently before Parliament. Though not mentioned in the DCMS proposal, for the first time (and given their previous track record, inexplicably) Local Authorities are to be given the ability to object to a TEN and impose *yet more* restrictions on entertainment. Or, indeed, ban it.

If licence conditions are retained, we are looking at more red-tape for existing live music venues, more powers for local authorities to restrict or ban one-off events, and – unless there is a sudden and massive enthusiasm for live music in currently unlicensed venues – we are looking at a possible decrease in live music.

We are deeply concerned at DCMS proposal to retain entertainment licence restrictions. We urge the Government to scrap this proposal and give genuine support and Parliamentary time to the Lord Clement-Jones Live Music Bill as an interim measure.

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