CARDIFF COUNCIL **Agenda No.**
CYNGOR CAERDYDD

LICENSING COMMITTEE: 06 August 2013

Report of the Head of Regulatory and Supporting Services

DEREGULATION OF REGULATED ENTERTAINMENT

1. Background

1.1 The Licensing Act 2003 (Descriptions of Entertainment) (Amendment) Order 2013 commenced on 27th June 2013 and has brought about a number of changes to the Licensing Act 2003. This report is to provide the Committee with details of those changes.

2. Regulated Entertainment.

2.1 The Order amends the descriptions of entertainment in Schedule 1 of the Licensing Act 2003, and further to the Live Music Act 2012 it is the latest deregulatory process for regulated entertainment.

2.2 The descriptions of entertainment in Schedule 1 of the Act are:

(a)a performance of a play,

(b)an exhibition of a film,

(c)an indoor sporting event,

(d)a boxing or wrestling entertainment,

(e)a performance of live music,

(f)any playing of recorded music,

(g)a performance of dance,

(h)entertainment of a similar description to that falling within paragraph (e), (f) or (g), where the entertainment takes place in the presence of an audience and is provided for the purpose, or for purposes which include the purpose, of entertaining that audience.

2.3 As a result of the Order, the following activities are no longer licensable between the hours of 8am and 11pm:

a) Performances of plays up to an audience of 500 people
b) Exhibitions of dance up to an audience of 500 people
c) Indoor sport up to an audience of 1000 people.

2.4 This is further to the previous amendments to regulated entertainment brought about by the Live Music Act 2012. The Live Music Act 2012 came into effect on 1st October 2012 and resulted in the deregulation of the following activities between the hours of 8am and 11pm:

a) a performance of **unamplified live music**;
b) a performance of **live amplified music in a workplace** with an audience of no more than 200 people; or
c) **a performance of live music on licensed premises** which takes place in the presence of an audience of no more than 200 people, provided that a number of important conditions are satisfied.

2.5 Any conditions on a licence relating to these deregulated activities will no longer apply during the hours of 8am and 11pm, provided the audience limits aren't exceeded. However, conditions can be added or altered in relation to these non-licensable activities following a review of the licence.

2.6 A licence would still be required for these activities if they were taking place outside the hours of 8am – 11pm, and for audiences that exceed the maximum limits.

2.7 The Order makes it clear that exhibitions of dance of a sufficiently adult nature will not be deregulated.

3. Combined Fighting Sports

3.1 The Order has also sought to clarify the position of combined fighting sports such as Mixed Martial Arts, so that it is clear in law that such activities remain licensable as boxing or wrestling activities.

3.2 The amended Section 182 Guidance defines Combine fighting sports as any contest, exhibition or display combining boxing or wrestling with one or more martial arts. It states that whether the event is indoors or not it cannot be classed as an 'indoor sporting event'. Therefore those activities will continue to be subject to any relevant conditions attached to that authorisation.

4. Achievability

This report contains no equality personnel or property implications.

5. Legal Implications

5.1 The Legal Implications appear in the body of this Report.

6. Financial Implications.

6.1 It is not envisaged that there will be any financial implications to the Licensing Authority as a result of these changes.

7. Recommendation

7.1 That the report be noted.

Dave Holland **1st July 2013**
HEAD OF REGULATORY AND SUPPORTING SERVICES

This report has been prepared in accordance with procedures approved by Corporate Managers.

Background Papers: Licensing Committee Report 30th October 2012: Live Music Act 2012