

Proposal to exempt small live music events from the Licensing Act 2003

Questions

Answers - Yes/No, If No please explain why.

1	Do you agree that the exemption should be limited to performances held wholly inside a permanent building?	Yes. If there is to be exemptions, any exemptions granted should only be allowed inside a building and only on the basis that doors and windows must be kept closed during the entertainment, except during access and egress.
2	Do you agree that the exemption should be limited to performance of live music for not more than 100 people?	No, 100 people or less, if they are at say, a live rock or dance music event, can cause a lot of noise. Any exemptions should be based upon the type of event, the suitability of the venue and the way it is managed.
3	Do you agree that audiences for exempt performances should be accommodated entirely within the building where the performance is taking place?	Yes, the events should only be permitted inside an effective sound insulated building with the doors and windows closed.
4	Do you agree that exempt performances should not take place between 11pm and 8am?	Yes, but even 11 pm is too late. Many people will go to bed before 11 pm, including the elderly, those who have to work the next day, children who have school and those who are ill. An exemption until 11 pm is not appropriate in a residential area.
5	Do you agree that there should be an exclusion process as set out above?	Yes.
6	Do you agree that the exclusion process should be similar to the current review process, with the modifications proposed?	Yes.
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 performances?	Yes.
8	Do you agree that this proposal cannot be achieved by non-legislative means?	No, the current system seems to strike the right balance between licensed premises, their customers and local residents. Considering the licensed premises in York that cause noise problems, most have capacities under 100. The licence enables us to better protect the quality of life for local residents and business.
9	Do you agree that the effect of the proposal is proportionate to the policy objective?	No, the proposals are most definitely in favour of the licensees and against the interests of local residents. The proposals would allow an effective free for all up until 11pm. Most licensed premises were not designed for live music and have insufficient sound attenuation. Exemptions could be made for those premises that are well insulated and managed.

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?	No, most definitely not. Since the Licensing Act 2003 there has been a considerable increase in the number of noise complaints about licensed premises, further exacerbated by the smoking ban. Though the increased noise levels generated between 8 a.m. and 11 p.m. might not always constitute a statutory noise nuisance or even a public nuisance, they may be sufficient to reduce the amenity and quality of life of local residents and reduce their sleep and impact their health. School aged children may be deprived of sleep in some cases and this could affect their performance at school.
11	Do you agree that the proposal does not remove any necessary protection?	No, local residents could be potentially exposed to live music for 15 hours per day, 7 days per week, with no licensing controls. The only protection for local residents will be via the environmental protection unit (EPU) that operate Mon-Fri from 8.30 to 5 pm and the EPU Noise Patrol operates Friday and Saturday nights from 9 p.m. to 3 a.m. At other times local residents will have to endure the additional noise up until 11 p.m., unless EPU are provided with additional resources.
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?	No, the quality of life of local residents, their amenity at their property, their sleep and potentially, their health may all be adversely affected.
13	Do you agree that the proposal has no constitutional significance?	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)?	<u>Yes/No. If not, please say which estimate you disagree with, and provide any evidence that supports an alternate estimate.</u> No, I cannot give an accurate estimate. The financial burden of regulating licensed premises would move from a pro-active approach by the licensing team, assisted by EPU and others, to protect local residents, to one where the main burden would be met by EPU in a reactive service. There are currently insufficient resources within EPU to effectively regulate the licensed premises if the proposals were to be agreed. It is difficult to cost the impact upon the health and wellbeing of local residents.
15	Do you think that this draft order accurately reflects the proposed change?	Don't know.