

## Proposal Impacts: Questions

**Q1: Do you agree that the proposals outlined in this consultation will lead to more performances, and would benefit community and voluntary organisations? If yes, please can you estimate the amount of extra events that you or your organisation or that you think others would put on?**

Not relevant

**Q2: If you are replying as an individual, do you think this proposal would help you participate in, or attend, extra community or voluntary performance?**

Not relevant

**Q3: Do you agree with our estimates of savings to businesses, charitable and voluntary organisations as outlined in the impact assessment? If you do not, please outline the areas of difference and any figures that you think need to be taken into account (see paragraph 57 of the Impact Assessment).**

This is not relevant as there is no application or annual fee applied for community/village/church halls, other similar buildings and educational establishments where the only licensable activities are regulated entertainment.

Most TENs applied for by these type of premises are for the supply of alcohol only as they already have premise licences in place for regulated entertainment.

The only costs incurred by these type of premise when applying for a grant or variation of a premise licence is for the press notice.

**Q4: Do you agree with our estimates of potential savings and costs to local authorities, police and others as outlined in the impact assessment? If you do not, please outline the areas of difference and any figures you think need to be taken into account.**

No. As premises such as schools / community buildings do not have to pay an annual charge there is no burden on local authorities to collect annual charges from these premises. Therefore your estimated savings

to local authorities of £980,530 is irrelevant and the total saving to local authorities as stated in paragraph 74 of £1.03million is therefore incorrect.

This authority licences 118 premises for regulated entertainment only. 12 of these premises pay an annual charge for which this authority receives £2205.00 of income per year. Your estimation states that it costs local authorities £70 in administration to collect annual charges, therefore it costs this authority £840.00 to collect these payments.

Within the financial year 2010/11 this authority received 418 temporary event notices, 24 were for regulated entertainment only.

There will be a financial impact to local authorities to investigate public nuisance and safety issues. With a licence condition, a licensing enforcement officer who would already be on site assessing compliance with other controls can easily check whether actions are in place to comply with licence conditions. Examples of this would be whether doors and windows are closed, whether live music is taking place after a particular time. To rely on nuisance and safety legislation would take more time to resolve the problem. This would adversely affect the local residents being affected as they would need to experience the noise for longer than if it were dealt with through a straight forward breach of a condition and the safety of people attending the premises could be put at risk.

To assess whether a statutory nuisance exists, trained officers need to investigate for a period of time to allow an assessment to be made. This may need to take place over a period of time at different times of night to be sure that the statutory nuisance exists. The financial burden to the local authority is therefore more when dealing with the issue reactively rather than proactively through licensing controls.

Since the inception of the Council's out of hours Noise Patrol (NP) service in 2006, a total of almost 6000 complaints have been received out of normal office hours and over 11% of those have been regarding licensed premises. In fact, of the 1070 noise complaints about licensed premises received in total since July 2006, 60% of those were received out of hours. All the indications would suggest that dealing reactively with the potential increase in noise complaints from licensed premises could put further strain on already hard pressed resources, particularly during the week when additional planned visits could be required to investigate complaints.

Since 1 April 2006 when NP started the Environmental Protection Unit has spent approximately 594 hours on proactive licensing work .

The Environmental Protection Unit undertook one licence review which it called for which took 20 hours of EPU officer time – which at £40 per hour is £800 not including cost to LA for the hearing etc. There was another premises licence reviewed, called for by a complainant, which took up 27 hours of officer time.

During the same period we received 1053 complaints about licensed premises and spent approximately 1250 hours dealing with those complaints.

Total time spent on licensing has been 1844 hours.

The proactive work is more cost effective as proactively we have dealt with 523 licensing applications the same time would only have covered approximately 25 licence reviews.

Between 1<sup>st</sup> April 2006 and 31<sup>st</sup> October 2011, there have been 1053 noise complaints relating to approximately 156 different licensed premises.

It is possible that the change in regulations, could result in an added cost to certain business premises in situations where formal action has to be taken relating to noise from the premises. Between 1<sup>st</sup> April 2006 and 31<sup>st</sup> October 2011, 78 noise abatement notices have been served on a total of 39 different licensed premises. There is a strong likelihood that removing conditions within licences which help control noise, could result in additional enforcement action being taken by the Environmental Protection Unit. Where enforcement action is taken, this could result in additional time and costs to the business if it results in court action. The current process allows for mediation of conditions onto the premises licence, a benefit which will be lost if these changes take place.

**Q5: 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 refreshment.**

It is our opinion that there will be an increase in complaints regarding noise. Currently, any premises wishing to regularly hold live music events would apply for a variation, the potential noise issues can then be discussed with the applicant and appropriate conditions drawn up. With deregulated entertainment, small family run premises such as pubs in residential areas, may decide to hold live music events. These venues may be inappropriate and could cause statutory nuisance due to the proximity of residential premises. In City of York, there are many streets of dense housing taking the form of terraced streets, many of which have pubs amongst them. The commencement of entertainment without these existing controls would lead to a deterioration of the noise climate in those areas. Many of these premises are immediately adjacent to residential premises and so the occupants could experience loss of amenity or nuisance due to the entertainment taking place unregulated.

In York there are many examples of such locations, public houses where live music has taken place adjoining residential properties, resulting in noise complaints and the creation of a statutory nuisance. There are others where recorded music has resulted in noise complaints and a statutory nuisance being witnessed. This is a snap shot of issues we have dealt with recently, those premises licensed to sell alcohol are by their very nature usually central to residential areas. This could pose a significant risk of nuisance from the noise associated with unregulated entertainment. As such, some premises, by virtue of their proximity to residential properties will always be unsuitable for such entertainment taking place, particularly during the later hours.

**Q6: The Impact Assessment for these proposals makes a number of assumptions around the number of extra events, and likely attendance that would arise, if the deregulation proposals are implemented. If you disagree with the assumptions, as per paragraphs 79 and 80 of the Impact Assessment, please provide estimates of what you think the correct ranges should be and explain how those figures have been estimated.**

A majority of outdoor sporting events are regulated by safety at sports legislation. As stated in the answer to Q8 this authority receives complaints about fun fairs with regards to noise (especially the recorded music played with rides) and local residents do not understand why fairs

are not licensed and controlled. With regards to political rallies and religious event this authority finds that they only work well due to the involvement of the police.

**Q7: Can you provide any additional evidence to inform the Impact Assessment, in particular in respect of the impacts that have not been monetised?**

There will be a greater impact on local residents and businesses. Environmental Protection Officer can only take action if a statutory nuisance is caused, however not all “public nuisance” issues are a statutory nuisance and therefore Officers are limited on the action they can take. With this authority there are a number of city centre hotels located in close proximity to late night licensed premises which provide alcohol and regulated entertainment, hotel guests regularly complain that they have been disturbed during the night by a nearby licensed premise. As these hotel guests are not permanent residents environmental health officers are restricted to the action they can take. However, licence controls protect these type of premises.

When the Licensing Act 2003 was introduced one of the aims was to protect local residents whose lives can be blighted by disturbance and anti-social behaviour associated with the behaviour of some people visiting licensed premises.

**Q8: Are there any impacts that have not been identified in the Impact Assessment?**

Paragraph 29 relates to activities that take place without an entertainment licence, fun fairs etc. Even though these events don't require a licence does not mean they take place without any incidents relating to noise, public nuisance or crime and disorder. This authority receives noise complaints when fun fairs take place, local residents don't understand why they do not require a licence and why they are not controlled the same as licensed premises. There is also the question as to who makes sure these events run safely, as there are no legal requirements for a licence or formal notification, how do the police / fire / health and safety know these events are taking place?

**Q9: Would any of the different options explored in this consultation have noticeable implications for costs, burdens and savings set out**

**in the impact assessment? If so, please give figures and details of evidence behind your assumptions.**

Option 1: We believe the current legislation works adequately.

Option 2: We believe that removing all regulated entertainment, as defined in Schedule 1, would increase the number of noise nuisance complaints received by the council and experienced by the public will be in excess of the 5 - 10 % specified in the Impact Assessment.

We believe that removing the licensing requirement for large scale events would be very unwise, especially in light of recent issues with crowd control and public safety. We know from our experience of outdoor events that the licensing process is an important tool for ensuring that events are safely organised. Licensed entertainment is not just about the control of noise, but is a means for addressing a host of crucial matters such as public safety and crime and disorder which is an essential consideration for such large scale events. As such it would be impossible to predict the costs that would be incurred if there was a major incident at such an event.

Option 3: Retaining regulated entertainment for events of more than 5,000 and for a small number of higher-risk forms of entertainment is sensible. However, as described in the answer to Q12, we believe that this level is too high for certain types of entertainment, and would lead to a much higher level of risks as previously described.

**Q10: Do you agree that premises that continue to hold a licence after the reforms would be able to host entertainment activities that were formerly regulated without the need to go through a Minor or Full Variation process?**

We believe that it would be very difficult for licensing and responsible authorities to enforce licences, and for licence holders to understand which conditions / requirements of their premise licences are in force. If regulated entertainment is no longer a licensable activity it would be easier for all parties involved if licences were changed. As this would be done by a change in legislation it would not be fair to make licence holders go through the full variation process, therefore the minor variations process would be fair, however this must be done in full consultation with the responsible authorities.

## The Role of Licensing Controls: Questions

**Q11: Do you agree that events for under 5,000 people should be deregulated across all of the activities listed in Schedule One of the Licensing Act 2003?**

No, this is still a large number of people attending any entertainment activities when there are no set controls in place.

**Q12: If you believe there should be a different limit – either under or over 5,000, what do you think the limit should be? Please explain why you feel a different limit should apply and what evidence supports your view.**

*\*(please see below)* A more reasonable limit would be 100 people attending an event that takes place in a pub, bar, nightclub type premise when the main entertainment activities are live music, recorded music and facilities for dancing, but only if these activities take place between 07:00 hours – 23:00 hours. Between 23:00 hours – 07:00 hours there should be no limit on numbers attending. The activity should be licensable.

*\*(please see below)* A more reasonable limit would be 500 people attending an event that takes place in a theatre, cinema, type premises when the main entertainment activities are plays, film exhibition, indoor sporting and performance of dance, but only if these activities take place between 07:00 hours – 23:00 hours. Between 23:00 hours – 07:00 hours there should be no limit on numbers attending. The activity should be licensable. However, if a premise providing this type of entertainment is not located near residential premises and is built for purpose, for example a multiplex cinemas, they could operate 24 hours without the requirement for a licence.

This authority has dealt with five reviews where the licensing objectives regarding public nuisance and crime and disorder have been undermined. Each of these premises has had a capacity limit of 500 or less and each has operated passed 23:00 hours. The issues at all of these premises has been the noise from the entertainment activity taking place, (live music, recorded music and facilities for dancing), the noise and anti social behaviours of people attending these events and the associated noise of these premises operating (taxi's collecting

customers, bottle bins being emptied, people dispersing at the end of an evening). In each case strong conditions have been attached to licenses relating to noise controls, dispersal of customers, door staff, reduction of hours for some licensable activities and one licence has been revoked.

One of our review decision, where the hours for some licensable activities was reduced, was appealed to Magistrates Court, the court dismissed this appeal.

*\*Capacity limits should be set for all licensed premises. The total capacity of the premise should be the defining issue if a licence is required, not the number of people present at an event, e.g. if a pub has a capacity limit of 150 persons the regulated entertainment must be licensable, even if only 60 persons attend a live music event.*

**Q13: Do you think there should there be different audience limits for different activities listed in Schedule One? If so, please could you outline why you think this is the case. Please could you also suggest the limits you feel should apply to the specific activity in question.**

Please see answer to Q12.

**Q14: 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 the scenario in question.**

Yes, it is our opinion that they would.

For example, someone could organise an outdoor live rock music concert in a field adjacent to residential dwellings. They only promote the event by way of text messaging and emails, they make it clear that only 4999 people can attend at any one time, the concert starts at 14:00 hours and finishes at 02.00 hours and they advise people to bring their own alcohol as only soft drinks and food will be on sale.

Due to the way this event is promoted the police, fire authority and environmental health officers who deal with noise issues and health and safety are not aware of the event.



An event such as this would have significant risk on all four licensing objectives. Even if only 500 people actually attend.

Within this authority area some premises (nightclubs) licensed for alcohol and regulated entertainment hold under 18 events. On these occasions the sale / supply of alcohol does not take place and the only licensable activities that do take place are the provision of regulated entertainment. If regulated entertainment is no longer licensable who will make sure that these events take place safely and that the licensing objective "protection of children from harm" is upheld?

This authority area already has a number of free music festivals which attract a number of people and there is a history of noise complaints arising from these events. They are regulated at present due to the entertainment as there is no alcohol involved.

Similarly, sporting venues such as the football ground or racecourse could allow their premises to be used for music events with up to 4999 people with no alcohol for sale with no licensing controls. From a noise aspect these venues are close to residential so the public nuisance impact is a real potential.

**Q15: Do you think that outdoor events should be treated differently to those held indoors with regard to audience sizes? If so, please could you explain why, and what would this mean in practice.**

No. Both indoor and outdoor events can have an impact on the licensing objectives, but outdoor events are more likely to cause both statutory and public nuisance.

**Q16: Do you think that events held after a certain time should not be deregulated? If so, please could you explain what time you think would be an appropriate cut-off point, and why this should apply.**

Please see answer to Q12.

It is our opinion that there should be a live music cut-off of 23:00 hours. The Noise Act, World Health Organisation (WHO) and planning policy guidance all recognise 23:00 hours as the start of night-time. WHO states that sleep disturbance is one of the most serious effects of environmental noise. Evidence indicates that noise exposure disturbs

sleep, with both immediate effects and next-day and long-term effects on mental and cardiovascular health. By regulating the performance of live music after 23:00 hours, safeguards can be put in place before local residents suffer sleep disturbance. Also see the answer to Q7 in relation to nearby businesses.

**Q17: Should there be a different cut off time for different types of entertainment and/or for outdoor and indoor events? If so please explain why.**

Please see answer to Q12.

**Q18: Are there alternative approaches to a licensing regime that could help tackle any potential risks around the timing of events?**

It is our opinion that this could only be done by bringing in some other form of legislation where event organisers formally notify environmental health, fire authorities and the police of events and these agencies have the powers to place necessary restrictions before events can take place. However, this approach would put further burden and costs on these agencies.

**Q19: Do you think that a code of practice would be a good way to mitigate potential risks from noise? If so, what do think such a code should contain and how should it operate?**

Yes, it is our opinion that a code of practice would be a good way to mitigate noise. This should build on existing codes such as Good Practice Guide on the Control of Noise from Pubs and Clubs, Institute of Acoustics, March 2003, although this may now need to be updated. The Noise Council Code of Practice on Environmental Noise Control at Concerts would also be a good starting point. The proposed code should be drawn up in consultation with recognised professional bodies such as the Institute of Acoustics (IoA) and the Chartered Institute of Environmental Health (CIEH).

It should include all existing best practice regarding the minimising of the noise impact from events and premises; there should be a requirement for responsible staff to be trained, with this training evidenced and trained staff to be on site during the entertainment. It should also include hand over requirements to new or temporary managers to ensure that the same problems are not encountered each time the on-site

management changes. The code should place a requirement on event or premises staff to proactively monitor the effect of the event or premises of the local environment to minimise impacts rather than rely on the receipt of noise complaints.

We would welcome the opportunity to comment on any proposed code of practice.

However a code of practice would not be a substitute for effective statutory noise and licensing controls.

**Q20: 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? If not, how can those risks be managed in the absence of a licensing regime?**

Not all current laws deal with potential risks. Some form of legislation would have to be in place so that premise operators / event organisers formal notify environmental health, police, fire, etc of the intended use of their premise/event (activities, timings, etc). Please see answer to Q18. However, this approach would put further burden and costs on these agencies.

The existing legislation to deal with noise is reactive rather than proactive. The benefit of the current licensing regime is the proactive dealing with issues. The proactive approach places responsibility on the premises or event organiser to ensure they do not adversely affect local residents, this is what a responsible premises or event organiser would expect. It is better use of public resources to place the responsibility on the premises to manage noise. Requiring adherence to a code of practice in the absence of the current licensing regime would be the minimum requirement.

**Q21: How do you think the timing / duration of events might change as a result of these proposals? Please provide reasoning and evidence for any your view.**

The timing / duration and type of events held at certain venues will change.

The hours requested on a number of licence application for regulated entertainment both indoors and outdoors are changed at hearing to

earlier hours due to representations received. If regulated entertainment is not licensable operators will be able to provide entertainment until any hours they wish.

This authority has dealt with two reviews, where the licensing objective “prevention of public nuisance” has been undermined. Following these review hearings the licensing hours for regulated entertainment have been reduced.

**Q22: Are there any other aspects that need to be taken into account when considering the deregulation of Schedule One in respect of the four licensing objectives of the Licensing Act 2003?**

The deregulation of Schedule One will have a detrimental impact on the four licensing objectives. The burdens and cost to responsible authorities will increase and interested parties will have less protection.

### **Performance of Live Music: Questions**

**Q23: Are there any public protection issues specific to the deregulation of the performance of live music that are not covered in chapter 3 of this consultation? If so, how could they be addressed in a proportionate and targeted way?**

There would be more public nuisance issues that environmental health will only be able to deal with. Environmental health officer would require further powers to deal with public nuisance issues and not just statutory nuisance. However this would create extra burden and cost on this agency.

**Q24: Do you think that unamplified music should be fully deregulated with no limits on numbers and time of day/night? If not, please explain why and any evidence of harm.**

No. It could be deregulated if there are limits on numbers and time of day/night. Please see answer to Q12. This would enable venues such as coffee shops, which are not licensed, to have a piano player.

**Q25: Any there any other benefits or problems associated specifically with the proposal to deregulate live music?**

There could be a major impact on the “prevention of public nuisance” licensing objective if live music is deregulated, especially amplified music and at outdoor events.

This could lead to an impact on the quality of life of residents who live in the vicinity of licensed premises.

### **Performance of Plays: Questions**

**Q26: Are there any public protection issues specific to the deregulation of the performance of plays that are not covered in chapter 3 of this consultation? If so, how could they be addressed in a proportionate and targeted way?**

H&S and fire authorities only have the resources to visit/inspect premises when an issue has occurred. They do not carry out pro-active inspections. More resources would be required by these services to undertake regular pro-active inspections. However this would create extra burden and cost on these agencies.

**Q27: Are there any health and safety considerations that are unique to outdoor or site specific theatre that are different to indoor theatre that need to be taken into account?**

Indoor theatres are usually built for purpose, where as staging, electrics, lighting, seating, etc has to be brought in for a majority of outdoor theatres.

**Q28: Licensing authorities often include conditions regarding pyrotechnics and similar HAZMAT handling conditions in their licences. Can this type of restriction only be handled through the licensing regime?**

Yes. On consultation with environmental health section there are no legal requirements to notify H&S authorities of their use.

**Q29: Any there any other benefits or problems associated specifically with the proposal to deregulate theatre?**

We agree that a school involving their children in the Christmas show should be dealt with differently than a theatre holding a touring production.

School will makes sure adequate risk assessments and safety precautions are in place for all school productions as this is part of the schools operation, whether the school show is just for parents or open to the general public. If pyrotechnics or similar effects are included in any productions formal notification should be given to the fire and H&S authorities.

However, when an audience attends a premise to see a show their safety should be taken into consideration no matter what type of premise is holding the event. The only way this can be done is by licensing premise that hold such activities. School productions could be exempt from this requirement.

### **Performance of Dance: Questions**

**Q30: Are there any public protection issues specific to the deregulation of the performance of dance that are not covered in chapter 3 of this consultation? If so, how could they be addressed in a proportionate and targeted way?**

Please see answer to Q26.

**Q31: Any there any other benefits or problems associated the proposal to deregulate the performance of dance?**

Please see answer to Q29.

### **Exhibition of Film: Questions**

**Q32: Do you agree with the Government's position that it should only remove film exhibition from the list of regulated activities if an appropriate age classification system remains in place?**

No. Cinemas should still come under the requirements of a licensing regime. This is not just for classification purposes. Please see answer to Q29. The exhibition of films in alcohol licensed premises, such as pubs and bars, could be readdressed, as stated in your proposal why should a video jukebox require a licence when showing a live football match does not.

**Q33: Do you have any views on how a classification system might work in the absence of a mandatory licence condition?**

A system would have to be in place for the BBFC to classify films that don't hold a classification.

**Q34: If the Government were unable to create the situation outlined in the proposal and above (for example, due to the availability of Parliamentary time) are there any changes to the definition of film that could be helpful to remove unintended consequences, as outlined earlier in this document - such as showing children's DVDs to pre-school nurseries, or to ensure more parity with live broadcasts?**

The showing of films in a cinema style operation should be licensable.

**Q35: Are there any other issues that should be considered in relation to deregulating the exhibition of film from licensing requirements?**

Please see answer to Q29.

### **Indoor Sport: Questions**

**Q36: Are there any public protection issues specific to the deregulation of the indoor sport that are not covered in chapter 3 of this consultation? If yes, please outline the specific nature of the sport and the risk involved and the extent to which other interventions can address those risks.**

Please see answer to Q29.

Indoor sporting events can attract large audiences over a number of days. Within this authority area a venue holds a large snooker event which is shown on TV. The premise licence makes sure these events are run safely.

A small scale darts match between 2 pub teams in a premise already licensed for alcohol could be readdressed.

**Q37: Are there any other issues that should be considered in relation to deregulating the indoor sport from licensing requirements?**

Please see answer to Q29.

### **Boxing and Wrestling, and Events of a Similar Nature: Questions**

**Q38: Do you agree with our proposal that boxing and wrestling should continue to be regarded as “regulated entertainment”, requiring a licence from a local licensing authority, as now?**

Yes

**Q39: Do you think there is a case for deregulating boxing matches or wrestling entertainments that are governed by a recognised sport governing body? If so please list the instances that you suggest should be considered.**

If boxing and wrestling is governed and controlled by some other regulatory body and the police still have an involvement it could be deregulated.

**Q40. Do you think that licensing requirements should be specifically extended to ensure that it covers public performance or exhibition of any other events of a similar nature, such as martial arts and cage fighting? If so, please outline the risks that are associated with these events, and explain why these cannot be dealt with via other interventions.**

Yes. These types of activities should be regulated in some way, as there are a number of risks, e.g. H&S, crime and disorder, public nuisance and as recently highlighted the protection of children from harm.

As with boxing and wrestling if these activities are governed and controlled by some other regulatory body and the police are involved they may not need to be regulated under the LA03.

### **Recorded Music and Entertainment Facilities: Questions**

**Q41: Do you think that, using the protections outlined in Chapter 3, recorded music should be deregulated for audiences of fewer than 5,000 people? If not, please state reasons and evidence of harm.**



No. It is our opinion that there is potential for premises to have recorded music events where there is no alcohol or late refreshment. Examples would be wedding or similar party functions in a village hall organised by someone with no background in organising events. To rely on common sense to ensure the licensing objectives are met could be a problem. They will not have access to the code of practice and may cause problems. This authority has experience of dealing with these sort of private functions in residential premises, the same problems could occur where the event is held in other premises which are not regulated.

Please see answer to Q14.

**Q42: If you feel that a different audience limit should apply, please state the limit that you think suitable and the reasons why this limit is the right one.**

Please see answer to Q12.

**Q43: Are there circumstances where you think recorded music should continue to require a licence? If so, please could you give specific details and the harm that could be caused by removing the requirement?**

Please see answer to Q12.

**Q44: Any there any other benefits or problems associated specifically with the proposal to deregulate recorded music?**

There will be a major impact on the “prevention of public nuisance” licensing objective if recorded music is deregulated, especially at outdoor events.

This could lead to an impact on the quality of life of residents who live in the vicinity of licensed premises.

**Q45: Are there any specific instances where Entertainment Facilities need to be regulated by the Licensing Act, as in the current licensing regime? If so, please provide details.**

Please see answer to Q12.

**Unintended consequences: Questions**

**Q46: Are there any definitions within Schedule One to the Act that are particularly difficult to interpret, or that are otherwise unclear, that you would like to see changed or clarified?**

No.

**Q47: Paragraph 1.5 outlines some of the representations that DCMS has received over problems with the regulated entertainment aspects of the Licensing Act 2003. Are you aware of any other issues that we need to take into account?**

No.

### **Adult Entertainment: Question**

**Q48: Do you agree with our proposal that deregulation of dance should not extend to sex entertainment? Please provide details.**

Yes

### **Extra comments.**

This proposal does not take into consideration the fact that the police, fire authority, health & safety bodies and environmental health officers are already stretched and have limited powers that they can take. In most cases a problem has to have occurred before action can be taken.