

From: Stephen Brown
Sent: 20 May 2014 18:27
To: wrsenquiries
Subject: Redditch Borough Council - Licensing Act 2003 - Review of Statement of Licensing Policy

Dear Sirs,

Thank you for your letter dated 17th April 2014 inviting the Musicians' Union (MU) to comment on the consultation for the Authority's 'review of statement of licensing policy'.

The MU would comment as follows:

The MU is focused on the music aspects of this policy and whilst the review statement appears to comply with the aspects of the deregulation of music as contained in the Live Music Act 2012; there are points in the document that the MU believe if not auctioned reasonably or proportionally may be used to frustrate the spirit of the Live Music Act 2012, and/or lack sufficient clarity/guidance in their context to the Live Music Act 2012.

I would highlight these points as such:

6.7 The complexity and detail required in the operating schedule will depend upon the nature and use of the premises concerned. For premises such as a public house where regulated entertainment is not provided, only a relatively simple document may be required. However for an operating schedule accompanying an application for a major entertainment venue or event, it will be expected that issues such as public safety and the prevention of crime and disorder will be addressed in detail.

Comment: Some public houses may be a touring circuit venue and be considered a 'major entertainment venue' in their own right and have specialised facilities for same. However, they may also have a capacity of less than 200. It is not clear in the revised policy where the line of distinction may be drawn by the Public Authority. Clearly, if the capacity is less than 200 then it would fall within the 2012 Live Music Act. For such venues we would be concerned if additional barriers were put in place by the regulatory authority to prevent their licensing and status as a venue in such cases - which may then mean they are not being treated appropriately or fairly under the Live Music Act 2012 and hence potentially deny working opportunities for musicians.

6.17 v) any other measure as may be appropriate (eg participation in local Pubwatch and/or Shopwatch schemes or 'behave or be banned' schemes (BOBS), restrictions on 'happy hours', music wind-down policies)

Comment: The terms in the Live Music Act 2012 for periods and type of music are clearly defined, so it is not clear what the 'wind-down' period in this sense refers to? If it applies to regulated entertainment outside of the Act it should state this. Otherwise, there is a potential to frustrate the terms for periods/type of live music defined in the Live Music Act 2012 by imposing unfair terms without good reason. This could result in a potential reluctance by venues to put on live music thus denying musicians an opportunity of work.

6.22 The identification of a safe capacity limit for premises ensures that persons can be evacuated safely from premises in cases of emergency and may be one means of promoting the Act's public safety objective. The design and layout of premises are important factors when determining a safe occupant capacity. Other factors that may influence safe occupancy limits and may need to be considered when assessing the appropriate capacity for premises or events include:

- the nature of the premises or event
- the nature of the licensable activities being provided
- the provision or removal of such items as temporary structures, such as a stage, or furniture
- the number of staff available to supervise customers both ordinarily and in the event of an emergency
- the age spectrum of the customers
- the attendance by customers with disabilities, or whose first language is not English
- availability of suitable and sufficient sanitary facilities
- nature and provision of facilities for ventilation

Comment: the MU would agree absolutely that public safety is of paramount importance and nothing should interfere with this duty. However, we would hope that conditions would not be so prescriptively or unreasonably imposed, especially for smaller (limited resource) venues, as to make the entertainment 'regulated' by default. For example, smaller venues can provide exceptional platforms for emerging musical talent and we would hope this would be taken into account when assessing applications, especially in terms of staffing or stage structures when the venue has good contingency plans for such eventualities.

6.28 In particular the licensing authority will consider the action that is appropriate for the premises that the applicant has taken or is proposing with regard to the following:
i) prevention of noise and vibration escaping from the premises, including music, noise from ventilation equipment, and human voices. Such measures may include the installation of soundproofing, air conditioning, acoustic lobbies and sound limitation devices.

Comment: The MU would hope that conditions would not be so prescriptively or unreasonably imposed, especially for smaller (limited resource) venues, as to make the entertainment 'regulated' by default with the consequence of a venue deciding that the terms are so impractical and cost intensive to deny work for musicians.

19.3 When considering whether an activity constitutes the provision of regulated entertainment each case will be treated on its own merits. There will inevitably be a degree of judgement as to whether a performance is live music or not, so organisers are encouraged to check with the licensing authority if in doubt.

Comment: It is not clear to the MU what is meant by "there will inevitably be a degree of judgement as to whether a performance is live music or not". Who would make this judgement and what is the guidance provided? It may be helpful to see a glossary of terms or appendix or similar to this effect, as it is difficult for the MU to comment on such a clause when it is based on a subjective unknown. Again, if not clearly defined with an

opportunity for reasonable grounds for challenge then in consequence it may deny opportunities to working musicians.

I trust this response is helpful.

Kind Regards,
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Midlands Regional Organiser

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Date 18 June 2014

sent via e-mail : wrslicensing@worcsregservices.gov.uk

Dear Madam

Licensing Act 2003 – Review of Statement of Licensing Policy

Thank you for your letter dated 17 April 2014 and the opportunity to comment on the statement of licensing policy. I have reviewed the document and make comment as follows :-

The majority of objections and representations made by my Officers relate to the quality of the plans and information contained on the plans submitted with the application. With this in mind, would it be possible to amended paragraph 6.2 to state that plans should be submitted to a recognised scale and that the location and type of fire safety equipment should be detailed.

I hope that the above comment makes a positive contribution to the review and should you require to discuss the points further, please do not hesitate to contact my lead Officer for Licensing, on the above telephone number or e-mail

Yours faithfully

Adrian Elliott
Group Manager
Community Risk



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