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26 February, 2010

Shelley Mickleburgh
Licensing Team
Sports and Leisure Directorate
2-4 Cockspur Street
London SW1Y 5DH

Dear Ms Mickleburgh,

I am responding to the consultation on *Proposal to clarify the definition of "entertainment facilities"* on behalf of the National Campaign for the Arts (NCA) and our members.

The NCA is the UK's only independent lobbying organisation representing all the arts. It provides a voice for the arts world in all its diversity. It seeks to safeguard, promote and develop the arts and win public and political recognition for the importance of the arts as a key element in our national culture. We have sought to provide a general but brief response to the questions in the consultation.

First, the NCA notes that this consultation is one of three current consultations on the Licensing Act 2003, all with closing dates within a month of each other. We feel this indicates a rather unconsidered approach to the Licensing Act from DCMS, requiring a great deal more time and effort to generate responses from the sector than would have been needed if the separate consultations had been combined. Should there be further consultations, we urge DCMS to consider potential amendments with more foresight and issue them as a single consultation.

1. The NCA agrees that the Licensing Act 2003 should be amended to state that entertainment facilities are not licensable if they are to be used solely for the provision of exempt incidental music. A great number of musicians gain recognition, confidence and achievement as performers by playing in small cafes/bars/pubs etc. Making incidental music non-licensable will go some way to alleviate the stifling effect that the Licensing Act is having on musicians.

This clarification relieves any regulatory burdens, which, in some cases, would require licence holders to make an application to vary the terms of their licence, in order to provide exempt incidental music, which the NCA feels to be completely unnecessary.

2. The NCA agrees that the Act should be amended so that the provision of musical instruments and ancillary items is excluded from the definition of entertainment facilities, since we fundamentally believe that unamplified (or minimally amplified) music should not be licensable. The exclusion also permits incidental music to be played, which, as outlined above, we entirely support.

Furthermore, it seems sensible that members of the public wishing to entertain themselves (on a pub piano, for example) should not be hindered by the need to obtain a licence for this.

3. We think that the draft statutory instrument reflects the proposals in Chapter 1.
4. The NCA feels that the draft Guidance provides sufficient advice to assist licensing authorities in their administration of the Licensing Act.

Yours sincerely,

A handwritten signature in black ink that reads "Louise de Winter". The signature is written in a cursive, flowing style.

Louise de Winter
Director