

## **Annex 2**

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### Suggested Response to the Consultation Questionnaire.

**Question 1:** Do you agree that the exemption should be limited to performances held wholly inside a permanent building?

Yes – live music performances held outside a building are more likely to have a negative impact on surrounding noise sensitive premises.

What is the definition of permanent building? What would a permanently sited marquee be defined as?

Would it not be better to consider an 'exemption' for non-amplified live music?

What is the definition of small live music event– does include a DJ playing recorded music?

**Question 2:** Do you agree that the exemption should be limited to performances of live music for not more than 100 people?

Why? In the majority of licensed premises which would be covered by this proposed exemption, it is the volume at which the live music is played that has the greatest impact on the licensing objective of public nuisance, not the audience size.

Should the exemption not apply to premises or venue rather than small music events. There are premises which could accommodate simultaneous small live music events in different rooms within a single building; this could lead to a cumulative noise effect from the music and patrons at the events.

**Question 3:** Do you agree that audiences for exempt performances should be accommodated entirely within the building where the performance is taking place?

Yes, subject to the definition of 'permanent building'.

**Question 4:** Do you agree that exempt performances should not take place between 11pm and 8am?

Yes – this reflects the reduction in background noise levels which occurs at 'night'

**Question 5:** Do you agree that there should be an exclusion process as set out above?

Yes not all small venues are suitable for the playing of live music.

**Question 6:** Do you agree that the exclusion process should be similar to the current review process, with the modifications proposed?

Yes. The existing review process has proved a useful mechanism in resolving issues, in respect of complaints regarding live music.

The proposal that the exclusion process will take effect immediately is to be welcomed.

**Question 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 performance?

Conditions were attached to the original licences for premises, on an individual basis and as such their removal should be considered on an individual basis.

**Question 8:** Do you agree that this proposal cannot be achieved by non-legislative means?

Yes, to ensure consistency in its enforcement.

**Question 9:** Do you agree that the effect of the proposal is proportionate to the policy objective?

Yes, in that it allows the potentially unrestricted performance of live music at small venues, with no additional cost being incurred.

No, in that the majority of premises are already licensed for the performance of live music.

**Question 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. The proposal puts the balance in favour of the venue.

Yes. The proposal, in theory, should help to promote live music but at the risk of a minority of venues causing noise problems to their neighbours. The work generated by the premises for local authorities and the associated costs, should not be underestimated.

**Question 11:** Do you agree that the proposal does not remove any necessary protection?

Yes, it does not remove necessary protection, it changes it.

**Question 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?

The proposal, with conditions, should offer some protection to neighbours of a small live music event. However, currently conditions are attached to an individual licence which if adhered to have proved to be an effective mechanism in controlling noise from live music through the premises licence.

The proposal allows for 'new' small live music events to occur with no prior controls in respect of noise and potentially at unsuitable premises.

**Question 13:** Do you agree that the proposal has no constitutional significance? Yes/No. If No, please explain why.

We have no comment to make on this question

**Question 14:** Do you broadly agree with the estimates, assumptions and conclusions of the Impact Assessment (published as a separate document)

We have not assessed the Impact Assessment

**Question 15:** Do you think that this draft Order accurately reflects the proposed change?

We have no comment to make on this question