

Title of Report:	Licensing Act 2003 – Encouragement of Street Theatre and other Performances	Item 14
Report to be considered by:	Executive	
Forward Plan Ref:	EX0892	

Corporate Plan Priority:	CP1 – Providing strong community leadership CP10 – Creating attractive and vibrant town centres
The proposals contained in this report will help to achieve the above Corporate Plan priority by:	
Working in partnership with other organisations that manage public space to encourage a co-ordinated approach to street entertainment.	

Purpose of Report:

To determine whether West Berkshire Council should apply for licences for public spaces.

Recommended Action:

- (1) That the Executive determine whether the Council should seek Licences for public land in West Berkshire.
- (2) If the Executive does wish to seek such licences in its own name then West Berkshire Council should delegate responsibility for making appropriate applications to the Head of Culture and Youth Services.

Reason for decision to be taken:

The Licensing Act 2003 becomes law in February 2005 and needs to be fully implemented on September 2005.

List of other options considered:

- Not to seek licences for street entertainment

Key background documentation:

- DCMS guidance of the Licensing Act 2003 and West Berkshire District Council's Licensing Policy Statement.

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Implications

Policy:

The Licensing Policy Statement has been developed by a Member Task Group. It is likely to be adopted by west Berkshire Council on 14th December 2004.

The provision of high quality street entertainment is an aspiration highlighted in the Newbury Vision as a contributor to a bustling and vibrant street scene.

Financial:

The fee levels for licence applications have not yet been determined. The financial implications will therefore need to be quantified prior to any applications being submitted.

Personnel:

Legal:

Property:

Risk Management:

} The implications under each of these headings will be fully explored when specific areas of public land have been identified for licensing.

Supporting Information

1. Background

- 1.1 The Licensing Committee will have met on 7th December 2004 to consider the draft Licensing Policy Statement of West Berkshire Council. Following any amendments made at that meeting the Policy will be recommended for adoption by the Council at the full Council meeting scheduled for 14th December 2004. Although many of the headline details about the Licensing Act 2003 relates to Licensed Premises it also covers those circumstances where public space is used for street entertainment. This will include all highways areas, parks and public open spaces.
- 1.2 The draft Licensing Policy examines the Council's role as a Licensing Authority as defined by PART 2 3[1][a] of the Licensing Act 2003. However, the Council also needs to consider whether it should accept a role as a Licence applicant in order to promote entertainment type activity in and around town centre locations. Lobbying agencies such as Equity and the Circus Performers Association have contacted all Licensing Authorities to point out that the Act is intended to be a piece of enabling legislation in encouraging vibrant town centres with street theatre, live music and other forms of entertainment.
- 1.3 As soon as the Act becomes Law anyone can apply for a Licence for any parcel of land in public ownership. Furthermore, once a licence is awarded that licensee will need to give permission, possibly on payment of a fee, for any street performers to be allowed on that site. If the Licensee is the Council then this would ensure that activities such as carnivals, fairs, music performances would be promoted under the Licence held by the Council.
- 1.4 It should also be recognised that other public sector organisations are land owners and that they would need to take a similar approach in order to ensure that the current programme of community based entertainment activity can continue to flourish.
- 1.5 Clearly, there are implications in applying for a Licence. The least onerous of these is the decision to place delegated responsibility with an appropriate service to make the application. It is more difficult to speculate on the level of applications that would need to be processed for entertainers seeking permission to perform in areas for which the Council is the Licensee.
- 1.6 At this stage, the report merely seeks agreement that the Council does wish to license public land and to identify an appropriate service area in which to delegate responsibility for licence applications. If appropriate a more detailed report will be developed early in the New Year when specific parcels of land will be identified and an assessment can be made of the implications for each site.

Appendices

None

Consultation Responses

Local Stakeholders:	None at this stage
Officers Consulted:	Head of Legal and Electoral Services Head of Public Protection
Trade Union:	Not consulted at this stage

