



GOVERNMENT WHIPS' OFFICE  
HOUSE OF LORDS  
LONDON SW1A 0PW

Telephone 020-7219 3131  
[www.lordswhips.org.uk](http://www.lordswhips.org.uk)  
[holgovernmentwhips@parliament.uk](mailto:holgovernmentwhips@parliament.uk)

FROM THE BARONESS PENN  
GOVERNMENT WHIP DE DESIG UNIT  
020-7219 6802

Lord Hunt of Wirral  
House of Lords

17 July 2020

*Dear David,*

I am grateful for the interest you have shown in the Business & Planning Bill and would like to thank you for your supportive words on the Government's work to help support our cultural and creative industries during this pandemic which, as you pointed out during Monday's debate, are the envy of the world.

I promised to write to you following Tuesday's All Peers meeting to set out the intention behind the Bill and why, whilst I share the objective behind your amendment, it was not necessary to include the provision on outdoor performances within the Bill's scope.

The Bill is intended to facilitate safe and speedy recovery of businesses in a number of sectors. Many sectors, including performing arts, had their activities curtailed by restrictions in the regulations made by the Government [and devolved administrations] for preventing the spread of coronavirus. To the extent that those restrictions have now been lifted, businesses are subject to the same regulatory regime as before. Separate legislation is not required to reopen premises or allow gatherings that were closed or restricted under those regulations.

The measures in this Bill are instead focused on providing regulatory flexibility including expedited licensing processes to support hard hit sectors. Our engagement with the arts and cultural sectors has so far indicated that no such legislative flexibility is needed for the sector to make the most of opportunities to deliver outside performances. Existing legislation (especially the Licensing Act 2003) already provides a comprehensive regime. Indeed, the introduction of overlapping legislation risks creating confusion and could be counterproductive.

Where events require authorisation, local authorities are obliged to permit those events to go ahead subject only to the specified licensing objectives. It is important to note that licences may not even be needed: for example, no authorisation is required for a play that takes place between 8am and 11pm before an audience of no more than 500.

If a licence is required, we envisage that many event organisers will already hold a premises licence or club premises certificate to enable them to put on such events. Where this is not the case, they can give a Temporary Event Notice (TEN) to the licensing authority, and the licensing authority can only object if it thinks what is proposed would undermine the licensing objectives.

For a standard TEN you must serve notice 10 clear working days before your event, however 'late TENS' are also possible and notice can be served up to 5 clear working days before the event.

We will continue to consult the creative and cultural sectors extensively, including through the new Cultural Renewal Taskforce, to ensure we fully understand the impacts of coronavirus on the sector and can support it accordingly. This includes engagement with the Entertainment and Events working group, one of the eight working groups that sit under the Taskforce.

The Entertainment and Events Working Group has also provided valuable input into the Government's Guidance for Performing Arts, which includes guidance for a return to training, rehearsal and performance in line with the law, current social distancing advice and current understanding of certain activities which may have a higher transmission risk.

I hope this letter has reassured you that no legislative amendment is required to permit or underpin the re-opening of outdoor performances (or indeed for indoor performances outlined in later stages of our roadmap for re-opening the sector).

I will also send a copy of this letter to those Peers who spoke to the amendment and place a copy in the House library.



**BARONESS PENN**