

LICENSING COMMITTEE: 30th October 2012

Report of the Head of Regulatory and Supporting Services

LIVE MUSIC ACT 2012

1. Background

1.1 The Live Music Act 2012 received Royal Assent on 8 March 2012 and came into force on 1st October 2012. This report is to provide details for the information of members of the Committee.

2. Details.

- 2.1 The Live Music Act 2012 is intended to promote the provision of live music by amending the Licensing Act 2003 to provide an exemption from the normal licensing regulations in respect of the performance of live music at smaller venues. The Act:
- removes the licensing requirement for unamplified live music taking place between 8am and 11pm in all venues, subject to the right of a licensing authority to impose conditions about live music following a review of a premises licence or club premises certificate relating to premises authorised to supply alcohol for consumption on the premises
 - removes the licensing requirement for amplified live music taking place between 8am and 11pm before audiences of no more than 200 persons on premises authorised to supply alcohol for consumption on the premises, subject to the right of a licensing authority to impose conditions about live music following a review of a premises licence or club premises certificate
 - removes the licensing requirement for amplified live music taking place between 8am and 11pm before audiences of no more than 200 persons in workplaces not otherwise licensed under the 2003 Act (or licensed only for the provision of late night refreshment)
 - removes the licensing requirement for the provision of entertainment facilities (dance floors, pianos for the use of customers etc)
 - widens the licensing exemption for live music integral to a performance of Morris dancing or dancing of a similar type, so that the exemption applies to live or recorded music instead of unamplified live music

- 2.2 For those premises which are not licensed for alcohol sales, the Act states that live music is not regulated entertainment when it is unamplified and takes place between 8am and 11pm. Amplified live music in non-licensed venue will still require formal authorisation from the Licensing Authority such as a Premises Licence or Temporary Event Notice.
- 2.3 The Act is intended to cut red tape and nationally benefit hundreds of small pubs, restaurants and church and community halls who want live music at their venue by generally removing the need to apply for a Premises Licence or submit a Temporary Event Notice. Small venues with less than 200 persons will be able to host live music events under an exemption from obtaining a licence. However the Act does contain important protections for residents allowing the exemption to be removed following a Review, if the premises has a Premises Licence or Club Premises Certificate.

3. Achievability

This report contains no equality personnel or property implications.

4. Legal Implications

- 4.1 The Legal Implications appear in the body of this Report.

5. Financial Implications.

- 5.1 It is not envisaged that there will a financial implication for the licensing authority.

6. Recommendation

- 6.1 That the report be noted.

Dave Holland

4 October 2012

HEAD OF REGULATORY AND SUPPORTING SERVICES

This report has been prepared in accordance with procedures approved by Corporate Managers.

Background Papers: None