



Committee and Date

Strategic Licensing Committee

19 December 2012

Item

6

Public

## Entertainment Licensing and the Live Music Act 2012

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### 1. Summary

- 1.1 This report outlines the amendments made to entertainment licensing under the Licensing Act 2003 by the Live Music Act 2012.

### 2. Recommendation

- 2.1 That the amendments brought in by the Live Music Act 2012 are noted by Members and taken into account when decisions are made in respect of future entertainment licensing matters.

## REPORT

### 3. Risk Assessment and Opportunities Appraisal

- 3.1 The aim of the proposed recommendation is to ensure that Members involved in licensing matters are fully aware of the changes that the Live Music Act 2012 has brought about to entertainment licensing.
- 3.2 If Members are not fully aware of these changes, there is the risk that they, and consequently the Council, may take decisions in the future that do not fall in line with the new legal requirements.
- 3.3 There is no requirement for the Council to consult other parties on this matter as it concerns changes to the law that have already formally been consulted upon, at a national level, with relevant interested parties.
- 3.4 An equalities impact needs assessment (EINA) has not been carried out as the Council will not be making decisions to propose changes to policies, procedures

and practices; the changes that have been implemented have resulted directly from changes to the law and any equalities issues will have been considered as part of the process required to change and implement the new legislation.

**3.5** There are no significant anticipated environmental or other community consequences associated with this report. Nevertheless, there may be community concerns around the potential for increased noise from unlicensed live music performances as a result of the deregulation that has taken place; however, it is argued that the regulatory framework under the Licensing Act 2003 continues to ensure appropriate safeguards are in place through the licence review process, together with other legislation including the Environmental Protection Act 1990, the Criminal Justice and Public Order Act 1994 and the Noise Act 1996.

**3.6** Based on the information above, the proposed recommendation is unlikely to result in any adverse implications under the Human Rights Act 1998.

#### **4. Financial Implications**

**4.1** There are no financial implications associated with the actual recommendation of this report.

**4.2** However, there will be resource implications for Public Protection and Enforcement in terms of enforcing the legislation. It is anticipated that additional work may be required by officers to respond to and deal with noise related complaints/issues that are no longer automatically controlled by the licensing regime.

**4.3** In order for such matters to be brought within the licensing regime a licence review is required (and this can only be brought where a matter has arisen at premises in connection with one or more of the four licensing objectives). As a result of the review a decision must then be made to either lift the suspension of an existing live music related condition or add a new condition to the premises licence. There are clearly costs associated with setting up committee hearings to undertake the reviews and these costs will be borne by the Council.

**4.4** It is not anticipated that there will be a significant reduction in licensing income on the basis that the premises subject to the deregulation provisions will largely continue to be licensed for other purposes. However, it is recognised that to confirm the impact it would be necessary to assess each temporary event notice individually to establish how many have previously requested live music. This assessment has not been undertaken on the basis that the impact is anticipated to be negligible. The level of fees will be monitored and any significant reduction will be brought to the attention of Members.

#### **5. Background**

**5.1** The Live Music Act 2012 deregulated and clarified several forms of entertainment through amendments to the Licensing Act 2003. The Act aims to enable more performances of live music. It came into force on the 1 October 2012.

**5.2** In summary, the Live Music Act 2012 amends the Licensing Act 2003 by:-

- a) removing the licensing requirement for amplified live music taking place between 8am and 11pm before audiences of no more than 200 persons on premises authorised by a premises licence or club premises certificate to supply alcohol for consumption on the premises (at a time when those premises are open for the purposes of being used for the supply of 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
- b) removing 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)
- c) removing the licensing requirement for unamplified live music taking place between 8am and 11pm in any place, 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
- d) removing the licensing requirement for the provision of entertainment facilities
- e) widens the licensing exemption for live music that is integral to a performance of Morris dancing or dancing of a similar type, so that the exemption applies to both live or recorded music instead of just unamplified live music in that instance

## 6. Additional Information

6.1 Specific guidance is provided at Appendix 1 and Appendix 2.

### List of Background Papers (This MUST be completed for all reports, but does not include items containing exempt or confidential information)

- Live Music Act 2012
- The Live Music Act 2012 (Commencement) Order 2012
- Licensing Act 2003
- Amended Guidance Issued under Section 182 of the Licensing Act (October 2012); in particular Chapter 15 – produced by the Home Office
- Web based guidance on entertainment licensing issued by the Department for Culture, Media and Sport

**Cabinet Member (Portfolio Holder)**  
Steve Charmley

**Local Member**  
None

**Appendices:**

**Appendix 1:** Live Music Act Q&A issued by the Department for Culture, Media and Sport

**Appendix 2:** Chapter 15 of the Amended Guidance Issued under Section 182 of the Licensing Act (October 2012) – produced by the Home Office