

## TITLE: THE LIVE MUSIC ACT – CHANGES TO THE LICENSING ACT 2003

<b>Committee</b>	Licensing Committee
<b>Officer Contact</b>	Sharon Garner X7230
<b>Papers with report</b>	None
<b>Ward(s) affected</b>	All

### SUMMARY

To update the Committee on the forthcoming changes to Licensing Legislation.

### RECOMMENDATION

**That the committee note the information**

### INFORMATION

On 8<sup>th</sup> March 2012 the Live Music Bill received Royal Assent and became the Live Music Act 2012. The legislation will come into force on 1<sup>st</sup> October 2012, and guidance under section 15 of the section 182 Guidance under the Licensing Act 2003 stating the proposed changes to the Act is being laid before Parliament on 31<sup>st</sup> October 2012.

A copy of section 15 Guidance is annexed to this report.

The effects of the new legislation will remove the licensing requirements for:

- **Amplified live music** between 08.00 hours and 23.00 hours before audiences of no more than 200 people on premises authorised to sell alcohol for consumption on the premises (e.g. pubs, clubs, hotels and restaurants)
- **Amplified live music** between 08.00 hours and 23.00 hours before audiences of no more than 200 people in workplaces not licensed under the Licensing Act 2003 ( e.g. shops, community centres, religious establishments) or premises licensed only for late night refreshment (e.g. takeaways)
- **Unamplified live music** between 08.00 hours and 23.00 hours in all venues.

Where licensable activities (such as the sale of alcohol) continue to take place on premises, any licence conditions related to live music will be suspended.

However, Licensing Authorities will be able to impose new or re-instate existing live music conditions following a Review of the premises licence or club premises certificate relating to a premises authorised to supply alcohol for consumption on the premises.

The Live Music Act will also remove all licensing requirements for the provision of entertainment facilities (e.g. providing facilities for making music and dancing).

Also, it will widen the licensing exemption for live music integral to a performance of Morris dancing or dancing of a similar type and the exemption applies to both live and recorded music instead of just unamplified live music.

## **In Brief**

The Key terms used in the Live Music Act 2012 are:

- 'Music' includes vocal or instrumental music or a combination of the two. Therefore, the performance of Karaoke is live music under this Act but the playing of music by a DJ is not a performance of live music.
- 'Live music' is a performance of live music in the presence of an audience which it is intended to entertain.
- A 'Workplace' is as defined in regulation 2 (1) of the Workplace (Health, Safety and Welfare) Regulations 1992 and is anywhere that is made available to any person as a place of work. It is a very wide term which can include outdoor spaces.
- 'Audience' – an activity is licensable as regulated entertainment if it falls within one or more of the descriptions of entertainment in paragraph 2 of Schedule 1 to the Licensing Act 2003 and takes place in the presence of an audience for whose entertainment it is provided, even if they do not wish to be entertained.
- 'Relevant licensed premises' refers to premises which are authorised to supply alcohol for consumption on the premises by a premises licence or a club premises certificate.

## **In Conclusion**

Public performance of live unamplified music that takes place between 08.00 hours and 23.00 hours on any day no longer requires a licence in any location.

An exception to this is where a specific condition related to live music is imposed following a review of the premises licence or club premises certificate.