

COMMITTEE:	CENTRAL LICENSING COMMITTEE
DATE:	4 MARCH 2012
TITLE:	LIVE MUSIC ACT 2012
PURPOSE:	FOR INFORMATION
AUTHOR:	HEAD OF REGULATORY DEPARTMENT

BACKGROUND

The Live Music Act 2012 came into force on 1 October 2012 and consequently amended the Licensing Act 2003 by partly deregulating the performance of live music and deleting the need to license the provision of facilities for entertainment.

The purpose of introducing these changes is to promote the provision of entertainment and live music for small audiences.

Summary of changes

The main changes are as follows:

- Un – amplified live music will not need to be licensed between 8am and 11pm anywhere
- Amplified live music will not require licensing between 8am and 11pm in premises that have been licensed to sell alcohol for an audience of no more than 200 people.
- Amplified live music will not need to be licensed between 8am and 11pm for an audience of no more than 200 people in workplaces.
- The need to licence the provision of facilities for entertainment is abolished.
- The exemption to permit live music will be extended when it is part of a performance of a traditional dance; so that the exemption also includes amplified music and recorded music.

Live music (including amplified and recorded music) continues to be licensed under the following circumstances -

- When live music, be it amplified or not; takes place before 8am or after 11pm.
- When a performance of live amplified music takes place anywhere that is not a licensed premises or workplace but is licensed to sell late night refreshments only.
- When a performance of amplified live music takes place in a licensed premises when the premises is not open for the purpose of supplying alcohol to be consumed on the premises.
- When a performance of amplified live music takes place in a licensed premises or workplace, in the presence of an audience of more than 200 people.
- Where the Licensing Authority deliberately abolishes the impact of deregulating the Live Music Act 2012 by imposing a condition on a premises licence as a result of a review of the premises licence.

Protecting Residents from the negative effects of live music

As noted above, conditions can be imposed in relation to live music even between 8am and 11pm in a licensed premises that is subject to a review due to complaints regarding noise.

Also, if a current premises licence does not permit live music it is possible to add conditions to the licence that would have the same impact if the live music in the premises were to continue to be a regulated activity; even between 8am and 11pm.

The Licensing Authority can also decide that live music in the premises is a licensed activity; and that live music cannot be permitted without permission on the premises licence or through a Temporary Event Notice.

The legislation regarding managing noise nuisance - namely the Environmental Protection Act 1990 continues to be relevant in situations where there is evidence that noise is a statutory nuisance.

The Live Music Act 2012 is not intended to permit licensed premises to create noise nuisance.

Further Deregulation of entertainment

Following the consultation of the Government's Department of Culture, Media and Sport in 2011; the government intends to submit further measures to deregulate entertainment; commencing in April this year.

It is intended to deregulate the following -

- dance and drama performances for audiences of up to 500 people between 8am and 11pm
- Indoor sports for audiences of up to 1,000 people between 8am and 11pm
- Live music in licensed premises and workplaces for audiences of between 200 and 500 people.
- Recorded music to be treated in the same way as live music in licensed premises between 8am and 11pm.
- Performances of films, dramas, indoor sports, live music and recorded music in premises owned by Local Authorities, hospitals, nurseries and schools (with the exception of higher education establishments) with no restriction on audience numbers between 8am and 11pm.
- Exclude the establishments noted above from licensing requirements in relation to live and recorded music for audiences of up to 500 people.
- Exclude community premises such as village and church halls and community centres from the licensing requirements for live and recorded music for audiences of up to 500 people.
- Circuses will be excluded for performances of live and recorded music, drama, dance and indoor sport performances between 8am and 11pm, with no restriction on audience numbers.