



LICENSING COMMITTEE REPORT

Report Title

Deregulation of Live Music

AGENDA STATUS:

PUBLIC

Committee Meeting Date:

25th September 2012

Policy Document:

Licensing Act 2003

Directorate:

Customers and Communities

1. Purpose

That the Committee note the report and its contents.

2. Summary.

2.1 The deregulation of live music comes into force on the 1st October 2012, although the government are still consulting on the technical aspects of the legislation.

The Live Music Act received Royal Assent on 8 March 2012. Before the new rules apply, however, the government is working with local authorities, the live music sector and others to amend the statutory guidance so that the Act is interpreted appropriately. It is expected that the changes will still come into force on 1 October 2012.

3. Changes to regulations

3.1 Once the Live Music Act comes into effect, it will:

- remove 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
- remove 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

- remove 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)
- remove the licensing requirement for the provision of entertainment facilities
- widen 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.

3.2 Issues

3.2.1. Premises will still need to consider whether there are any breaches of regulations with regard to noise. These would be dealt under existing Environmental Protection legislation or by way of the review process.

3.2.1 The introduction of new conditions to control noise on a premises licence would still be an option following the review of a Premises Licence.

4. Implications (including financial implications)

4.1 Policy

4.1. There would be no change to the existing policy.

4.2 Resources and Risk

4.2.1 Changes to the legislation and any related enforcement issues would be dealt with by the licensing team.

4.2.2 It is not anticipated that there would be any significant reduction in income as a result of the changes.

4.3 Legal

4.3.1 Live Music Act 2012 amends certain sections of the Licensing Act 2003 and the changes are therefore Statutory. As a consequence certain activities are therefore not considered to be regulated entertainment within the meaning of the Licensing Act 2003 and the Live Music Act amends the said Act.

4.3.2 The s182 Licensing Act 2003 Guidance is to be amended with an additional Chapter 15 to cover the amendments attributable to the Live Music Act 2012. The final version of the Guidance is expected to be laid before Parliament on 31st October 2012.

4.4 Equality

4.3.3 There are no equality issues to be addressed; any issues relating to public nuisance will be dealt with when they occur.

5. Background Papers

5.1 The Live Music Act 2012

5.2 Home Office Regulations and Revised Guidance Licensing Act 2003).

Report Author Philip Bayliss

Title Senior Licensing officer

Ext: 7099