

NORTH LINCOLNSHIRE COUNCIL

LICENSING COMMITTEE

**LIVE MUSIC ACT 2012 &
THE LICENSING ACT 2003**

1. OBJECT AND KEY POINTS IN THIS REPORT

- 1.1 To inform members of the provisions contained in the Live Music Act 2012 and how the Act impacts on the Licensing Act 2003.

2. BACKGROUND INFORMATION

- 2.1 The Licensing Act 2003 states that the sale or supply of alcohol, regulated entertainment and the provision of late night refreshment is licensable and that persons wishing to perform these functions must hold the appropriate authorisation otherwise they commit an offence under the Act.
- 2.2 The Live Music Act 2012 makes a number of changes to the Licensing Act 2003 to the definition of regulated entertainment.
- 2.3 Originally under the Act, regulated entertainment was deemed to be carried out if the following activities were performed in front of an audience:
- a) a performance of a play,
 - b) an exhibition of a film,
 - c) an indoor sporting event,
 - d) a boxing or wrestling entertainment,
 - e) a performance of live music,
 - f) any playing of recorded music,
 - g) a performance of dance,
 - h) entertainment of a similar description to e), f), or g).

Entertainment facilities were deemed to be:

- a) making music
- b) dancing
- c) entertainment similar to a) or b).

- 2.4 Section 1 of the Live Music Act 2012 states that where premises are open for the supply of alcohol for consumption of alcohol on the premises and either the live music is unamplified or the audience is less than 200 people and live music is between 08:00 and 23:00 it is not deemed as regulated entertainment. In such circumstances, any conditions relating to live music do not apply.
- 2.5 Where the conditions do not apply, as per paragraph 2.4, they can be reinstated subject to a review of the premises licence before the Licensing (Activities) Sub-committee if deemed appropriate to support the licensing objectives.
- 2.6 The Act also removes the requirement to the licence the provision of entertainment facilities. As a result the entertainment facilities listed at paragraph 2.3 are no longer considered to be regulated.
- 2.7 Finally, the Act provides a number of exemptions for live music in addition to the provisions previously mentioned. Live music in the work place (not licensed for the sale of alcohol for the consumption on the premises) is not licensable so long as the audience is less than 200 persons and again it is between 08:00 and 23:00 hours.

3. OPTIONS FOR CONSIDERATION

- 3.1 Option 1 – To note the content of the report.

4. ANALYSIS OF OPTIONS

- 4.1 Option 1 – The Act has changed the definition of regulated entertainment as per the report and the only option is to note the changes.

5. RESOURCE IMPLICATIONS (FINANCIAL, STAFFING, PROPERTY, IT)

- 5.1 There could be a minor loss of income, however the vast majority of premises affected will be schools and community premises and those premises selling alcohol. The schools and community premises do not pay a fee and the other premises selling alcohol will still be required to pay the licence fee and the annual maintenance.

6. OTHER IMPLICATIONS (STATUTORY, ENVIRONMENTAL, DIVERSITY, SECTION 17 - CRIME AND DISORDER, RISK AND OTHER)

- 6.1 The report has implications for businesses dealing with the provisions of the Act.

7. OUTCOMES OF CONSULTATION

7.1 No consultation has taken place.

8. RECOMMENDATIONS

8.1 That the content of the report be noted.

DIRECTOR OF PLACES

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Background Papers used in the preparation of this report – N/a