

# LICENSING ACT COMMITTEE

## Effect of the Live Music Act 2012 on the Licensing Act 2003 20 June 2013

### Report of Licensing Manager

#### PURPOSE OF REPORT

The report is to inform members of the Live Music Act 2012 and the changes which affect the Licensing Act 2003

**This report is public.**

#### Recommendations

**Members are requested to note the report which has been prepared to ensure that they are aware of the Live Music Act 2012 and any licensing implications that may occur as a result of it.**

#### 1.0 Report

- 1.1 The Live Music Act 2012 was introduced as a private members bill with Government support. It received Royal assent in March 2012 and came into force on 1 October 2012.
- 1.2 The Act removes the licensing requirements for:
  - amplified live music between 8am and 11pm before audiences of no more than 200 people on premises authorised to sell alcohol for consumption **on** the premises;
  - amplified live music between 8am and 11pm before audiences of no more than 200 people in workplaces not otherwise licensed under the Licensing Act 2003 (or licensed only for the provision of late night refreshment); and
  - unamplified music between 8am and 11pm in all venues (irrespective of audience size).
- 1.3 Where licensable activities (such as the sale of alcohol) continue to take place **on** the premises, any existing conditions on the licence that are related to live music will be suspended and shall not have effect (during such periods that live music is not licensable (8am to 11pm)). However, it will be possible to impose new conditions or reinstate the effect of existing live music conditions following a review of the licence or club premises certificate relating to premises authorised for the sale of alcohol on the premises.

- 1.4 The Live Music Act 2012 also removes the licensing requirements for the provision of entertainment facilities i.e. the provision of facilities for:
- Making Music
  - Dancing
  - Entertainment of a similar description to making music and dancing.
- 1.5 The Act also widens the current licensing exemption for music which is 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 just live music which is unamplified.
- 1.6 The changes, however, do not prevent Environmental Protection Act 1990 Statutory Nuisance powers being used if noise from live music causes nuisance (whether it requires a licence or not).
- 1.7 If the provision of live music during the 8am to 11pm timeframe causes problems at a licensed premises, the premises can still be the subject of a review hearing. At the hearing the committee can reinstate any pre-existing conditions relevant to live music and/or add new licence conditions, as though live music were a licensable activity.
- 1.8 In the main most on-licensed alcohol premises that are likely to provide live music already have the provision included on their current licences. There are some, mainly new licences that may wish to take advantage of this change in the law and provide live music for their customers between 8am and 11pm.

There may be some unlicensed venues that previously would submit a Temporary Event Notice (TEN) to cover the live music that they wish to provide. These again are fairly limited and if the organiser wishes to add alcohol to the event it will still require a TEN.

Live music includes vocal and instrumental music and also karaoke singing. The backing tracks and any recorded music that accompanies the live music in most cases are likely to be considered as part of the live music provision

The Live Music Act does not allow any premises to create a noise nuisance.

- 1.9 As the licensing requirement for facilities for making music, dancing and anything of a similar description have been removed from the Licensing Act 2003, they no longer need to be applied for and included in a licence. Therefore new application forms have been issued by the Home Office for the following:
- (f) new premises licence
  - (h) variation to premises licence
  - (u) new club premises certificate
  - (t) variation to club premises certificate
  - (k) provisional statement
  - (mv1) minor variation and
  - (ten) temporary event notice

## 2.0 Conclusion

- 2.1 Members are requested to note the changes to the Licensing Act 2003 as a result of the introduction of the Live Music Act 2012.

### **CONCLUSION OF IMPACT ASSESSMENT**

**(including Diversity, Human Rights, Community Safety, Sustainability and Rural Proofing)**

Legislation exists within the Licensing Act 2003 to address issues with premises. Also the Council can use other powers for noise, anti-social behaviour etc.

### **FINANCIAL IMPLICATIONS**

There are no financial implications directly associated with the changes to the Licensing Act 2003 as a result of the introduction of the Live Music Act 2012.

### **LEGAL IMPLICATIONS**

That the Council meets any legal obligations under the Licensing Act 2003 as amended by the Live Music Act 2012.

### **BACKGROUND PAPERS**

None.

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