

EAST HERTS COUNCIL

LICENSING COMMITTEE – 12 JULY 2012

REPORT BY DIRECTOR OF NEIGHBOURHOOD SERVICES

11. AMENDMENT TO LICENSING ACT 2003; IMPLEMENTATION OF THE LIVE MUSIC ACT 2012, AND PROPOSALS FROM THE DCMS TO DE-REGULATE SCHEDULE 1 LICENSING ACT 2003 (REGULATED ENTERTAINMENT)

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WARD(S) AFFECTED: ALL

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**Purpose/Summary of Report**

- To update Members regarding the Live Music Act 2012 (a Private Members Bill with Government support), which received Royal Assent on 23 March 2012, and is likely to be implemented on 1 October 2012, to allow time for the s.182 Guidance to be amended.

**RECOMMENDATION FOR LICENSING COMMITTEE: That:**

(A)	The report be received.

1.0 Background

- 1.1 Live music is a Licensable Activity under the Licensing Act 2003, and must be authorised under a Premises Licence, a Club Premises Certificate, or a Temporary Event Notice.
- 1.2 Conditions on a Premises Licence relating to provision of live music and dancing have no effect where the premises permitted capacity is under 200, and at times when the premises is licensed for the supply of alcohol, unless imposed on Review.
- 1.3 The Live Music Act 2012 (a Private Members Bill with Government support) received Royal Assent on 23 March, and is likely to be implemented on 1 October 2012, to allow time for the s.182 Guidance to be amended.
- 1.4 Between September and December 2011 the DCMS consulted on proposals to remove licensing requirements in England and

Wales for activities currently defined as “regulated entertainment” in the Licensing Act 2003.

## 2.0 Report

2.1 Once the Live Music Act comes into effect, it will remove 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 2003 Act (or licensed only for the provision of late night refreshment); and
- unamplified live music between 8am and 11pm in all venues.

2.2 Where a premises continues to operate licensable activities (such as the sale of alcohol), any conditions relating to the activities above will be suspended unless they have been added following a licence review. It would also be possible to reinstate or 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.

2.3 The Live Music Act will also remove licensing requirements for the provision of entertainment facilities. In addition, it will 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.

2.4 Officers reported to Licensing Committee in March that the DCMS was considering the responses received. The DCMS still says it is considering the views received in response to the consultation.

## 3.0 Implications/Consultations

3.1 Information on any corporate issues and consultation associated with this report can be found within **Essential Reference Paper ‘A’**.

## Background Papers

None.

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