

SOUTH CAMBRIDGESHIRE DISTRICT COUNCIL

REPORT TO: Licensing Committee

11 October 2012

AUTHOR/S: Director, Health & Environmental Services

LIVE MUSIC ACT 2012

Purpose

1. To inform the Committee of the introduction of new legislation directly affecting the Licensing Act 2003 and any conditions or restrictions previously imposed on premises having live music.
2. This is not a key decision but is of relevance to the Licensing Committee (2003 Act) when considering future decisions in respect of Licensing Act hearings.

Recommendation

3. It is recommended that the information contained in this report be noted.

Background

4. The Licensing Act 2003 came into force in November 2005 bringing together one piece of legislation, the sale/supply of alcohol and the provision for defined entertainments referred to as "regulated Entertainment".
5. Regulated entertainment is clearly defined in the act as the following activities:
 - A performance of a play
 - An exhibition of a film
 - An indoor sporting event
 - A boxing or wrestling entertainment
 - A performance of live music
 - Any playing of recorded music
 - A performance of dance
 - Entertainment of a similar nature to that above
 - The provision of entertainment facilities for making music
 - The provision of entertainment facilities for the provision of dancing
 - The provision of facilities of a similar nature to that above.

These activities must take place in the presence of an audience and should be provided at least partly to entertain that audience. There are further exceptions for activities that are incidental, educative, activities of worship, rehearsals or for the purpose of demonstrating a product.

6. Following a consultation (to which the Licensing Committee responded) exercise in 2011 regarding the deregulation of certain licensable activities, The Department of Culture Media and Sports has decided to implement certain matters raised and is continuing to look at the general question of deregulation in respect of other licensable activities.

7. In March 2012 Central Government introduced the Live Music Act 2012 which has the following effect on the Licensing Act 2003 and becomes S.177(a) within the Act. It states 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.
8. 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.
9. 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 music.
10. The provisions of this Act effectively suspends any conditions relating to the provision of live music previously imposed at a hearing of the Council on premises and clubs where alcohol is sold or supplied.
11. Conditions relating to live music between 08.00 and 23.00 may now only be attached or re-attached following a review hearing.
12. This Act became law with effect from 1 October 2012.

Considerations

13. Consideration must be given to this change of legislation when determining future applications or variation applications for premises or club premises licences.
14. The introduction of the Live Music Act 2012 does not affect other statutory provisions that are available to the Council when dealing with noise related issues.

Options

15. None directly arising from this report.

Implications

16. The Committee will need to be aware of the possibility of an increase in requests by residents to review licences with a view to re-attaching or imposing new conditions following activities involving live music.

17.	Financial	There are no direct costs in the introduction of this Act
	Legal	There may be an increase in requests by residents for licence reviews
	Staffing	None arising from this report
	Risk Management	None arising from this report
	Equality and Diversity	The Live Music Act 2012 is new legislation and is subject to such tests of equality at Gov't level
	Equality Impact Assessment completed	No The report is for noting only
	Climate Change	Not Applicable

Consultations

18. None arising from this report.

Effect on Strategic Aims

19. Any reviews sought and approved by the Licensing Officer will consider the overall effect of any request in line with the Council's strategic aims and objectives.

Conclusions / Summary

20. The introduction of the Live Music Act 2012 will without doubt cause concern for a number of residents that have previously made representations in respect of applications involving requests for live music.
21. The Licensing Committee may be requested to reconsider whether existing conditions are still fit for purpose and whether additional conditions are appropriate if a review is requested either by residents or responsible authorities.

Background Papers: the following background papers were used in the preparation of this report:

Live Music Act 2012
Licensing Act 2003

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