

TO: LICENSING AND SAFETY COMMITTEE
22 MARCH 2012

LIVE MUSIC BILL 2012
Chief Officer: Environment and Public Protection

1 INTRODUCTION

The Live Music Bill 2012 received Royal Assent on 8 March 2012. When implemented the Act will change provisions within the Licensing Act 2003 to deregulate live music within premises licensed for the sale of alcohol, and remove facilities for making music and dancing from the definition of regulated entertainment.

2 SUPPORTING INFORMATION

2.1 The Live Music Bill will amend Section 177 of the Licensing Act 2003 to relax controls over live music performances in premises licensed for the sale of alcohol. At present Live Music is covered by the term "provision of music entertainment" within Section 177 'Dancing and Live Music in certain small premises'. The primary outcomes of this change in legislation are that Live Music will cease to be regulated entertainment in venues licensed for the sale of alcohol for consumption on the premises in the following situations:

- When it is unamplified and takes place between 8.00am and 11.00pm; and
- When it is amplified and takes place in the presence of an audience of 200 persons or less and is provided between 8.00am and 11.00pm.

2.2 Any condition attached to the Premise Licence relating to live music ceases to have effect in respect to live music, unless the Licensing Authority through a Licence Review Hearing states otherwise. Therefore no conditions are in place until a Licensing Panel is convinced that they are required as part of a review brought to them. This latter provision was not included in the original Private Members Bill presented by Lord Clement Jones.

2.3 If live music is performed in premises which are not licensed for the sale of alcohol, the Bill provides that it will not be regulated entertainment if it is unamplified and takes place between 8.00am and 11.00pm. Amplified live music in such premises will still require a Premises Licence or a Temporary Event Notice.

2.4 In addition the Bill removes the provision of facilities for making music and dancing from the definition of "regulated entertainment". This would mean that providing a dance floor would now be exempt as would providing a piano for guests to play.

2.5. The exact timing of the introduction of the provision is not yet known but what is known is that there is a desire to have the legislation in place prior to the Queen's Jubilee celebrations and the Olympics, although it is more likely to be October 2012 due to the need to ensure that guidance is updated and proper preparations are made.

2.6 The new provisions with an audience limit of 200 or less will apply to almost all venues with Bracknell Forest. Most licence conditions, in particular those relating to Public Nuisance, are written to cover a range of activities including live music. Where these conditions are generic they will remain but they will not be applicable to live music as defined within the new legislation.

- 2.7 Where a premises has Live Music in accordance with the Act, that licence may be called for review by a responsible authority and if a Licensing Panel is satisfied that it is appropriate it may add conditions to the licence relating to Live Music. This provides a control measure for the Licensing Authority should irresponsible licensees through the provision of Live Music step outside the licensing objectives.

Contact for further information

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Document Ref

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