

TO: LICENSING AND SAFETY COMMITTEE
11 OCTOBER 2012

LIVE MUSIC ACT 2012
Director of Environment, Culture and Communities

1 INTRODUCTION

- 1.1 The Live Music Act 2012 ('the Act') received Royal Assent on 8 March 2012, and will come into force on 1 October 2012. When implemented, the Act will change provisions within the Licensing Act 2003 to deregulate live music and remove provision of facilities for making music and dancing from the definition of regulated entertainment.

2 SUPPORTING INFORMATION

- 2.1 When the Act comes into force, 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 licensable activities (such as the sale of alcohol) continue to take place on premises, any licence conditions related to live music will be suspended. However, it will be possible to impose new or reinstate existing live music conditions following a review of a premises licence or club premises certificate relating to premises authorised to supply alcohol for consumption on the premises. This provides a control measure for the Licensing Authority should a licensee fail in their responsibility to promote the licensing objectives, in particular the objective to prevent public nuisance.
- 2.3 The Act will also remove licensing requirements for the provision of entertainment facilities. In addition, it will widen 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 unamplified live music.
- 2.4 The new provisions with an audience limit of 200 or less will apply to almost all licensed premises in 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 The Department of Culture, Media and Sport is currently consulting on amendments to the statutory Guidance under s182 of the 2003 Act. However the amended Guidance is not expected to be laid before the end of October 2012 in order to include introductory guidance on Early Morning Restriction Orders at the same time.

Background Papers

Licensing Act 2003

Live Music Act 2012

Contact for further information

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