

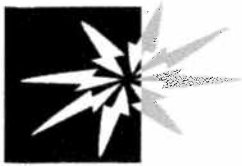
Briefing Paper:	Regulatory Committee 22nd November 2012	Item Number:	
Title:	Amendments to the Licensing Act 2003 contained within the Live Music Act – For Information only		
Briefing Paper authorised by:	Stephen McDonnell – Assistant Director, Single Frontline		
Lead Officer:	Daliah Barrett- Licensing Team Leader		
Ward(s) affected: All	Report for Key/Non Key Decisions:		

1. Describe the issue under consideration

This report is for information only. The Live Music Act came into effect in 1st October 2012. Once implemented, the ability of the Licensing Authority to add conditions to a licence to prevent public nuisance arising out of the provision of live music that takes place between 8am and 11pm will be greatly reduced. Where premises hold a licence that includes the sale of alcohol, conditions may be applied relating to the provision of live music following a review. In all other cases, action can only be taken if it is established that the event is giving rise to a statutory nuisance. The Council as the Licensing Authority consults on and publishes a Statement of Licensing Policy every five years which is used to inform decisions in contested cases, the policy will be revised to reflect the changes to the law.

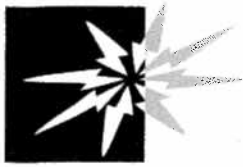
2. Background information

- 2.1 The Act deregulates certain live music venues, notably pubs and clubs. Venues seating under 200 people who present amplified live music between 8am and 11pm will not have to apply for a licence. Also exempt will be all venues (regardless of capacity) who present unamplified live performances between 8pm and 11pm.
- 2.2 The Live Music Act 2012 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;



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- amplified live music between 8am and 11am 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 live music between 8am and 11pm in all venues.
- 2.3 There are no restrictions on the number of musicians allowed to perform.
- 2.4 Conditions to all these activities can still however be imposed by a licensing authority following any review of a Premises Licence or Club Premises Certificate. In addition, the Live Music Act removes the licensing requirement for entertainment facilities. It also widens the licensing exemption for live music integral to a performance of Morris dancing or similar so that the exemption applies to live or recorded music generally instead of just unamplified live music.
- 2.5 These changes will have a significant impact on the workload of the Enforcement Response-Noise team and may also impact on the amount of temporary events that will be applied for in future. This is likely to occur as premises will not need to seek permission for events taking place for live music within the times states above.
- 2.6 Further guidance is required from the DCMS as the majority of premises licensed within Haringey do not state the capacity limits on the license, this due to the Licensing Act 2003 not requiring there to be capacity limits stated on licenses. Once this is in Effect, there is an expectation that venues will take advantage of the ability to offer live music. The only remedy for residents disturbed by the noise being the reactive noise service or calling for a review of the licence if the premises holds a licence under the Licensing Act 2003.
- 2.7 Section 177 of the Licensing Act 2003 Act contains provisions about dancing and live music in small premises. It applies in two different situations:
- (a) where a premises licence authorises both the supply of alcohol for consumption on the premises and the provision of live music or dance, provided that the premises are used primarily for the supply of alcohol for consumption on the premises and have a permitted capacity of not more than 200 persons, then conditions imposed by a licensing authority relating to the provision of live music or dance do not have effect at any time when the premises are open for the supply of alcohol and are being used for music entertainment. However any such conditions will have effect if the licensing authority considers that imposition of a condition is necessary on the grounds of either prevention of crime and disorder or public safety; or if they are altered or added as a result of a review of premises licence;
 - (b) where a premises licence authorises the provision of live music or dance and the premises have a permitted capacity of not more than 200 persons, if such premises are being used between 8am and midnight for the performance of unamplified live music or the provision of facilities for enabling persons to take part in such a performance, and are not being used for the provision of any other description of regulated entertainment, then conditions imposed by the licensing authority relating to music entertainment do not have effect. However any such



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conditions would have effect if they are altered or added as a result of a review of the premises licence.

3 Legislation

3.1 The Live Music Act:

- (a) amends section 177, so that section would apply only to dancing;
- (b) adds a new section 177A to the Licensing Act 2003 dealing with live music; and
- (c) makes amendments to some definitions contained in Schedule 1.

3.2 The new section 177A to the 2003 Act deals with live music taking place in premises authorised to be used for the supply of alcohol for consumption on the premises. Its effect is that conditions on a premises licence or club premises certificate relating to live music will not have effect where:

- (a) unamplified music is being provided; or
- (b) where live amplified music takes place in the presence of an audience of no more than 200 persons; and
- (c) the live music takes place between 8am and 11pm on the same day.

4 Conclusion

4.1 The proposals contained within the Live Music Act will make some fundamental changes to the Licensing Act 2003. The detailed implementation will require further guidance that will be contained within the Statutory Guidance issued under Section 182 of the Licensing Act 2003. The new sections of the Guidance are currently out for consultation.

4.2 No premises in Haringey have taken advantage of the Section 177 exemption for small venues as very few venues have capacity limits on their licence. The change from a capacity limit to audience size is likely to mean that premises will seek a live music exemption. In addition the de-regulation of live music in unlicensed premises, all be it between 8am and 11pm, will mean that the only remedy for residents disturbed by the noise will be use of the reactive noise service or calling for a review of the licence if the premises holds a licence under the Licensing Act 2003.

