

Report to the Licensing Committee

Report reference: LSC-007-2012/13

Date of meeting: 10 October 2012



**Epping Forest
District Council**

Portfolio: Safer, Cleaner & Greener.

Subject: Live Music Act 2012.

Responsible Officer: Alison Mitchell (01992 564017).

Democratic Services: Gary Woodhall (01992 564470).

Recommendations/Decision Required:

(1) To note the changes to the Licensing Act 2003 ('the 2003 Act') brought about on the commencement of the Live Music Act 2012 ('the 2012 Act') which came into force on 1 October 2012.

Report:

Requirement for a Licence or Club Premises Certificate

1. The 2012 Act removes the licensing requirements for:
 - (a) 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;
 - (b) 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);
 - (c) unamplified live music between 8am and 11pm in all venues; and
 - (d) the provision of entertainment facilities.
2. Where a premises continues to operate other licensable activities such as the sale of alcohol any conditions relating to live music as set out in paragraphs 1(a) to 1(c) above will be suspended unless they have been added following a licence review. It is also possible under the Act to reinstate or impose conditions about live music following a review of a premises licence or club certificate relating to premises authorised to supply alcohol for consumption on the premises.
3. The Act widens 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.

The Effect of the Act

4. Where there are public nuisance implications i.e. of performances to audiences of greater than 200 or the playing of live music after 11pm, there is no exemption and the current licensing regime continues.
5. Where a premises plays amplified live music to audiences of less than 200 or

amplified music before 11pm, and by so doing it creates a public nuisance, responsible authorities and "other persons" can still seek to review a premise licence as is currently the situation.

6. Further, if the premises create a statutory noise nuisance the Council's Environment and Neighbourhood Team will be able to take action as is currently the situation.

Resource Implications:

None.

Legal and Governance Implications:

None.

Safer, Cleaner and Greener Implications:

None.

Consultation Undertaken:

None.

Background Papers:

Live Music Act 2012.

Impact Assessments:

Risk Management

None identified at the current time.

Equality and Diversity

None identified at the current time.