

Report to Licensing Committee

Date of meeting: 1st November 2022



**Epping Forest
District Council**

Subject: Live Music Act

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Committee Secretary: A Hendry

Recommendations: For Information

Background

The purpose of this report is to update Members on the exemptions introduced under The Live Music Act 2012 and the further deregulation introduced under The Legislative Reform (Entertainment Licensing) Order 2014, that came into force on 6th April 2015.

When the licensing Act 2003 was first introduced it contained a number of exemptions where a premises licence would not be required for the provision of regulated entertainment. These included:

- activities which involve participation as acts of worship in a religious context
- activities in places of public religious worship
- education – teaching students to perform music or to dance
- demonstration of a product – for example, a guitar – in a music shop
- the rehearsal of a play or performance of music for a private audience where no charge is made with a view to making a profit
- Morris dancing (or similar)
- Incidental music – the performance of live music or the playing of recorded music if it is incidental to some other activity that is not licensable
- Incidental film – an exhibition of moving pictures if it is incidental to some other activity
- A spontaneous performance of music, singing or dancing
- Garden fetes – or similar if not being promoted or held for purposes of private gain
- Films for advertisement, information, education or in museums or art galleries; • Television or radio broadcasts – as long as the programme is live and simultaneous;
- Vehicles in motion – at a time when the vehicle is not permanently or temporarily parked Games played in pubs, youth clubs etc. (e.g. pool, darts and table tennis)
- Stand-up comedy

However, it was believed by many in the music industry that the imposition of a licence and the onerous conditions sometimes placed on them, deterred many venues from hosting live music entertainment.

It was suggested that nearly every critically acclaimed band from the last half century owed their success to performing pubs, bars and clubs throughout the country and the introduction of the Licensing Act 2003 had unwittingly had the effect of shutting down hundreds of live music venues and in doing so had hampered grass roots music and was seen as barrier to emerging talent.

Lobbying by the music industry and its supporters led to a review by the Department of Culture Media and Sport and the subsequent deregulation under the Live Music Act 2012 The Legislative Reform (Entertainment Licensing) Order 2014.

Key Changes

As a result of deregulatory changes under the Act and subsequent reform order, no licence is required for the following activities:

- Plays: no licence is required for performances between 08.00 and 23.00 on any day, provided that the audience does not exceed 500.
- Dance: no licence is required for performances between 08.00 and 23.00 on any day, provided that the audience does not exceed 500
- Films: no licence is required for 'not-for-profit' film exhibition held in community premises between 08.00 and 23.00 on any day provided that the audience does not exceed 500 and the organiser (a) gets consent to the screening from a person who is responsible for the premises; and (b) ensures that each such screening abides by age classification ratings.
- Indoor sporting events: no licence is required for an event between 08.00 and 23.00 on any day, provided that those present do not exceed 1000
- Boxing or wrestling entertainment: no licence is required for a contest, exhibition or display of Greco-Roman wrestling, or freestyle wrestling between 08.00 and 23.00 on any day, provided that the audience does not exceed 1000
- Unamplified live music between 08.00 and 23.00 on any day, on any premises.
- Amplified live music between 08.00 and 23.00 on any day on premises authorised to sell alcohol for consumption on those premises
- Amplified live music between 08.00 and 23.00 on any day, in a workplace provided that the audience does not exceed 500.
- Amplified live music between 08.00 and 23.00 on any day, in a church hall, village hall, community hall, or other similar community premises, that is not licensed by a premises licence to sell alcohol, provided that (a) the audience does not exceed 500, and (b) the organiser gets consent for the performance from a person who is responsible for the premises.
- Amplified live music between 08.00 and 23.00 on any day, at the non-residential premises of (i) a local authority, or (ii) a school, or (iii) a hospital, provided that (a) the audience does not exceed 500, and (b) the organiser gets consent for the performance on the relevant premises from: (i) the local authority concerned, or (ii) the school or (iii) the health care provider for the hospital.
- Recorded music between 08.00 and 23.00 on any day on premises authorised to sell alcohol for consumption on those premises, provided that the audience does not exceed 500
- Recorded music between 08.00 and 23.00 on any day, in a church hall, village hall, community hall, or other similar community premises, that is not licensed by a premises licence to sell alcohol, provided that (a) the audience does not exceed 500, and (b) the organiser gets consent for the performance from a person who is responsible for the premises.
- Playing of recorded music between 08.00 and 23.00 on any day, at the non-residential premises of (i) a local authority, or (ii) a school, or (iii) a hospital, provided that (a) the audience does not exceed 500, and (b) the organiser gets consent for the performance on the relevant premises from: (i) the local authority concerned, or (ii) the school proprietor or (iii) the health care provider for the hospital.
- Cross activity exemptions: no licence is required between 08.00 and 23.00 on any day, with no limit on audience size for: – any entertainment taking place on the premises of the local authority where the entertainment is provided by or on behalf of the local authority; – any entertainment taking place on the hospital premises of the health care provider where the entertainment is provided by or on behalf of the health care provider
- Entertainment taking place on the premises of the school where the entertainment is provided by or on behalf of the school proprietor

Effect of Deregulation - Licensed Premises

Deregulation removes the licensing requirements for live music and recorded music where:-

- There is a premises licence or club premises certificate in place permitting 'on sales'
- The premises are open for the sale or supply of alcohol for consumption on the premises
- Live or recorded music is taking place between 8am and 11pm
- If the music is amplified live music or recorded music (e.g. DJs or a disco for example), the audience consists of no more than 500 people

Existing Conditions Attached to a Premises Licence or Club Premises Certificate

The Act disapplies any live music- and recorded music-related conditions which appear on a premises licence, providing the above criteria are satisfied.

However, if the live music- and recorded music-related conditions have been re-imposed as part of a licence Review then they will apply and need to be complied with.

The Act also disapplies any live music- and recorded music-related conditions which appear on your premises licence, providing the above criteria are satisfied. However, if the live music- and recorded music-related conditions have been re-imposed as part of a licence Review then they will apply and need to be complied with.

Workplaces and Unamplified Live Music (Beer Gardens)

If live amplified music is taking place in an area not shown on the plans attached to a premises licence, for example in a beer garden, it is still not licensable due to the 'workplace' exemption under the Act (between 8am-11pm). The workplace exemption does not apply to recorded music.

If the music is unamplified live music, providing it takes place between the hours of 8am and 11pm, it is not licensable anywhere regardless of the number of people in the audience.

Protection for Residents

There are a number of mechanisms for the protection of residents including:

- Upon a Review of the premises licence the Licensing Authority can determine that existing conditions on the premises licence relating to live or recorded music will apply even between 8am and 11pm.
- If the Premises Licence doesn't presently authorise live or recorded music the Licensing Authority can determine that live or recorded music at the premises can no longer be provided without permission on the Premises Licence (thus requiring a Variation) or a Temporary Event Notice, and can add new conditions to the Premises Licence.

Other noise legislation, for example in the Environmental Protection Act 1990, will continue to apply. The Live Music Act does not allow licensed premises to cause a noise nuisance.