

**EXETER CITY COUNCIL
LICENSING COMMITTEE
25 SEPTEMBER 2012**

LIVE MUSIC ACT 2012

1. PURPOSE OF THE REPORT

- 1.1 To inform the Licensing Committee of changes to the Licensing Act 2003 [The Act] and to advise on the potential impact this new legislation will have when in place.
- 1.2 The provisions will be come into force on 1 October 2012

2. BACKGROUND

- 2.1 Licensing Authorities are responsible for the Licensing of premises which among other things provide regulated entertainment; regulated entertainment is defined in the legislation and includes a performance of live music and any playing of recorded music when the entertainment takes place in the presence of an audience and is provided for the purpose or purposes which include the purpose, of entertaining that audience.
- 2.2 Section 177 of the Act provided for exemptions for small premises when first enacted but was so badly drafted that no Licensing Authority received an application to apply this exemption. The new legislation, while still wordy and complex is easier to understand, puts the provisions in place without a need to vary licences.
- 2.3 The provisions of the Live Music Act allow for premises that fall within a prescribed definition, to provide live and music with or without amplification without the need for any licence from the Licensing Authority. Exempted premises are premises which provide:
 - 1) Amplified live music between 08:00 and 23:00 on any day before audiences of no more than 200 people on premises authorised to sell or supply alcohol for consumption on the premises;
 - 2) Amplified live music between 08:00 and 23:00 before audiences of not more than 200 people in workplaces not otherwise licensed under the Act (or licensed only for the provision of late night refreshment); and
 - 3) Unamplified live music between 08:00 and 23:00 in any venue.
- 2.4 Any premises that already has a premises licence that permits the provision of live music at the premises are **not** subject to any conditions that are in part 2 of their licence (conditions offered at the time of application)
- 2.5 Any condition on the licence relating to live music is suspended when these provisions come into effect except for conditions imposed on a licence following a hearing as those conditions will always have effect.

3. IMPLICATIONS

- 3.1 Although it is not possible to quantify precisely the impact, it is anticipated more hearings will arise as premises providing music are likely to be reviewed in order to bring nuisance premises into line.
- 3.2 The introduction of the legislation is also expected to give rise to a reduction in applications and the resultant drop in projected income as premises seek to avoid having to bear the cost of a licence and of course facing objections from residents and Responsible Authorities.
- 3.3 One other unintended consequence is likely to be a drop in the number of TEN's received as premises which currently require a licence for short term activities become exempt. If this comes about this will mean another drop in anticipated income.

4. RECOMMENDATION

- 4.1 It is recommended that the Licensing Committee note the report.

Assistant Director Environment

Community and Environment

Local Government (Access to Information) Act 1985 (as amended)

Background papers used in compiling this report:

None