



PART A:

REPORT TO: LICENSING COMMITTEE

DATE: 22 NOVEMBER 2012

REPORT OF THE: HEAD OF ENVIRONMENT, STREETSCENE, FACILITIES, ICT
PHIL LONG

TITLE OF REPORT: LIVE MUSIC ACT 2012-UPDATE

WARDS AFFECTED: ALL

EXECUTIVE SUMMARY

1.0 PURPOSE OF REPORT

1.1 This report is to advise and update Members of the changes to the Licensing Act 2003 brought about by the introduction of the Live Music Act 2012.

2.0 RECOMMENDATION

2.1 That Members note the content of the report and the implications in relation to licensed premises.

3.0 REASON FOR RECOMMENDATION

3.1 It is essential that Members of the Licensing Committee and Sub-Committees are fully aware of the changes to the Licensing Act 2003 via the Live Music Act 2012 and expected Guidance so that any decisions will withstand legal scrutiny in the event of a subsequent appeal.

4.0 SIGNIFICANT RISKS

4.1 Not applicable

REPORT

5.0 BACKGROUND AND INTRODUCTION

5.1 The Police Reform and Social Responsibility Act 2011 introduced amendments to the Licensing Act 2003. Members attention was drawn to the implementation of the Act in a report to this Committee on the 7th June 2012.

5.2 Under the Licensing Act 2003, a performance of live music is required to be

authorised by a Premises Licence, Club Premises Certificate or a Temporary Event Notice.

- 5.3 The provision of entertainment facilities is also a licensable activity under the Licensing Act 2003. Entertainment facilities are defined as a facility for enabling persons to take part in entertainment consisting of: making music; dancing; entertainment of a similar description; for example a piano for customers to play or a dance floor provided for use by the public in a night club.

6.0 POLICY CONTEXT

6.1 The following Policies have informed this report:

- Ryedale District Council's Licensing Policy

7.0 CONSULTATION

7.1 Not applicable, this is a legislative change.

8.0 REPORT DETAILS

8.1 The Live Music Act received Royal Assent on the 8th of March 2012 and came into effect on the 1st of October 2012.

8.2 The Act provides that live amplified music ceases to be classed as regulated entertainment if all of the following criteria are satisfied:

- There is a premises licence or club premises certificate in place authorising "on sales" of alcohol.
- The premises are open for the sale or supply of alcohol for consumption on the premises.
- Live music is taking place between 08:00am and 11:00pm.
- If the live music is amplified, the audience consists of no more than 200 people.

8.3 The Act also disappplies any live music related conditions attached to the premises licence or club premises certificate if all of the above criteria are satisfied.

8.4 Live un-amplified music provided anywhere (indoors or outside in any place) is not classed as regulated entertainment between 08:00am and 11:00pm regardless of the number of people in the audience.

8.5 The Act wholly removes the requirement to licence entertainment facilities.

8.6 To protect local residents the Act has additional provisions. At a review of the premises licence or club premises certificate the licensing authority can determine that:-

- Conditions relating to live music will apply during the hours of 08:00am and 11:00pm.

- If there is no authorisation for live music on the premises licence, the licensing authority can attach conditions to the premises licence/club premises certificate which can also apply between 08:00am and 11:00pm
- Can decide that live music is a licensable activity at the premises and that live music cannot be provided without authorisation on the premises licence/club premises certificate or Temporary Event Notice.

8.7 It is important to state that all other legislative requirements still apply. The Live Music Act 2012 does not permit premises to cause noise nuisance.

8.8 Formal Government Guidance is expected on the 31st of October 2012.

9.0 IMPLICATIONS

9.1 The following implications have been identified:

a) Financial

The Live Music Act 2012 may reduce the number of Temporary Event Notices (TEN) submitted which as a result may have a impact on the income received by Ryedale Council.

b) Legal

This report provides a legislative update and the legal implications are found in the body of the report.

c) Others

The amendments introduced by the Live Music Act 2012 may increase the workload of the Environmental Protection section which may have to deal with an increased number of noise nuisance complaints.

Phil Long
Head of Environment

Author: Steven Richmond, Health and Environment Manager
Telephone No: 01653 600666 ext: 247
E-Mail Address: steve.richmond@ryedale.gov.uk

Background Papers:

Licensing Act 2003
The Live Music Act 2012.