



City of Westminster

Licensing Committee Report

Meeting:	<i>Licensing Committee</i>
Date:	<i>20 March 2013</i>
Classification:	<i>For General Release</i>
Title:	<i>Licensing Act 2003 – Live Music Act 2012 and Deregulation of Entertainment proposals</i>
Wards Affected:	<i>All</i>
Financial Summary:	<i>None</i>
Report of:	<i>The Operational Directors for Premises Management and City Planning</i>

1. Executive Summary

- 1.1 This report seeks to advise the Licensing Committee of the impact of the Live Music Act 2012, which has partially deregulated from licensing control the provision of live music, removed the licensing requirement for the provision of entertainment facilities and extended the exemption for music integral to a performance of Morris dancing or dancing of a similar type.
- 1.2 The report explains the circumstances when live music is now no longer required to be licensed.
- 1.3 The report also advises of further proposals from DCMS to partially deregulate entertainment which is currently required to be licensed, and which are expected to be enacted in the next 13 months.

2. Recommendations

- 2.1 That the Licensing Committee note and comment on the report.

3. Background

- 3.1 With effect from 1 October 2012 the Live Music Act 2012 amended the Licensing Act 2003 (the 2003 Act), to partially deregulate from licensing control the provision of live music, remove the licensing requirement for the provision of entertainment facilities, and extended the exemption for music integral to a performance of Morris dancing or dancing of a similar type.

Live Music

- 3.2 The effect of the deregulation is that live music provided between 08.00 and 23.00 is not required to be licensed in any of the following circumstances:
- a) The music is unamplified, or
 - b) The music is before an audience of no more than 200 people and the premises are open for the purpose of supplying alcohol for consumption on the premises authorised under the 2003 Act by a premises licence or a club premises certificate, or
 - c) The music is before an audience of no more than 200 people and the premises is a workplace not licensed under the 2003 Act, or only licensed for late night refreshment

[Note: A workplace is defined, subject to limited exemption, as any premises or part of premises which are not domestic premises and are made available to any person as a place of work, and includes:

- (a) any place within the premises to which such person has access while at work; and
- (b) any room, lobby, corridor, staircase, road or other place used as a means of access to or egress from that place of work or where facilities are provided for use in connection with the place of work other than a public road]

Conditions relating to live music

- 3.3 Where live music has been deregulated, and is no longer subject to licensing control, any conditions on an existing licence which relates to live music will cease to have effect in relation to live music.
- 3.4 However, premises providing live music which are authorised for the supply of alcohol for consumption on the premises under a premises licence or club premises certificate, are subject to review. On review, the licensing authority may, without prejudice to any other steps it may take, add conditions to the licence or certificate relating to live music as if the live music was licensed under the premises licence or club premises certificate.

Provision of entertainment facilities

- 3.5 The provision of entertainment facilities is no longer a licensable activity and making available to the public, for example, musical instruments such as a piano in a pub, karaoke equipment, or a dance floor, is no longer licensable.

Morris dancing or dancing of a similar type

- 3.6 Unamplified live music which is integral to a performance of Morris dancing, or dancing of a similar type, has always been exempt from the 2003 Act. This exemption is now extended to include any live or recorded music which is integral in these circumstances.

Entertainment deregulation proposals

- 3.7 In 2012 the Government launched a consultation on the deregulation of most entertainment activities that require a licence under the 2003 Act.
- 3.8 In January 2013 the Government published its response to the consultation responses and set out its proposals to further deregulate entertainment from the licensing controls of the 2003 Act.
- 3.9 Currently, activities specified in Schedule 1 to the 2003 Act are regulated and, subject to exemptions defined in the schedule, are required to be licensed. These activities are:
- a) a performance of a play
 - b) an exhibition of a film
 - c) an indoor sporting event
 - d) a boxing or wrestling entertainment
 - e) a performance of live music
 - f) any playing of recorded music
 - g) a performance of dance
 - h) entertainment of a similar description to that within paragraph e), f), or g).
- 3.10 Government proposals in relation to each of these Schedule 1 activities are as follows:

Plays and dance

- 3.11 The “performance of plays” and “exhibition of dance activities” will be deregulated between the hours of 08.00 and 23.00 where the audience is no more than 500 persons.

Indoor sport

- 3.12 The “indoor sport” activity will be deregulated between the hours of 08.00 and 23.00 where the audience is no more than 1000 persons.

Live and recorded music

- 3.13 Where amplified live music has been deregulated by the Live Music Act, either in a licensed premises or a workplace, it is subject to an audience limit of 200 persons. The audience limit will be increased to 500 persons.
- 3.14 Recorded music provided between the hours of 08.00 and 23.00 and before an audience of no more than 500 people will be deregulated in premises which are open for the purpose of supplying alcohol for consumption on the premises, authorised under the 2003 Act by a premises licence or a club premises certificate.
- 3.15 Conditions relating to recorded music which has been deregulated will cease to have effect, but may be reinstated on review.

Film and boxing or wrestling entertainment

- 3.16 Film exhibition and boxing or wrestling entertainment will remain regulated.
- 3.17 The government will consult later this year on community film deregulation proposals to examine the possibilities for safe community-focussed screenings that maintain important child safety protections.
- 3.18 The definition of boxing or wrestling entertainment will be clarified so as to exclude the Olympic sports of Greco-Roman and Freestyle wrestling, and to include cage fighting and mixed martial arts.

Exemptions

- 3.19 Government proposals will also introduce the following exemptions under the 2003 Act:
 - a) All Schedule 1 activities between 08.00 and 23.00 held on their own premises by
 - I. Local authorities (to Parish Council level)
 - II. Hospitals
 - III. Nurseries
 - IV. Schools (except Higher Education)
 - b) Live and recorded music activities for audiences up to 500 persons held on premises owned by, and with specific permission from,
 - I. Local authorities (to Parish Council level)
 - II. Hospitals
 - III. Nurseries
 - IV. Schools (except Higher Education)

- c) Live and recorded music activities for audiences up to 500 persons held on Community premises such as
 - I. Church halls
 - II. Village halls
 - III. Community centres

- d) All live and recorded music, plays, dance and indoor sport provided between 08.00 and 23.00 at a circus

Timescales

3.20 Timescales for implementing the proposals have not yet been published.

4. Financial and Legal Implications

4.1 There are no financial implications and the legal implications are set out in the body of the report.

If you have any queries about this report or wish to inspect any of the Background Papers please contact: Chris Wroe, Licensing Policy and Strategy Manager on 020 7641 5903 or email cwroe@westminster.gov.uk.

BACKGROUND PAPERS

None