

11 October 2012		ITEM: <u>8</u>
Licensing Committee		
THE LIVE MUSIC ACT 2012		
Report of: Paul Adams, Principal Licensing Officer		
Wards and communities affected: All	Key Decision: Non key	
Accountable Head of Service: Lucy Magill, Head of Public Protection		
Accountable Director: Jo Olsson – Director of People Services		
This report is Public		
<i>If the report, or a part of this, has been classified as being either confidential or exempt by reference to the descriptions in Schedule 12A of the Local Government Act 1972, it is hereby marked as being not for publication. The press and public are likely to be excluded from the meeting during consideration of any confidential or exempt items of business to which the report relates.</i>		
Date of notice given of exempt or confidential report: not applicable		
Purpose of Report: To advise the Licensing Committee of the changes to the Licensing Act 2003 brought about by the Live Music Act 2012		

EXECUTIVE SUMMARY

The Live Music Act 2012 has amended the Licensing Act 2003 by removing the need for the performance of live music to be authorised by a premises licence in certain circumstances.

1. RECOMMENDATIONS:

1.1 That the Committee -

Note the content of the report and the implications it has on premises s licensing.

2. INTRODUCTION AND BACKGROUND:

2.1 Under the Licensing Act 2003, a performance of live music is required to be authorised by a Premises Licence or a Temporary Event Notice.

2.2 The provision of entertainment facilities is also a licensable activity under the Licensing Act 2003. Entertainment facilities are defined as facilities 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.

2.3 The Live Music Act passed into law on the 8th March 2012.

3. ISSUES, OPTIONS AND ANALYSIS OF OPTIONS:

3.1 The Live Music Act comes into effect on the 1st October 2012.

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

- 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 music is taking place between 8.00am and 11.00pm
- If the live music is amplified, the audience consists of no more than 200 people.

3.3 The Act also disapplies any live music related conditions attached to the premises licence or club premises certificate if the above all of the above criteria is satisfied.

3.4 On a review of a premises licence or club premises certificate the licensing authority may add a condition reapplying the conditions relating to live music; add conditions relating to live music; or provide that live music at the premises is a licensable activity and live music can no longer be provided without permission on the premises licence or a temporary event notice.

3.5 The Act also removes the need to licence entertainment facilities completely, regardless of time or audience capacity.

4. REASONS FOR RECOMMENDATION:

4.1 The Live Misc Act is not adoptive and will apply from the 1st October 2012; this report is for information only.

5. CONSULTATION (including Overview and Scrutiny, if applicable)

5.1 Not applicable, this is a legislative change.

6. IMPACT ON CORPORATE POLICIES, PRIORITIES, PERFORMANCE AND COMMUNITY IMPACT

6.1 None

7. IMPLICATIONS

7.1 Financial

Implications verified by: **Michael Jones**
Telephone and email: **01375 652277**
mxjones@thurrock.gov.uk

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

7.2 Legal

Implications verified by: **David Lawson**
Telephone and email: **01375 652087**
david.lawson@bdtlegal.org.uk

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

7.3 Diversity and Equality

Implications verified by: **Billy Masters**
Telephone and email: **diversity@thurrock.gov.uk**
01375 652472

The Introduction of a Live Music Act 2012 will not have any adverse impact on any particular section of the community and will not have any impact on diversity issues.

7.4 Other implications (where significant) – i.e. Section 17, Risk Assessment, Health Impact Assessment, Sustainability, IT, Environmental

There are no additional Implications

BACKGROUND PAPERS USED IN PREPARING THIS REPORT (include their location and identify whether any are exempt or protected by copyright):

- Licensing Act 2003
- The Live Music Act 2012

APPENDICES TO THIS REPORT:

- None

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