

SMALL VENUES PROVIDING DANCING AND AMPLIFIED OR UNAMPLIFIED MUSIC

Since 1 October 2012 the legislation regarding live music at small licensed venues has changed.

Previously to be able to provide live music at a venue an authorisation was needed either in the form of a premises licence or a Temporary event notice (for smaller one off events) which permits regulated entertainment.

The Live Music Act 2012 has however removed Live music in certain circumstances from needing the above authorisations.

When can Live music take place without needing an authorisation?

The Live Music Act allows the following to take place:

(1) unamplified live music can take place between 8am and 11pm in any premises authorised to be used for the supply of alcohol for consumption on the premises by way of a premises licence or club premises certificate.

(2) amplified live music taking place between 8am and 11pm before audiences of no more than 200 persons on a premises authorised to be used for the supply of alcohol for consumption on the premises by way of a premises licence or club premises certificate

So in essence a premises that is authorised to sell alcohol for consumption on the premises no longer requires licensable activities in relation to live /recorded music or dancing on their premises licence. They would however, still require a premises licence permitting any of the remaining licensable activities including the sale of alcohol on the premises

What about premises which already have conditions on their licence in relation to regulated entertainment. Will these apply when they are providing live music?

Any **existing** conditions relating to the provision of the above mentioned licensable activities (live/recorded music and dance) will **NO LONGER** apply in the above circumstances as this activity is deregulated.

What about if a deregulated premises causes a noise nuisance?

If premises are providing deregulated live music and are causing a statutory noise nuisance then the powers of enforcement of the local authorities noise nuisance team can still be used regardless of whether the provision is deregulated.

Furthermore should there be a continuing issue with noise nuisance and a particular premises operating under the deregulation of the Live Music Act then a review of the premises licence could be undertaken.

At a review the licensing sub committee could attach conditions to the existing premises licence relating to the deregulated licensable activities. These conditions would then become enforceable when the premises is providing live/recorded music and dance under this exemption.

To clarify only conditions that are placed on a licence following a review application which is submitted after 1 October 2012 and which clearly state they apply to live/recorded music and dance will be enforceable when these activities are taking place. All other historic conditions placed on a premise licence before 1st October 2012 DO NOT apply and can not be enforced in relation to the provision of live/recorded music and dance..

Further Reading

<http://www.homeoffice.gov.uk/publications/alcohol-drugs/alcohol/guidance-section-182-licensing?view=Binary>

<http://www.legislation.gov.uk/ukpga/2012/2/contents/enacted>