

APPENDIX SIX

BRIEFING NOTE: The Live Music Act 2012

The Live Music Act passed into law on 8th March 2012. It is due to take effect from 1 October 2012.

The Act disapplies live music related conditions if 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 8am and 11pm;
- If the live music is amplified, the audience consists of no more than 200 people.

Live amplified music also ceases to be classed as regulated entertainment if the above criteria are satisfied.

The Act also creates a general exemption that live unamplified music provided anywhere shall not be regarded as the provision of regulated entertainment if it takes place between 8am and 11pm, regardless of the number of people in the audience.

There are a number of mechanisms for the protection of residents and these are:

- Upon a review of the premises licence the Licensing Authority can determine that conditions on the premises licence relating to live music will apply even between 8am and 11pm;
- If the licence doesn't presently authorise live music the Licensing Authority can add conditions to the Premises Licence as though the live music were regulated entertainment authorised by that licence, again to apply between 8am and 11pm.
- The Licensing Authority can determine 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.
- Other noise legislation, for example in the Environmental Protection Act 1990, will continue to apply. The Live Music Act does not allow licensed premises to cause a noise nuisance.

The Act removes the need to licence entertainment facilities completely – regardless of time or audience size. This means that dance floors, microphone stands, pianos made available for use by the public etc. will not be licensable once the Act comes into effect. Health & Safety laws will of course continue to apply.

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