

| | |
|-------------------|---|
| COMMITTEE: | CENTRAL LICENSING COMMITTEE |
| DATE: | 9 MARCH 2015 |
| TITLE: | AMENDMENT TO THE LICENSING ACT 2003: THE LEGISLATIVE REFORM (ENTERTAINMENT LICENSING) ORDER 2014 |
| PURPOSE: | FOR INFORMATION |
| AUTHOR: | HEAD OF REGULATORY DEPARTMENT |

1.0 BACKGROUND INFORMATION

- 1.1 Schedule 1 of the Licensing Act 2003 sets out what activities are regarded as the provision of regulated entertainment and when they are licensable and those activities which are not and therefore exempt from the regulated entertainment regime.
- 1.2 The types of regulated entertainment under the 2003 Act are:
- a performance of a play;
 - an exhibition of a film;
 - an indoor sporting event;
 - a boxing or wrestling entertainment
 - a performance of live music
 - any playing of recorded music;
 - a performance of dance; and
 - entertainment of a similar description to a performance of live music, any playing of recorded music or a performance of dance.
- 1.3 The Legislative Reform (Entertainment Licensing) Order will amend Schedule 1 and section 177A of the Licensing Act 2003 so that, in certain circumstances, the provision of regulated entertainment may no longer need to be authorised under the Act.

2.0 THE LEGISLATIVE REFORM (ENTERTAINMENT LICENSING) ORDER 2014

- 2.1 The Legislative Reform Order will come into force on 6 April 2015. It will deregulate certain types of regulated entertainment in defined circumstances.
- 2.2 No licence permission will be required for the following activities:
- Performances of Dance and Drama for audiences of up to 500 people between 8am and 11pm
 - A 'not for profit' film exhibition in a community premises for audiences of up to 500 people between 8am and 11pm providing consent to use the premises is given and the screening abides by age classification ratings.
 - Indoor sporting events, Boxing and Wrestling entertainment for audiences of up to 1,000 people between 8am and 11pm
 - Performance of **unamplified** live music between 8am and 11pm on any day, on any premises.
 - Performance of amplified live music for an audience of up to 500 people, between 8am and 11pm on any day in a workplace, on premises authorised to sell alcohol for consumption on those premises, in a church hall, village hall, community hall, or other similar community premises, that is not licensed by a premises licence to sell alcohol, provided that the organiser gets consent for the

- performance from a person who is responsible for the premises.
- Performance of amplified live music for an audience of up to 500 people between 8am and 11pm on any day, at the non-residential premises of (i) a local authority, or (ii) a school, or (iii) a hospital, provided that the organiser gets consent for the performance on the relevant premises.
 - Playing of recorded music for an audience of up to 500 people, between 8am and 11pm on any day on premises authorised to sell alcohol for consumption on those premises, in a church hall, village hall, community hall, or other similar community premises, that is not licensed by a premises licence to sell alcohol, provided that the organiser gets consent for the performance from a person who is responsible for the premises.
 - Playing of recorded music for an audience of up to 500 people between 8am and 11pm on any day, at the non-residential premises of (i) a local authority, or (ii) a school, or (iii) a hospital, provided that the organiser gets consent for the performance on the relevant premises.
 - Cross activity exemptions: no licence is required between 8am and 11pm on any day, with no limit on audience size for:
 - any entertainment taking place on the premises of the local authority where the entertainment is provided by or on behalf of the local authority;
 - any entertainment taking place on the hospital premises of the health care provider where the entertainment is provided by or on behalf of the health care provider;
 - any entertainment taking place on the premises of the school where the entertainment is provided by or on behalf of the school proprietor; and
 - any entertainment (excluding films and a boxing or wrestling entertainment) taking place at a travelling circus, provided that (a) it takes place within a moveable structure that accommodates the audience, and (b) that the travelling circus has not been located on the same site for more than 28 consecutive days.

3.0 LICENSING CONDITIONS

- 3.1 Licence conditions relating specifically to activities that are no longer licensable will be **suspended** between the hours of 8am and 11pm.
- 3.2 A licence holder who wishes to remove conditions relating to activities that are no longer licensable may apply to the licensing authority for a licence variation. In the course of considering such applications, licensing authorities should remove such conditions unless there are sufficiently serious and specific concerns about the effects of hosting deregulated entertainment activities along with the remaining licensable activities taking place in the premises.
- 3.3 On a review of a premises licence or club premises certificate, section 177A(3) of the 2003 Act permits a licensing authority to lift the suspension and give renewed effect to an existing condition relating to live and recorded music. Similarly, under section 177A(4), a licensing authority may add a condition relating to live and recorded music as if music were regulated entertainment, and as if that premises licence or club premises certificate licensed the music.

4.0 RECOMMENDATION

- 4.1 That the Committee note the forthcoming changes to the Licensing Act 2003.