

Licensing Act 2003 (Descriptions of Entertainment) (Amendment) Order 2013

CHANGES TO THE DEFINITION OF REGULATED ENTERTAINMENT

The Live Music Act 2012 and the Licensing Act 2003 (Descriptions of Entertainment) (Amendment) Order 2013 introduced amendments to the definition of types of Regulated Entertainment, and consequently, what entertainment activities require a licence.

The information below, adapted from Chapter 15 of the Secretary of State's Guidance on the Licensing Act, provides detail of those changes.

No licence is required for the following activities when they take place between the hours of 08:00 and 23:00 on any day:

- a performance of a play in the presence of any audience of less than 500 people
- an indoor sporting event in the presence of any audience of less than 1,000 people;
- most performances of dance in the presence of any audience of less than 500 people; and
- live music, where the live music comprises:
 - a performance of unamplified live music,
 - a performance of live amplified music in a workplace with an audience of no more than 200 people; or
 - a performance of live music on alcohol licensed premises, provided that at the time of the live music the premises are open for the sale or supply of alcohol for consumption on the premises, and where live music is amplified, the performance takes place before an audience of no more than 200 people.

The effect of changes on existing licences and conditions

Where existing licences contain conditions that relate directly or indirectly to the provision of entertainment that is no longer licensable, those conditions are deemed to be suspended during the period from 08:00 to 23:00.

For example, if a small venue provides amplified live music between 8:00pm and midnight, conditions such as requiring doors and windows to be kept closed or sound limiting devices to be used are deemed only to apply during the last hour of the performance.

However, if a review is brought on the basis that entertainment is causing public nuisance, the sub-committee hearing that review is entitled apply conditions designed to prevent public nuisance, and could therefore reinstate conditions that by virtue of the above changes, would not otherwise be enforceable.

Given the potential implications of this for disturbance to local residents, changes are proposed to our licensing policy to reinforce the message that the Licensing Authority expects licence holders to conduct their activities in a responsible manner so as to promote the licensing objectives and in particular the prevention of public nuisance arising from entertainment.