

Briefing

Licensing Act 2003

Consultation on a proposal to use a Legislative Reform Order to make changes to entertainment licensing

The Department for Culture Media and Sport (DCMS) are consulting on the proposals to use a Legislative Reform Order to make changes to entertainment licensing. An earlier Consultation in 2011 led to Government setting out a set of deregulatory measures in January 2013. This consultation relates to the introduction of a range of licensing exemptions for lower risk activities and the conditional relaxation of existing controls on live and recorded music.

The full [Consultation](#) which contains detailed information about the proposals can be found on the Government website. This short briefing summarises the main issues that relate to community buildings and asks for comments that ACRE can feed into its response. It assumes that those reading it are familiar with licensing regulation. Comments should be sent to d.clarke@acre.org.uk by **09 December 2013**.

The current situation

The Licensing Act 2003 brought in a complete change to the licensing of regulated entertainment in 2005. The Live Music Act 2012 and the Licensing Act 2003 (Descriptions of Entertainment) (Amendment) Order 2013 made changes to the legislation as follows.

No licence is required for the following activities to the extent that they take place between 08:00-23:00 on any day:

- a performance of a play in the presence of any audience of no more than 500 people;
- an indoor sporting event in the presence of any audience of no more than 1,000 people;
- performances of dance in the presence of any audience of no more 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 which takes place in the presence of an audience of no more than 200 people, at a time when the premises are open.

DCMS consulted on community film exhibition earlier this year and the responses are currently being analysed. ACRE's response to this consultation is available on request.

The proposals

The table in Chapter 4 lists the proposed changes for Cross-activity exemptions, Live Music, Recorded Music, Live and recorded music exemptions, Circuses and Greco-Roman and freestyle wrestling. For detailed understanding it is necessary to read the whole document, but we draw your attention to the following points:

- Community premises such as church halls, village halls and community centres will be exempt from entertainment licensing for live and recorded music between 08:00 and 23:00 where the audience consists of up to 500 people. This is an increase from 200 and is good news for halls holding community events and those with a larger capacity.
- Reference to local authorities includes parish councils.
- Cross-activity exemption – this refers to all entertainment activity held by or on behalf of local authorities, hospitals and schools on their own premises and entertainment that is part of nursery provision on non-domestic premises. The exemption will mean that they have no audience limitations. DCMS considers that 'a high level of deregulation should apply to local authorities, as they are directly and democratically accountable to the local community'.
- Where live and recorded music takes place in local authority premises, hospital and school premises that is not organised by or on behalf of local authorities, the audience will be restricted to 500.
- Community premises owned and managed by a parish council will be included in the cross-activity exemption. Community premises owned and managed by a management committee will be restricted to audiences of 500.
- Where community premises have a Premises Licence that includes alcohol they should be aware of the following paragraph extracted from the consultation document:

"Live and recorded music in premises licensed for the supply of alcohol

The effect of an increase in the audience cap from 200 to 500 people would be that a performance of live music on alcohol on-licensed premises, reflecting the amendments made to the 2003 Act by the Live Music Act 2012, would **not** be licensable to the extent that:

- at the time the live music takes place, the premises are open for the purposes of being used for the supply of alcohol for consumption on the premises;

- the live music takes place in the presence of an audience of no more than 500 persons; and
- the live music takes place between 08.00-23.00 on the same day, or where the Secretary of State makes an order relaxing opening hours for special occasions, between the hours specified in that order.

Additionally, where live and recorded music takes place under these circumstances, then the effect of all existing licence conditions that relate to the performance of live and recorded music is suspended. However, on a review of a premises licence or club premises certificate, the effect of any such conditions may be reactivated by a licensing authority and new conditions relating to live music may also be added by a licensing authority on review as if any such performance of live music was licensable. Thereafter, an authorisation under the 2003 Act will be required for any performance of live music on those premises”.

ACRE would like to receive general comments and those specifically relating to the 20 questions in the consultation document. If you have other issues relating to entertainment licensing we would be pleased to hear them. Should you wish to respond direct to DCMS there is a response form in the consultation document. The closing date is 17 December 2013.

**Deborah Clarke
Rural Community Buildings Officer**

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