

Report on the forthcoming Live Music Act 2012

Licensing Committee

Date: 16 February 2012

Author: Head of Licensing

Wards Affected: All

Purpose

- To brief Members on a reform of the Licensing Act, which will liberalise the regulation of some regulated entertainment.

Recommendation

Licensing Committee is asked : -

- To note the contents of the report.

1. Reasons

- 1.1 A limited reform of the Licensing Act 2003 is about to receive Royal Assent. This report is intended to provide an outline of the changes which this will bring about.

2. Detail

- 2.1 Members were advised on 25 October 2011 that government had launched a consultation on wholesale removal of regulated entertainment from the framework of the Licensing Act. Initial comments on the many hundreds of representations received are expected soon. The subject of this report is quite separate from those proposals and the reform has in this case come about as a result of a Private Member's Bill, which has attracted cross-party support.
- 2.2 The Live Music Act 2012 seeks to remove small-scale entertainment from the routine application of the Licensing Act but significant constraints will remain in place and the safety net of formal intervention will be retained.
- 2.3 In broad terms, where live music is provided at somewhere licensed to sell alcohol, in front of an audience not numbering more than 200 people, there will be no routine requirement to make a separate application for live music.
- 2.4 In Swindon, this will have little impact, as entertainment normally goes hand in hand with live music on premises licences and the cost of applying for a licence is the same, whether there is one authorisation or several.

Further information on the subject of this report can be obtained from Lionel Starling on 01793 466118 or e-mail lstarling@swindon.gov.uk.

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- 2.5 A watershed of 23:00hrs will apply. Entertainment after that time will still require to be licensed.
- 2.6 Unlike the case with the government proposals as they currently stand, important safeguards will remain.
- 2.7 Where live music is found to create a nuisance, it will still be open to any responsible authority or interested party to bring a review of the licence. A licensing panel will then be able to set aside the routine exemption and any restrictions or conditions which they put in place as part of their determination will have the force of law.
- 2.8 A few small terraced public houses or poorly insulated public houses are the only venues which are not able to provide live music currently and if they make use of the exemption and generate a nuisance, that remedy is available.

Alternative Options

This report is for information only

Risk Management

Financial and Procurement Implications

There are no financial implications arising from the report, which is for information only.

Legal / Human Rights Implications There are no Human Rights Act or legal considerations arising from this report.

Links to Corporate Plans and Policies (in particular to Swindon 2010 Promises)

This reform has relevance for the corporate commitment to build a thriving and sustainable town centre economy.

Consultees

- None.
- The Director of Finance (Section 151 Officer) and Director of Law and Democratic Services (Monitoring Officer) are consulted on all reports.

Background Papers and Appendices

- None

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