

**Manchester City Council  
Report for Information**

**Report To:** Licensing Committee – 1 October 2012

**Subject:** The Live Music Act 2012

**Report of:** Deputy Chief Executive (Neighbourhoods)

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**Summary**

To inform the Committee of the provisions of the Live Music Act 2012.

**Recommendations**

That Members note the report.

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**Wards Affected:**

All

<b>Community Strategy Spine</b>	<b>Summary of the contribution to the strategy</b>
Performance of the economy of the region and sub region	Licensed premises provide a key role as an employer, in regeneration, and in attracting people to the city. The efficient processing of applications as well as effective decision making in respect of them, plays an essential role in enabling businesses to thrive and maximise contribution to the economy of the region and sub-region.
Reaching full potential in education and employment	
Individual and collective self esteem – mutual respect	

Neighbourhoods of Choice	The Licensing process provides for local residents and other interested parties to make representations in relation to licensing applications and apply for Reviews of existing applications provided they are directly related to the licensing objectives, which are: the prevention of crime and disorder, the prevention of public nuisance, public safety, and the protection of children from harm.
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**Full details are in the body of the report, along with any implications for:**

- Equal Opportunities Policy
- Risk Management
- Legal Considerations

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**Financial Consequences – Revenue**

None

**Financial Consequences – Capital**

None

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**Background documents (available for public inspection):**

The following documents disclose important facts on which the report is based and have been relied upon in preparing the report. Copies of the background documents are available up to 4 years after the date of the meeting. If you would like a copy please contact one of the contact officers above.

The Live Music Act 2012  
The Licensing Act 2003  
The Environmental Protection Act 1990

## **1.0 Introduction**

- 1.1 The Live Music Act 2012 (“the Act”) received Royal Assent on 8 March 2012 and comes into force on 1 October 2012.
- 1.2 The Act was a Private Members Bill with Government support.

## **2.0 The Effect of the Act**

- 2.1 With effect from 1 October 2012, the following changes to the Licensing Act 2003 shall take effect:

### **De-regulation of Live Music**

- 2.2 The Act removes the licensing requirements for :
- amplified live music between 8am and 11pm before audiences of no more than 200 people on premises authorised to sell alcohol for consumption on the premises
  - amplified live music between 8am and 11pm before audiences of no more than 200 people in workplaces not otherwise licensed under the Licensing Act 2003 (or licensed only for the provision of late night refreshment)
  - unamplified music between 8am and 11pm in all venues

### **Licence Conditions relevant to Live Music**

- 2.3 Where licensable activities (such as the sale of alcohol) continue to take place on the premises, any existing conditions on the licence that are related to live music will be suspended and shall not have effect (during such periods that live music is not licensable as per 2.2).
- 2.4 However, it will be possible to impose new conditions or re-instate the effect of existing live music conditions following a review of the licence or club premises certificate relating to premises authorised for the sale of alcohol on the premises.

### **Deregulation of the Provision of Entertainment Facilities**

- 2.5 The Live Music Act 2012 also removes the licensing requirements for the provision of entertainment facilities i.e. the provision of facilities for:
- Making music
  - Dancing
  - Entertainment of a similar description to making music or dancing

### **Morris Dancing exemption**

- 2.6 The Act widens the current licensing exemption for music which is integral to a performance of Morris dancing or dancing of a similar type, so that the exemption applies to live or recorded music, instead of unamplified live music.

### **3.0 Existing Safeguards**

- 3.1 The changes, however, do not prevent Environmental Protection Act 1990 Statutory Nuisance powers being used if noise from live music causes nuisance (whether it requires a licence or not).
- 3.2 As stated in 2.3, where problems are experienced at licensed premises in relation to the provision of live music, upon review of the licence any pre-existing conditions relevant to live music may have their effect re-instated, or new licence conditions can be imposed, as though live music were a licensable activity.

### **4.0 Revision to the Section 182 Guidance**

- 4.1 The Home Office has advised that amended Guidance issued under section 182 of the Licensing Act 2003, which will incorporate the provisions of the Live Music Act 2012, is expected to be laid before Parliament on 31 October 2012.
- 4.2 Upon publication, the amended Guidance will be circulated electronically to Members of the Committee.

### **5.0 Conclusion**

- 5.1 That Members note the contents of the report.

### **6.0 Contributing to the Community Strategy**

#### **(a) Performance of the economy of the region and sub region**

- 6.1 Licensed premises provide a key role as an employer, in regeneration, and in attracting people to the city. The efficient processing of applications as well as effective decision making in respect of them, plays an essential role in enabling businesses to thrive and maximise contribution to the economy of the region and sub-region.

#### **(b) Reaching full potential in education and employment**

#### **(c) Individual and collective self esteem – mutual respect**

#### **(d) Neighbourhoods of Choice**

6.2 The Licensing process provides for local residents and other interested parties to make representations in relation to licensing applications and apply for Reviews of existing applications provided they are directly related to the licensing objectives, which are: the prevention of crime and disorder, the prevention of public nuisance, public safety, and the protection of children from harm.

## **7.0 Key Policies and Considerations**

### **(a) Equal Opportunities**

### **(b) Risk Management**

### **(c) Legal Considerations**

7.1 At the time of writing, there are no other considerations to those included in the report.