

Licensing of Live Music

Summary

This paper provides members with an update on the issue of live music licensing.

Recommendations

That members note the report and confirm the LGA lobbying position it describes.

Action

Officers to continue to work to lower the barriers to putting on live music within the current licensing regime, through the established Live Music working group.

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Background

1. Following the publication of the Culture, Media and Sport (CMS) Committee report into the Licensing Act 2003 (LA03), published on May 14 2009, and the DCMS response to the Committee's report, published on 15 July 2009, there has been renewed public and media interest in the licensing of live music. The LGA has received a number of representations from a variety of sources on the issue.
2. In its report the CMS Committee called for government to "*exempt venues with a capacity of 200 persons or fewer from the need to obtain a licence for the performance of live music.*" The Committee also recommend the reintroduction of the "two-in-a-bar" exemption enabling venues of any size to put on a performance of non-amplified music by one or two musicians without the need for a licence.
3. LGA Group policy has been to oppose *de minimis* exemptions for live music on the basis that crowd size is not a viable means of determining whether or not a particular performance of live music will contravene one of the licensing act objectives¹.
4. LGA officers have held conversations with DCMS about a potential local flexibility to introduce exemptions, either for specific premises or for a group or class of premises within a local area where these venues did not wish to be licensed to sell alcohol. These conversations were only exploratory, and did not commit the LGA taking the suggestion forward should it be deemed legally possible. The administration of such a system would need to be sufficiently light touch so as not to place a burden on authorities or potential applicant venues.

Progress

5. The DCMS introduced a Legislative Reform Order to allow for **minor variations** (MV) to be made to licenses without the need for a full review. Changes to licenses made under the MV rules benefit from a low cost (under £100) and streamlined application process. The MV legislation does not predetermine that an application for live music should be considered as a "minor variation", as this is still at the discretion of the licensing authority. However, we believe that those premises that wish to put on live music and are currently not licensed to do so will, in many cases, now find it easier to do so.

¹ These are: the prevention of crime and disorder; public safety; the prevention of public nuisance; and the protection of children from harm.

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6. Following discussions with the Licensing Minister, Gerry Sutcliffe MP, in April, the LGA Group, along with the Musicians Union (MU) and the British Beer and Pub Association (BBPA) agreed to set up a **working party**, with DCMS as observers, to help further lower the barriers to putting on live music. The Group meets monthly and is focused on:
 - publicising the use of the new Minor Variations process to licensees, musicians and licensing authorities; and
 - increasing usage of the existing, and under utilised, “incidental music” exemption within the LA03, through issuing guidance to the same groups.

Recommendations

7. That members confirm the LGA Group policy position outlined at **paragraph 3**.
8. That officers continue to focus their efforts, in the first instance, towards the Live Music working group, in order to ensure that the barriers to putting on live music within the current licensing regime are as low as possible.
9. That officers from LGA and LACORS reflect this position in taking forward media and parliamentary work.

Financial Implications

10. None arising from this report.

Implications for Wales

11. The Licensing Act 2003 applies to Wales. Issues of specific interest to Welsh authorities will be followed up with the WLGA as appropriate.

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