



# Regulated Entertainment and Exemptions

The Licensing act 2003 requires that a premises licence be obtained whenever a premises is used for 'regulated entertainment' other than when carried out under a Temporary Event Notice

Under the Licensing Act 2003, the operating schedule for the premises must detail all regulated entertainment to be carried on at the premises. If regulated entertainment is not included in the operating schedule any such entertainment carried on at the premises will be in breach of the Licence.

## What is Regulated Entertainment?

Regulated entertainment covers the provision of entertainment, the descriptions of entertainment in the Licensing Act are:

- The performance of a play
- An exhibition of a film
- Boxing or wrestling equipment
- A performance of live music (note the changes brought about by the Live Music Act 2012)
- Any playing of recorded music
- A performance of dance
- Or entertainment of a similar description to live music, recorded music or dance

The holding of regulated entertainment only requires a licence if the entertainment is provided for:-

- Members of the public or a section of the public; or
- Members of a regulated club or their guests; or
- At a charge with the intention of making a profit.

## The Live Music Act 2012 amends the law in respect of live music in licensed venues

Live music will cease to be regulated entertainment in venues licensed for the sale of alcohol for consumption on the premises in the following situations:

- When it is unamplified and takes place between 8am and 11pm; and
- When it is amplified and takes place in the presence of an audience of 200 persons or less and is provided between 8am and 11pm.

The premises must be open for the sale of alcohol during the time that the live music is provided for the exemption/s to take effect.

Additionally, any condition attached to the Premises Licence relating to live music ceases to have effect in respect of the live music unless the Licensing Authority states otherwise on the licence pursuant to a Review hearing.

## Live music in venues which are not licensed

For those premises which are not licensed for alcohol sales, the Act states that live music is not regulated entertainment when it is unamplified and takes place between 8am and 11pm.

Amplified live music in non-licensed venues will still require formal authorisation from the Licensing Authority, such as a Premises Licence or Temporary Event Notice.

## Provision of facilities for making music and dancing

In addition the Act removes the provision of facilities for making music and dancing as forms of regulated entertainment.

## How do I obtain a licence to provide entertainment?

Unless entertainment under a Temporary Event Notice is being provided or the entertainment or location is exempt under the Licensing Act, it will be necessary to apply for a premises licence or club premises certificate from the relevant licensing authority.

In order to apply for a premises licence, or club premises certificate, an application must be completed and be accompanied by an operating schedule, a plan of the premises and if the application is for a premises licence which includes authorisation for the supply of alcohol, a form of consent given by the individual whom the applicant wishes to have specified in the premises licence as the Designated Premises Supervisor.

## Premises Licence Exemptions

There are a number of exemptions from the requirement to hold a premises licence when providing regulated entertainment. However, it should be noted that if alcohol is to be sold or supplied, or late night refreshment provided, a licence will still be required for those activities.

The main exemptions are as follows:-

- Regulated entertainment in places of public religious worship;
- Morris dancing (or similar), or a performance of unamplified live music as an integral part of such dancing;
- Incidental music – the performance of live music or the playing of recorded music if it is incidental to some other activity;
- Garden fetes – or similar if not being promoted or held for purposes of private gain;
- Film exhibitions for the purposes of advertisement, information, education, etc. – if the sole or main purpose of the exhibition of a film is to demonstrate any product; advertise any goods or services or provide information, education or instruction;
- Film exhibitions at museums and art galleries – where the use of the film is part of the exhibit;
- Television or radio broadcasts – as long as the programme is live and simultaneous (showing pre-recorded entertainment would require a licence);
- Vehicles in motion – at a time when the vehicle is not permanently or temporarily parked;