

## **Licensing Act 2003**

### **Regulated Entertainment**

Regulated entertainment is a licensable activity under the Licensing Act 2003 and must be authorised by a Premises Licence, Club Premises Certificate or a Temporary Event Notice (TEN) unless it falls under any of the exemptions.

#### **The descriptions of regulated entertainment are:**

- Performance of a play
- Exhibition of a film
- Indoor sporting event
- Boxing or wrestling entertainment (this includes combined fighting sports)
- Performance of live music
- Playing of recorded music
- Performance of dance
- Entertainment of a similar description to live music, recorded music or dance (including karaoke).

#### **To be regulated entertainment two rules must apply:**

1. The entertainment must take place in the presence of an audience and be provided for the purpose of entertaining that audience.
2. The entertainment must be provided;
  - a) for the public or a section of the public, or
  - b) members and their guests of a club

where (a) and (b) do not apply, the entertainment must be provided with a view to profit.

#### **Exemptions**

You will not need a Premises Licence, Club Premises Certificate or Temporary Event Notice, if any of the following exemptions apply.

#### **General Exemptions**

- Entertainment which is incidental to religious services or meetings or at places of public religious worship.
- Morris dancing or any dancing of a similar nature and the accompanying music.
- Incidental music. This is live music or recorded music incidental to some other activity which is not, by itself, regulated entertainment. Music is unlikely to be considered incidental if it is the main or one of the main reasons for people attending an event or is advertised as the main attraction. Also if the volume of the music predominates over other activities it is also unlikely to be considered incidental.
- Garden fetes or functions or events of a similar nature if not being promoted or held for purposes of private gain.
- Incidental Film.

- Film exhibitions for the purposes of advertisement, information, education, etc
- Film exhibitions in museums and art galleries.
- Use of live television or radio receivers (however, showing pre-recorded entertainment such as DVDs is not exempt).
- Vehicles in motion.

### **Live and Recorded Music Exemptions**

The following are also exempt from licensing:

**Unamplified live music** provided between 8am and 11pm in any location (licensed or unlicensed);

**Amplified live and recorded music** between 8am and 11pm for audiences of no more than 500 people, in a venue that has a Premises Licence or Club Premises Certificate that permits sale of alcohol for consumption on the premises;

**Amplified live music** between 8am and 11pm for audiences of no more than 500 people, in workplaces which do not have a licence (or which are licensed but only for late night refreshment).

*Unlike live music the deregulation of recorded music does not apply to workplaces.*

*See the note at the end of this guidance leaflet for the definition of a workplace.*

**N.B.** – If the Licensing Authority has to review a Premises Licence or Club Premises, on the grounds of public nuisance (e.g. noise nuisance), it can remove the above exemption and impose conditions restricting the above activities.

### **Performance of Plays and Dance Exemption**

Plays and Dance Performances between 8 am and 11 pm for audiences of no more than 500 people in any location.

**N.B.** - This does not apply to dance performances of an adult nature.

### **Indoor Sport Events Exemption**

Indoor sport events between 8 am and 11 pm for audiences of no more than 1,000 people in any venue

### **Exemptions for Specific Premises**

#### **Local Authority Premises, Hospitals and Schools**

**All entertainment** is exempt between 8 am and 11 pm but only if provided by (or on behalf of the local authority), health care provider or school.

## **Community Premises, Hospitals and Schools**

**Live and Recorded Music** is exempt between 8 am and 11 pm for audiences of no more than 500 people at:

- Community Premises (not authorised by a premises licence that includes sale of alcohol)
- Hospitals
- Schools

**Films** that are shown 'not for profit' (age classification ratings will still apply) are exempt between 8 am and 11 pm for audiences of no more than 500 people at Community Premises.

**N.B.** - The person organising the entertainment must get written consent from the community hall committee, health care provider or the school to use the premises for these purposes.

## **Circuses**

Any entertainment by a travelling circus is exempt between 8 am and 11 pm providing it is not film, boxing or wrestling and takes place within a moveable structure and is not located on the same site for more than 28 consecutive days.

## **Performing Rights Licensing**

Even if your entertainment falls under one of the above exemptions you may still need permission from the Performing Rights Society if you are playing music that is copyrighted. You will need to contact the PRS for advice. Their website is [www.prsformusic.com](http://www.prsformusic.com)

## **Sale of Alcohol**

Sale of alcohol remains licensable in all circumstances. There are no exemptions.

If guests 'bring their own' alcohol to the event or you give away alcohol for free then this is not a sale of alcohol and not licensable.

However, if to get the free alcohol a person must buy a ticket or pay an entry fee then this is still classed as sale of alcohol as payment is being made to be entitled to the alcohol.

## **Workplace**

Under the terms of the Workplace (Health, Safety and Welfare) Regulations 1992 "workplace" means any premises or part of premises which are not domestic premises and are made available to any person as a place of work. This can include:

- a) any place within the premises to which such person has access while at work; and
- b) any room, lobby, corridor, staircase, road or other place used as a means of access to or egress from that place of work or where facilities are provided for use in connection with the place of work other than a public road.

Also, 'work' means work as an employee or self-employed person (and can include work experience on certain training schemes). In addition, 'premises' means any place (including an outdoor place).

### **WHERE CAN I GET MORE HELP AND ADVICE?**

Further information is available on the GOV.UK website at:

[www.gov.uk/guidance/entertainment-licensing-changes-under-the-live-music-act](http://www.gov.uk/guidance/entertainment-licensing-changes-under-the-live-music-act)

### **CONTACT DETAILS FOR ELDC LICENSING TEAM**

The Licensing Section, East Lindsey District, Tedder Hall, Manby Park, Louth, LN11 8UP.

If you wish to call into the Offices to speak to someone from the Licensing Team we advise that you ring first and make an appointment

Email: [licensing@e-lindsey.gov.uk](mailto:licensing@e-lindsey.gov.uk)

Phone: 01507 601111

Web: [www.e-lindsey.gov.uk](http://www.e-lindsey.gov.uk)

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