

A close-up of a silver microphone on a stand, positioned in the foreground. The background is a blurred stage scene with warm, golden light beams and a crowd of people, creating a bokeh effect. The overall atmosphere is that of a live music performance.

PopplestonAllen

Your **guide** to the Live Music Act

Introduction

The Live Music Act (The Act) came into force on 1st October 2012 and deregulates live music.

The Legislative Reform (Entertainment Licensing) Order 2014, in force from 6th April 2015, further deregulates live music and recorded music.

Effect of The Act – Live and Recorded Music

The Act removes the licensing requirements for live music and recorded music where:-

- There is a premises licence or club premises certificate in place permitting 'on sales'
- The premises are open for the sale or supply of alcohol for consumption on the premises
- Live or recorded music is taking place between 8am and 11pm
- If the music is amplified live music or recorded music (e.g. DJs or a disco for example), the audience consists of no more than 500 people



Existing Conditions Attached to a Premises Licence or Club Premises Certificate

The Act also disapplies any live music- and recorded music-related conditions which appear on your premises licence, providing the above criteria are satisfied.

However, if the live music- and recorded music-related conditions have been re-imposed as part of a licence Review then they will apply and need to be complied with.

EXAMPLE CONDITION:-

- All doors and windows to be shut whilst live music is being played – this would not apply operating within the above criteria

Workplaces and Unamplified Live Music

If live amplified music is taking place in an area not shown on your licensed layout plans, for example in a beer garden, it is still not licensable due to the so-called 'workplace' exemption under the Act (again between 8am-11pm).

The workplace exemption does not apply to recorded music.

If the music is unamplified live music, providing it takes place between the hours of 8am and 11pm, it is not licensable anywhere regardless of the number of people in the audience.

Entertainment Facilities

The Act also removed the licensing requirements for so-called 'entertainment facilities,' which covered such diverse items as microphone stands, dancefloors and amplifiers. These are no longer licensable in any way, although they do sometimes still appear (erroneously) on licences that have not been updated.

Protection for Residents

There are a number of mechanisms for the protection of residents and these are:-

- Upon a Review of the premises licence the Licensing Authority can determine that existing conditions on the premises licence relating to live or recorded music will apply even between 8am and 11pm
- If the Premises Licence doesn't presently authorise live or recorded music the Licensing Authority can determine that live or recorded music at the premises can no longer be provided without permission on the Premises Licence (thus requiring a Variation) or a Temporary Event Notice, and can add new conditions to the Premises Licence
- Other noise legislation, for example in the Environmental Protection Act 1990, will continue to apply. The Live Music Act does not allow licensed premises to cause a noise nuisance



Common Questions

- Can I have a DJ in my beer garden until 11pm?
- I have a condition on my premises licence requiring me to have a noise limiter – can I ignore it?
- Sometimes I play low-level background music which is amplified – is this exempt?
- Are DJ's classed as live music?
- Does the “audience” figure of 500 people include staff or performers?

Music Copyright

The Act does not remove the requirement for copyright permission to play live and recorded music from [PPL / PRS](#), this is covered by separate legislation.

PopplestonAllen

From pubs, clubs and restaurants to arcades, casinos and online gaming; some of the biggest operators rely on our legal advice to run their businesses. As do fast growing start-ups and one-off brands.

popall.co.uk

Nottingham: 0115 953 8500

London: 020 3859 7760

Licensing law. We get it.