



## BRIEFING PAPER

Number 6996, 17 December 2019

# The Live Music Act 2012

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## Summary

The *Live Music Act 2012* amended the *Licensing Act 2003* so that a licence for a live music performance is not needed if:

- it takes place between 8am and 11pm;
- it takes place at a licensed premises or workplace;
- the audience is no more than 500 people.

The changes introduced through the Act were designed to increase the provision of live music without negatively impacting on the 2003 Act's licensing objectives:

- the prevention of crime and disorder;
- public safety;
- the prevention of public nuisance;
- the protection of children from harm.

In a March 2019 [report](#), the Digital, Culture, Media and Sport Committee recommended that the 2012 Act should be amended to extend its provisions to venues with a capacity over 500 and beyond 11pm. In its July 2019 [response](#), the Department for Digital, Culture, Media and Sport (DCMS) said that the Act was “working broadly as intended” and that there was no case for further deregulation.

The 2003 and 2012 Acts apply in England and Wales.

# 1. Licensing law and live music

The [Licensing Act 2003](#) regulates:

- the sale and supply of alcohol;
- the sale of late night refreshments;
- the provision of “regulated entertainment”.

The categories of regulated entertainment are set out in [Schedule 1](#) of the Act and include the performance of live music. Under the Act, a performance has to be authorised by a [premises licence](#) or a [temporary event notice](#).<sup>1</sup>

The Act is underpinned by four licensing objectives that have to be promoted by local authorities:

- the prevention of crime and disorder;
- public safety;
- the prevention of public nuisance;
- the protection of children from harm.<sup>2</sup>

The Act applies in England and Wales.

The Home Office has published [guidance](#) (April 2018) for local authorities.

## 1.1 The Live Music Act 2012

The 2003 Act came into force in November 2005 and was criticised for being “disproportionately burdensome” in relation to live music and for “detering” the staging of live events.<sup>3</sup>

In July 2010, Lord Clement-Jones introduced a Private Member’s Bill, the *Live Music Bill [HL] 2010-12*, “to reduce the red tape surrounding the performance of live music, particularly in small venues”.<sup>4</sup>

Lord Clement-Jones’ Bill received Government support<sup>5</sup> and, after some amendment, became the *Live Music Act 2012*.<sup>6</sup>

The 2012 Act amended the 2003 Act so that a licence was not needed for:

- live *unamplified* live music in any location between 8am and 11pm;

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<sup>1</sup> Up to 12 temporary event notices can be granted in one year

<sup>2</sup> [Section 4\(2\)](#) of the Act

<sup>3</sup> DCMS, [Post-implementation review of the Live Music Act](#), IA No DCMS014, p4

<sup>4</sup> [HL Deb 4 March 2011 c1313](#); Detailed background to the Bill, including the impact that the 2003 Act had on the provision of live music, is set out in a separate Library Note, [Live music in small venues](#) (SN/HA/5134, 30 June 2011)

<sup>5</sup> At Second Reading in the Lords, Baroness Rawlings agreed that reform was “necessary” and said that the Government would help the Bill reach the statute book if it was “appropriately amended”: [HL Deb 4 March 2011 c1336](#)

<sup>6</sup> The Act came into force on 1 October 2012

- live *amplified* music in on-licensed premises or workplaces for audiences of up to 200 people between 8am and 11pm.

The Act was welcomed by the music industry.<sup>7</sup>

### **Audience limit increased to 500**

In April 2015, the audience limit was increased to 500, after [consultation](#), through the [Legislative Reform \(Entertainment Licensing\) Order 2014](#).<sup>8</sup>

## **2. How is the 2012 Act working?**

A House of Lords Committee and the Digital, Culture, Media and Sport Committee have both looked at the impact of the 2012 Act.

### **2.1 House of Lords Committee report (April 2017)**

In April 2017, a Lords Select Committee published [post-legislative scrutiny](#) of the Licensing Act 2003. The Committee also looked at the Live Music Act. It found that most respondents “expressed support or broad acceptance” for the 2012 Act. Live music industry representatives, business owners and some councils believed it was “a proportionate and reasonable form of deregulation”.<sup>9</sup>

Other councils and some residents’ associations claimed that the Act had increased problems of noise and nuisance, and said that deregulation had gone far enough.<sup>10</sup> However, the Committee argued that many of these concerns stemmed from a lack of understanding of the controls that have remained in place since the 2012 Act came into force, or “a general inability on the part of councils to use them effectively”.<sup>11</sup>

The Committee usefully summarised the options available to residents having problems related to live music:

- Upon a review of the premises licence the Licensing Authority can determine that conditions on the premises licence relating to live or recorded music will apply even between 8am and 11pm;
- If the licence doesn’t presently authorise live or recorded music the Licensing Authority can add conditions to the Premises Licence as though the live or recorded music were regulated entertainment authorised by that licence, again to apply even between 8am and 11pm;

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<sup>7</sup> See, for example: [“Live Music Bill becomes law”](#), *Music Week*, 8 March 2012; [“UK Music reveals huge potential of Live Music Act”](#), UK Music news release, 21 September 2012; [“Music industry celebrates Live Music Act anniversary”](#), Musicians’ Union news release, 1 October 2013; Musicians’ Union/UK Music, [The Rocktober Report: the Live Music Act one year on](#), October 2013

<sup>8</sup> SI 2014/3253; Further background can be found in chapter 5 of the [Explanatory Document](#) to the Order

<sup>9</sup> House of Lords Select Committee on the Licensing Act 2003, [The Licensing Act 2003: post-legislative scrutiny](#), HL Paper 146, April 2017, para 529

<sup>10</sup> *Ibid*, paras 531-3

<sup>11</sup> *Ibid*, para 534



- The Licensing Authority can determine that live or recorded music at the premises is a licensable activity and live or recorded music can no longer be provided without permission on the Premises Licence or a Temporary Event Notice;
- 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.<sup>12</sup>

The [Music Venue Trust](#) and the [Musicians' Union](#) told the Committee that live music should not be regulated through licensing in any form. They argued that other legislation was sufficient such as:

- the Environmental Protection Act 1990;
- the Health and Safety at Work etc. Act 1974;
- the Fire Safety Order 2005.

However, the Committee concluded that the 2012 Act was working “broadly as intended” and that there was not a case for further deregulating live music, let alone the complete removal of licensing legislation.<sup>13</sup>

The Committee recommended that more be done to spread awareness of the Act’s provisions and its implications among local councils, licensed premises and local residents.<sup>14</sup>

### **Government response**

The Government [responded](#) in November 2017 and said:

Music venues are a vibrant and vital part of society, culture and the economy and Government is keen to support and promote an environment in which the UK’s live music industry can continue to thrive. We want to encourage people to live in our towns and cities, while enabling small grassroots music venues to flourish – giving musicians and artists the opportunity to perform in front of a live audience and providing communities with valuable social and cultural attractions.

Positive collaboration between the venues, local authorities and residents, including awareness raising, is key to supporting this important and dynamic sector.<sup>15</sup>

## **2.2 Digital, Culture, Media and Sport Committee report (March 2019)**

The Digital, Culture, Media and Sport Committee published a [report](#) on live music in March 2019. This briefly looked at the 2012 Act. The DCMS told the Committee that the Act was “working broadly as intended”.<sup>16</sup> However, the Music Venue Trust and [UK Music](#) argued

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<sup>12</sup> Ibid, Box 10 on p132

<sup>13</sup> Ibid, para 541

<sup>14</sup> Ibid, para 542

<sup>15</sup> Home Office, [Government response to The Licensing Act 2003: post-legislative scrutiny](#), Cm 9471, pp38-9

<sup>16</sup> Digital, Culture, Media and Sport Committee, [Live music](#), HC 733, March 2019, para 84

that the Act could be extended to venues with greater capacity or beyond 11pm.<sup>17</sup>

The Committee noted that an April 2014 post-implementation [Impact Assessment](#) (IA) had admitted that its findings were "inconclusive" because of limited data. According to the IA, a review of regulated entertainment, including the 2012 Act, would take place in 2019.

The Committee said that the DCMS should supply it with a full post-legislative memorandum for the 2012 Act before the end of the parliamentary session.<sup>18</sup> It also recommended that the Act should be amended to extend its provisions to venues with a capacity over 500 and beyond 11pm.<sup>19</sup>

### **Government response**

In its July 2019 [response](#), the DCMS disagreed with the Committee's recommendations:

We do not believe it is necessary to undertake a post-legislative scrutiny of the Live Music Act 2012 (LMA 2012) at this stage. The LMA 2012 was introduced to deregulate specific requirements within the Licensing Act 2003, in order to reduce burdens on grassroots music venues making it easier for them to operate. A full post-legislative scrutiny of the Licensing Act 2003 was undertaken in 2017 to inform the Government response to the House of Lords Licensing Act 2003 Committee's Inquiry. As part of this work, the impact and effectiveness of the LMA 2012 were considered and in its response, the Government set out that:

- It believes the Live Music Act 2012 is working broadly as intended
- There is no case at present for further deregulation, let alone complete removal of all live music related legislation from the Licensing Act...<sup>20</sup>

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<sup>17</sup> Ibid, para 84; the evidence is available from links in footnote 156

<sup>18</sup> Ibid, para 85

<sup>19</sup> Ibid, para 85

<sup>20</sup> DCMS, [Live music: Government Response to the Committee's Ninth Report of session 2017-19](#), HC 2555, July 2019, pp7-8

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