



## **LICENSING REFORM – EXEMPTIONS FOR SMALL MUSIC EVENTS**

- The Government has published a consultation document proposing a new exemption from the full licensing requirements for small-scale music events. It would allow smaller venues in particular to put on such events without the need for their premises licence to specifically allow entertainment or the provision of facilities for entertainment.
- Under the proposals, performances of live music for audiences of 100 people or less would not need to be licensed. The exemption from licensing could apply to an unlicensed venue such as a village hall or an outlet licensed for the sale of alcohol, allowing it to add live music to its offering without the need to vary the licence. If an outlet is already licensed for entertainment but could meet the criteria for exemption it could apply to remove conditions eg maintenance of sound proofing or limits on the number of events.
- Although the proposal has been described as exempting small venues, application of it is not determined by the size of the venue itself but rather the size of the audience for the music event. So a venue could have a larger licensed capacity but provided the audience for the music event was restricted, the exemption could apply eg a quieter night or to a small room within a larger venue – size of audience not the capacity of a venue is the critical factor.
- Two restrictions to the exemption are proposed. Firstly, the performance must take place between the hours of 8am and 11pm; no part of the performance can take place after 11pm. Secondly, the performance must take place wholly inside a permanent building and the audience must be accommodated entirely inside. Performances in marquees or enclosed spaces with no roof or walls will not be covered by the exemption, equally opening patio doors to allow customers in a beer garden to enjoy the music would invalidate it.
- The exemption would be automatically granted but would be revocable following complaints from local residents or responsible authorities eg noise, nuisance, breach of numbers or conditions of exemption. This would lead to a hearing in front of the Licensing Authority. If the exemption is revoked, it will come into effect immediately and will not be suspended even if the outlet appeals against it.
- The proposal will be subject to public consultation, closing **26<sup>th</sup> March**. In the light of comments, draft legislation will be tabled for scrutiny and approval by MPs and Peers. Ministers hope this will be concluded within 40 days, but given the controversy surrounding any licensing reform, adoption ahead of the General Election looks optimistic.

### **ALMR Activity**

- The proposal follows a sustained campaign by *ALMR* since 2008 to reintroduce the 2 in a bar rule. We called for this in pre-consultation working groups and in our evidence to the Culture Select Committee in 2009. Research suggests that 30% of venues which had previously used the 2 in a bar rule did not apply for entertainment as part of their premises licence.
- The Culture Select Committee rejected this idea but called for an exemption for audiences of fewer than 200. This is the line we will be pushing in our formal response to the consultation, particularly given the fact that since it was first considered, the Government has tightened its scope by making the exemption revocable.

KN Ealing, January 2010