

LICENSING ACT 2003 GUIDANCE NOTES REGULATED ENTERTAINMENT

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 or of entertainment facilities. The descriptions of entertainment in the Licensing Act are:

- The performance of a play;
- An exhibition of a film;
- An indoor sporting event;
- Boxing or wrestling entertainment;
- A performance of live music;
- Any playing of recorded music;
- A performance of dance;

Or entertainment of a similar description to live music, recorded music or dance.

This list is not exhaustive.

In order for the provision of entertainment or entertainment facilities to be regulated, the entertainment or entertainment facilities must be provided:

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

How do I obtain a licence to provide entertainment?

Unless temporary entertainment 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. (See separate Guidance Note)

For more information on premises licences, please see the Guidance Note on **Premises Licences**.

Exemptions

There are a number of exemptions from the requirement of a premises licence when providing regulated entertainment. However, one should note that if alcohol is to be supplied, or late night refreshment provided, a licence will 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 music is live and simultaneous (showing prerecorded entertainment would require a licence);
- Vehicles in motion – at a time when the vehicle is not permanently or temporarily parked;
- Small events in licensed premises – Section 177 (see next section).

Section 177 – Small Events in Licensed Premises

The Government believes that the “two-in-a-bar rule” encourages public houses to put on only one or two entertainers all night, or face the full cost of a public entertainment licence, which is extremely limiting. The Licensing Act aims to remove the disincentive and provide for all kinds of live music to be on equal footing whether one, two, five or ten performers are involved.

Section 177 of the Act – Small events in licensed premises, states that in certain circumstances any licensing conditions imposed by the licensing authority, but not volunteered in the operating schedule relating to the provision of the music entertainment, will be suspended:

- If the premises is primarily used for the consumption of alcohol on the premises (i.e. a pub); and
- If the premises is providing musical entertainment (dance or live amplified or unamplified music); and
- The premises has a permitted capacity of not more than 200 people.

Except where the conditions were imposed on the grounds of public safety or the prevention of crime and disorder.

If it is any other premises, providing the music is live and unamplified, the local authority's imposed conditions, but not those volunteered in the operating schedule, are suspended where:

- The premises licence allows the provision of musical entertainment; and
- The premises has a permitted capacity of not more than 200 people; and
- It is between 8.00 am and midnight; and
- The premises are not being used to provide any other description of regulated entertainment.

The exemption for small events in licensed premises can be removed in relation to any condition of a premises licence or club premises certificate following a review of the licence or certificate.

Personal visit to: Exeter City Council Offices (we would advise callers to make appointments)	Writing to us at: The Licensing Section Environmental Health Service Exeter City Council Civic Centre Paris Street EXETER. EX1 1RQ
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