

# **Licensing Act 2003**

**Live Music**

**and**

**Licensing**

**Blackpool will be a Vibrant, Inclusive, Healthy,  
Safe and Prosperous Town**



# Live Music and Licensing

## Introduction:

The Licensing Act 2003 replaced the legislation that applied to Public Entertainment such as performances and music in pubs.

Blackpool Council as the Licensing Authority believes the change presents an opportunity for a broad range of entertainment, particularly live music, dancing and theatre to reach new audiences in new and different venues.

The Council will demonstrate its commitment to live entertainment and cultural development by seeking to licence a wide and diverse portfolio of council owned land and buildings.

The following paragraphs through Questions and Answers provide guidance for property owners who may similarly wish to encourage entertainment.

### **Q What entertainment requires a licence?**

**A** The Act refers to “Regulated Entertainment”, which is defined as the performance of a play, the 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 any entertainment that is similar to the performance of live music or dance or to the playing of recorded music.

### **Q The list seems very prescriptive. Does this mean I can’t have background music or a jukebox?**

**A** No it is not so strict. The test is whether or not entertainment facilities are being provided.

The rationale is that a jukebox is in place for the customers to use but is not an arranged entertainment facility. However, a karaoke evening uses recorded music that is provided as an entertainment and would be licensable.

Thus background music or self-selected music is not an “entertainment facility”, and no licence is needed.

### **Q Are there any exceptions or exemptions?**

**A** Yes. Exemptions are provided for education, religion and demonstrations.

For example:

- Teaching students how to perform through music or dance.
- Participation in acts of worship that have a religious context
- Demonstrating a product such as a guitar in a music shop
- Rehearsal of a performance when the public are not admitted

Also entertainment where live or recorded music is incidental to the principal entertainment would not require a licence.

For Example:

Stand up comedy is not licensable even if incidental music forms part of the act.

**Q I was exempt from Public Entertainment Licensing, as I've only had one or two musicians. Is this exemption still available?**

**A** No. You will need to apply for a variation to your new premises licence to include the provision of live music.

**Q What about "Indoor Sports" in my premises, does the Dartboard have to be licensed?**

**A** Pub games are generally intended for the enjoyment of the participants rather than to entertain. The Darts, Pool and Snooker matches would not therefore be licensable.

However a contest or exhibition involving "Sporting Stars" which is intended to attract an audience would certainly require a licence for the venue.

**Q I only allow entertainment at private events, are private events exempt?**

**A** No. In such a case the management of the premises are invariably providing entertainment facilities (e.g. a dance floor, and the room for the performance of music for entertainment) and a charge is made with a view to making profit.

**Q What determines whether or not music is incidental?**

**A** Ultimately only the courts can decide, however reasonable judgements will certainly be applied. For example, if a conversation were difficult or impossible, the volume of the music would suggest that being entertained by the music is the principal use of the facility.

**Q My customers tend to sing along to music and have been known to start dancing; will I be in trouble if my premises are not licensed for music and dance?**

**A** No. If you have not made the premises available for this purpose and the singing and dancing is genuinely spontaneous, then there is no offence.

**Q Does the Licensing Authority support live music etc?**

**A** Yes. The Authority believes that the development of live music and culturally diverse entertainment is essential in our society and can divert young people from anti social behaviour. Whilst these cultural and social benefits must be balanced against potential disturbances in neighbourhoods, the authority is committed to only imposing conditions on licences that are appropriate to the problem, and should not deter the performance of live music, dancing and theatre.

**Q How strict are Licence conditions?**

**A** The answer to the preceding question demonstrates the Licensing Authority's aim to encourage performances and the Act itself specifically requires a "light touch" in relation to small venues providing dancing and music for not more than 200 patrons where the conditions are restricted to those necessary to protect public safety or to prevent crime and disorder.

**Q What help can you give me?**

**A** The Licensing Service will not write your application for you but we will advise you on the potential problems that may arise from a proposal and suggest solutions designed to help you provide entertainment and maximise the use of your premises.

**Licensing Service  
Blackpool Council  
Municipal Buildings  
PO Box 4  
Blackpool  
FY1 1NA**

**Office Opening Times:**

**Monday to Thursday**

**9.00 am to 4.30 pm**

**Fridays**

**9.00 am to 4.00 pm**

**Phone: 01253 478572**

**Fax: 01253 478372**

**Email: [licensing.la2003@blackpool.gov.uk](mailto:licensing.la2003@blackpool.gov.uk)**