

Regulated Entertainment

Schedule 1 to the Licensing Act 2003 sets out what activities are regarded as the provision of regulated entertainment and when they are licensable and those activities which are exempt.

What is Regulated Entertainment?

Regulated entertainment covers the provision of entertainment where the entertainment takes place in the presence of an audience and is provided, at least partly, to entertain that audience. 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; and
- entertainment of a similar description to a performance of live music, any playing of recorded music or a performance of dance.

To be licensable, one or more of these activities needs to be provided for the purpose of entertaining an audience, has to be held on premises made available for the purpose of enabling that activity and must also either:

- take place in the presence of a public audience, or
- where that activity takes place in private, be the subject of a charge made with a view to profit – see Private Events below.

Private Events

Events that are held in private are not licensable unless those attending are charged for the entertainment with a view to making a profit (including raising money for charity). For example, a party held in a private dwelling for friends featuring live music where a charge or contribution is made solely to cover the costs of the entertainment would not be regulated entertainment. Similarly, any charge made to the organiser of a private event by musicians, other performers, or their agents does not of itself make that entertainment licensable; it would only do so if the guests attending were themselves charged by the organiser for that entertainment with a view to making profit. The fact that this might inadvertently result in the organiser making a profit would be irrelevant as long as there had not been an intention to make a profit.

Before entertainment is regarded as being provided for consideration, a charge has to be made by or on behalf of a person concerned with the organisation or management of the entertainment and paid by or on behalf of some or all of the persons for whom the entertainment is provided.

How do I obtain a licence to provide Regulated Entertainment?

Unless entertainment is being provided under a Temporary Event Notice 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 to the licensing authority in whose area the premises are located.

Guidance notes on premises licences, club premises certificates and Temporary Event Notices are available on our website.

Overview of circumstances in which entertainment activities are not licensable

The main exemptions are as follows:

- activities which involve participation as acts of worship in a religious context or which take place in places of public religious worship;
- education – teaching students to perform music or to dance;
- the demonstration of a product such as a guitar in a music shop;
- the rehearsal of a play or performance of music for a private audience where no charge is made with a view to making a profit;
- Morris dancing (or similar);
- incidental music – the performance of live music or the playing of recorded music if it is incidental to some other activity;
- incidental film – an exhibition of moving pictures if it is incidental to some other activity;
- a spontaneous performance of music, singing or dancing;
- garden fetes – or similar if not being promoted or held for purposes of private gain;
- films for the purposes of advertisement, information or education or in museums or art galleries;
- television or radio broadcasts – as long as the programme is live and simultaneous;
- vehicles in motion – at a time when the vehicle is not permanently or temporarily parked.
- games played in pubs and youth clubs such as pool, darts, table tennis and billiards;
- stand-up comedy; and
- provision of entertainment facilities such as dance floors.

As a result of deregulatory changes that have amended the Licensing Act 2003, no licence is required for the following activities:

- **Plays** between 8.00am and 11.00pm provided that the audience does not exceed 500;
- **Performances of dance** between 8.00am and 11.00pm provided that the audience does not exceed 500;
- **Films** – ‘not for profit’ film exhibition held in community premises between 8.00am and 11.00pm provided that the audience does not exceed 500 and the organiser obtains consent from a person who is responsible for the premises and ensures that each screening abides by age classification ratings;
- **Indoor sporting events** between 8.00am and 11.00pm provided that the audience does not exceed 1000;
- **Boxing or wrestling entertainment** – no licence is required for a contest, exhibition or display of Greco-Roman wrestling or freestyle wrestling between 8.00am and 11.00pm provided that the audience does not exceed 1000.

- **Live music** - no licence permission is required for:

a performance of unamplified live music between 8.00am and 11.00pm on any day on any premises;

a performance of amplified live music between 8.00am and 11.00pm on any day on premises authorised to sell alcohol for consumption on those premises provided that the audience does not exceed 500;

a performance of amplified live music between 8.00am and 11.00pm on any day in a workplace that is not licensed to sell alcohol on those premises provided that the audience does not exceed 500;

a performance of amplified live music between 8.00am and 11.00pm on any day in a church hall, village hall, community hall or other similar community premises that is not licensed by a premises licence to sell alcohol provided that the audience does not exceed 500 and the organiser obtains consent for the performance from a person who is responsible for the premises;

a performance of amplified live music between 8.00am and 11.00pm on any day at the non-residential premises of a local authority, school or hospital provided that the audience does not exceed 500 and the organiser obtains consent.

- **Recorded music** – no licence permission is required for:

any playing of recorded music between 8.00am and 11.00pm on any day on premises authorised to sell alcohol for consumption on those premises provided that the audience does not exceed 500;

any playing of recorded music between 8.00am and 11.00pm on any day in a church hall, village hall, community hall or other similar community premises that is not licensed by a premises licence to sell alcohol provided that the audience does not exceed 500 and the organiser obtains consent for the performance from a person who is responsible for the premises;

any playing of recorded music between 8.00am and 11.00pm on any day at the non-residential premises of a local authority, school or hospital provided that the audience does not exceed 500 and the organiser obtains consent.

Any existing conditions on a premises licence which relate to live or recorded music are suspended between 8.00am and 11.00pm provided the premises are open for the supply of alcohol for consumption on the premises at the time that the entertainment is taking place and that, if the music is amplified, the audience does not exceed 500 people. Such conditions may be reinstated, or new conditions added, as a result of a review of a premises licence or club premises certificate.

- **Cross activity exemptions** – no licence is required between 8.00am and 11.00pm on any day with no limit on audience size for:

any entertainment taking place on the premises of the local authority where the entertainment is provided by or on behalf of the local authority;

any entertainment taking place on the hospital premises of the health care provider where the entertainment is provided by or on behalf of the health care provider;

any entertainment taking place on the premises of the school where the entertainment is provided by or on behalf of the school proprietor;

any entertainment (excluding films and a boxing or wrestling entertainment) taking place at a travelling circus provided that it takes place within a moveable structure that accommodates the audience and that the travelling circus has not been located on the same site for more than 28 days.

Anyone involved in the organisation or provision of entertainment activities, regardless of whether or not such activities are licensable, must comply with any other legislation relevant to the event in areas such as crime and disorder, fire, health and safety, noise, nuisance and planning. Where a performance of live music or the playing of recorded music on relevant licensed premises is not licensable, it remains possible for anyone to apply for a review of a premises licence or club premises certificate if there are appropriate grounds to do so.

Incidental Music

The performance of live music or playing of recorded music is not regulated entertainment if it is 'incidental' to another activity which is not itself licensable. Whether or not music is incidental to another activity will depend on the facts of each case. For example, will the addition of music create the potential to undermine the promotion of the licensing objectives? Is the music one of the main reasons for people attending the premises or is it advertised as the main attraction? Is the volume of music likely to predominate over other activities or could it be described as background music? Ultimately, it would be for the courts to consider in any disputed case whether music is incidental in the individual circumstances of any case.

Relevant Entertainment

Relevant entertainment is any live performance or any live display of nudity that, ignoring financial gain, can be assumed to be provided solely or principally for the purpose of sexually stimulating any member of the audience. This would include performances of dance such as lap dancing and is not deregulated regardless of the size of the audience or time of day. An authorisation under the Licensing Act 2003 is required where relevant entertainment has been provided at premises on no more than 11 occasions in any 12 month period, with none of those occasions lasting longer than 24 hours or taking place within a month of any other such occasion.

For further information

All applications forms, together with more detailed information regarding Temporary Event Notices, Premises Licences, Personal Licences, the role and responsibilities of a Designated Premises Supervisor, Fees, Plans, Advertisements/Notices and Responsible Authorities, are available on our website www.eden.gov.uk

If you have any queries please telephone 01768 212148/212273, or email admin.licensing@eden.gov.uk