

Live Music and Recorded Music Licensing Exemptions

Since the inception of the Licensing Act 2003 there have been various de-regulations to live music and recorded music which mean that you no longer need a premises licence in order to provide a wide range of entertainment activities. However, other noise legislation, for example in the Environmental Protection Act 1990, will continue to apply. The live music licensing exemption does not allow licensed premises to cause a noise nuisance.

Live amplified music in on-licensed premises authorised and open for the sale of alcohol does not require a premises licence for audiences up to 500 people until 2300 Hours. The exemption applies between 0800 to 2300 Hours. In addition, live music related premises licence conditions do not apply unless they are re-imposed at a premises licence review hearing.

If a beer garden or outside terrace is not shown on the licensed plans for the premises – then such live music is still likely to be exempt from licensing as such areas will be considered a workplace which also benefits from a similar licensing exemption.

For the purposes of the licensing exemption karaoke is considered live music.

Live unamplified music does not need a licence anywhere and with no audience limit between 0800 to 2300 Hours.

Recorded music in on-licensed premises benefits from the same licensing exemption as live music above, with the same audience limit. This covers both DJs and discos. However, there is no equivalent "workplace" exemption for recorded music. So recorded music (apart from background music) in a beer garden or outside terrace, which is not shown on the licensed plans for the premises, is a licensable activity.

Paragraph 16.36 of the Home Office's Section 182 Guidance to Licensing Authority's (December 2022) confirms that any existing premises licence conditions relating to live music or recorded music remain in place, but under the terms of Section 177A of the Licensing Act 2003 such conditions are suspended between 0800 and 2300 Hours - as long as the premises are open for the sale of alcohol and the audience is less than 500.

However, on a review of a premises licence, Section 177A (3) of the Licensing Act 2003 permits a Licensing Authority to lift the suspension of the licence conditions and thereby give renewed effect to an existing condition relating to music.

Similarly, on a review of a premises licence, under Section 177A (4), a Licensing Authority may add a condition relating to music.

In both the above instances the licence condition should include a statement that the normal licence suspension under Section 177A of the 2003 Act does not now apply to the condition.