**A guide to entertainment that doesn't need a licence under the Licensing Act 2003**

**What is regulated entertainment?**

Regulated entertainment is one of the licensable activities and includes the following types of entertainment:

* Performance of a play
* Exhibition of a film
* Indoor sporting event
* Boxing or wrestling
* Performance of dance
* Performance of live music
* Playing of recorded music

If they take place:

* In the presence of a public audience for their entertainment
* Exclusively to members of a qualifying club, or
* In private and a charge is made with a view to profit

**Exemptions**

There are some exemptions where a licence is not needed under the Licensing Act 2003 for these types of entertainment. These are:

* Films for the purposes of advertisement, information, education. A film isn't regarded as regulated entertainment if it is solely or mainly demonstrating a product, advertising goods or services or providing information, education or instruction.
* Film exhibitions in museums and art galleries. A film isn't regarded as regulated entertainment if it forms part of an exhibit put on show for any purposes of a museum or art gallery.
* Music incidental to certain other activities. A performance of live music or the playing of recorded music is not regarded as regulated entertainment if it is incidental to some other activity that is not classed as regulated entertainment.
* Use of television or radio receivers. You don’t need a licence for a live television or radio broadcast.
* Religious services and places of worship. You don’t need a licence to provide any entertainment that is for the purposes of a religious meeting or service or at a place of public religious worship.
* Garden fetes. You don’t need a licence to provide entertainment at a garden fete or a similar function or event unless the event is promoted with a view to applying any part of the proceeds for the purposes of private gain.
* Morris dancing. You don‘t need a licence for a performance of Morris dancing or dancing of a similar nature or for live or recorded music that is an integral part of that performance.

These exemptions apply to licences issued under the Licensing Act 2003 only. You may still need a licence to play live or recorded music from another licensing body such as PPL PRS.

**De-regulation**

As well as the exemptions listed above there have been various de-regulations to regulated entertainment which mean that you no longer need a licence under the Licensing Act 2003 for:

* The provision of entertainment facilities.
* An unamplified performance of live music at any place between the hours of 8am and 11pm.
* A performance of live music or playing of recorded music between 8am and 11pm at a premises that is licensed to sell alcohol on the premises before an audience of no more than 500 people.
* A performance of amplified live music at a workplace if it takes place between 8am and 11pm before an audience of no more than 500 people.
* A performance of a play, if it takes place between 8am and 11pm before an audience of no more than 500 people.
* A performance of dance, if it takes place between 8am and 11pm before an audience of no more than 500 people.
* Staging an indoor sporting event, if it takes place between 8am and 11pm before no more than 1000 spectators.
* A contest, exhibition or display or Greco-Roman wrestling, or freestyle wrestling between 8am and 11pm before no more than 1000 spectators.

There have also been some de-regulations that relate only to certain types of premises. These are:

* Local authority premises. No licence is needed for any entertainment taking place on the premises of the local authority as long as the entertainment is being provided by or on behalf of the local authority.
* Hospital premises. No licence is needed for any entertainment taking place on the hospital premises as long as the entertainment is being provided by or on behalf of the health care provider.
* School premises. No licence is needed for any entertainment taking place on the school premises as long as the entertainment is being provided by or on behalf of the school proprietor.
* A travelling circus. No licence is needed for any entertainment (other than films, boxing or wrestling) taking place at a travelling circus as long as it takes place within a moveable structure that accommodates the audience and as long as the travelling circus has not been located on the same site for more than 28 consecutive days.
* Community premises. No licence is needed for a film exhibition as long as it is "not-for-profit” and the audience does not exceed 500. The organiser must get consent to the screening from a person responsible for the premises and must ensure that such screening abides by age classification ratings.
* A church hall, village hall, community hall or other similar community premises that is not licensed to sell alcohol. No licence is needed for a performance of live music or to play recorded music between 8am and 11pm before an audience of no more than 500 people as long as the organiser gets consent for the performance from a person responsible for the premises.

These de-regulations apply to licences issued under the Licensing Act 2003 only. You may still need a licence to play live or recorded music from another licensing body such as PPL PRS.

**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.

**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.