



Licensing Act 2003

2003 CHAPTER 17

PART 9

MISCELLANEOUS AND SUPPLEMENTARY

Small premises

177 Dancing^{F1}... in certain small premises

- (1) Subsection (2) applies where—
- (a) a premises licence authorises—
 - (i) the supply of alcohol for consumption on the premises, and
 - (ii) [^{F2}dancing], and
 - (b) the premises—
 - (i) are used primarily for the supply of alcohol for consumption on the premises, and
 - (ii) have a permitted capacity of not more than 200 persons.
- (2) At any time when—
- (a) the premises—
 - (i) are open for the purposes of being used for the supply of alcohol for consumption on the premises, and
 - (ii) are being used for [^{F3}dancing],^{F4}...
 - ^{F4}(b)
any licensing authority imposed condition of the premises licence which relates to [^{F3}dancing] does not have effect^{F5}... unless it falls within subsection (5) or (6).

^{F6}(3)

^{F6}(4)

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- (5) A condition falls within this subsection if the premises licence specifies that the licensing authority which granted the licence considers the imposition of the condition [F7 appropriate] on one or both of the following grounds—
- (a) the prevention of crime and disorder,
 - (b) public safety.
- (6) A condition falls within this subsection if, on a review of the premises licence—
- (a) it is altered so as to include a statement that this section does not apply to it, or
 - (b) it is added to the licence and includes such a statement.
- (7) This section applies in relation to a club premises certificate as it applies in relation to a premises licence except that, in the application of this section in relation to such a certificate, the definition of “licensing authority imposed condition” in subsection (8) has effect as if for “section 18(3)(b)” to the end there were substituted “section 72(3)(b) (but is not referred to in section 72(2)) or which is imposed by virtue of section 85(3)(b) or 88(3)”.
- (8) In this section—
- “licensing authority imposed condition” means a condition which is imposed by virtue of section 18(3)(b) (but is not referred to in section 18(2)(a)) or which is imposed by virtue of 35(3)(b), 52(3) or 167(5)(b) or in accordance with section 21;
- “[F8 dancing]” means—
- (a) entertainment of a description falling within, or of a similar description to that falling within, paragraph 2(1) F9... (g) of Schedule 1, F10 ...
 - (b) F10 ...
- “permitted capacity”, in relation to any premises, means—
- (a) F11
 - (b) F12 . . . the limit on the number of persons who may be on the premises at any one time in accordance with a recommendation made by, or on behalf of, the [F13 fire and rescue authority] for the area in which the premises are situated (or, if the premises are situated in the area of more than one [F13 fire and rescue authority], those authorities); and
- “supply of alcohol” means—
- (a) the sale by retail of alcohol, or
 - (b) the supply of alcohol by or on behalf of a club to, or to the order of, a member of the club.

Textual Amendments

- F1** Words in s. 177 heading omitted (1.10.2012) by virtue of [Live Music Act 2012 \(c. 2\)](#), **ss. 1(1)(e)**, 4(2); [S.I. 2012/2115](#), art. 2
- F2** Word in s. 177(1) substituted (1.10.2012) by [Live Music Act 2012 \(c. 2\)](#), **ss. 1(1)(a)**, 4(2); [S.I. 2012/2115](#), art. 2
- F3** Word in s. 177(2) substituted (1.10.2012) by [Live Music Act 2012 \(c. 2\)](#), **ss. 1(1)(a)**, 4(2); [S.I. 2012/2115](#), art. 2
- F4** S. 177(2)(b) and word omitted (1.10.2012) by virtue of [Live Music Act 2012 \(c. 2\)](#), **ss. 1(1)(b)(i)**, 4(2); [S.I. 2012/2115](#), art. 2
- F5** Words in s. 177(2) omitted (1.10.2012) by virtue of [Live Music Act 2012 \(c. 2\)](#), **ss. 1(1)(b)(ii)**, 4(2); [S.I. 2012/2115](#), art. 2

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- F6** S. 177(3)(4) omitted (1.10.2012) by virtue of Live Music Act 2012 (c. 2), **ss. 1(1)(c)**, 4(2); S.I. 2012/2115, art. 2
- F7** Word in s. 177(5) substituted (25.4.2012) by Police Reform and Social Responsibility Act 2011 (c. 13), **ss. 109(14)**, 157(1) (with s. 109(15)); S.I. 2012/1129, art. 2(d)
- F8** Word in s. 177(8) substituted (1.10.2012) by Live Music Act 2012 (c. 2), **ss. 1(1)(d)(i)**, 4(2); S.I. 2012/2115, art. 2
- F9** Words in s. 177(8) omitted (1.10.2012) by virtue of Live Music Act 2012 (c. 2), **ss. 1(1)(d)(i)**, 4(2); S.I. 2012/2115, art. 2
- F10** Words in s. 177(8) omitted (1.10.2012) by virtue of Live Music Act 2012 (c. 2), **ss. 1(1)(d)(ii)**, 4(2); S.I. 2012/2115, art. 2
- F11** S. 177(8): para. (a) in definition of "permitted capacity" omitted (1.10.2006) by virtue of The Regulatory Reform (Fire Safety) Order 2005 (S.I. 2005/1541), art. 53(1), **Sch. 2 para. 50(3)(a)** (as amended by The Regulatory Reform (Fire Safety) Subordinate Provisions Order 2006 (S.I. 2006/484), **arts. 1(1)**, 2)
- F12** S. 177(8): words in para. (b) in definition of "permitted capacity" omitted (1.10.2006) by virtue of The Regulatory Reform (Fire Safety) Order 2005 (S.I. 2005/1541), art. 53(1), **Sch. 2 para. 50(3)(b)** (as amended by The Regulatory Reform (Fire Safety) Subordinate Provisions Order 2006 (S.I. 2006/484), **arts. 1(1)**, 2)
- F13** S. 177(8): words in definition of "permitted capacity" substituted (7.9.2004 for E. for certain purposes and 1.10.2004 otherwise and 10.11.2004 for W.) by Fire and Rescue Services Act 2004 (c. 21), **ss. 53**, 61, **Sch. 1 para. 98(2)(3)(d)**; S.I. 2004/2304, **art. 2(1)**{(2)}; S.I. 2004/2917, **art. 2**

[^{F14}177A Licence review for live [^{F15}and recorded] music

[^{F16}(1) Subsection (2) applies where—

- (a) music takes place on premises which are authorised by a premises licence or club premises certificate to be used for the supply of alcohol for consumption on the premises,
 - (b) at the time of the music, the premises are open for the purposes of being used for the supply of alcohol for consumption on the premises,
 - (c) if the music is amplified, it takes place in the presence of an audience of no more than 500 persons, and
 - (d) the music takes place between 8am and 11pm on the same day (or, where an order under section 172 has effect in relation to music, during any times specified under that order).]
- (2) Any condition of the premises licence or club premises certificate which relates to live music^{F17}, recorded music or both does not have effect in relation to the music] unless it falls within subsection (3) or is added to the licence in accordance with subsection (4).
- (3) A condition falls within this subsection if, on a review of the premises licence or club premises certificate it is altered so as to include a statement that this section does not apply to it.
- (4) On a review of a premises licence or club premises certificate a licensing authority may (without prejudice to any other steps available to it under this Act) add a condition relating to ^{F18}... music as if—
- (a) the ^{F18}... music were regulated entertainment, and
 - (b) the licence or certificate licensed the ^{F18}... music.

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[This section does not apply to music which, by virtue of a provision other than ^{F19}(4A) paragraph 12A or 12C of Schedule 1, is not regarded as the provision of regulated entertainment for the purposes of this Act.]

(5) In this section—

“condition” means a condition—

- (a) included in a premises licence by virtue of section 18(2)(a) or (3)(b), 35(3)(b), 52(3) or 167(5)(b),
- (b) included in a club premises certificate by virtue of section 72(2)(a) or (3)(b), 85(3)(b) or 88(3),
- (c) added to a premises licence by virtue of its inclusion in an application to vary the licence in accordance with section 34 or 41A which is granted under section 35(2) or 41B(3) (as the case may be), or
- (d) added to a club premises certificate by virtue of its inclusion in an application to vary the certificate in accordance with section 84 or 86A which is granted under section 85(2) or 86B(3) (as the case may be);

“live music” means entertainment of a description falling within, or of a similar description to that falling within, paragraph 2(1)(e) of Schedule 1;

[^{F20}“music” means live music or recorded music or both;]

[^{F20}“recorded music” means entertainment of a description falling within, or of a similar description to that falling within, paragraph 2(1)(f) of Schedule 1; and]

“supply of alcohol” means—

- (a) the sale by retail of alcohol, or
- (b) the supply of alcohol by or on behalf of a club to, or to the order of, a member of the club.]

Textual Amendments

- F14** S. 177A inserted (1.10.2012) by [Live Music Act 2012 \(c. 2\)](#), **ss. 1(2)**, 4(2); S.I. 2012/2115, art. 2
- F15** Words in s. 177A heading inserted (6.4.2015) by [The Legislative Reform \(Entertainment Licensing\) Order 2014 \(S.I. 2014/3253\)](#), arts. 1(1), **2(2)**
- F16** S. 177A(1) substituted (6.4.2015) by [The Legislative Reform \(Entertainment Licensing\) Order 2014 \(S.I. 2014/3253\)](#), arts. 1(1), **2(3)**
- F17** Words in s. 177A(2) substituted (6.4.2015) by [The Legislative Reform \(Entertainment Licensing\) Order 2014 \(S.I. 2014/3253\)](#), arts. 1(1), **2(4)**
- F18** Word in s. 177A(4) omitted (6.4.2015) by virtue of [The Legislative Reform \(Entertainment Licensing\) Order 2014 \(S.I. 2014/3253\)](#), arts. 1(1), **2(5)**
- F19** S. 177A(4A) inserted (6.4.2015) by [The Legislative Reform \(Entertainment Licensing\) Order 2014 \(S.I. 2014/3253\)](#), arts. 1(1), **2(6)**
- F20** Words in s. 177A(5) inserted (6.4.2015) by [The Legislative Reform \(Entertainment Licensing\) Order 2014 \(S.I. 2014/3253\)](#), arts. 1(1), **2(7)**

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Changes and effects yet to be applied to the whole Act associated Parts and Chapters:

Whole provisions yet to be inserted into this Act (including any effects on those provisions):

- Pt. 5A inserted by [2015 c. 20 s. 67\(2\)](#)Sch. 17
- s. 2(1A) inserted by [2015 c. 20 s. 67\(1\)](#)
- s. 10(4)(e) and word inserted by [2011 c. 13 s. 121\(3\)\(b\)](#)
- s. 140(2)(e) inserted by [2015 c. 20 s. 67\(4\)\(b\)](#)
- s. 141(2)(e) inserted by [2015 c. 20 s. 67\(5\)\(b\)](#)
- s. 143(2)(e) inserted by [2015 c. 20 s. 67\(6\)\(b\)](#)
- s. 144(2)(e) inserted by [2015 c. 20 s. 67\(7\)\(b\)](#)
- s. 147A(4)(c) inserted by [2015 c. 20 s. 67\(8\)\(b\)](#)
- s. 153(4)(d) inserted by [2015 c. 20 s. 67\(9\)\(b\)](#)
- s. 197(3)(cza) inserted by [2015 c. 20 s. 67\(12\)\(a\)](#)
- s. 197A197B inserted by [2011 c. 13 s. 121\(2\)](#)