

THE MAGISTRATES' ASSOCIATION

JUDICIAL POLICY & PRACTICE COMMITTEE

**Response to consultation on amendment to the Licensing Act 2003
to clarify the definition of 'entertainment facilities'**

Question 1: Do you agree that the Licensing Act 2003 should be amended to state that entertainment facilities are not licensable if they are to be used solely for the provision of exempt incidental music?

Answer *Yes*

Question 2: Do you agree that the Licensing Act 2003 should be amended so that the provision of musical instruments and ancillary items is excluded from the definition of entertainment facilities?

Answer *Yes*

With reference to Questions 1 and 2, our members are aware that the terms as they are presently set out have led to confusion and broad interpretation by some organisations. These amendments would we hope, clarify the situation and set out clearly the law as Parliament intended it to be.

Question 3: Do you think this draft statutory instrument accurately reflects the proposals in Chapter 1?

Answer *Yes*

Question 4: Does this draft Guidance provide sufficient advice to assist licensing authorities in their administration of the Licensing Act.

Answer *Yes*

26 February 2010