



Licensing Act 2003 - Guidance Fact Sheet 6 Village Halls

The Licensing Act 2003 provides a system of Licences and Notices relating to licensable activities which are; the sale of alcohol, entertainment such as music and dancing, and late night refreshment.

The aim of the Licensing Act 2003 is to promote 4 licensing objectives, which are as follows

- The prevention of crime and disorder
- Public safety
- The protection of children from harm
- The prevention of public nuisance

What are licensable activities?

Under the Licensing Act 2003 the following activities are considered licensable activities and require a licence or notice.

- The sale of alcohol by retail
- The provision of regulated entertainment
- The provision of late night refreshment

(i.e. The provision of hot food or drink for consumption on or off premises between 11pm and 5am.)

What is regulated entertainment?

Regulated entertainment is entertainment or entertainment facilities at an event that;

- Members of the public can attend (irrespective as to whether an entrance fee is charged) or;
- Is a private event that is being held with a view to make a profit.(eg a entry charge is made to guests at a private party unless the charge is only to cover the costs of the event).

Making a profit including raising funds to put towards a charity and well as profit for personal gain.

The following are regulated entertainment if they are provided for the purpose of entertaining an audience;

- A performance of a play
- An exhibition of a film
- An indoor sporting event
- A boxing or wrestling entertainment (indoors or outdoors)
- A performance of live music
- Any playing of recorded music (except incidental)
- A performance of a dance

(So, for example, a disco open to all members of the public that has recorded music playing does need permission but a keep fit class that has recorded music playing does not because the class does not have an audience).

Entertainment facilities are where facilities are provided to allow persons to take part in or be entertained by;

- Making Music (eg Instruments are provided for persons to come along and play and entertain others)
- Dancing (eg a disco)

Does an event with alcohol held in village hall need permission?

If alcohol is being sold at an event, irrespective as to whether it is a public or private event, then sale of alcohol by retail is taking place and so needs permission. Examples of a sale of alcohol could be having a pay bar or selling tickets that permit the guest to have a meal with glass of wine included.

Does an event with entertainment such as music, dancing or a play, held in village hall need permission?

If the event is a public event that anyone can attend and entertainment or entertainment facilities, as listed on page 1, is provided then yes permission is needed. If the event is a private party then permission is not needed unless the purpose of the event is to make a profit. Making a profit includes fund raising for charitable purposes but does not include making a charge to guests just to cover the cost of the party for example the hire of the room and food.

What is a private event?

This is an event where persons attend by personal invite only, for example friends and family. The event will not be open for general members of the public to attend.

Is the village hall providing entertainment facilities by hiring out the hall even if it's a private party?

If the hiring arrangement between the hall committee and the private party organiser is purely hire of the room/hall then this is not providing entertainment facilities and is not a licensable activity.

How does this effect a Village Halls?

Village hall committees need to look at the events and facilities that they offer and decide if licensable activities are taking place. If licensable activities are taking place, an offence is being committed under the Licensing Act 2003 unless the event is authorised by a Premises Licence or a Temporary Event Notice.

1 Temporary Events Notice (TENs)

If a village hall is only expecting to hold up to 12 events in a year that has licensable activities they may consider submitting a Temporary Events Notice for each specific event. This is not an application for a licence but a notification by the event organiser advising The Licensing Authority at Stroud District Council that an event is going to be held.

TENs can be used to authorise ad hoc events held in premises involving no more than 499 people at any one time. The premises user must, no later than **10 working days** before the day on which the event is to start, give copies of the notice to Stroud District Council and to the relevant chief officer of police. Anyone aged 18 or over who is not a Personal Licence holder can apply for a maximum of five TENs per year. Personal Licence holders can apply for up to 50 TENs per year.

There must be a minimum of 24 hours between TENs submitted by the same person in respect of the same premises and each event covered by a TEN can last up to 96 hours. No more than twelve TENs can be given in respect of any particular premises in any year, subject to a maximum aggregate duration of 15 days in any year at any individual premises. So for example a TEN for a pantomime running for 3 days will use 1 of the 12 TENs permitted per year but will also use up 3 of the 15 days permitted per year.

Provided that the criteria set out above are met, only the police can object to an event taking place under a TEN and only on crime prevention grounds. If the police make an objection then Stroud District Council will issue a counter notice to the premises user at least 24hrs before the commencement of the event.

The fee for a TEN is £21 for each notice.

If an event for which a TEN has been submitted is cancelled, the TEN can be withdrawn provided that notification is given to Stroud District Council 24 hours before the day of the event. The fee will

not be refunded as it is an administration fee but the TEN will not be included in the total number of 12 that are permitted per year. TENs cannot be withdrawn after the event has occurred.

2 Premises Licence for Regulated Entertainment only

If a village hall plans to hold more than 12 events that have regulated entertainment in a year then they will need to apply for a Premises Licence.

To do this they must complete an application form which will include details of the licensable activities requested with times and a plan of the premises. They must also advertise their proposed application by putting up a notice in the premises and advertising the application in a local newspaper. Responsible authorities and interested parties will be able to make representations against the application. If there are no representations the licence will be granted. If there is representation the application will go for a hearing before Stroud District Council's Licensing Committee for a decision. If the village hall has events that include sale of alcohol they can use the temporary event notices to cover the sale of alcohol but will still be restricted to the 12 notices a year.

There is no fee for village halls and community centres for Premises Licences that cover regulated entertainment and late night refreshment only. The village hall must however pay the cost of advertising the application in a local newspaper. Once issued the Premises Licence will last for the life time of the Premises. It is possible at a later date to apply to vary a Premises Licence to change activities and times etc.

3 Premises Licence for Regulated Entertainment and the Sale of alcohol

The application process is the same as above, however, if the sale of alcohol is included as a licensable activity then a Designated Premises Supervisor must be named on the Premises Licence application. The Designated Premises Supervisor will be responsible for the day to day running of the licensable activities of the village hall. There can only be one named Designated Premises Supervisor per Premises licence and he/she must be a Personal Licence holder. The sale or supply of alcohol must be made or authorised by a Personal Licence holder. To make a new application for a Personal Licence the applicant must have no relevant offences, which can be shown by a Criminal Records Disclosure and have achieved a recognised licensing qualification.

A fee is charged for a Premises Licence that includes the sale of alcohol. There is a fee banding structure which is based on the non domestic rateable value of the premises. Most village halls and community centres do not have a non domestic rateable value so they fall into the first band which is band A. In this band the initial application fee is £100 and there is an annual fee of £70 thereafter

For further information contact Stroud District Council's Licensing Section

Personal visit to: Stroud District Council Offices Ebley Mill, Westward Road, Stroud. (We would advise callers to make appointments)	Writing to us at: The Licensing Section, Environmental Health Service, Stroud District Council, Council Offices, Ebley Mill, Westward Road, Stroud, Glos. GL5 4UB
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