

Licensing Act 2003 Agricultural Shows

The Licensing Act 2003 requires that a Premises Licence or, under certain circumstances, a Temporary Event Notice is required where licensable activities take place.

These licensable activities include:

- retail sale of alcohol (including off-licences);
- supply of hot food or drink from premises between 23.00 hours to 05.00 hours (including take-aways);
- supply of alcohol to members of a club or sale of alcohol to guests of a member of a club;
- provision of entertainment listed below (known as regulated entertainment) to the public or club members and guests or with a view to profit:
 1. film exhibitions;
 2. performance of a play;
 3. indoor sporting events;
 4. boxing or wrestling matches;
 5. live music performances;
 6. playing of recorded music;
 7. performance of dance.

However, the Act in Schedule 1 does contain some exemptions from the definition of regulated entertainment. These include:

- film exhibitions for advertising, information or education;
- film as an exhibit in a museum or art gallery;
- incidental music (live or recorded);
- live TV or Radio;
- entertainment incidental to a religious service or at a place of religious worship;
- entertainment at a fete, function or similar provided that the event is not held for private gain;
- Morris dancing or dancing of a similar nature;
- entertainment in a moving vehicle;
- spontaneous music, singing and dancing;
- private event where there was no intention to make a profit.

The Live Music Act 2012, which came into effect on 1 October 2012, creates a general exemption that live unamplified music provided anywhere shall not be regarded as the provision of regulated entertainment if it takes place between 8am and 11pm, regardless of the number of people in the audience.

As a result of further deregulation which came into effect on 27 June 2013, no licence is required between 8am and 11pm for performances of plays and performances of dance up to audience limits of 500 people and indoor sports up to audiences of 1000 people.

Activities at Agricultural Shows

1. Animal shows, competitions etc - these are not licensable activities.
2. Demonstrations, competitions of dancing – Morris dancing or any dancing of a similar nature, or the playing of live or recorded music as an integral part of such performances, is not licensable.
3. Trade stands - these are not licensable activities even if videos of the products are shown.
4. Sporting events such as show jumping - these are not licensable activities if held in the open air.
5. Beer tents – the sale or supply of alcohol is a licensable activity.
6. Background music played over the PA system. This would not be a licensable activity provided it was incidental to other activities.

If the whole show site was to be licensed under a premises licence, then additional fees would be payable if the number of people in attendance was to exceed 5,000. However, the licensable activities would normally be restricted to the marquees housing the bars and the show arena. It may not, therefore, be necessary to apply for a premises licence for the whole show site, but only for the tents or places where licensable activities take place.

The options available to organisers are:

1. serve one or more temporary event notices for the beer tents, provided the show lasts for 168 hours or less and the tent occupancy at any one time is 499 or less, at a cost of £21 per notice, or
2. apply for a premises licence.

All applications forms, together with more detailed information regarding Temporary Event Notices, Premises Licences and Fees, are available on our website www.eden.gov.uk

If you have any further queries please telephone 01768 212148/212273, or email admin.licensing@eden.gov.uk