

Licensing Act 2003 Village/Community and School Halls

The Licensing Act 2003 which came fully into effect on 24 November 2005 brought in a new regime of licences and notices affecting all village halls that cater for activities such as the sale of alcohol, late night refreshment and the provision of entertainment, music and dancing. These licensable activities may only be carried on under, and in accordance with, one of the following:

- **Premises Licence**
- **Temporary Event Notice**

Premises Licence Application

Application should be made to the licensing authority using the prescribed form and must be accompanied by:

- the fee (where the sale of alcohol is involved)
- operating schedule
- a scale plan of the premises
- written consent from the nominated designated premises supervisor where the sale of alcohol is involved **or** an application for the mandatory alcohol condition requiring a designated premises supervisor to be disappplied in relation to Community Premises (see Guidance Document GD08A)

The applicant must submit a copy of their application to each of the responsible authorities and must also advertise the application prominently on the premises for a period of not less than 28 days and in a local newspaper. If no relevant representations are received, the licensing authority must grant the premises licence. Where relevant representations are made, a hearing will usually be held.

Temporary Event Notice (TEN)

Temporary Event Notices may be used to cover licensable activity at premises subject to restrictions which include:

- an event may last for up to a maximum of 168 hours
- no more than 499 people (including staff) may attend the event at any one time
- the same premises cannot be used on more than 12 occasions (increasing to 15 from January 2016) in any calendar year and are subject to an overall aggregate of 21 days' use
- there must be a minimum of 24 hours between events at the same premises when given by the same person or associates of that person (eg spouse, child, parent, grandchild, brother, sister, agent or employee of the notice giver)
- the number of notices given by one individual within any one calendar year is limited to 50 for a personal licence holder and 5 for any other person

What is the fee for a Premises Licence?

There will be an exemption from the payment of fees in relation to the provision of regulated entertainment at village, parish or community halls or other premises of a similar nature. If, however, the licence also authorises the use of the premises for the sale or supply of alcohol or the provision of late night refreshment, a fee will be payable. The Government has set the fees to be charged and full details are available in the Guidance Document GD02.

What about charity events?

If regulated entertainment is provided for the public in a village/community or school, scout/guide hall or similar, or if a charge is made to a private audience with a view to profit, including for a charity, then the provision of regulated entertainment at such premises would require a Premises Licence or Temporary Event Notice. If the general public is not invited and a charge is made to a private audience (like family and friends) just to cover costs – and not to make a profit - then this will not be the provision of regulated entertainment and a licence will not be required. Similarly, if anyone invited to a private performance was not charged for attending the event, but was free to make a voluntary donation to a charity of their own choice, then no licence would be necessary.

However, if the performance is to any extent open to the public (whether the public are charged or not) a licence will be required.

Further information on regulated entertainment and exemptions is available in the Guidance Document GD14.

All applications forms, together with more detailed information regarding Temporary Event Notices, Premises Licences, Personal Licences, the role and responsibilities of a Designated Premises Supervisor, Fees, Plans, Advertisements/Notices and Responsible Authorities, 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.