

Licensing Act 2003 Guidance Village/ Community and School Halls



The Licensing Act 2003 has introduced a new system of licences and notices that will affect all village halls that cater for activities such as the sale of alcohol and the provision of entertainment, music and dancing. Village/community and school halls that wish to provide licensable activities will need to apply to South Lakeland District Council licensing Authority for a licence under the Licensing Act 2003.

Licensable activities are defined as:

- Sale or supply of alcohol
- Provision of regulated entertainment (eg music, singing and dancing)
- Provision of late night refreshment (sale of hot food or drink between 11.00pm and 5.00am)

Premises licensing arrangements

Village/community & school hall committees need to look at the events and facilities that they want to offer so they can decide what type of licence to apply for. The options include:

Premises Licence

An application for a premises licence can be made by an individual or by an organisation to cover regulated entertainment and perhaps late night refreshment as appropriate.

However, if the sale of alcohol is included as a licensable activity then a *Designated Premises Supervisor* (DPS) must be named on the Premises Licence application. The DPS will be responsible for the management of the village hall when alcohol is being sold. There can only be one named DPS per Premises licence and he/she must also 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.

The Licensing Authority's Guidance Documents Nos.12 and 13 provides some detailed information regarding personal licences and the role and responsibilities of a DPS.

Applicants are expected to state what measures they intend to take to promote the four statutory Licensing Objectives. These are:

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

The applicant must advertise a notice of the application in prescribed form both on the premises and also in a local newspaper. A copy of the application must also be served on the list of Responsible Authorities (eg, police, fire service, environmental health service etc). These agencies, along with other interested parties (eg, local residents and businesses) likely to be affected by the licensable activities may make relevant representations on the application to the Licensing Authority. If there are no representations the licence will be granted on the terms applied for. If relevant representations were made, the application would be referred to the Council's Licensing Committee for determination.

NOTE: In order to be regarded as relevant, the representation must relate to one or more of the Licensing Objectives.

The removal of the requirement for a designated premises supervisor and personal licence at community premises

The sale and supply of alcohol, because of its impact on the wider community and on crime and anti-social behavior, carries with it greater responsibility than the provision of regulated entertainment and late night refreshment. This is why individuals who may be engaged in making and authorising the sale and supply of alcohol require a personal licence.

The only exception is for community premises in respect of which a successful application has been made to disapply the usual mandatory conditions set out in the 2003 Act. Such an application may only be made if the licence holder is, or is to be, a committee or board of individuals with responsibility for the management of the premises (the “management committee”). If such an application is successful, the effect of the alternative licence condition will be that the licence holder (i.e. the management committee) is responsible for the supervision and authorisation of all alcohol sales made pursuant to the licence. There will be no requirement for a Designated Premises Supervisor or for alcohol sales to be authorised by a personal licence holder.

The Order defines community premises as premises that are or form part of a church hall, chapel hall or other similar building or a village hall, parish hall or community hall or other similar building.

The application form requires applicants to set out how the premises is managed, its committee structure and how the supervision of alcohol sales is to be ensured in different situations (e.g. when the hall is hired to private parties) and how responsibility for this is to be determined in individual cases and discussed and reviewed within the committee procedure in the event of any issues arising. The application form requires that the community premises submit copies of any constitution or other management documents with their applications and that they provide the names of their key officers e.g. the Chair, Secretary, Treasurer. Where the management arrangements are less clear, licensing authorities may wish to ask for further details to confirm that the management board or committee is properly constituted and accountable before taking a decision on whether to grant the application.

South Lakeland District Council application form SL21 can be used for disapplication of a personal licence holder at Community premises.

Temporary Event Notices

A village/community or school hall may consider Temporary Event Notices (TENs) to cover licensable activities for occasional events. For example, if the premises licence does not cover the sale of alcohol, a TEN could be served on the Licensing Authority to provide for such authorisation.

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 the Licensing Authority, the relevant chief officer of police and the Councils environmental health department. 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 events in respect of the same premises and each event covered by a TEN can last up to 168 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 21 days in any year at any individual premises.

Provided that the criteria set out above are met, only the police and the council's environmental protection team may intervene to prevent an event or agree a modification of the arrangements for such an event covered by a TEN notice. Objections can be made on any one of the four licensing objectives. If an objection is received and not withdrawn your application will go to a hearing.

For more information on TEN's see guidance note GD4

Fees

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 required for those activities. The Government has set the fees to be charged and they are available in the Licensing Authority's guidance document no. 2. However, in respect of TENs a charge of £21.00 will always apply in respect of every notice served.

Charity events involving regulated entertainment

If regulated entertainment is provided for the public in a village/community & 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 at their own choice, no licence will 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.