

August 2016

EVENT LICENSING

- 1 The licensing of various forms of entertainment and the sale of alcohol is regulated by the Licensing Act 2003 (2003 Act). As part of the Government's plans to reduce regulation generally the 2003 Act has been significantly modified to change the need for this form of licensing. These changes have been brought about by The Legislative Reform (Supervision of Alcohol Sales in Church and Village Halls &) Order 2009; the Live Music Act 2012; The Licensing Act 2003 (Descriptions of Entertainment) (Amendment) Order 2013; The Legislative Reform (Entertainment Licensing) Order 2014; and the Deregulation Act 2015. Some of the changes are not yet in effect. This LTN will explain the current position on licensing entertainments, gambling activities (such as bingo) and alcohol sales it will also indicate the changes to be made in the future although the implementation date for these changes is not known at the time of writing.

ENTERTAINMENT FACILITIES

- 2 Entertainment facilities such as cinemas, theatres, dance halls, etc. do not have to be licenced. The activities in those facilities may still need licensing but any local council that has such a facility does not need to obtain a licence for it (Schedule 1 2003 Act).

REGULATED ENTERTAINMENTS

- 3 The types of entertainment which are generally regulated by section 1 and Schedule 1 2003 Act and require a licence are:
 - (a) a performance of a play;
 - (b) an exhibition of a film;
 - (c) an indoor sporting event;
 - (d) a boxing or wrestling entertainment (indoor and outdoor);
 - (e) a performance of live music;
 - (f) any playing of recorded music;
 - (g) a performance of dance; and
 - (h) any entertainment similar to the performance of live music, the playing of recorded music or the performance of dance, but only where the entertainment takes place in the presence of an audience and is provided at least partly to entertain that audience.

However, there are a series of exemptions to the licensing requirements. Some of these exemptions are general and apply to all situations whilst others apply in limited circumstances relevant to local councils.

GENERAL ENTERTAINMENT EXEMPTIONS

- 4 A licence is not required for:
 - (a) films which are solely or mainly to demonstrate a product, advertise goods or services, or provide information, education or instruction (e.g. a fire safety video shown to council employees as part of their induction process);
 - (b) films as part of an exhibition in a museum or gallery;
 - (c) TV and radio broadcasts, providing they are shown live and not recorded (e.g. live sporting events);
 - (d) religious meetings or services;
 - (e) entertainment in places of public religious worship;
 - (f) garden fetes (unless held for private gain);
 - (g) entertainment provided in a moving vehicle;
 - (h) Morris dancing;
 - (i) incidental entertainment (e.g. music provided as a background to another activity such as keep fit) (Schedule 1 2003 Act).

GENERAL MUSIC EXEMPTIONS

- 5 A licence is not required for any of the following performances:
 - (a) unamplified live music between 8 am and 11 pm on the same day in any venue;
 - (b) amplified live music between 8 am and 11 pm on the same day to an audience of no more than 500 people on alcohol licensed premises;
 - (c) amplified live music between 8 am and 11 pm before audiences of no more than 500 people in workplaces with no other licensable activity;
 - (d) live or recorded music integral to a performance of Morris dancing or dancing of a similar type (Schedule 1 Paragraphs 11, 12A, 12B and 12C 2003 Act). This means that most parties and concerts organised by a local council or taking place in a village or community hall will not need a music licence.

ENTERTAINMENTS ON LOCAL COUNCIL PREMISES

- 6 The provision of any entertainment by or on behalf of a local council, such as a “Britain’s got Talent” style show, does not need a licence if:
 - (a) it takes place on non-domestic premises owned or leased by the local council (e.g. village hall);
 - (b) it happens between 8 am and 11 pm on one day; and

- (c) it is not sexual entertainment (e.g. a strip club) (Schedule 1 paragraph 12ZA 2003 Act).

MUSIC AT COMMUNITY OR LOCAL COUNCIL PREMISES

- 7 A performance of live music or playing of recorded music does not need a licence if it takes place:
- (a) at community premises (all or part of a church hall, village hall, community hall or similar building) that is not authorised for the supply of alcohol for consumption on the premises; or
 - (b) at non-domestic premises which a local council owns or leases; and
 - (c) between 8 am and 11 pm on one day to an audience of no more than 500 people; and
 - (d) after a person concerned in the organisation or management of the entertainment has obtained the written consent of a relevant person for the entertainment to take place.

In this context a “relevant person” means—

- (i) where the entertainment takes place at community premises:
the management committee of the premises, or if there is no management committee, a person who has control of the premises for a trade, business or other undertaking (for profit or not) or (in the absence of such a person) a person who owns or leases the premises;
- (ii) where the entertainment takes place at local council premises:
the local council (Schedule 1 paragraph 12ZB 2003 Act).

FILM SHOWS AT COMMUNITY PREMISES

- 8 The showing of a film does not need a licence if:
- (a) it takes place at community premises (all or part of a church hall, village hall, community hall or similar building) that is not authorised for the supply of alcohol for consumption on the premises;
 - (b) it is not for profit;
 - (c) it happens between 8 am and 11 pm on one day to an audience of no more than 500 people;
 - (d) children’s attendance is restricted in accordance with any film classification or local licensing body recommendations; and
 - (e) a person concerned in the organisation or management of the entertainment has obtained the prior written consent of a relevant person for the entertainment to take place. “Relevant person” has the same meaning as in paragraph 7 above (Schedule 1 Part 2 2003 Act).

CIRCUSES AND WRESTLING MATCHES

- 9 Entertainments licences are not required in respect of a travelling circus in a tent between 8 am and 11 pm on one day for not more than 28 days in any one place; boxing match or Greco-Roman or freestyle wrestling events within a building to an audience of up to 1000 people (Schedule 1 paragraphs 12D and 12E 2003 Act).

ALCOHOL SUPPLY – CURRENT POSITION

- 10 The Licensing Act 2003 defines "licensable activities" as including, in addition to the provision of regulated entertainment:
- (a) the retail sale of alcohol;
 - (b) the supply of alcohol in clubs; and
 - (c) the provision of late night refreshments.
- 11 Organisations and individuals who want to sell or supply alcohol in England and Wales must have a premises licence (for regular events) or give a temporary event notice (for up to 15 one off events per year (Licensing Act 2003 (Permitted Temporary Activities) (Notices) (Amendment) Regulations 2016)). This includes village and community halls if they hold events that include the sale or supply of alcohol. The government issued guidance on alcohol licensing in 2013, see <https://www.gov.uk/government/publications/section-182-of-the-licensing-act-2003-amended-guidance>.

ALCOHOL SUPPLY - FUTURE CHANGES

- 12 When Part 5A of the 2003 Act is in force a supply of alcohol will be a permitted sale (i.e. no licence required) where it is either for a community event or ancillary to business activities (subject to certain conditions and notices).

NOTICE REQUIREMENTS

- 13 Part 5A also provides that specific notice must be given to the licensing authority (principal authority) and there must have been no counter notice (objection) from the licensing authority. An unobjected notice covers sales at events at the specified premises for three years from the requested start date so long as the sales meet the conditions below (see paragraph 18).
- 14 The notice to the licensing authority must say:
- (a) whether it is to cover community events or ancillary business sales;
 - (b) the premises to be covered (for community events up to three different

- premises can be covered on one notice);
- (c) the date when it is to start (between 10 working days and 3 months after the notice is given);
 - (d) any other information that regulations require it to contain (regulations have not yet been made).
- 15 The notice must be given on behalf of the body by or on whose behalf the sale of alcohol on the premises would take place, by a person who is aged 18 or over and is concerned in the management of the body.
- 16 The notice must be in the prescribed form and accompanied by the prescribed fee (form and fee not yet set).
- 17 Unless the notice is given to the relevant licensing authority electronically, a copy of the notice must be given to the chief officer of police for the police area of the premises; and the local authority responsible for minimising or preventing the risk of pollution of the environment or of harm to human health in the area.
- ## **COMMUNITY EVENT CONDITIONS**
- 18 A community event must meet certain conditions as set out in section 110B of the 2003 Act in relation to the retail sale of alcohol, namely, the sale must be made by or on behalf of a body that:
- (a) is of a description prescribed by regulations;
 - (b) does not trade for profit; and
 - (c) meets any criteria set by regulations.
- 19 Also the sale must be ancillary to an event that:
- (a) is taking place on the premises;
 - (b) is organised by the body by or on whose behalf the sale is made;
 - (c) has been advertised in advance; and
 - (d) meets any criteria set by regulations.
- 20 The sale of alcohol must take place on the premises during the event for consumption on the premises during the event and there must be no more than 300 present in the premises at the time of the sale which must be made between 7 am and 11 pm.
- 21 Regulations may make additional conditions for community events.

ANCILLARY TO BUSINESS SALES CONDITIONS

- 22 Ancillary business sales must meet certain conditions as set out in section 110C of the 2003 Act in relation to the retail sale of alcohol, namely, the sale must be made by or on behalf of a body that:
 - (a) is of a prescribed description, and
 - (b) meets any prescribed criteria.
- 23 The sale must take place on premises that:
 - (a) are managed by the body by or on whose behalf the sale is made,
 - (b) are of a prescribed description, and
 - (c) meet any prescribed criteria.
- 24 The sale must be ancillary to the provision of goods or services to a person on the premises where the sale takes place and, except in prescribed circumstances, the alcohol must be sold for consumption on those premises.
- 25 Regulations may make additional conditions for ancillary to business sales.
- 26 Further regulations need to be made before these changes can come into effect. This Note will be revised accordingly when the changes are in force.

GAMBLING

- 27 Gambling, including such activities as playing bingo, is covered by the Gambling Act 2005 (2005 Act). Normally a licence has to be obtained from the licensing authority (District or County Council in England and County or County Borough Council in Wales). However, a licence is not required for non-commercial gambling (sections 297 to 302 of the 2005 Act). For gambling to be non-commercial it must meet all of the following conditions:
 - (a) Not be for personal gain;
 - (b) Notify participants that it is fund raising for a specific purpose not private gain;
 - (c) Not be in premises with a gambling licence; and
 - (d) Not be done over the internet.
 - (e) It must also comply with any regulation about the size of entry fees and stakes and the value of prizes.

Most entertainments organised by a local council that have an element of gambling (e.g. race night or lottery) will fall within the category of non-commercial activity.

- 28 The Gambling Commission produced guidance in June 2016 on non-commercial gambling activities. This advice can be found at:
<http://www.gamblingcommission.gov.uk/pdf/advice-on-non-commercial-and-private-gaming-and-betting.pdf>
- 29 The 2005 Act also gives a local council an opportunity to make representations in respect of applications for a premises licence such as for a casino or betting office. Section 161 of the 2005 Act gives an “interested party” the right to make representations to the licencing authority and section 158 of the 2005 Act defines “interested person” to include a person who represents those who live near or have business interests potentially affected by a proposed gambling premises licence, this will include a local council and local councillors.

Other Legal Topic Notes (LTNs) relevant to this subject:

| LTN | Title | Relevance |
|-----|-----------|--|
| 39 | Copyright | Considers the copyright implications for performances of live music etc. |

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This is the first issue.