

# ALLERDALE BOROUGH COUNCIL



## GUIDANCE SHEET

# LICENSING ACT 2003 GUIDANCE VILLAGE/COMMUNITY AND SCHOOL HALLS

The Licensing Act 2003 is going to bring in a new regime 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. Currently village/community & school halls may have a Justices' Licences issued by the Magistrates' Court or a Public Entertainment Licence issued by the Council. Alternatively they may be using occasional licences or permissions for specific events. Village/community & school halls that wish to continue with these activities will need to apply to Allerdale Borough Council Licensing Department for a licence under the Licensing Act 2003.

### Choices for Village /Community & School Halls

Village/community & School Hall Committees need to look at the events and facilities that they offer so they can decide what type of licence to apply for. The options include: -

#### 1. Premises Licence New Application

If in the past the village/community & school hall has held no licences or has utilised occasional licences or permissions to hold functions then they will need to apply for a new Premises Licence if they are planning to hold more than 12 events a year. They will need to submit an application to Allerdale Borough Council's Licensing Department together with an Operating Schedule (see below). The application will have to be advertised and responsible authorities and interested parties will be able to make representations against the application. If there are no representations the licence will be granted otherwise the application will go for a hearing before the Licensing Committee. If alcohol is to be sold then a Designated Premises Supervisor, who must also be a Personal Licence holder, must be named. Application form ALL6 refers.

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*. Those persons named on the original Justices' Licence will be able to apply to transfer to a Personal Licence with "grandfather rights". 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.

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The Council's Guidance Documents GD12(B) & GD13 provides some detailed information re Personal Licences and the role and responsibilities of a Designated Premises Supervisor. Please note that new Personal Licence applications should be submitted on form ALL17 while holders of a Justices' Licence should make application on form ALL20 (Please refer to the Council's Guidance Document GD12(A)).

## 2. Temporary Events Notice (TENs)

If a village/community & school hall is only expecting to hold up to 12 of events in a year they may consider giving notification of 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 Department 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 Licensing Department 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 events 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.

Provided that the criteria set out above are met, only the police may intervene to prevent an event or agree a modification of the arrangements for such an event covered by a TEN notice. Police may only object to a TEN on crime prevention grounds. If the police make an objection then the Licensing Department will issue a counter notice to the premises user at least 24hrs before the commencement of the event.

## 3. What is an Operating Schedule?

An Operating Schedule is a document that includes a statement of the following matters:

- The relevant licensable activities
- The times during which it is proposed that the relevant licensable activities are to take place.
- Any other times during which it is proposed that the premises are to be open to the public.
- Where the applicant wishes the licence to have effect for a limited period, that period.
- Where the relevant licensable activities include the supply of alcohol then the Designated Premises Supervisor must be named.
- Where the relevant licensable activities include the supply of alcohol, whether the supplies are proposed to be for consumption on the premises or off the premises, or both
- The steps which it is proposed to take to promote the licensing objectives. Which are:
  1. The prevention of crime and disorder.
  2. Public safety.
  3. The protection of children from harm.
  4. The prevention of public nuisance.

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## 4. 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 Fees Guidance Document GD2.

## 5. Will a charity event providing entertainment require a licence?

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.