

## **Licensing Act 2003**

### **General Licensing Guidance-Community Premises**

#### **Introduction**

The Licensing Act 2003 heralded a change in the way liquor licensing was administered moving control from the Magistrates' Courts to local authorities. Part of the change involved the amalgamation of the licensing of public entertainment events, theatres, cinemas and late night refreshment houses already carried out by local authorities with new liquor licensing arrangements.

The new regime came into effect in November 2005 The new law provides for premises licences, club premises certificates, temporary events notices and personal licences to be applied for.

The Licensing Act 2003 regime of licences and notices affects village halls, parish and community halls that cater for activities such as the sale of alcohol and the provision of regulated entertainment such as indoor sporting events, music and dancing. Some community premises previously had a justices' licence issued by the local Magistrates' Court and/or a public entertainment licence issued by Gedling Borough Council. Alternatively they may have used occasional licences or permissions for specific events. Community halls that wish to continue with these activities will need to apply to Gedling Borough Council for a licence under the Licensing Act 2003.

#### **The choices available for Community Premises**

Community premises' 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: -

#### **Premises Licence New Application**

If in the past the community premises 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 Gedling Borough Council 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 Panel. If alcohol is to be sold then a Designated Premises Supervisor, who must also be a Personal Licence holder, must be named.

#### **Temporary Events Notice (TENs)**

If a village hall is only expecting to hold up to 12 of events in a year they may consider applying for a Temporary Events Notice for each specific event. This is not an application for a licence but a notification by the event organiser advising Gedling Borough Council 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 Gedling Borough Council 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 Gedling Borough Council will issue a counter notice to the premises user at least 24 hours before the commencement of the event.

### **Fees**

There is an exemption from the payment of fees in relation to the provision of regulated entertainment at village halls, 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. Details of the fees payable are available on a separate general licensing guidance sheet.

### **The licensing of charitable events providing entertainment**

If regulated entertainment is provided for the public in a village hall, 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.

### **Further help and information**

Further licensing information is available on the Council's website at [www.gedling.gov.uk](http://www.gedling.gov.uk) and the Department for Culture Media and Sport at [www.culture.gov.uk](http://www.culture.gov.uk). You may contact our Licensing Office by telephoning 0115 901 3895, by email:[licensing@gedling.gov.uk](mailto:licensing@gedling.gov.uk)

Our postal address is Licensing Office, Planning and Environment Department, Gedling Borough Council, Civic Centre, Arnot Hill Park, Arnold, Notts. NG5 6LU.