



Licensing Act 2003 Guidance Village/Community & School Halls

The Licensing Act 2003 brought in a new regime of licences and notices that affects all village halls that cater for activities such as the sale of alcohol and the provision of entertainment, music and dancing. They will almost certainly require a premises licence to carry out a licensable activity or alternatively serve a Temporary Event Notice for specific events. Village, community & school halls that wish to carry out these activities will need to apply to Carlisle City Council licensing Authority 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

If a village, community or school hall holds more than 12 licensable events a year, they will need to apply for a premises licence (Application form CA06). An application must be submitted to Carlisle City 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 a Licensing Sub-Committee. If alcohol is to be sold then a Designated Premises Supervisor (DPS), who must also be a Personal Licence holder, must be named. (See Guidance Document GD10 regarding Premises Licence and GD12 regarding Personal Licence)

4. 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 (Form CA01) for each specific event. This is not an application for a licence but a notification by the event organiser advising the Licensing Authority 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 clear working days before the day on which the event is to start, give copies of the notice to Licensing Authority and to the relevant chief officer of police. The day the notice is received and the day of the event do not count within the ten days. 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 serve 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. If your TEN ends after midnight, it counts for 2 days out of your total of 15.

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 Authority will issue a counter notice to the premises user at least 24hrs before the commencement of the event. (Guidance Document GD03 refers)

The holder of a premises licence may use a TEN to extend the hours or activities permitted by that licence.

5. 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

6. 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 Guidance Document GD02.

7. 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 of their own choice, no licence will be necessary. In these circumstances the donation must be completely voluntary.

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

8. Removal of the requirement for a DPS at Community Premises.

The sale and supply of alcohol, because of its impact on the wider community and on crime and anti-social behaviour, 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. (Please see Guidance Document GD25 which explains this procedure.)