

Do you need a licence?



Rachel Andrew Principal Licensing Officer
Shelley Coles Licensing Officer

 **STROUD DISTRICT COUNCIL**
www.stroud.gov.uk

 **Beacons Authority**
2009-2012
Clean, Safe, Beautiful & World Awe
Great People
Services for Older People
2007-2009
Community Planning

We are based at Ebley Mill, Stroud

Licensing Act 2003

- Regulated Entertainment



- Sale of Alcohol

- Late Night Refreshment

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2002-2009
Civil Protection and Road Works
2004-2007
Services for Older People
2007-2009
Emergency Planning

Picture Oakridge Village Hall

3 areas under the licensing Act 2003

•Entertainment is the most complex. There are lots of exemptions

•We will also talk about sale of alcohol

•We will mention late night refreshment now. It is sale of hot food and drink after 23.00. Not likely to effect community halls too much and is more likely to be premises like late night takeaways but an example could be selling a hot midnight meal or hot coffee after 23.00

It is worth bearing in mind that a conviction for having licensable activities without a licence or temporary event notice can lead to the Committee being liable to fine of up to £20,000 or 6 months in prison



Entertainment

- Audience
- Live Music
- Recorded Music
- Plays
- Performance of dance
- Films
- Indoor Sport Event
- Boxing and Wrestling
- For the Public
- For Members of club
- Or view to profit

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•These are activities covered in the Act and will need to be authorised unless exempt. We will look at the exemptions in a minute

•These activities are only relevant if for an audience – so music accompanying a dance class is not licensable

•Also the entertainment must be for the public or members of a club or with a view to making a profit.

So private, not for profit events are exempt. But for profit includes fund raising profit

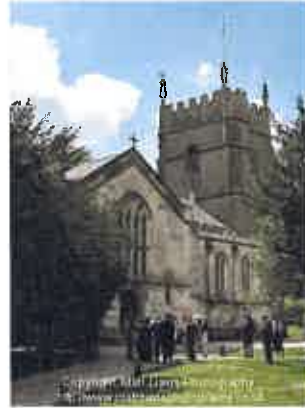
So a disco at a wedding party in marquee in your garden for invited guests only is not licensable (but will be if having a pay bar)

Similarly entertainment at an anniversary party for invited guests only in the village hall is private but still need licence if have a pay bar .

However a fund raising event for invited guests only – private yes but aim is to raise funds) so any entertainment is licensable

Entertainment Exemptions

- Places of Worship
- Morris dancing
- Incidental music
- Garden fetes
- Live TV
- Films for education, information



Picture - Horsley Church

Here are some exemptions that have been in since the start

- Any entertainment in a church is exempt
- Incidental – background, incidental to something else eg piano playing in background for a meal, or even music accompanying fireworks

Exempt Live Music

Unamplified

- 8am - 11pm
- Anywhere

Amplified

- 8am - 11pm
- Up to 200 people
- Only premises with licence for on sales of alcohol



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Picture - Wotton under edge silver band

Live Music Act brought in this exemption

- The unamplified exemption applies to anywhere so could include a field

More Exemptions

Plays and Performance of Dance.

- 8am – 11pm
- 500 people

Indoor Sport Events

- 8am – 11pm
- 1,000 people



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 **Region Authority**
2003-2007
Crime Reduction in Rural Areas
2004-2006
Support for Older People
2007-2008
Emergency Planning

Picture - Kings Stanley village hall – Goldilocks and 3 bears Jan 2014

•And then these came in so village halls doing a pantomime does not need licence providing finishes at 23.00 and no more than 500 in audience at any one time

But.... If selling alcohol will need a licence or temporary event notice



New Exemptions for Community Premises

Coming Soon

- Live and recorded music between 8am-11pm for up to 500 people (*From 6 April 2015*)
- Films – if 'not for profit' between 8am-11pm for up to 500 people (*From TBC*)

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Community premises are church hall, chapel hall or similar building, village hall, parish hall, community hall or similar building.

•If the hall is hired to a third party they will need written consent from the committee to have the exempt live and recorded music

The exemption will not include playing fields and outdoor areas as the definition refers to building.

•The films are part of some separate deregulating legislation which has not been enacted yet

Films not for profit are things like local film clubs. Profit will include raising money for charity However any age classification ratings must still apply

When **IS** a licence or TEN needed for a community centre?

- Entertainment after 11 pm
- Entertainment if more than 500 people
- Films if for profit
- Recorded and amplified live music outside
- **And sale of alcohol**



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 **2003-2007**
Stroud District Council
Services for Older People
1997-2000
Emergency Planning

•Entertainment is live and recorded music, plays, performance of dance, films and indoor sporting events.

•500 people

•Film clubs exempt but a film being shown for fundraising for example is still licensable

•Outside entertainment could be exempt if incidental music and of course unamplified live music is exempt up to 11 pm

Also not included in the exemption is boxing and wrestling !

But you need to remember than any noise disturbance could still be looked at by Environmental Health under their noise laws. If they get complaint from neighbours and then prove there is a statutory noise nuisance they can issue abatement notices



Sale of Alcohol

- All sale of alcohol needs a licence or temporary event notice
- No licence needed if alcohol is given for free
- No licence needed for 'bring your own'



•An offer of buy a ticket and get a free drink is not 'free alcohol'. This is still sale of alcohol and needs authorisation. It must be genuinely free with no payment needed.

Question to ask is: If I arrived at the event without a ticket or paying for entry could I have a free glass of wine?

Alcohol Offences



- Selling alcohol without licence or TEN
- Sale of alcohol to under 18s
- Allowing sale of alcohol to under 18s
- Knowingly allowing consumption of alcohol on premises with licence or TEN by under 18s
- Sale of alcohol to person drunk



- Selling alcohol without licence or temporary event notice – fine up to £20,000
- Sale of alcohol to children under 18 – fine is up to £5,000
- Allowing sale of alcohol to children under 18 – fine £5000
- Knowingly allowing consumption of alcohol on premises with licence or TEN to under 18s – fine £5,000
- Sale to person drunk – fine £1,000

Children under 18 can make a sale of alcohol but only if specifically authorised by either the licence holder or the person who put in the TEN

If the premises are being primarily or exclusively used for sale of alcohol for consumption on the premises then under 16s must be accompanied by an adult so wine tasting event might be considered primarily use but a pantomime with a bar is not

Just mention briefly the mandatory conditions

Only apply to licences and not TENS

- Must have a DPS who is personal licence holder (unless disappplied)
- Must not have irresponsible promotions: pouring straight into mouth and drinking games encouraging drinking as much as possible are banned
- Must offer free drinking water
- Must have smaller size glasses available
- Must have an age policy – eg if look under 25 check ID
- Must not sell below permitted price - calculator

All about licences

- Premises Licence
- Application process
- Annual Fee
- Disapply having a DPS



Picture Whitminster village hall

•All **premises licences** are different with different hours and activities – some include alcohol and some not. Some village halls do not have a licence at all but rely on temporary event notices

•**Application Process** – consultation period of 28 days – responsible authorities and the public can make comment

Licensing objectives – Crime and disorder, Public nuisance, public safety and protection of children

Any one can object including parish councils although parish councils are not a responsible authority

If representation is made relating to objectives there will be a hearing

•All licences have an **annual fee** unless they are a community centre with no alcohol in which case it is free

•If alcohol is on the licence there must be a person named on the licence called DPS who is as personal licence holder

But **community centres can apply to remove this condition** and instead the committee authorises the sale

All about temporary event notices

- How to apply
- Online
- Limits
- Late TENs



Picture Eastington Community centre

•These are temporary permissions for one of events

Cost is £21 and you must give 10 clear working days notice

The form is sent to us licensing authority, and one copy to Environmental Health and one copy to the Police

Only they Police and EH can object and on the grounds of the licensing objectives, the public cannot object. If they object there will be a hearing

•Can apply online – gov.uk – then all the copies are sent electronically so don't need to worry about sending copies and can make the payment on-line

•Limits

Must be over 18 years to submit a TEN

Non- personal licence holder – can submit 5 a year

Personal licence holder – can submit 50 a year

Premises 12 a year (This is to change from 1 Jan next year to 15)

Days 21 a year (a day starts at midnight)

24 hours between TEN for one premise by same person

Maximum Length of TEN – 168 hours (7 days)

•Late TEN

5 working days

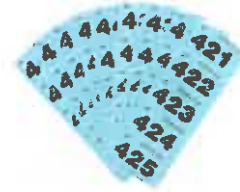
Non personal licence holder – 2 a year

Personal licence holder - 10 a year

But if the Police or EH have concerns the notices will be refused outright without the right to a hearing

Raffles and Race Nights

- Incidental raffles are exempt
- Selling draw tickets in advance need a lottery registration
- Frog and duck races are exempt



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 **Deacon Authority**
0800-3333
01453-3333
01453-3333
Emergency Planning

•Raffle tickets sold at an event and drawn at the end are exempt . This is classed as an incidental raffle

(NB any alcohol prizes in a raffle or draw do not need alcohol licence – similarly alcohol prizes in a tombola are exempt from alcohol licensing – However they must be in a sealed container)

•But if you sell raffle tickets in advance to the general public you will need a lottery registration

£40 new application for a lottery registration and the £20 each year to keep it up

If the tickets are only sold privately and any money made goes back to the organizing society then it is exempt. For example a 100 club, chances sold only to parents of the Brownies and profits going back into the brownies is exempt

•Non commercial gaming is exempt so things like frog and duck races for fund raising do not need a gambling licence (but will still need alcohol licence if running a pay bar)

Do these need a licence?

- Pantomime inside finishing at 23.00 with bar in the interval and a raffle at the end
- A fund raising race night with tea/coffee and soup finishing at midnight
- A New Year's eve party inside the hall finishing at 01.00 with disco and bar
- An amplified guitar recital outside in a marquee with soft drinks finishing at 23.00

- Not for the pantomime or the raffle but yes for the bar (TEN or premises Licence)
- Not for the race night - the gaming is incidental and the film incidental but yes if the hot drinks are being sold after 23.00 (TEN or premises licence) – or stop selling the hot drinks at 23.00. If hot drinks are free then no licence needed
- Yes for disco – it is after 23.00 and yes for bar
- Yes for the amplified music because the marquee does not come under the exemption for community premises (TEN or premises licence) and no for soft drinks

And these?

- Brass band concert on playing field finishing at 18:00 with free glass of wine
- Amplified concert in the Church finishing at midnight
- Christmas bazaar inside with fundraising sale of mulled wine and drawing winners of the grand draw



•No for brass band as unamplified music exemption and no for free wine unless they only get the free wine if they buy a ticket to see the band

•No for concert in church

•Yes for sale of mulled wine and yes for running a draw if tickets sold in advance

How to get more info

- Ring the Licensing Team 01453 754440
- Email the Licensing Team
licensing@stroud.gov.uk
- Look on our website
www.stroud.gov.uk



**Search the
licensing
public
register!**

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 **Reason
for Priority**
2012-2015
Civilian Rehabilitation in Rural Areas
2014-2016
Support for Older People
2015-2016
Emergency Planning

We are always happy to help – please contact us and you can always arrange to come and see us or we can visit

Lots of info on our website and updates. All the forms and links to GOV.UK

And we have all sorts of licensing registers including Premises Licences and TENS