

Licensing Act 2003

A User-Friendly Guide



Village Halls and Other Community Premises

The introduction of a new Licensing Act this year will see a major alteration in the way liquor and entertainment are regulated. New legislation will bring many changes for local government and service delivery with respect to licensing

A licensing policy has been established which links to other key strategies covering community safety, cultural development and economic regeneration. A new system of Licensing Committee has been established, and a Central Administration Unit has been formed, serving the following Councils:

- **Kettering Borough Council**
- **East Northamptonshire Council**
- **Borough Council of Wellingborough**
- **Daventry District Council**
- **Corby Borough Council**

Details of how to contact the Central Administration Unit are on the back page of this leaflet.

The Act will require the licensing of both the premises and people involved in alcohol and entertainment. This requires two distinct types of licence to be processed – premises and personal licences.

How Will This Affect You?

All village halls used to provide regulated entertainment will either have to apply for a premises licence or a **Temporary Event Notice (TEN)** will need to be in force.

As a Community Premises, you are entitled to a Premises Licence to cover **Regulated Entertainment** only, at no charge, however, if you decide to apply for a licence to include the sale of alcohol, or late night refreshment you will become liable for the full fee.

If alcohol sale is to be included in a premises licence a **Designated Premises Supervisor (DPS)** will have to be named who must hold a personal licence to sell alcohol. This person must give their written consent to the premises licence application. Although the DPS or other personal licence holder does not have to be present at all times when alcohol is sold, all sales must take place under the authority of a Personal Licence Holder (or TEN user). The Designated Premises Supervisor may authorise relevant people to serve alcohol, in his absence. This should be done in writing, and a copy should be available for inspection whenever alcohol is being sold. Under these circumstances, the Designated Premises Supervisor remains legally liable for all alcohol sales, even in their absence.

You may not wish to apply for a premises licence and may decide it more appropriate instead to apply for a TEN.

A TEN is used for occasional events for a period of no longer than 96 hours and for a maximum capacity at any one time of less than 500. To apply for a TEN, you must deliver two copies of the TEN to the Licensing Authority **at least 10 clear working days before the event**, preferably at least 21 days before the event. A copy must also be provided to the Police. If you do not hold a personal licence under the Act, you may only apply for five TENs in a calendar year. If you hold a personal licence, you may apply for fifty TENs in a calendar year.

Only twelve TENs may be held at any premises in a calendar year, or up to a limit of 15 days whichever is reached first.

If representations are made, the matter may be determined by the Local Authority Licensing Committee.

Frequently Asked Questions

“What is a Personal Licence?”

This is a portable licence granted by the local (licensing) authority of residence to an individual enabling the right to sell alcohol at any premises licensed to do so. The licence involves a Police Check and is valid for ten years

“Are there any qualification requirements for Personal Licenses?”

Yes, a personal licence holder must hold an accredited qualification. At the present time these are

- BIIAB Level 2 for Personal Licence Holders
- GQAL Level 2 for Personal Licence Holders.
- GOAL Level 2 for Personal Licence Holders.

“Are places of Worship affected by the Act?”

Secular entertainment in places of public worship across the country, and the provision of entertainment facilities in such places, will be exempt from the need to obtain a licence. Music for the purposes of, or incidental to a religious service or meeting was already exempt.

“How do I apply?”

Contact the Central Licensing Unit for forms and advice. Alternatively, forms can be downloaded from our website www.northantslicensing.gov.uk following the links for **Licensing Act 2003** and **Application Forms**. From 1st April 2008 all applications should be made directly to the Central Administration Unit, at East Northamptonshire Council. Personal Licence applicants that reside outside the boroughs of the five partner councils must apply to the borough in

which they reside, **not** the borough in which the premises is situated.

“What is Regulated Entertainment?”

- A performance of a play
- An exhibition of a film
- An indoor sporting event
- A boxing or wrestling event
- A performance of live music
- Any playing of recorded music
- A performance of a dance
- Entertainment of similar description to that falling within the performance of live music, playing of recorded music and the performance of dance
- Provision of facilities for making music, dancing, or entertainment of a similar description.

“Will a fee be payable if I make an application for a premises licence on behalf of a village or community hall or a school?”

Although you will still require a premises licence for such premises if they are used to carry on licensable activities, there is to be an exemption from the requirement to pay the fee in respect of the provision of regulated entertainment only (in the case of a school, if the entertainment is provided by the school but not otherwise). If the sale of alcohol, or provision of late authority for use of the school or hall also requires permission to sell alcohol or provide late night refreshment, then the fee for a premises licence or a temporary event notice for the supply of alcohol or the provision of late night refreshment will be payable. Licensing authority costs in respect of these exemptions for the provision of regulated

entertainment are being met by central government.

“What is a Temporary Event Notice?”

A licence enabling the temporary sale of alcohol or the provision of regulated entertainment or late night refreshment at premises not authorised by premises licence or club premises certificate. No permission is required from the licensing authority for these events, although there is a notice and objection process to follow. A fee of 21.00 per application is due for a Temporary Event Notices. There are no exemptions for this.

“What is a ‘Short Term Premises Licence’?”

Under normal circumstances, a one-off event would be covered under a Temporary Event Notice (TEN). However, a TEN will only cover events where 499 people will be present at any one time. For events where 500+ people will be attending at any one time (and this includes staff, security, entertainment etc) a ‘short term premises licence’ must be applied for. The procedure for this is exactly the same as a standard premises licence. The applicant must ensure that they allow at least 56 days clear for the processing of the application, including a possible panel, or the licence may not be granted in time.

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You can view a complete copy of the Act and associated guidance at www.culture.gov.uk