

Licensing requirements – a guide for parishes

A licence is required to carry out 'licensable activities' which includes the selling of alcohol and regulated entertainment. The main legislation here is the Licensing Act 2003.

Regulated entertainment broadly encompasses all entertainment given in front of an audience or otherwise for profit when the premises have the purpose of providing such entertainment. This can include, in particular, a dance performance, a play, playing of recorded music, performance of live music, an indoor sporting event; and a boxing or wrestling match.

There are exceptions for church halls and other community premises but these can be complex and you should speak to the local authority's licensing officer.

Whether a licence is needed for music entertainment will depend on the circumstances. A licence is not required to stage a performance of live music, or the playing of recorded music if:

- it takes place between 8AM and 11PM; and
- it takes place at an alcohol on-licensed premises; and
- the audience is no more than 500 people

You also don't need a licence:

- to put on unamplified live music at any place between the same hours; or
- to put on amplified live music at a workplace between the same hours and provided the audience is no more than 500 people.

In other circumstances, a licence may be required. One licence application can cover all types of regulated entertainment and the sale or supply of alcohol.

There are exemptions from the need for a licence for music entertainment, in defined circumstances as set out in the including for places of public worship, village halls, church halls and other similar buildings, but again it is best to check with the local authority to be certain.

A licence is also needed for lotteries and raffles and if there are any televisions on the premises. It is also needed to provide "late night refreshment" which is defined as the sale of hot food or drink to the public between 11pm and 5am.

A premises licence authorises the use of any premises for licensable activities.

All premises licensed to sell alcohol must have a designated premises supervisor. This person will have day to day control of the business and must hold a personal licence, authorising them to sell alcohol on behalf of the business. Not everyone who sells alcohol on the premises needs to have a personal licence but they all need to be authorised by someone who does. A community premises, such as a church hall, can apply to waive this requirement to have a designated premises supervisor and make the sale of the alcohol the responsibility of a management committee instead.

If, alternatively, there is to be a temporary event where alcohol will be served or supplied, or regulated entertainment or late night refreshment provided, then a temporary event notice will be needed. The event must have fewer than 500 people and last for no more than 168 hours.

It must be noted that it is illegal to sell alcohol below the cost of duty plus VAT. In addition, irresponsible promotions are not permitted; there must be an age verification policy; drinkable

water must be freely available; and certain alcoholic beverages must be available in small measures (see Licensing Act 2003 (Mandatory Licensing Conditions) Order 2014).

Please note, from 1 April 2017, businesses that sell alcohol to the public will need to ensure that their wholesaler has been approved by HMRC under the Alcohol Wholesaler Registration Scheme.

Useful links:

<https://www.gov.uk/guidance/alcohol-licensing> -Government guidance on alcohol licensing

<https://www.gov.uk/guidance/entertainment-licensing-changes-under-the-live-music-act> -
Government guidance on entertainment licensing

https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/418114/182-Guidance2015.pdf - Revised Government guidance re the Licensing Act 2003

https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/350507/2014-08-29_MC_Guidance_v1_0.pdf -Government guidance on the mandatory licensing conditions.