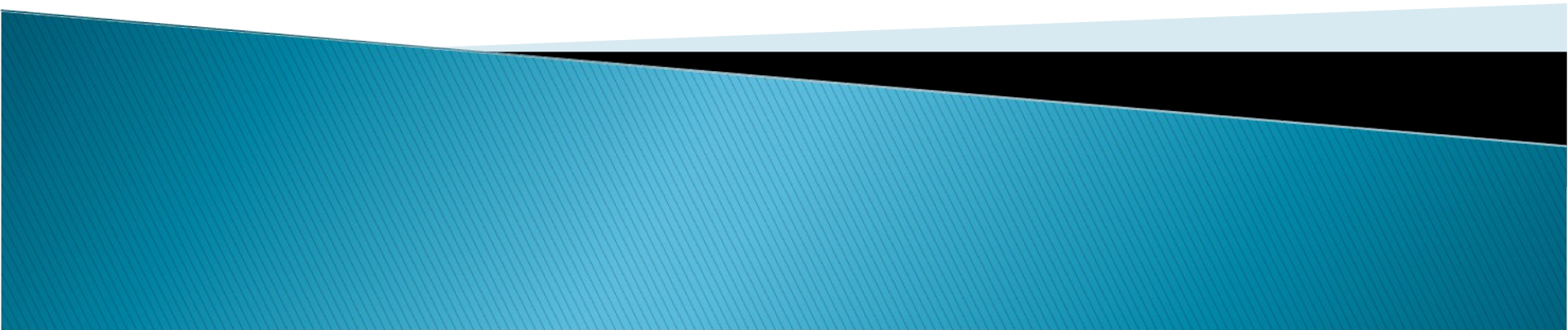


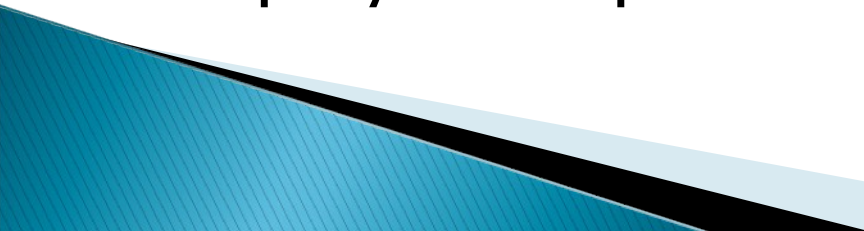
Licensing and Theatres

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TAO Group



The Licensing Act 2003

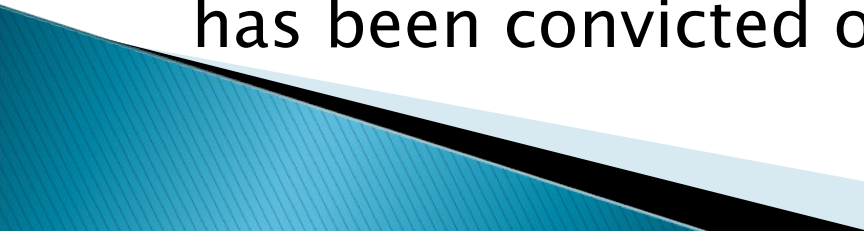
- ▶ Came Fully Into Force 23rd November 2005
 - ▶ Fundamentally changed licensing law in England & Wales
 - ▶ The Act is the most comprehensive reform of licensing law in over 200 years
 - ▶ Established a single integrated scheme for licensing premises that were used for the supply of alcohol, or to provide regulated entertainment (including the performance of a play or to provide late night refreshment).
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Amalgamating Legislation

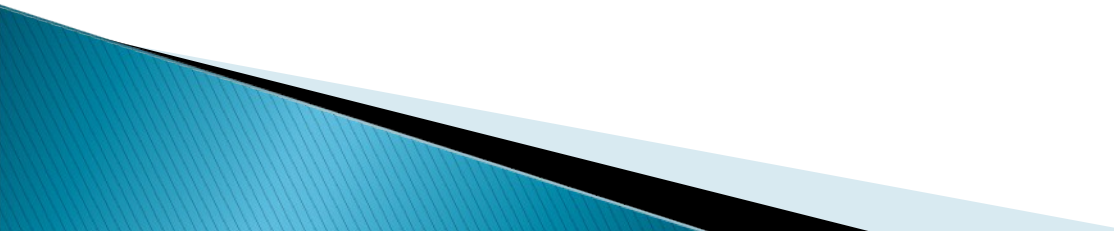
The Licensing Act 2003, replaced several different and complex schemes including:-

- ▶ Theatres Act 1968 – Plays
- ▶ Licensing Act 1964 and 1967 – Liquor and private places of entertainment
- ▶ Cinemas Act 1985 – Exhibition of films
- ▶ Local Government (Miscellaneous Provisions) Act 1982 – Public entertainment
- ▶ Late Night Refreshment Houses Act 1969 – food and drink retail after 11pm

Key Features of the Act

- ▶ Flexible opening hours for premise,
 - ▶ Consideration of the impact of opening hours on local residents and businesses,
 - ▶ A single premise licence authorising premises for multiple licensing activities,
 - ▶ Personal Licences relating to the supply of alcohol premises licences issued by licensing authorities after notification and scrutiny of all applications by the police and other authorities
 - ▶ Local residents and businesses have the right to make representations about applications
 - ▶ Personal licences issued by licensing authorities after scrutiny by the police, where the applicant has been convicted of certain offences
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Licensing Objectives

- ▶ The prevention of crime and disorder,
 - ▶ Public Safety,
 - ▶ Prevention of public nuisance,
 - ▶ The protection of children from harm
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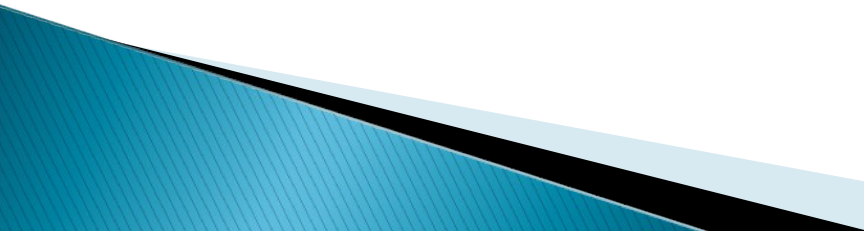
Licensable Activities

The Act defines "licensable activities" as:

- ▶ The retail sale of alcohol,
 - ▶ The supply of alcohol in clubs,
 - ▶ The provision of late night refreshment,
 - ▶ The provision of regulated entertainment
-
- ▶ "Late night refreshment" is defined as the supply of hot food or drink (that is, food or drink that is either served at, or has been heated on the premises to, a point above ambient temperature) to the public for consumption, both on or off the premises, between 23:00 and 05:00.

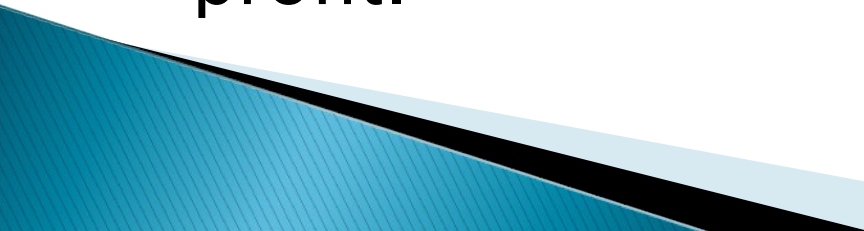
Regulated Entertainment

“Regulated entertainment” is defined as:

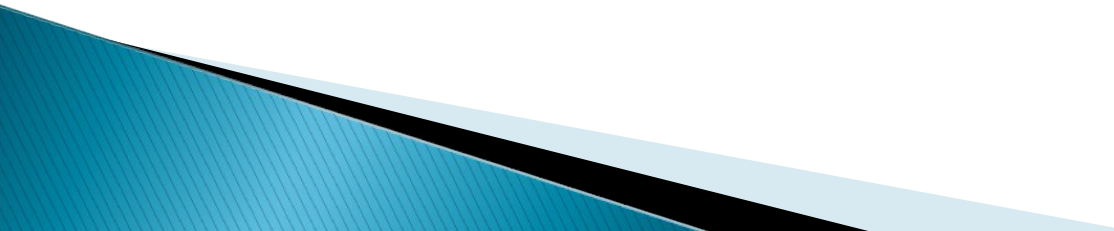
- ▶ A performance of a play,
 - ▶ An exhibition of a film,
 - ▶ An indoor sporting event,
 - ▶ A boxing or wrestling entertainment (both indoors and outdoors),
 - ▶ A performance of live music,
 - ▶ Any playing of recorded music,
 - ▶ A performance of dance
- 

Licence Required If:


The holding of regulated entertainment or the provision of facilities for regulated entertainment only requires a licence if the entertainment is provided for:–

- ▶ Members of the public or a section of the public;
 - ▶ Members of a regulated club or their guests;
 - ▶ At a charge with the intention of making a profit.
- 

Premises Licence Exemptions

- ▶ There are a number of exemptions from the requirement to hold a premises licence when providing regulated entertainment. However, it should be noted that if alcohol is to be sold or supplied, or late night refreshment provided, a licence will still be required for those activities.
- 

Premises Licence Exemptions

- ▶ Regulated entertainment in places of public religious worship;
 - ▶ Morris dancing (or similar);
 - ▶ Incidental music – the performance of live music or the playing of recorded music if it is incidental to some other activity;
 - ▶ Film exhibitions for the purposes of advertisement, information, education, etc.
 - ▶ Television or radio broadcasts – as long as the programme is live and simultaneous (showing prerecorded entertainment would require a licence)
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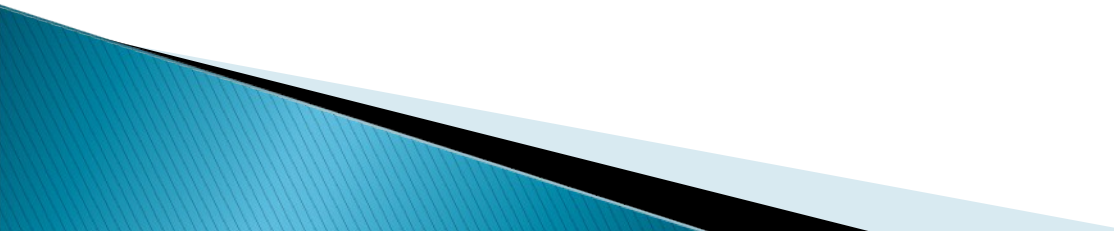
Premises Licence

- ▶ A premises licence is required for any premises offering licensable activities.
- ▶ Once a licence is granted it is valid for the life of the business.
- ▶ A licence can be revoked, amended or reviewed

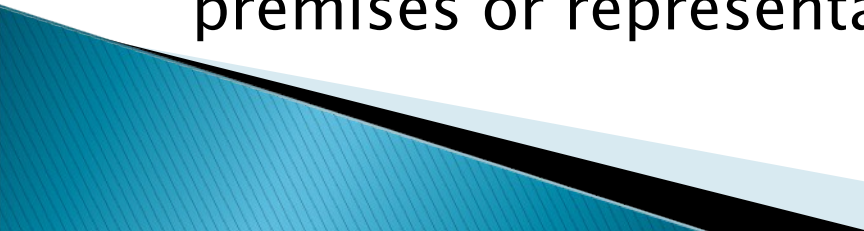
The Application for the licence should include:
Terms of Operation

Premises Licence

The Application for the licence should include:

- ▶ Terms of Operation
 - ▶ Floor plan of premises
 - ▶ Designated Premises Supervisor (If sale of alcohol is involved)
 - ▶ Other general details
- 

Interested Parties

- ▶ Licensing authority (the council),
 - ▶ The police,
 - ▶ The fire authority,
 - ▶ The health and safety enforcement agency
 - ▶ Environmental Health,
 - ▶ Child Protection Committee,
 - ▶ The planning authority
 - ▶ The weights and measures/trading standards authority.
 - ▶ A person living in the vicinity of the premises
 - ▶ A body (e.g. a residents association) representing people that live in that vicinity
 - ▶ A person involved in a business in the vicinity of the premises or representative body (trade union)
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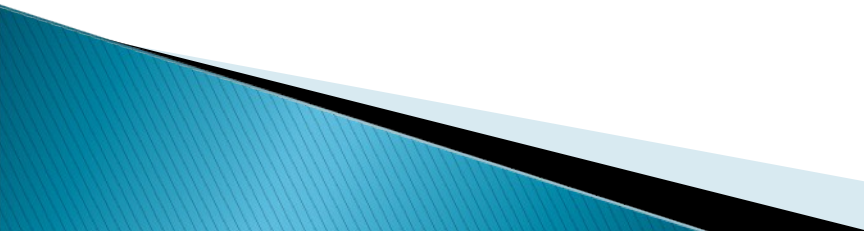
Representations to a Licence

The authority usually will have a hearing and from that can make one of five decisions:

- ▶ to grant the licence with conditions that match the operating schedule (and conditions can be added);
- ▶ to exclude some licensable activities from the application;
- ▶ to refuse to accept the person specified as designated premises supervisor (but only on police advice);
- ▶ to approve different part of the premises for different activities;
- ▶ to reject the application entirely.

An unsuccessful applicant can appeal to the Magistrates court (also a third party)

Designated Premises Supervisor

- ▶ Every premises where the "sale of alcohol" is a licensable activity must have a "current" nominated Premises Supervisor registered with the local authority.
 - ▶ This individual must be the holder of a Personal Licence and will be responsible for all licensable activities at the premises.
 - ▶ The Designated Premises Supervisor will normally be the person with day to day responsibility for the premises licensed and will be the contact for the Licensing Authority, Police and other responsible authorities.
 - ▶ It is unlawful to trade if the Designated Premises Supervisor recorded on the Premises Licence is no longer responsible for the supervision of the premises.
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Personal Licence

- ▶ A personal licence allows a person to sell alcohol, or authorise the sale of alcohol, under the authority of a premises license.
- ▶ Anyone can apply for a personal licence to the licensing authority for the area in which they live.
- ▶ They need to show they have a licensing qualification and a criminal record clean of relevant offences.
- ▶ The local authority can only refuse such an application on police advice.
- ▶ The licence lasts for ten years, and on expiry the licensee should reapply to the authority that issued the original rather than the authority for the area in which they then live.
- ▶ Anyone who already had a licence under the previous licensing schemes in their name – typically a pub landlord – was able to get a licence without having to have a qualification; this was known as the grandfather right.

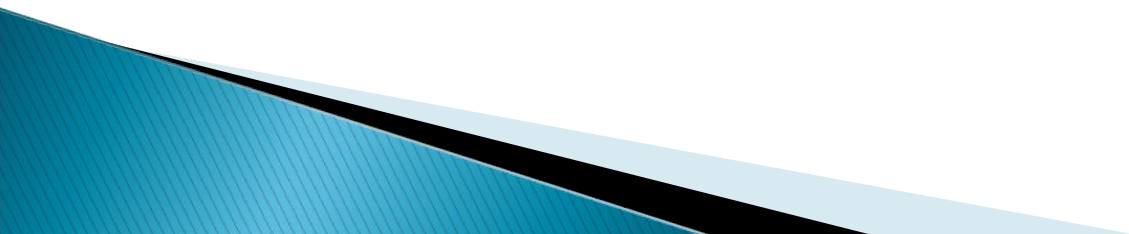
Temporary Event Notices

The Licensing Act 2003 (Permitted Temporary Activities) (Notices) Regulations 2005

- ▶ **A Temporary Event Notice (TEN) is used to licence small-scale events on premises without a Premises Licence**
- ▶ Personal licence holders can have up to 50 TENs per year
- ▶ Other people aged 18 years or over can have up to five in any one calendar year
- ▶ You must apply for a TEN at least 10 working days before the start of the event; the 10 working days do not include the day of service, the day of the event and any weekend or Bank Holidays.
- ▶ They will normally be granted as long as less than 499 people
- ▶ Each event can last up to 96 hours and only a maximum of 12 TENs can be given to a particular place in any year. There must be a minimum of 24 hours between each event and between them they cannot take up more than 15 days within any year.

General Overview Finished !

Questions and Discussion



Thank You

