

# FOR THE ATTENTION OF ALL THOSE CONCERNED WITH LETTINGS AND EVENTS IN CHURCHES AND CHURCH HALLS

## The Licensing Act 2003

### **Introduction**

1. The Licensing Act 2003 establishes a single integrated scheme for licensing premises used for the supply of alcohol, to provide regulated entertainment or to provide late night refreshment. Permission to carry on some or all of these licensable activities will now be contained in a single licence and this replaces the various licences previously applicable to theatres, public entertainment, alcohol and so on. Local authorities (district or borough councils) are the licensing authorities under the Act and they have now drawn up licensing policies applicable in their area.
2. The period up to around **November 2005** is a transitional period during which local authorities are to deal with applications to transfer existing licences to licences issued under the new regime. Where church-owned or church-run premises hold an existing licence, therefore, it is important to apply for it to be converted as described below. It appears that existing licences will not be valid after the November deadline. Many local authorities are already issuing notices to existing licence-holders. If possible, application should be made before **6 August 2005** to avoid a more complicated procedure.

### **Public Entertainment**

3. *Religious services and places of worship:* The Act provides an exemption for places of public religious worship as follows:  
“The provision of any entertainment or entertainment facilities:-
  - (a) for the purposes of, or for purposes incidental to, a religious meeting or service, or
  - (b) at a place of public religious worship,is not to be regarded as the provision of regulated entertainment for the purposes of this Act.”  
The guidance to the Act makes clear that this exemption is intended to cover not only, for example, the singing of hymns during a service, but also a classical concert in a church.
4. *Church halls, parish halls and community halls:* These premises will need a licence if they are used for public entertainment. However, regulations made under the Act provide that *no fee shall be payable* in the case of an application for public entertainment only if the premises concerned are a church or community hall. The provision is as follows:  
“(1) In respect of an application under paragraph 2 or 14 of Schedule 8 to the Act which relates to the provision of regulated entertainment only, no fee shall be payable and accompany the application if the conditions of this article are satisfied in respect of that application.  
(2) The conditions referred to in paragraph (1) are:-
  - (a) [schools, where the entertainment is by the school itself]; or
  - (b) that the application is in respect of premises that are or form part of a church hall, chapel hall or other similar building or a village hall, parish hall or community hall or other similar building.”

### **Sale of Alcohol**

5. If the authority for use of the church or community 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. The level of fees has been set by the Department for Culture, Media and Sport and is based on the rateable value of the premises.

### **Converting an existing public entertainment and/or sale of alcohol licence**

6. If an existing licence is held, you are required to convert it into a premises licence. At the same time it is possible to vary the licence, for example to include another licensable activity. Applications received before **6 August 2005** will be treated as simple conversions and will not need to be advertised, unless there is an application to vary any of the conditions of the existing licence. After 6 August applications will be treated as new applications and will need to be advertised. All applications for the conversion of existing licences should be submitted within the transitional period up to November 2005.
7. A corporation such as a PCC can apply to be the holder of a premises licence and this is to be recommended (rather than an individual PCC member doing so) for reasons of any liability that may arise. However, if alcohol is to be sold on the premises, the applicant must name an individual as the “designated premises supervisor” and as a point of contact.
8. A person appointed as a designated premises supervisor must hold a **personal licence** issued under the Act and, if an existing licensee, should apply for the licence to be converted within the present transitional period. Existing licence holders will be deemed appropriate but new applicants will have to obtain an accredited qualification first.

### **Occasional events**

9. A light-touch system of permitted temporary activities replaces the existing occasional licences and occasional permissions currently granted in connection with short-term alcohol and public entertainment licensing. The system involves an event organiser (the “premises user”) giving a temporary event notice (TEN) to the licensing authority and copying it to the police. TENs can be used to authorise relatively small-scale ad hoc events in or on any premises (including outdoors in a park or street) provided the following criteria are met:
  - the event involves no more than 499 people at any one time
  - the premises user must, no later than 10 working days before the day on which is to start, give duplicate copies of the notice to the relevant licensing authority, together with the proposed fee of £21. A copy of the notice must also be given to the relevant chief officer of police no later than 10 working days before the day on which the event is to start
  - anyone aged 18 or over can give a maximum of 5 TENs per year (it is also possible to obtain a personal licence under the Act and personal licence holders can give a maximum of 50 TENs per year).
  - each event can last up to 96 hours and no more than 12 TENS can be given in respect of any particular premises in any year. The aggregate duration of events at any particular premises must not exceed 15 days in any year. There must be a minimum of 24 hours between events.

### **Clubs**

10. It may be of interest to know that three main categories of licence are provided for in the Act. As well as premises licences and personal licences as mentioned, there are also club licences for premises owned and used by sport, social and political-affiliation clubs providing alcohol for their members.

### **Obtaining a Licence; Further Information**

11. Each licensing authority should be able to supply details of the procedure for obtaining a premises licence or a TEN, as well as guidance on its own policy and on making an application. Many now include information about the Licensing Act 2003 on their website. For further guidance on specific issues, please contact the Diocesan Registry on 01727 865765.