

Licensing Act 2003

Licensable Activities

Licensing Unit
Environmental Services



Licensable Activities

Introduction

This leaflet gives advice on the activities that are controlled by the Licensing Act 2003. Broadly there are three areas - sale or supply of alcohol, provision of entertainment and late night refreshment. These areas can be present in any combination.

Alcohol

Any retail sale of alcohol requires a licence. Selling liqueur chocolates does not require a licence although they may not be sold to under 16s.

The supply of alcohol by a club or to a member of a club requires the club to have a "Club Premises Certificate." Only qualifying clubs which are suitably constituted, such as working men's clubs, can make use of such certificates. Other informal groups such as Parent Teacher Associations are not qualifying clubs and would therefore require licences to sell alcohol.

Selling alcohol includes giving it away as part of a wider ticket.

Entertainment

"Entertainment" includes both provision of entertainment and provision of facilities for entertainment.

Entertainment means any of the following:

- the performance of a play (this means any piece where a dramatic role is acted out);
- an exhibition of a film (this means any display of moving pictures);
- an indoor sporting event;
- boxing or wrestling entertainment;
- a performance of live music;
- any playing of recorded music;
- a performance of dance, or
- entertainment of a similar description to live music, recorded music or dance.

Entertainment only requires licensing if it takes place in the presence of an audience (however small). Licensing may not be required if the entertainment is ancillary to a particular event.

Entertainment facilities are those enabling people to take part in an entertainment of the following sort:

- making music;
- dancing; and
- entertainment of a similar description to making music or dancing.

"Entertainment facilities" are, for example, a dance floor provided for customers to use, whereas "entertainment" might involve a performance of dance provided for an audience.

In addition the entertainment or entertainment facilities must be provided:

- a. to the public, or
- b. exclusively for members and their guests of a club which is a qualifying club, or
- c. where (a) and (b) do not apply, for consideration and with a view to profit.

The provision of music or the performance of a play to the public, or to members of a qualifying club (e.g. Working Mens Club etc.), or to members of an association, which is not a qualifying club, (e.g. Parents Association) where an entrance fee is paid to raise funds, are all licensable activities.

Dance schools do not provide entertainment when giving lessons although they would require a licence if they decided to give demonstrations of their students abilities to the public or to members of a qualifying club.

There are some exemptions. For example:

- * films shown in museums or art galleries as part of an exhibit
- * music —provided it is incidental to a non licensable activity like a fashion show
- * showing television programmes as they are broadcast
- * entertainment, such as music or a play as part of a religious meeting or service or at a place of public religious worship (e.g. nativity plays during a service anywhere, choral works or a play in a church even where not part of a service)
- * garden fetes
- * morris dancing or in vehicles whilst they are in motion.

Late Night Refreshment

“Provision of late night refreshment” means the supply of hot food or hot drink to the public between 11pm and 5am. This applies to both “eat in” and “takeaway” sales.

“Hot” means that it has been heated to above ambient temperature, or can be heated on the premises after its been sold.

Any restaurant, pub, snack bar, chip shop, 24 hour supermarket or similar wanting to supply hot food or hot drink after 11pm will need to get a Premises Licence, or apply to add Late Night Refreshment to an existing licence.

There are some exemptions

Supply to:

- * members of qualifying clubs
- * someone staying at a hotel (including guest house, lodging house, hostel, caravan site, camping site, etc.) for the night,
- * by an employer to employees, or
- * guests of the above.
- * supply of alcoholic hot drinks (but would need a premises licence permitting sale of alcohol)
- * drinks (not food) from vending machines
- * free food or drink, and
- * food or drink supplied by registered charities.

Temporary Event Notices

In some circumstances where a licensable function is going to take place it may be that a full licence is not required and that a Temporary Event Notice can be made use of. Please see our leaflet on Temporary Event Notices.

Further Information

We are happy to provide free information and advice. Please phone or email us.

This leaflet provides advice based on information available at the time of writing and this may change. It is intended for guidance only and does not provide authoritative legal advice. We would welcome your comments on this or any other of our leaflets, so as to ensure that they meet the needs of the users of our services.

We can make this leaflet available as a large print version or on audio cassette. Please contact us to ask for either of these versions.

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