

## Advice for village or community halls

For a village or community hall there are **five** basic choices:

1. **Do not licence the premises.** Run the premises on Temporary Events Notices (TENs) when the provision of regulated entertainment and/or the sale or supply of alcohol / Late Night Refreshment (LNR) is conducted. This will mean a maximum of 12 events each year at a cost of £21 per event. (£252) These costs are usually borne by the hirer. A danger here is that the hall will run out of TENs and could potentially operate illegally.

**Pros** – simple, cheaper (£252), TENs holder legally liable for event.

**Cons** – strictly limited to 12 events p.a. Limited controls over event. A Comprehensive hirer's agreement is essential.

2. **Licence for regulated entertainment only & use TENs** for the supply of alcohol and late night refreshment. (12 x TENs p.a. max @ £21 ea. =£252) The premises licence will be free of charge because of the exemption for regulated entertainments alone in village halls (Apart from an advert in the local paper c. £100) the only cost(s) will be when alcohol / LNR is required but these costs are usually borne by the hirer. A danger here is that the hall will run out of TENs and could potentially operate illegally. According to research this is the route that most village halls appear to have taken.

**Pros** – simple, and still relatively cheap (£352)

**Cons** – Limited in number of alcohol / LNR events to 12 p.a. Application may receive objections from local residents / responsible authorities. An application form (Including an Operating Schedule) is required which takes between 1 month & 2 months to be granted.

3. **Licence for regulated entertainments and for alcohol / late night refreshment.** This will involve paying for the application, placing an advert in the local paper, designating a premises supervisor (Who will need to be trained and hold a personal licence) Total cost circa. £450 plus circa. £70 p.a. annual fee.

**Note: since July 2009, village halls are not required to designate a DPS when making a new application for a premises licence, provided that the applicant committee completes the appropriate forms and supplies sufficient information to satisfy the licensing authority that the proposed management arrangements meet the requirements of the Licensing Act 2003. This means that the hall's management committee can take responsibility for the running of the premises, rather than a specific individual.**

**Pros** – Comprehensive and the least restrictive option.

**Cons** – More expensive. Application may receive objections from local residents / responsible authorities. An application form (Including an Operating Schedule) is required which takes between 1 month and 2 months to be granted.

4. **Apply for multiple licences for the same premises** – there is nothing in the Act to stop the number of licences being issued for any one premise. In theory a whole selection of different licences could be applied for a single hall. One for a certain members club which included alcohol for its members and bona-fide guests. One for a theatrical group which was just for music and dance. One for a promoter's use for under 16 discos etc. etc. This could get round the problem of having one permanent DPS for alcohol sales and mean that each licence holder was responsible for the premises whenever they were using it.

**Pros** – Frees up the premises to be used for exactly what it is needed for, when it is required. Allows alcohol to be sold without a DPS when a club is meeting at the premises.

Allows a separation of responsibilities for the licence holders and premises supervisors between events.

**Cons** – Additional expense not only at application but also with annual fees. Can get complicated and may receive objections from responsible authorities concerned about who is actually in charge at any one time. Any operating club must be run in good faith and abide by the rules governing private members clubs.

**Apply for a Club Premises Certificate** – On a limited number of occasions this route may make sense but it is not really a feasible option and is only mentioned here for completeness.

A DPS is not required for the sale or supply of alcohol at a club as the alcohol is deemed to be owned already by the club members. There are severe restrictions on the ability to let out the hall as it will only be possible to hire out the club to members for private functions. Must only be operated as a club except where 12 x TENs can be used.

### **Further points to note**

A Licence is needed for an entertainment provided

- for purposes which include entertaining an audience
- for members of the public or a section of the public
- exclusively for members of a qualifying social club or members and their guests
- for a charge and with a view to profit

The provision of bottles of alcohol as prizes in raffles and tombolas are exempt from the need for a licence if tickets are only sold at the event at which the draw takes place.

A premises licence that includes alcohol / late night refreshment will attract an annual fee (normally £70) but it doesn't need to be renewed each year.

A licence is not needed for music that is incidental to an event e.g. music at a playgroup.

A private party where attendees are invited to attend and no profit is to be made would not need a licence.

An indoor sporting event does not need a licence unless it is being held as an entertainment in front of an audience.

The supply of hot food or drink past 11pm free of charge or by a registered charity is exempt from the need for a licence.

DCMS have given out the following advice about whether the hiring of a village hall for a wedding reception or private party at which dancing will take place constitutes the provision of entertainment facilities.

“The hiring out of a public hall for a private event (for example a wedding reception) would not be a licensable activity if the public are not admitted and the event organiser does not charge those for whom the entertainment is provided. A charge made for the use of the hall as a dance floor (an “entertainment facility”) by a public hall committee for a private wedding to the host and organiser does not make the event licensable unless the public hall committee are also managing or organising the provision of the entertainment for those attending.”

The provision of alcohol for which a charge is made (a pay bar) would require licensing however. (If the alcohol is provided free of charge, no licence is required.)

## **Temporary Event Notice (TENS) Explained**

If a village hall committee is only expecting to hold up to a maximum of 12 events in a year and the other limitations of a TEN are not too restrictive, they may consider serving a Temporary Event Notice for each specific occasion. This is not an application for a licence but a notification by the event organiser to the Council and the Police that an event is intended to be held. TENS can be used to authorise ad hoc events held in premises involving no more than 499 people at any one time. The event organiser must, no later than ten working days before the day on which the event is to start, give copies of the notice to the Council and to the relevant Chief Officer of Police. There must be a minimum of 24 hours between events in respect of the same premises and each event covered by a TEN can only last up to 96 hours. Please also see Appendix G for details of notification requirements for TENS.

There are limits to the numbers of TENS that can be issued in any year as follows:

- Personal Licence Holders can issue up to 50 in any year.
- Non-personal Licence Holders can issue up to 5 in any year.
- No more than twelve TENS can be given in respect of any particular premises in any calendar year, subject to a maximum aggregate duration of 15 days in any year at any individual premises.

## **Operating Schedules explained.**

An operating schedule must include a statement of the following matters:

- The relevant licensable activities;
- The times during which it is proposed that the relevant licensable activities are to take place;
- Any other times during which it is proposed that the premises are to be open to the public;
- Where the applicant wishes the Licence to have effect for a limited period, that period;
- Where the relevant licensable activities include the supply of alcohol then a Designated Premises Supervisor must be named unless the application is on behalf of a Community Premises when the Alternative Licence Condition can be applied for allowing the Management Committee together to take responsibility for the sale of alcohol at the Premises;
- Where the relevant licensable activities include the supply of alcohol, whether the supplies are proposed to be for consumption on the premises or off the premises, or both.

## **Regulated Entertainment Explained**

Subject to qualifying conditions and exemptions the definition states that regulated entertainment is:

- 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

## **Summary**

Most village halls have applied for premises licenses, however many still have to use TENs for the sale or supply of alcohol. Some may choose to give the alcohol away at events to avoid the need for a TEN.

If village halls are having to turn away bookings because of the limit of TENs then they should be advised of exactly what needs to be licensed and how best to increase the number of available bookings through seeking a comprehensive premises licence.

Comprehensive guidance for village halls can be acquired from Action with Communities in Rural England (ACRE) on 01285 653477 (Guidance leaflets no's 9 and 10)