

# Licensing

## Why is it important to you?

The Licensing Act 2003 came into force as of November 2005 and replaced all previous licensing legislation. Most if not all village halls and community buildings will have some licensable activity taking place and so the management committee needs to ensure that it has an appropriate license.

The Act has four objective

- The prevention of crime and disorder
- Public safety
- The prevention of public nuisance
- The protection of children from harm

## Key Points

You will require a Premises License to do any of the following:

- the sale by retail of alcohol,
- the supply of alcohol by or on behalf of a club to, or to the order of, a member of the club,
- the provision of regulated entertainment and
- the provision of late night refreshment

In a Village Hall or similar community building this will include, but not be limited

to plays, film shows, indoor sporting events, performances of live or recorded music, dance performances and similar entertainments. It also includes the provision of entertainment facilities. It is a good idea to ensure that your License covers most types of regulated entertainment so as not to limit the range of potential hirers. If you are in doubt as to whether your Premises License covers a planned activity, then contact your licensing officer at the District Council.

## Alcohol in Village Halls

Many village and community halls across Cornwall will allow the consumption of alcohol on the premises. Often this will be a BYO (bring your own) arrangement, but some halls will use the occasional sale of alcohol for fundraising purposes. Some halls have built in bars. For BYO there is no sale taking place and therefore no license is required. However, where there is the sale of alcohol it must be properly licensed.

To sell alcohol you must have either a Temporary Event Notice (TEN) for the occasion **or** a Premises License which includes the sale of alcohol.

## Temporary Event Notices

A Temporary Event Notice (TEN) can be obtained where premises are to be used for one or more licensable activity but do not have a premises license for that activity. The TENs system is intended to be a 'light touch' regime so only the police have power of objection.

A TEN has to be given on a prescribed form giving certain information, including which licensable activities will be held, the dates, times and numbers permitted to attend.

The fee for each TEN is £21.

There are limits on the numbers of TENs which can be given, as follows:

- No more than 12 may be given for any one premises per calendar year, covering no more than 15 days in total.
- A minimum of 24 hours must elapse between the ending of one TEN and the start of another if given by the same person for the same premises
- Each TEN can last for no more than 96 hours
- No more than five TENs per annum may be obtained by any individual unless they hold a personal license, then no more than 50 per annum can be obtained.

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### Premises License with alcohol

When a Premises License includes the sale of alcohol there is no limit on the number of events at which alcohol may be sold. However, a charity should take care not to let the sale of alcohol become a main activity of the organization as this is likely to contravene its governing document and subsequently Charity Law.

Conditions of a Premises License with the sale of alcohol include:

- Must have a Designated Premises Supervisor (DPS) who is named in the application for the Premises License. The DPS is named so that a contact for the hall is readily identified.
- The DPS must be a Personal License holder. To obtain a Personal License you must first attend a one day training event which leads to the National Certificate for Personal License Holders and apply for a Criminal Convictions Disclosure Certificate. Once these are obtained an application for the Premises License including alcohol can be made.
- The DPS will often be a member of the management committee, but can also be a local publican or other outside volunteer.

As of August 2009 the need to name an individual as the DPS is removed and responsibility for the role is shared by the committee.

Careful consideration should be given as to whether a Premises License to include the sale of alcohol is appropriate for your hall or whether up to 12 TENs per year will be adequate.

All alcohol sales must take place under the authority of a personal license holder or a TEN. Authorisation must be properly given to each person selling alcohol, either verbally or in writing.

## Music related licenses

Entirely separate to the Premises License are the Performing Rights Society and Phonographic Performance Ltd.

The Performing Right Society Limited (PRS), a non-profit association founded in 1914, represents writers (composers of music and authors of words) and publishers of music. PRS administers certain rights granted to them under the Copyright, Designs and Patents Act, 1988, as amended, which superseded the Copyright Act 1956 (previously the Copyright Act 1911).

PRS's principal activity is the collection of royalties for its license to authorize the public performance, broadcasting and cabling of its members' copyright musical works. Here we are concerned only with the public performance aspect (including the public reception of radio broadcasts or television transmissions).

Phonographic Performance Ltd (PPL) issue licenses and collect the royalties due under copyright law when sound recordings are used in public on behalf of the companies producing the records, tapes or CDs. No license is needed and no royalties are payable when the public performance is beneficial to, or part of, the activities of an organisation whose main objects are charitable.

## FAQs

### How long does a Premises License last?

A Premises License will last indefinitely until it is revoked and so does not need to be renewed annually.

### Who can apply for a TEN?

Anybody can apply for a TEN and so it is important for the management committee to keep track of how many events have required them, so as not to run out. It is recommended to use a hiring agreement between the management committee and the hirer which includes notification of whether an additional license is required.

### How much does a Premises License cost?

There is no cost for a Premises License without alcohol.

An application for a new Premises License with alcohol or a variation to an existing license with alcohol will cost £100 for properties with a non-domestic ratable value of up to £4,300 (most if not all community halls). There is then an annual fee of £70 per year.

## Can we charge an admission fee which includes a free glass of wine?

There is no such thing as a FREE glass of wine! If a condition of receiving the “free” glass of wine is to pay an admission fee or some other financial transaction, then a License will be required for this activity. However, the provision of bottles of alcohol as prizes in raffles and tombolas are exempt from the need for a licence if tickets are sold at the event at which the draw takes place.

## How much does a PRS license cost?

Under the standard rate CB Tariff the cost is 1% of the organisation’s annual income per year. PRS has a definition of what to include when calculating the income. The standard rate CB tariff of 1% is not applicable where the income is calculated to be in excess of £50,000.

## Further information

### Licensing Officers

Contact the Licensing Officer at your District Council.

### ACRE information sheets (available from CRCC):

- 9. The Village Hall and its Premises License (£3)
- 10. Alcohol in Village Halls (£3)
- 12. Phonographic Performance Ltd - Licensing Sound Recordings used in Public (£2)
- 13. Performing Right Society Licenses and Tariff for Community Buildings (£2)

### Department for Culture, Media and Sport (DCMS)

Tel 020 7211 6200  
[www.culture.gov.uk](http://www.culture.gov.uk)

### Licensing Act 2003

[www.opsi.gov.uk/acts/acts2003/ukpga\\_20030017\\_en\\_1](http://www.opsi.gov.uk/acts/acts2003/ukpga_20030017_en_1)

### Performing Right Society Limited (PRS)

[www.prs.co.uk](http://www.prs.co.uk)  
Tel: 0800 068 48 28

### Phonographic Performance Ltd (PPL)

[www.ppluk.com](http://www.ppluk.com) Tel: 020 7534 1000

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Cornwall Rural Community Council

*Konsel Kemmynieth a'n Pow Kernow*



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**[www.cornwallrcc.co.uk/community\\_buildings.html](http://www.cornwallrcc.co.uk/community_buildings.html)**

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