

Toolkit:

Event licensing - a broad outline

Description

Under the Licensing Act 2003 (England) some activities you want to host at your park event may now be subject to licensing regulations. This toolkit aims to give an overview of which activities require a license and which are exempt.

We recommend however that you contact your licensing team within your local authority, at an early stage of your planning with your activity outline. This is because, from our experience, local authorities are reading the new laws differently across England. For Scotland, the law is comparable, although in all cases your licensing officer will be able to advise you on what licenses your specific event will require.

From the outset of your event, you should ensure your local authority have agreed that their Public Liability Insurance for the site covers your planned activities. If not you will need to investigate and acquire your own coverage up to a minimum of £5million. Companies such as BTCV and Zurich offer good packages for community group activities.

Overview

What activities are deemed licensable under the law?

- Sale by retail of alcohol
- Supply of alcohol to a member of a club
- Provision of regulated entertainment
- Provision of late night refreshment

Why do we need licenses for these activities?

- Prevention of crime & disorder
- Public safety
- Prevention of public nuisance
- Protection of children from harm

What does 'regulated entertainment' mean?

'when the entertainment takes place in the presence of an audience for the purpose of entertaining that audience'

This is any of the following eight activities. There needs to be an audience to require a license:

- a performance of a play
- an exhibition of a film
- an indoor sporting event
- a boxing or wrestling entertainment
- live music
- any playing of recorded music
- performance of dance
- Similar entertainment to live music, recorded music or performance of dance (including karaoke)

Are there any exemptions from 'regulated entertainment'?

There are several exemptions under the law. This is one area where different local authorities view the law either liberally or strictly. Check with your local requirements during your planning process.

The key exemptions are:

- Film showings for purpose of
 - Advertising
 - Information
 - Education
- Museums and art galleries
- Any entertainment in a church
- Private parties (wedding receptions etc.)
- Garden fetes
- Incidental music
- Morris Dancers
- Vehicles in motion (carnival floats)

Many local authorities view small scale park events as garden fetes, so avoid the need for a license. Incidental music is generally viewed as music performed or played on site, but is not a main attraction drawing people to the event.

Generally groups hosting licensable activities will need to get either a Premises Licence or a Temporary Events Notice (TEN).

These are classified as follows:

Premises Licence

This allows licensable activities to take place on a specific site. Some local authorities that have regular events in their parks may have Premises Licences for their main parks. Check with your local authority, as it could save you money and effort.

Licensable activities for PL remain as:

- Sale of alcohol
- Supply of alcohol by a club
- Regulated entertainment
- Late night hot food (from 11pm – 5am)

Temporary Events Notice (TEN)

This is a Notice to the local authority and the Police that you plan to have an event, rather than a request. Generally only the Police will object to a TEN on the grounds of crime and/or disorder. Ten working days notice is required by the council and police.

- Authorises the holder to use a premises for a licensable activity for a period not exceeding 96 hours.
- Up to a maximum of 499 persons engaged in licensable activity at one time
- No premises may have more than 12 temporary events notices per year
- Most individuals can have a maximum of 5 notices per year. An individual with a Personal License (ie a Landlord) can have a maximum of 50 TENS a year.
- A minimum of 24 hours between events.
- A maximum aggregate duration of 15 days per year.

Lotteries and Raffles under the Gambling Act 2005

From the 1st September 2007 the Gambling Act replaced the provisions of the Lotteries and Amusements Act 1976.

Raffles

Raffles where tickets are brought and sold on the day or night while an event is taking place and proceeds go to charity are exempt.

Do I need a license to give alcohol as a lottery prize?

Not if the following conditions are met:

- The lottery is an incident of exempt entertainment
- No private gain
- Alcohol must be in a sealed container
- No prize in lottery must be money
- Tickets must be sold at the event
- Lottery must not be main inducement to attend

Don't forget

To contact your local Licensing Team with your event plans at an early stage. They will be able to tell you what documentation you will need and what, is any restrictions they feel are necessary, regarding crowd control etc.

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