

Reply to **Licensing Department**
Tel 020 8921 8018
Fax 020 8921 8380



Licensing Department
Community Safety & Environment
Floor 4, The Woolwich Centre
35 Wellington Street
London SE18 6HQ
www.royalgreenwich.gov.uk

A GUIDE TO THE LICENSING ACT 2003

What do I need a licence for?

You need to obtain a licence for the following activities:

- To sell alcohol by retail;
- If you are a qualifying club, to supply alcohol to a club member, or to sell alcohol to a guest of a club member;
- To provide regulated entertainment;
- To sell late night refreshment - selling hot food or hot drink between 11.00pm and the following 5.00am for consumption on or off the premises, unless you are a hotel, staff canteen or campsite.

Are there exemptions for the requirement to obtain consent for late night refreshment?

The following are exempt from requiring a Premises Licences for the provision of late night refreshment:

- Alcoholic hot drinks or hot drinks containing alcohol (although consent to sell alcohol will still be required).
- Hot drinks distributed by a machine that is operated solely by the customer.
- Hot food or hot drink supplied free of charge, where there is also no charge for admission to any premises, or for some other item to obtain the hot food or hot drink.
- Hot food or hot drink supplied by a registered charity or by a person authorised by a registered charity (i.e. a charity which is registered under the Charities Act 1993 or a charity not required by the Charities Act 1993 to be registered).
- Hot food or hot drink supplied on a vehicle, which is not permanently or temporarily parked at the time.
- Hot food or hot drink supplied to members and guests of recognized clubs that hold a Club Certificate.
- Hot food or hot drink supplied to hotel and bed and breakfast guests.
- Refreshments in staff canteens where the staff are required to work between 11.00pm and 5.00am.

What is regulated entertainment?

Subject to the exemptions listed, entertainment activities are considered to be “regulated entertainment” where they take place in the presence of a public audience, or where that activity takes place in private, is subject to a charge made with a view to profit. Below is a list of entertainment activities which would be considered to be regulated entertainment:

1. Plays; and
2. Performance of Dance
 - **But only where -**
 - The entertainment is provided to an audience of more than 500 people; or
 - The entertainment is provided between 23:00 hours and 08:00 hours; or

- For dancing, a live performance or live display of nudity that, ignoring financial gain, can be assumed to be provided solely or principally for the purpose of sexually stimulating any member of the audience (e.g. table dancing, lap dancing, strip tease, etc). *NB: Such entertainment is likely to be “relevant entertainment” under the provisions of the Local Government (Miscellaneous Provisions) Act 1982 and require further authorisation under that Act.*
3. Live Music; and
 4. Recorded Music
 - **But only where -**
 - If the music is amplified, it is provided to an audience of over 500 persons; or
 - The music is provided between 23:00 hours and 08:00 hours.
 5. Indoor Sporting Events
 - **But only where -**
 - The sporting event is provided to more than 1000 spectators; or
 - The sporting event takes place between 23:00 hours and 08:00 hours;
 - The sporting event is not boxing, wrestling, or a mixed martial art.
 6. Boxing & Wrestling (including Mixed Martial Arts)
 7. Film Exhibitions.

It remains the right of Royal Greenwich Licensing to impose music conditions following the formal review of a licence attached to a venue where music is performed. Existing conditions on a current licence pertaining to live or recorded music are deregulated, but can be re-imposed for the purposes of making them enforceable if a review should determine this appropriate.

Are there any other exemptions?

The Live Music Act 2012, Legislative Reform (Entertainment Licensing) Order 2014, and the Deregulation Act 2015, introduced many exemptions as to what constitutes regulated entertainment. As such, the following activities do not require a licence:

- **Plays and Dance**
 - Performances held between 08:00 hours and 23:00 hours, where the audience is no larger than 500 people;
 - Rehearsals of a performance to a private audience where no charge is made with a view to making a profit;
 - Morris dancing.
- **Live and Recorded Music**
 - Live or Recorded Music taking place between 08:00 hours and 23:00 hours on premises licenced and open for the sale of alcohol;
 - A performance of amplified live music between 08:00 hours and 23:00 hours in a workplace that is not licensed to sell alcohol on those premises, provided that the audience does not exceed 500;
 - Unamplified live music taking place between 08:00 hours and 23:00 hours at any location. No audience limit;
 - The demonstration of a product, for example an electric guitar or keyboard in a music shop;
 - Rehearsals of a music performance to a private audience where no charge is made with a view to making a profit;
 - Radio broadcasts, providing they are played “live” and are not pre-recorded.

- **Boxing & Wrestling (including Mixed Martial Arts); and Indoor Sporting Events**
 - A contest, exhibition or display of Greco-Roman wrestling, or freestyle wrestling between 08.00 and 23.00 on any day, provided to an audience not exceeding 1000.
 - Games played in pubs, youth clubs, etc (e.g. pool, darts, and table tennis);
- **Films**
 - Film that are exhibited on a 'not-for-profit' basis, held in a community premises between 08:00 hours and 23:00 hours on any day, to an audience not exceeding 500 people. Each such screening must abide by the age classification rating;
 - Films for advertisement, information, education or in museums or art galleries;
 - TV broadcasts, providing they are shown "live" and are not pre-recorded;
- **Local Authority, Hospitals, and Schools ("Trusted Providers")**
 - Any entertainment taking place between 08:00 hours and 23:00 hours on the premises of the local authority, a hospital, or school where the entertainment is provided by or on behalf of that trusted provider is exempt;
 - Third party music entertainment taking place between 08:00 hours and 23:00 hours on the local authority, hospital or school, where written consent is provided, and the audience is no larger than 500 people.
- **Churches, and Community Premises**
 - Any entertainment taking place at a place of public worship;
 - Any entertainment for the purposes or incidental to a religious meeting or service;
 - Live and Recorded Music taking place between 08:00 hours and 23:00 hours at "Community Premises" (village halls, community halls, church halls, etc) where the audience in no more than 500 people.
- **Travelling Circuses**
 - Live and recorded music, plays, dance and indoor sport taking place at a travelling circus is exempt, provided that it (a) takes place between 08:00 hours and 23:00 hours; (b) takes place within a moveable structure that accommodates the audience; and (c) that the travelling circus has not been located on the same site for more than 28 consecutive days. There is no audience limit.
- **Garden Fêtes**
 - Any entertainment held at a garden fête, or event of a similar character provided the event is not promoted with a view to applying the whole or part of its proceeds for purposes of private gain.
- **Miscellaneous Exemptions**
 - Entertainment provided in a moving vehicle;
 - Incidental entertainment.

What does "incidental entertainment" mean?

Consent for regulated entertainment is not needed when the entertainment is provided for background entertainment or is incidental to some other activity that is not itself a licensable activity. This is sometimes a difficult area and if you are unsure you should contact us for advice. Examples of "incidental" entertainment are:

- a supermarket playing background music (people go there to shop - the music is not an influencing factor);
- music during keep fit classes (people are there to exercise);
- salsa dance classes (people are there to learn to dance);

- a pub jukebox playing in the background (people are there to drink – the music is incidental).

So what happens with my application and how do I fill the form in?

See the separate sheet for full details of the application process.

What about one off events and special occasions?

If you are holding a licensable activity that falls in to one of the following categories:

- Less than 500 people attending;
- Lasting for not more than seven days (168 hours), with a break of at least 24 hours thereafter;

you can hold your event by submitting a Temporary Event Notice (TEN) to us.

This notice allows you to hold licensable activities, including late night refreshment, on premises that are not currently licensed, or to hold activities your existing licence does not permit, or an extension of activities that your existing licence does permit (for instance, where later than usual hours are required for a one-off function). This would allow you to occasionally open later than normal, or occasionally sell alcohol, for example.

Usually, a TEN must be lodged no later than ten working days prior to the event taking place (not including the date of lodging, the date of the event, intervening weekends, and any intervening bank holiday). However, a facility for lodging a 'Late TEN' exists, which must be lodged no later than five working days prior in circumstances where the ten-day deadline has been inadvertently missed. The same application form exists for both, although it is completed slightly differently when the TEN is lodged late.

We will consult the Police and Environmental Health on your application. They can object in line with the four licensing objectives: Prevention of Crime & Disorder, Prevention of Public Nuisance, Public Safety, and the Protection of Children from Harm. If they do object, we will hold a public hearing in front of our Licensing Sub-Committee to determine your application (unless all parties can agree a hearing is unnecessary). The Committee will listen to evidence from both sides before deciding whether the event can go ahead. However, Government guidance requires that we refuse permission for the event in these circumstances unless there are exceptional reasons not to.

If a TEN is granted to enable new activities, or an extension of existing activities, at a premises where a licence is already in place, it would be possible for conditions that already exist on that licence to be attached to the TEN as well, in order to address any or all of the four licensing objectives.

Further, it is important to know that in the event of a 'Late TEN', the application will be deemed refused immediately on receipt of an objection, given the reduced timescale renders it impossible to put the matter before our Sub-Committee in time.

Are there any restrictions on TEN's?

- You can only have up to 50 TEN's a year if you are a Personal Licence Holder (see section below on Personal Licences) – of those 50, ten can be late;
- You can have only have up to five TEN's a year if you are not a Personal Licence Holder – of those five, two can be late;
- You must be aged 18 or over;

- Restrictions apply where the applicant is an “associated person” of someone who has already given a TEN, including spouses, close relations, agents and employees, and their spouses. The word “spouse” also includes someone living with the notice giver;
- You can only have a maximum of 12 TEN’s a year for any particular premises, subject to an overall limit of no more than 21 aggregate days in total (where the TEN lasts for more than one day).

If your event/activity falls outside these restrictions, you will require a full Premises Licence.

If the number of TEN’s you seek in a year exceeds the limits above, the local authority must serve a counter notice prohibiting the event from going ahead. This must be served at least 24 hours before the event.

What is a Personal Licence?

Alcohol sales can only be made by, or under the authority of, a Personal Licence Holder. Not everyone who affects a sale has to hold a Personal Licence, so long as a Personal Licence Holder has authorised the sale. This does not apply to Qualifying Clubs or premises operating under a Temporary Event Notice.

You must apply for your Personal Licence to the local authority in whose district you live.

You can have as many Personal Licence Holders on the premises as you wish, but there can be only one Designated Premises Supervisor (see below). You can also choose to become a Personal Licence Holder if you wish to apply for more than five TEN’s a year, but otherwise you would not require one.

Additionally, all premises operating under a Premises Licence to sell or supply alcohol must appoint a Designated Premises Supervisor (DPS) for the premises. The DPS will be held as the person in overall charge of the premises. You should therefore choose this person with care.

You have to nominate the DPS on your Premises Licence application form. This person does not have to be on the premises at all times, but they must take responsibility for what happens there. This means the DPS should ensure any staff they appoint are appropriately trained in the requirements of the Licensing Act 2003 and are aware of any specific conditions attached to the Premises Licence. A person cannot become a DPS unless they are also a Personal Licence Holder.

This leaflet has been made as comprehensive as possible. However, in attempting to simplify the law, certain requirements have been omitted. Full details of what you must do are in the legislation itself.

Laws can and do change. This information was accurate when produced, but may have changed since. We must advise that only the Courts can give an authoritative opinion on statute law.

This information is available in alternative formats such as large print, Braille or on audio cassette if required. Please contact us should you require any further information or assistance.

Revised w.e.f. April 2015.