

LICENSING ACT 2003

GUIDANCE NOTES

GUIDANCE FOR COMMUNITY HALLS

Guidance for Community Halls

If Community Hall Committees wish to make the premises available for the sale or supply of alcohol or the provision of regulated entertainment as defined under the Licensing Act 2003 they will need to ensure it is correctly licensed under the new regime.

Choices for Community Halls

Community Hall Committees need to look at the events and facilities that they wish to offer and decide what type of licence they will need to apply for. The options include:

- New Premises licence
- Temporary Event Notices (TENS)

These options are explained below in more detail.

New Premises licence

If in the past a Community Hall has held no licences or has only utilised occasional licences or permissions to hold functions then the Community Hall Committee will need to decide whether or not to apply for a new Premises Licence or TEN(S) (see below).

For a new Premises Licence they will need to submit an application to the Council together with an Operating Schedule (see below). The application will have to be advertised and responsible authorities and interested parties will be able to make representations regarding the application. If there are no representations the licence will be granted, otherwise the application will go before a Licensing Sub Committee for a hearing and a decision.

If alcohol is to be sold then a Designated Premises Supervisor, who must also be a Personal Licence holder, must be named on the licence.

Temporary Event Notice(s) (TENS)

If a Community 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. Anyone aged 18 or over who is not a Personal Licence holder can apply for a maximum of five TENS per year. Personal Licence holders can apply for up to 50 TENS per year. However,

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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. No more than 12 TENS can be given in respect of any particular premises in any calendar year and this is also subject to a maximum aggregate duration of 15 days at any individual premises.

Provided that the criteria set out above are met, only the Police may intervene to prevent an event or agree a modification of the arrangements for such an event covered by a TEN. (N.B. This is only in regard to the provisions of the Licensing Act 2003. It does NOT prevent other responsible authorities exercising their powers under other legislation. E.g. The Council's Environmental Protection Team can still exercise their powers under the Environmental Protection Act 1990 and serve an abatement notice to prohibit a statutory noise nuisance and seize noise making equipment, if necessary etc.) The Police may only object to a TEN on crime prevention grounds. If the Police make an objection then the Council will issue a counter notice to the event organiser at least 24hrs before the commencement of the event.

What is an Operating Schedule?

An operating schedule is a document that includes 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.
- 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.
- The steps which it is proposed to take to promote the licensing objectives which are:
 - (a) The Prevention of Crime and Disorder**
 - (b) The Protection of Public Safety**
 - (c) The Prevention of Public Nuisance**
 - (d) The Protection of Children from Harm**

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Fees

There may be an exemption from the payment of fees in relation to the provision of regulated entertainment at Community Halls, Parish or Community Halls or other premises of a similar nature. If, however, the licence also authorises the use of the premises for the sale or supply of alcohol or the provision of late night refreshment, a fee will be required for those activities. This fee will be dependent on the non-domestic rateable value of the premises.

For further details refer to Haringey Council's leaflet ***Fees Guidance***
Will a Charity Event providing entertainment require a licence?

If regulated entertainment is provided for the public in a Community Hall, Scout / Guide Hall or similar, or if a charge is made for a private event with a view to making a profit, including for a charity, then the provision of regulated entertainment at such premises would require a Premises Licence or TEN.

If the general public is not invited and a charge is made for a private event (like family and friends) just to cover costs – and not to make a profit - then this will not be the provision of regulated entertainment and a licence will not be required. Similarly, if anyone invited to a private performance was not charged for attending the event but was free to make a voluntary donation to a charity at their own choice, no licence will be necessary. However, if the performance is to any extent open to the public (whether the public are charged or not) a licence will be required.

Disclaimer and Contact Information

Please note that the advice in this document should not be regarded as a definitive statement of the law.

Haringey Council will endeavour to keep you up to date with the advice coming from the Government and the Council's website; www.haringey.gov.uk will be updated regularly.

If you have inquiries, please do not hesitate to contact us during our normal office hours.

Contacts

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