



## **What is the purpose of the Licensing Act 2003?**

The main aim of the Act is to modernise the legislation governing the sale and supply of alcohol and control of public entertainment. Responsibility for licensing personnel and premises will transfer from magistrates and become the sole responsibility of District, Borough and Unitary Authorities in England and Wales.

## **Who is taking the lead on the Licensing Act 2003?**

The Department for Culture, Media and Sport (DCMS).

The Department's Secretary of State is Rt Hon Tessa Jowell MP and the Minister responsible for the Act is Rt Hon Richard Caborn MP. Andrew Cunningham is the lead civil servant as Head of Alcohol and Entertainment Licensing Policy Branch. Rt Hon the Lord (Andrew) McIntosh of Haringey is responsible for the Act in the House of Lords.

## **What are the key measures contained in the Act?**

Key measures contained in the Act include:

- Flexible opening hours for premises, with the potential for up to 24 hour opening, seven days a week, subject to consideration of the impact on local residents, businesses and the expert opinion of a range of authorities in relation to the licensing objectives. This will help to minimise public disorder resulting from fixed closing times;
- A single premises licence which can permit premises to be used to supply alcohol, to provide regulated entertainment and to provide refreshment late at night. This will bring together the six existing licensing regimes (alcohol, public entertainment, cinemas, theatres, late night refreshment house and night cafes) thereby cutting down on red tape;
- A new system of personal licences relating to the supply of alcohol which will enable holders to move more freely between premises where a premises licence is in force;
- Premises licences to be issued by licensing authorities after notification to and scrutiny of all applications by the police and other responsible authorities. Those living in and businesses operating in the vicinity of the premises will also be able to make representations on applications;
- Personal licences to be issued by licensing authorities after scrutiny by the police where the applicant has been convicted of certain offences.

## **When will the new licensing regime start?**

Royal assent was granted in July 2003. The first appointed day is to be 7 February 2005. This is the date by which the Council's Licensing Policy must be in place and will be the beginning of the Act's transitional period when applications for conversions to new licences can be made.

## **What are the aims of the new licensing regime?**

The four licensing objectives that local authorities are under a duty to promote are:

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

## **How often does a licensing policy need to be published?**

The policy is a live document and can be reviewed at any time; however it will need to be officially reviewed every three years.

The first policy must be published before the first appointed day allowing the local authority to carry out its functions in respect of applications made under the terms of the new Act.

## **Does the Licensing Act 2003 apply to the whole of the UK?**

No, the Act is applicable to England and Wales only.

## **Where can I get a copy of the Guidance for the Licensing Act 2003?**

You can download a copy from the Department for Culture, Media and Sport website at:

<http://www.culture.gov.uk>

## Where can I get a copy of the Licensing Act 2003?

The Act and explanatory notes can be viewed at:

Licensing Act 2003 - [www.hmso.gov.uk/acts/acts2003/20030017.htm](http://www.hmso.gov.uk/acts/acts2003/20030017.htm)

Explanatory Notes - <http://www.hmso.gov.uk/acts/en2003/2003en17.htm>

## Who are classed as 'interested parties'?

In relation to representations about licence applications, 'interested parties' includes:

- The Chief of Police for the area.
- The Fire Authority.
- Any person living in the vicinity of the premises and/or anybody representing such persons.
- Any person involved in a business in the vicinity and/or a body representing such persons.
- Any persons/bodies representative of local holders of club premises certificates.

## I am a local resident, how are my views taken into consideration in the Licensing Act 2003?

The protection of local residents is given a central place in the Licensing Act.

When an application is made for a new licence, or a major variation of an existing licence, 'interested parties' are free to raise relevant and reasonable representations about the proposals. They may also apply to the Licensing Authority for a review of a Premises Licence at any time. However, a Licensing Authority can reject such applications if they are not relevant to at least one of the licensing objectives, or if they are frivolous, vexatious, or repetitious.

Local residents may make their views heard directly, or through a body representing persons living in the vicinity, such as a residents' association. When a licence comes up for renewal, the Act anticipates that the views of local residents will be important in establishing any history of problems. This will assist in the formation of new conditions.

## What is Regulated Entertainment?

Subject to qualifying conditions, and exemptions, the Act includes within the definition of regulated entertainment:

- A performance of a play
- An exhibition of a film
- An indoor sporting event
- A boxing or wrestling entertainment (indoors or outdoors)
- A performance of live music
- Any playing of recorded music
- A performance of a dance

Furthermore, to be "regulated entertainment" the entertainment must take place in the presence of an audience and be provided for the purpose of, or for purposes, which include, entertaining that audience.

Entertainment facilities are facilities for enabling people to take part in entertainment for the purpose of being entertained or for purposes, which include the purpose, of being entertained.

This applies only to:

- making music;
- dancing; and
- entertainment of a similar description to making music or dancing.

"Entertainment facilities" are, for example, a dance floor provided for customers to use, whereas "entertainment" might involve a performance of dance provided for an audience.

## How do I obtain a licence to provide entertainment?

Unless temporary entertainment is being provided (see information on permitted temporary activities) or the entertainment or location is exempt under the Licensing Act, it will be necessary to apply for a premises licence or club premises certificate from the relevant licensing authority.

In order to apply for a premises licence, or club premises certificate an application must be completed and be accompanied by, an operating schedule, a plan of the premises and, if the application is for a premises licence which includes authorisation for the supply of alcohol, a form of consent given by the individual whom the applicant wishes to have specified in the premises licence as the premises supervisor.

The applicant will be required to advertise his application and notify it to specified, expert bodies. There will also be a fee.

Regulations will prescribe the correct forms, procedures, fee levels and time limits in relation to these requirements.

### **What is an operating schedule?**

An operating schedule is a document which is in prescribed form and includes a statement of the following matters:

- (a) the relevant licensable activities;
- (b) the times during which it is proposed that the relevant licensable activities are to take place;
- (c) any other times during which it is proposed that the premises are to be open to the public;
- (d) where the applicant wishes the licence to have effect for a limited period, that period;
- (e) where the relevant licensable activities include the supply of alcohol prescribed information in respect of the individual whom the applicant wishes to have specified in the premises licence as the premises supervisor;
- (f) 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;
- (g) the steps which it is proposed to take to promote the licensing objectives; and
- (h) such other matters as may be prescribed.

For clubs applying for a club premises certificate a similar document, known as a club-operating schedule is prepared.

### **Are there any exemptions from the requirement of a premises licence when providing entertainment?**

Yes. But note that if alcohol is to be supplied, or late night refreshment provided, a licence will be required for those activities. The main exemptions for the provision of entertainment and entertainment facilities from the requirement for a licence under the Licensing Act are as follows:

- for the purposes of or purposes incidental to religious services or meetings or at places of public religious worship;
- morris dancing or any dancing of a similar nature, or a performance of unamplified live music as an integral part of such dancing;
- incidental music - the performance of live music or the playing of recorded music if it is incidental to some other activity which is not itself regulated entertainment;
- garden fetes - or functions or events of a similar nature if not being promoted or held for purposes of private gain; .

- film exhibitions for the purposes of advertisement, information, education, etc. - if the sole or main purpose of the exhibition of a film is (a) to demonstrate any product; (b) advertise any goods or services, or (c) provide information, education or instruction.
- film exhibitions: museums and art galleries - where an entertainment consisting of the exhibition of a film, is, or forms part of, an exhibit put on show for any purposes of a museum or art gallery;
- use of television or radio receivers - where entertainment consists of the simultaneous reception and playing of a programme included in a programme service within the meaning of the Broadcasting Act 1990 (however, showing pre-recorded entertainment would require a licence);
- vehicles in motion - Le. where the provision of entertainment or entertainment facilities take place (a) on premises consisting of or forming part of a vehicle, and (b) at a time when the vehicle is not permanently or temporarily parked.

### **Will church halls, chapel halls, or similar buildings also be exempt from the requirement for a licence?**

The use of church halls, chapel halls or other premises of a similar nature will require a licence for the provision of regulated entertainment (unless they come within one of the exemptions listed above) but there will be an exemption from having to pay the fee associated with that provision. If, however, the licence also authorises the use of the premises for the supply of alcohol or the provision of late night refreshment, a fee will be required for those activities.

### **Will a village hall require a licence for regulated entertainment?**

Currently, a licence is required for the provision of public entertainment at such premises and this remains the position in respect of the provision of regulated entertainment under the Licensing Act. However, as with church halls, there will be an exemption from the payment of fees in relation to the provision of regulated entertainment at village 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 supply of alcohol or the provision of late night refreshment, a fee will be required for those activities.

### **What are licensable activities under the Licensing Act 2003?**

Part I, Section 1 of the Licensing Act states that licensable activities and club activities are:

#### **Licensable Activities**

- The sale of alcohol by retail.

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

### **Club Activities**

- The sale of alcohol by or on behalf of a club to, or to the order of, a member of the club.
- The sale by retail of alcohol by or on behalf of a club to a guest of a member of the club for consumption on the premises where the sale takes place.
- The provision of regulated entertainment where that provision is by or on behalf of a club, for members of the club and their guest(s).

### **Do I need a licence under the Licensing Act 2003?**

Licensable activities may only be carried on under, and in accordance with, a premises licence, temporary event notice or club premises certificate. If you intend to carry on any of the licensable activities and unless your activity is covered by one of the exemptions in the Act, you will need one of these three authorisations.

### **How are license applications made with regards to the Licensing Act 2003?**

During the transition period there will be three key types of applications which need to be made to licensing authorities:

- **Conversion applications:** These are applications made within the first 6 months of the transition period whereby there will be a presumption that existing licensed premises will be granted a new "Premises Licence" unless there are any police objections on grounds of crime prevention.
- **Variation applications during transition:** These are applications made within the first 6 months of the transition period where a 'conversion' application has already been granted and the applicant wishes to vary a part of his/her current licence permissions. For example, he/she may wish to extend their hours.
- **New applications:** These are applications made by persons who either do not hold a licence at the start of the transition period, or have missed the conversion / variation deadlines for applications during transition, but wish to have a licence effective from the end of the transition period.

Following the end of transition, all licence applications will be 'new applications' and subsequent 'variations'

### **Will current opening hours change?**

Yes. But the Act does not mean that all premises will automatically do so. For further information see paragraphs 6.1 – 6.12 and Section 6 of the draft Guidance at: [www.culture.gov.uk](http://www.culture.gov.uk)

### **Does the Act mean 24 hour opening for licensed premises?**

Not necessarily. The government are not promoting 24 hour drinking. The Act will lead to flexible, rather than uniform, closing times and allow for the possibility of premises to remain open for up to 24 hours. The actual hours of operation will vary from venue to venue depending on the operator's wishes and the consideration of the views of people affected, for example, local residents and businesses. Alongside their application for a premises licence, applicants will be required to submit an operating schedule to the licensing authority, which will include the proposed hours of operation. If no relevant representations are made in relation to the application, the licensing authority must grant the application.

In practice this will mean that, unless relevant representations are made, the operating hours included in the licence will be those requested by the applicant. If, on the other hand, relevant representations are made, the licensing authority has discretion on the matter. In determining what opening hours to include in the premises licence, the licensing authority will take into account the relevant representations and will reach its decision on what is necessary with a view to promoting the licensing objectives.

Recent surveys indicate that fewer than 2% of licensed premises are likely to seek 24 hour opening. But many will want to open later than they do at present, particularly at popular times like weekends.

### **Will pubs/bars be able to sell alcohol 24 hours a day when the Licensing Act 2003 comes into effect?**

When current justices' licences are converted to Premises Licences, holders will have the *option* to apply for a variation in their opening hours.

Similarly, new establishments that apply for a Premises Licence for the first time will be able to request longer opening hours than the current regime allows. (On licences currently allow alcohol to be sold from 11:00am - 11pm Monday to Saturday, and 12noon – 10:30pm on Sundays). Decisions relating to the times, at which alcohol can be sold, as with any other conditions relating to a licence, will be made by the Licensing

Authority

### **Won't longer opening hours for pubs and clubs lead to more disorder and disturbance to people who live nearby?**

In the context of premises selling alcohol, research shows that crime and disorder is worst at 'chucking out time' when, following a race to drink in excess just prior to last orders, everyone is forced out of pubs and clubs at the same time. This produces conflict and heavy pressure on police resources to keep control. The Government believes that flexible opening hours would mean a more dispersed departure of drinkers during the night, thereby reducing this problem and making life more manageable for the police and local residents. The Act will also give local communities a voice in licensing applications and will provide a more effective range of remedies which can be taken against badly run premises.

### **Won't the Act kill live traditional music in small venues?**

The current law has hindered the development of live music because a public entertainment licence in some local authority areas can be very expensive. The new system will remove that current disincentive. For example, a small pub that wants to put on live music can obtain at the same time a single premises licence permitting the sale of alcohol and the provision of live music for the same cost as a licence solely permitting the sale of alcohol. It is therefore expected that more venues will take advantage of these changes.

### **I am planning on constructing/extending/substantially changing my premises in the future. How does the Licensing Act 2003 provide for this?**

The Act acknowledges that where premises are being constructed, extended, or substantially changed structurally; investors may require an assurance that a premises licence will be granted once the work had been completed. In these circumstances a 'Provisional Statement' should be sought.

### **What is a personal licence?**

This is a portable licence granted by the local (licensing) authority of residence to an individual enabling the right to sell or authorise the sale or supply of alcohol at any premise licensed for the sale of alcohol.

## **How do I qualify for a personal licence?**

To qualify for a personal licence the applicant must fulfil certain criteria. These are set out in the Act. The licensing authority must grant the licence if it appears that:

- the applicant is aged 18 or over;
- no personal licence held by him has been forfeited within the period of five years before making the application;
- he possesses an accredited licensing qualification, or is a person of prescribed description; and
- he has not been convicted of any relevant or foreign offence.

If the applicant fulfils all these criteria, the licence will be granted. If any of the first three criteria are not met, the licensing authority must reject the application. The licensing authority must notify the chief officer of police for its area if it appears that an applicant has been convicted of any relevant or foreign offence, as set out above.

The Secretary of State will accredit licensing qualifications and the bodies who will be able to award these. Details of the qualifications and accredited bodies may be viewed on the DCMS website in due course.

## **What is the application process for a personal licence?**

The applicant must submit an application form to the relevant licensing authority as provided for in Part 6 of the Act. The form will require certain details of the applicant to be provided, and applicants will be required to provide additional information and documents such as photographs as well as the fee for the application. They will be asked for details of any relevant or foreign offences for which they have been convicted. The licensing authority will then process the application. Regulations will prescribe the forms and accompanying information or documents to be provided as well as the amount of the fee. These may be viewed on the DCMS website once they have been made.

If it appears there are convictions for any relevant or foreign offences, the licensing authority will give a notice to the chief officer of police for the area. If the police make no objections within a 14 day period, the licence must be granted.

## **How long is a personal licence valid?**

10 years. Then, as the Act currently stands, the licence holder will need to reapply to the authority, which originally issued the licence irrespective of where they then live.

## **Are there any qualification requirements for personal licences?**

Yes, the applicant must be 18 yrs or over. They will be required to pay an approved fee

and there will be a requirement for new personal licence holders to take a qualification approved by the Secretary of State. This will not apply to licences issued under 'grandfather rights' i.e. the holders of current Justices Licences.

The syllabus is available on the DCMS' website via the link below.

[http://www.culture.gov.uk/global/press\\_notices/archive\\_2003/dcms91\\_2003.htm](http://www.culture.gov.uk/global/press_notices/archive_2003/dcms91_2003.htm)

### **Are there any restrictions on applicants for personal licences?**

Persons who have been convicted of relevant offences (listed in schedule 4 of the Act) or equivalent foreign offence will normally be refused a personal licence. Also the applicant must not have forfeited a personal licence within 5 years of the application.

### **How can I either vary an existing licence, or apply for a new licence which is to be effective before the end of the transition period?**

You must apply to either the Magistrates' Court (with regard to liquor licences) or to their local authority (with regard to public entertainment licences), as these licensing systems continue to run in parallel with the provisions of the Licensing Act 2003, until the '2nd appointed day'.

The date of the '2nd appointed day' has yet to be decided; indications are that it will be in November 2005

### **How will the Licensing Act 2003 provide for occasional or one-off events?**

Under the current regime such events require an 'Occasional Licence'. The Act favours 'light touch bureaucracy' in these situations, and introduces a system of Temporary Event Notices.

### **What is a temporary event notice (TEN)?**

Temporary events notices (TEN's) replace the occasional licence. It is a license enabling the temporary sale of alcohol or the provision of regulated entertainment or late night refreshment at premises not authorised by a premises licence or club premises certificate.

No permission is required from the licensing authority for these events, however

notification of such an event must be given to the local licensing authority at least 10 working days before the event. See Part 5 of the Act.

### **What are the limitations on temporary event notices?**

A personal licence holder can only apply 50 times in a year. Other persons over 18yrs of age may apply only 5 times in a year.

The premises user must serve a notice on the licensing authority and the police at least 10 days working before the proposed date of the event.

There can be no more than 500 persons at any one time and the event must not exceed 96 hours duration with a maximum aggregate duration of the periods at any individual premises being 15 days.

There must be at least 24 hours between each event and only 12 temporary event notices can be given in respect to a particular premise in one calendar year.

### **Can I use a TEN in respect of premises that already hold a premises licence?**

Yes. If you wish for example to use your pub for an event involving the provision of regulated entertainment, e.g. for a wedding, where your premises licence does not authorise such a provision of regulated entertainment, it may be authorised by a TEN. However do not forget that the limits in relation to permitted temporary activities will apply.

### **Can a TEN be given in respect of an outdoor event?**

Yes. A TEN can be given in respect of both indoor and outdoor events. "Premises" for the purposes of the Act means any place, whether indoors or outdoors. For example, it could cover a town square, part of a park, or a street. But remember the limits in relation to permitted temporary activities (for example the number of people who can be on the premises at anyone time) will apply.

### **What is a "Club Premises Certificate"?**

In terms of alcohol licensing, clubs are treated slightly differently to other premises that sell alcohol. Club Premises Certificates can authorise one or more "qualifying club activities":

- The supply of alcohol to a member
- The sale of alcohol to a guest

- The provision of regulated entertainment

the carrying out of these activities is subject to conditions imposed on the licence by the Licensing Authority.

### **What is a “Designated Premises Supervisor (DPS)”?**

In premises where alcohol is sold one person has to be designated as the Premises Supervisor. This person should be involved with the day to day charge of the premises (but need not always be on the premises). All Designated Premises Supervisors must hold a Personal Licence.

### **Does the “Designated Premises Supervisor (DPS)” have to be on the premises all times when alcohol is being sold?**

No, in some cases this will not physically be possible. However, it will be expected that the DPS will spend a significant amount of time on the premises. What will be essential is that the DPS is contactable, particularly should problems arise with the premises.

### **What is a “Premises Licence”?**

A Premises Licence authorises the use of a premises for one or more "licensable activities".

These are:

- The sale of alcohol by retail.
- The supply of alcohol.
- The provision of regulated entertainment.
- The provision of late night refreshment.

The carrying out of these activities is subject to conditions imposed on the licence by the Licensing Authority. These licences have an unlimited duration for the life of the business unless otherwise requested.

### **Who can apply for a premises licence?**

The principal category of those who can apply for a premises licence is anyone who proposes to carry on a business involving licensable activities on the premises. This covers any individual (aged at least 18) or business. Recognised clubs, charities, a proprietor of educational establishments, health service bodies and a chief officer of police may also apply for a premises licence.

## How do I apply for a premises licence?

An application for a premises licence must be made to the relevant licensing authority, that is, the authority within whose area the premises is situated. To make an application you must submit:

- a completed application form;
- an operating schedule;
- a plan of the premises in the prescribed form; and
- if the application requests the authorisation to supply alcohol, a form containing the consent of the proposed designated premises supervisor in the prescribed form.

Regulations prescribed by the Secretary of State will set out how applications must be advertised and the periods in which interested parties (local residents and businesses or bodies representing them) and responsible authorities (the police, fire authority, health and safety agency etc) can make representations to the licensing authority about the application. Regulations will also prescribe the form and manner of making the application.

Where no relevant representations are made by responsible authorities or interested parties the licensing authority must grant the licence application subject only to the mandatory conditions and such other conditions as are consistent with the operating schedule. If relevant representations are received, the licensing authority must hold a hearing and consider the representations (unless all parties agree that this is unnecessary). This may result in the rejection of the application, the refusal to specify a premises supervisor (if the licensable activities relate to the supply of alcohol), the exclusion of a licensable activity, or the attachment of conditions to the licence in all cases if this is necessary for the promotion of one or more of the licensing objectives. For example, a licensing authority could attach a condition preventing the playing of amplified music after 11 pm for a pub in a quiet residential area.

## What is an Operating Schedule?

The operating schedule is a mandatory requirement of a Premises Licence application. It must be submitted with the application, and include details such as descriptive information about the premises, a statement of the proposed relevant licensable activities, details of any risks associated with the location, opening hours, hours during which the proposed licensable activity will take place, controls on capacity, soundproofing, door supervisors etc.

Further information may be found in the Act and the draft Guidance via the web address below.

[http://www.culture.gov.uk/alcohol\\_and\\_entertainment/default.htm](http://www.culture.gov.uk/alcohol_and_entertainment/default.htm)

The Secretary of State may prescribe, by statutory instrument, other matters that must be included in an operating schedule.

**Will it be possible to complain to the licensing authority if a local pub, club, restaurant etc is applying for a premises licence?**

Yes. See the section on making representations about licences or applications.

**Will it be possible to request a review of the premises licence for a local pub, club, restaurant etc that is already operating?**

Yes. Again, see the section on making representations about licences or applications.

**What is late night refreshment?**

Late night refreshment and the exemptions are defined in Schedule 2 of the Act. Briefly late night refreshment applies to the supply of hot food or hot drink to members of the public, or a section of the public, on or from premises, whether for consumption on or off the premises between the hours of 11pm and 5am.

Because of the Act's definition of "Premises" the sale of food or hot drink from a vehicle will now be a licensable activity and "burger vans" trading between these times will require a premises licence.

**Are there any instances where the provision of hot food and drink would not require an authorisation under the Act for the provision of late night refreshment?**

The following miscellaneous supplies of hot food or hot drink are exempt:

- (a) hot drink consisting of, or containing alcohol (although an authorisation under the Act will be required for the supply of alcohol);
- (b) hot drink distributed by means of a vending machine where the payment for the hot drink is inserted into the machine by a member of the public, and the hot drink is supplied directly by the machine to the member of the public;
- (c) 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;
- (d) hot food or hot drink supplied by a registered charity or by a person authorised by a registered charity (Le. a charity which is registered under section 3 of the

- Charities Act 1993 or a charity which, by virtue of subsection (5) of that section is not required to be registered);
- (e) hot food or hot drink supplied on a vehicle, which is not permanently or temporarily parked at the time.

Supplies of hot food or hot drink are also exempt where the supply is on or from premises to which, at the time of the supply, only persons of the following descriptions will be admitted and supplied with hot food or hot drink:

- (a) guests (and their guests) of hotels or similar premises - that is guest houses, lodging houses, hostels, caravan or camping sites or other premises supplying accommodation as their main purpose;
- (b) members of recognised clubs and their guests (see below);
- (c) employees of a particular employer and their guests - for example, where refreshment is made available to employees whose shift patterns require them to be present at the workplace between 11 pm and 5am;
- (d) persons engaged in a particular trade or who are members of a particular profession or follow a particular vocation, and their guests.

Supplies of hot food or hot drink on or from premises already licensed under certain other Acts - for example, those used as "near beer" premises in London, where certain descriptions of non-alcoholic beverages are sold, are also exempt.

### **Does the Licensing Act 2003 cover entertainment outdoors?**

Yes, the definition of "premises" given in Section 193 of the Act defines premises as: -

"any place and includes a vehicle, vessel or moveable structure".

Unlike the current system, outdoor entertainment (or any other licensable activity) can take place on either private or public land and still require a licence.

### **How does the Licensing Act 2003 define "alcohol"?**

Spirits, wine, beer, cider or other fermented, distilled or spirituous liquor are defined as alcohol. However, this does not include anything of 0.5% strength or below.

Generally, foodstuffs containing alcohol are not licensable, unless they are particularly strong as with some alcoholic jellies.

## **How does the Licensing Act 2003 define the “sale by retail” of alcohol?**

"Sale by retail" includes all transactions except those which are purely business to business. For example, the sale of alcohol to a club or to a trader for trade purposes is excluded from the scope of the Act.

## **How does the Licensing Act 2003 define the “supply” of alcohol?**

At times, the Act refers to the "supply" rather than the "sale" of alcohol, usually when referring to a club. Clubs are treated differently to other licensed premises because they are run in a prescribed way. Technically, a "sale" of alcohol cannot occur between members of a club because they already own part of the alcohol stock.

## **What are the offences of particular significance under the Act relating to children?**

It will be an offence for certain persons to allow children under 16 on relevant premises (which means premises to which a premises licence or a club premises certificate has been granted; or a permitted temporary event notice has been given) that are used exclusively or primarily for the supply of alcohol, or premises open for such supply under the authorisation of a temporary event notice, if they are not accompanied by an adult and those premises are open for the supply of alcohol for consumption there; It will be an offence for any person to allow an unaccompanied child under 16 to be on relevant premises (see above) between the hours of midnight and 5 a.m. when the premises are open for the supply of alcohol for consumption there;

- It will be an offence for any person to supply alcohol to children anywhere, not just on licensed premises;
- It will be an offence for a child to buy or attempt to buy alcohol; and
- It will be an offence for a child knowingly to consume alcohol on relevant premises (see above).

## **What types of premises will be restricted to Children?**

Under the Act it will be unlawful to allow any unaccompanied child under the age of 16 to be present on authorised premises which are exclusively or primarily used for supply and consumption of alcohol on the premises. This applies to premises operating under a premises licence, a club premises certificate or a temporary event notice. In effect, this would apply to most pubs and bars where restaurant and food facilities are not provided as a permanent feature or attraction.

It will also be unlawful to permit children under 16 not accompanied by an adult between midnight and 5 a.m. into any premises supplying alcohol for consumption there. This also relates to all premises operating under a premises licence, a club premises certificate or a temporary event notice. The most obvious examples of these premises would be nightclubs.

It will be for enforcement authorities to decide whether they consider that an offence has been committed.

### **Are Places of Worship affected by the Licensing Act 2003?**

The provision of any entertainment or entertainment facilities is exempt if:

- They are for the purpose of, or for purposes incidental to, a religious meeting or service OR
- At a place of public religious worship.

### **Are there any other exemptions to the Licensing Act 2003?**

Yes.

- Moving vehicles on the public highway
- Live television/radio broadcasts
- Spontaneous music and singing
- Incidental music
- Use of television or radio
- Films for the purpose of advertisement, information or education

### **How will fees be determined under the new legislative system?**

The Department of Culture, Media and Sport (DCMS) have stated that there will be a system of standard fees set by the Secretary of State. These are outlined in the Regulatory Impact Assessment to accompany the Act.

The *proposed estimates* are:

Premises Licence – between £100-635 pounds

Personal Licence – approximately £37 pounds

Temporary Event Notice – approximately £20 pounds

In addition there will be an annual fee to cover on-going enforcement costs, but there has been no official indication of what these costs might be.

## **What about gaming machines?**

The licensing authority will take over responsibility for granting gaming machine permits from the courts.

An applicant will be able to apply for a permit for up to 2 machines in writing, without the need for a hearing. We are still waiting for confirmation from the government that existing permits will remain in force or whether new permits will have to be applied for on conversion.