



The Licensing Act 2003: An introduction

Background

The Licensing Act 2003 came into force in November 2005. It governs all public entertainment and the sale and supply of alcohol into a single authorisation. It was designed to create a balanced package of freedom and flexibility for the drinks and entertainment industries whilst ensuring safeguards are in place with greater say for residents and more powers to the police and local authorities.

The Act has four key objectives which provide additional protection over and above other laws:

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

Under the Licensing Act 2003, Licensing Authorities in England and Wales (usually local authorities) are responsible for licensing entertainment, sales of alcohol and late night refreshment. The licensing authority is able to object to an application on the basis of one or more of the four key objectives.

Licensing fees are set by central government which has been a positive step as there tended to be huge differences between fees charged often between neighbouring local authorities.

Individuals, businesses or partnerships can apply for a licence. In the case of an individual, the applicant must be aged 18 or over. A Premises Licence is permanent and does not need to be renewed. A Personal Licence allows a person to sell alcohol, or authorise the sale of alcohol, under the authority of a premises license. For venues that do not have a Premises Licence or wish to put on activities not specified on their original licence application, the Licensing Act enables venues to obtain a Temporary Event Notice (TEN). A TEN is a flexible and versatile way of allowing alcohol sales and a wide range of entertainment activities whilst still offering protection to the public. A maximum of 499 persons are covered by a TEN in any one defined area including staff, performers and public.



A licence application will have to be submitted to a Licensing Authority for any of the following:

- Sell or supply alcohol
- Provide regulated entertainment
- Supply hot food or drink between 11.00pm and 5.00am.

Regulated entertainment is any making or playing of music, theatre, dance, cinema, sporting event or similar provided for the benefit of the public or club members or for profit.

Carnival and the Licensing Act 2003

Carnival floats and processions are exempt from the need for a Premises Licence. The Department for Culture Media and Sport lists 'vehicles in motion' as one of the exemptions. Therefore, the provision of entertainment facilities on a moving vehicle only needs a licence when the vehicle is temporarily or permanently parked. Mobile stages which are parked within a public space will need a licence for any form of regulated entertainment but not if taking part in processions or carnivals.

Carnival organisers will need a licence however if the event is providing a form of regulated entertainment, selling or supplying alcohol or late night refreshments. Organisers should contact their licensing authority as early as possible to discuss licensing requirements for their event. Licensing authorities may be able to coordinate input from responsible authorities before an application is made to minimise potential representations.

Many local authorities are supporting cultural events in their area by seeking Premises Licences in their own name for public spaces such as carnivals. This makes it easier for carnival organisers as no additional licence is needed.

Alternatively, organisers may seek a single Premises Licence to cover a wide range of activities at varied locations within the premises. However, this would involve the preparation of a substantial operating schedule and the licensing authorities should offer advice and assistance about its preparation. Government suggests that licensing authorities should act as a co-ordinating body for large events such as carnivals.

Whether a form of entertainment is exempt or not remains at the discretion of the licensing authority. It is advisable that carnival organisers write to the head of the local licensing authority requesting advice and support for the carnival event and what form of licence may be required.



The Police have closure powers in the Act to deal with disorder and noise nuisance and it is recommended that the local police force is involved in the early planning of the carnival event.

Further information is available from:

http://www.culture.gov.uk/what_we_do/Alcohol_entertainment/default.htm