

LICENSING ACT 2003 – GUIDANCE FOR SCHOOLS

This short guidance document has been designed to give you sufficient information to determine whether you need a licence for activities that you have or intend to have on your land and how to apply. If you need any help, then please contact a member of the Licensing Team on 01344 352000. It will be useful for you to think of the events you have held on your premises over the last 5 years and any that you may wish to consider over the next few years.

Q Do you need a licence?

A Do you currently offer, or do you intend to offer?

- Sale by retail of alcohol (or supply of alcohol to a club)
- Provision of late night refreshment (hot food/hot drinks between hours of 11pm and 5am)
- Provision of regulated entertainment

Regulated entertainment includes:

- Performance of a play
 - Exhibition of a film
 - An indoor sporting event
 - A boxing or wrestling entertainment
 - A performance of live music*
 - Any playing of recorded music*
 - A performance of dance
- *or entertainment of a similar description

Licensable event examples:

- (i) A temporary bar is provided by the local pub, the guests are not charged but the bride's father settles the bill at the end of the evening.
- (ii) All alcohol is provided by a temporary bar set up by the local pub and paid for by the guests 'over the counter'.
- (iii) Barn dance or similar – all attendees buy a ticket that covers their admission and alcohol provided by the organisers, i.e. a free glass of wine.

NB: Schools and sixth form colleges will require a licence to stage regulated entertainment to which the public is invited or where a fee is charged and with a view to profit.

If the public was not invited and a charge made to a private audience (like family and friends) just to cover costs – and not to make a profit - then a licence would not be required

Q Are there any exemptions?

A Though the certain activities (below) that may take place on school premises do not require a licence under the Licensing Act 2003, it would be sensible to incorporate them into your calendar of events. Exemptions apply to:

- Outdoor Sports Days. Please note firework displays require a special licence.
- PTA raffles and tombolas which include alcohol as prizes provided:
 - (a) the proceeds are not for personal gain;
 - (b) there are no money prizes;
 - (c) alcohol is in a sealed container and
 - (d) tickets are only sold at the place where the entertainment occurs (i.e.: the school).
- Consumption of alcohol on premises. For example, quiz evenings where parents are invited to bring along their own bottles of wine and beer would not require a licence.
- Teaching students to perform music or to dance.
- Activities within the school which involve participation as acts of worship in a religious context.
- The rehearsal of a play or rehearsal of a performance of music to which the public are not admitted.
- Entertainment at private events. This would become regulated entertainment however, and therefore licensable, if it is provided for consideration and with a view to profit. (See above)
- Film exhibitions for the purposes of information and/or education.

Q I want to hire out my facilities for the above activities more than 12 times per year – do I need a licence?

A Yes – you will require a premises licence.

Q If I intend to hire out the premises for the above but less than 12 times per year, what licence would I require?

A You will be able to apply for a Temporary Events Notice. This must be applied for at least 10 working days before the event. However, if there are likely to be more than 500 people attending (for example an event on a field) then a premises licence will be required.

NB: Each event covered by a TEN can last up to 96 hours and no more than twelve TENs can be given in respect of any particular premises in any year, subject to a maximum aggregate duration of the periods covered by TENs at any individual premises of 15 days in any year. There must be a minimum of 24 hours between events notified by a premises user or associates of that premises user in respect of the same premises.

As long as you are 18 or over you can give a maximum of 5 TENs a year. A personal licence holder can give a maximum of 50 TENs a year. There can be no more than 12 TENs per year per property.

TEN's given by an associate or a person who is in business with a premises user (and that business involves carrying on licensable activities) count towards those totals.

An “associate” of the proposed premises user is:

- a. the spouse of that person;
- b. a child, parent, grandchild, grandparent, brother or sister of that person;

- c. an agent or employee of that person; or
- d. the spouse of a person within (b) or (c).

Therefore if you are a committee and no one has a personal licence, this means that you can only hold 5 TEN's per year.

For these purposes, a person living with another as that person's husband or wife is to be treated as that person's spouse.

These provisions will be subject to amendment by the Civil Partnerships Act.

Q I intend to sell/supply alcohol on the premises – do I need a licence?

A Yes – In addition to the premises licence, you will require a Designated Premises Supervisor (DPS) to be identified. This person will require a personal licence. The licence can now be obtained from the Local Authority area in which they live. Details on how to apply are on the Licensing Team's website:

<http://www.bracknell-forest.gov.uk/environment/env-licensing/env-licensing/envlicensing-new-laws.htm>

Q How long is the licence valid for once granted?

A. A premises licence is valid for life unless you apply to vary the licence, it is revoked or surrendered. The personal licence is valid for 10 years.

Q How do I make an application?

A Contact the Licensing Team on 01344 352000 who will be able to advise you which type of licence you require, provide you with application forms, details of fees, advertising requirements and general advice on completing your operating schedule.

Q How much does the application cost?

A Schools are exempt from paying an application fee associated with the authorisation of regulated entertainment where the entertainment is provided by and at the school or college and for the purposes of the school or college. If you are applying for a premises licence advertising costs may need to be met.

Q What happens if a school is granted a Premises Licence and then decides afterwards that it would like to hold a one-off event outside of the normal operating schedule?

A Where a premises licence is in force and an event outside of the normal Operating Schedule is taking place however, the school will be legally required to apply for a variation to the premises licence or apply for a Temporary Events Notice.

Q Do schools need to include anything with the application?

A As part of your application, every school is advised to devise a typical yearly plan of events. We advise you to give this full consideration and to build as much information as possible into your Operating Schedule.

An internal plan of the premises indicating the 'licensed' area(s) is required as well as an external plan showing the boundaries of the premises.

Q What level of information is recommended for a yearly plan?

A When thinking about each event on your yearly schedule, you should consider the following:

- The specific form of the event (e.g.: whether a public, PTA, children only or private party event).
- The licensable activities to take place on the premises.
- Where on the school grounds (in the school hall? inside or outside?) the licensable activities will take place.
- The day/date and times the licensable activities will take place.
- If alcohol is sold or supplied who will be doing the selling/supplying and to whom will the alcohol be sold/supplied? What measures will be in place to ensure that alcohol is neither sold nor supplied to minors? Whether the alcohol will be for consumption on or off the premises?
- Entertainment – the nature of that entertainment, its duration, whether it involves children, and/or has any special effects, the number and basic details of people attending (e.g.: elderly, disabled, children only, parents, general public)?
- Details of any events to which public are to be admitted (e.g.: birthdays, weddings, etc – where will the event be taking place on the premises, on what date and at which times, who will be attending the event, what kind of activities will be undertaken, and what provision will there be for access, parking, and dispersal)?

Q How can schools demonstrate that they will meet the 4 Licensing Objectives?

A Refer to the Licensing Policy and Applicant Guidance.