



What is Licensable Activity

Broadly it falls into three parts which are alcohol, entertainment or late night refreshment or any combination of these

Alcohol

Any retail sale of alcohol requires a licence. Selling liqueur chocolates does not require a licence although they may not be sold to under 16's.

The supply of alcohol by a club or to a member of a club requires that the club must have a Club Registration Certificate. Only qualifying clubs that are suitably constituted, such as working men's clubs, can make use of such certificates.

If you include alcohol as part of a ticket price, for example cheese and wine, this is still a retail sale.

Entertainment

What is 'Regulated Entertainment'? The provision of either Entertainment or Entertainment facilities

Entertainment facilities are those for people to enable them to take part in an entertainment of the following sort:

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

Note: 'Entertainment facilities' are, for example, a dance floor provided for customers to use, or the provision of musical instruments

Entertainment for an audience and/or for profit

For the entertainment or the entertainment facilities to be regulated they must be provided for the public or members of a club (and their guests) or for consideration and with a view to profit. This means that the provision of music or the performance of a play to either the public, members of a qualifying club, for example Working Mens Club, etc., or members of an association, for example a Parent Teacher Association, where an entrance fee is paid to raise funds, are all licensable activities.

Note: The provision of dance lessons is not to be considered licensable, but a demonstration of students abilities to the public or to members of a qualifying club would be considered licensable.

Entertainment includes any of the following:

- ⊕ the performance of a play - this means any piece where a dramatic role is acted out
- ⊕ an exhibition of a film - this means any display of moving pictures
- ⊕ an indoor sporting event
- ⊕ boxing or wrestling entertainment
- ⊕ a performance of live music
- ⊕ any playing of recorded music
- ⊕ a performance of dance
- ⊕ entertainment of a similar description to live music, recorded music or dance

Note: The entertainment must take place in the presence of an audience - however small

Late Night Refreshment

The provision of late night refreshment means the supply of hot food or drink, between 11.00pm and 5.00am to members of the public either on or from any premises for consumption either on or off the premises. Hot means that it has been heated to above ambient temperature or that, after it has been sold, it can be heated on the premises. This means that any restaurant, pub, snack bar, chip shop, 24 hour supermarket, etc supplying hot food after 11.00pm needs a Premises Licence.

Other points to note

Where the public are not invited to an 'entertainment' but a charge is made to a private audience (like family and friends) just to cover costs - and not to make a profit - then a licence will not be required. The same would apply where anyone invited to a private performance was not charged for attending the event but was free to make a voluntary donation to a charity.

The playing of recorded music that is incidental to other activities that are not themselves the provision of regulated entertainment will be exempt. A jukebox in a pub will not necessarily have to be authorised unless, for instance, a dance floor is also provided or it is not incidental. A Disc Jockey playing to a public audience would amount to regulated entertainment and would therefore need to be authorised.

Exemptions to late night refreshment:

- where hot food or drink is supplied to members of recognised clubs
- someone staying at a hotel or guest house, etc; by an employer to employees; or guests of the above
- drinks (not food) from vending machines; free food or drink; food or drink supplied by registered charities

Exemptions for entertainment

- films shown in museums or art galleries as part of an exhibit, or for the purposes of advertisement or education
- music, provided it is incidental to a non-licensable activity, for example a fashion show
- showing live television programmes
- entertainment, such as music or a play as part of a religious meeting or service or at a place of public religious worship, e.g. nativity plays during a service anywhere, choral works or a play in a church even where not part of a service
- garden fetes
- morris dancing (or similar) or a performance of unamplified live music as an integral part of such dancing
- regulated entertainment provided on vehicles in motion, for example carnivals

This information is for general use only and is not case specific. You are recommended to seek legal advice regarding your particular case.