

LICENSING ACT 2003 – GUIDANCE FOR SCHOOLS

This short guidance document has been designed to give you sufficient information to determine whether you require a licence for activities that you undertake, or intend to undertake, and how to apply for the appropriate licence. If you need any further guidance, then please contact a member of the Licensing Team on 01962 848 188.

Q. Do we require a licence?

Do you currently offer, or do you intend to offer:

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

If so, you may require a licence.

* 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

Examples of events which would require a licence:

1. The local pub provides a temporary bar at a wedding. The guests are not charged per drink, but the bride's father settles the bill at the end of the evening.
2. The PTA run a temporary bar at a school fete, and each drink is paid for by guests 'over the counter'.
3. Barn dance or similar – all attendees buy a ticket that covers their admission and alcohol provided by the organisers, i.e. a complimentary glass of wine or arrival drink.

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 with a view to making a profit (raising funds for the school is regarded as profit).

If the public is 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:

Supply of Alcohol:

- Sports, in the context of a lesson or an Outdoor Sports Day
- 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)
 - (e) If someone who appears to be under 18 wins an alcoholic prize, checks are made to verify their age. Good practice is to withhold the prize until it can be given to someone of 18 or over.
- Consumption of own 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.

Entertainment:

- Activities which involve participation as acts of worship in a religious context
- Activities in places of public religious worship (such as a Nativity performed at the local church or cathedral)
- Teaching students to perform music or to dance.
- Demonstration of a music product, such as a guitar or piano
- The rehearsal of a play or performance of music for a private audience (such as parents/guardians) where no charge is made with a view to making a profit.
- Morris dancing or similar
- Films shown for advertisement, information or education
- Games played at youth clubs, such as pool or table tennis
- A spontaneous performance of music, dancing or singing
- Incidental music; the performance of live music or the playing of recorded music if it is incidental to some other activity
- Incidental film; an exhibition of moving pictures if it is incidental to some other activity
- Any entertainment event on school premises organised by the Parent Teacher Association (PTA) to benefit the school

No licence is required for a performance of live music or the playing of recorded music on school premises, between 0800 and 2300 on any day, provided that:

- (i) it is performed in front of an audience of no more than 500 people; and
- (ii) a person concerned in the organisation or management of the music entertainment has obtained prior written consent of the school proprietor for that entertainment to take place.

Q. What types of licences are available, and how do I know which one is best for our school?

The Licensing Act 2003 provides several different types of licences; the ones most applicable to schools are as follows:

Premises Licence: to use a premises for licensable activities, typically all year round. This licence can be held indefinitely providing that the annual fee is paid each year.

Temporary Event Notice: authorises the applicant to carry out licensable activities for a limited amount of time, at a one-off or temporary event.

Personal Licence: grants an individual the authority to sell, or authorise the sale of alcohol from a premises, where a Premises Licence is held. A Personal Licence holder can also be the elected Designated Premises Supervisor for a Premises Licence.

Q. I want to hire out my school facilities for licensable activities more than 15 times per year – do I need a licence?

A. Yes – you will require a premises licence.

Q. If I intend to hire out the school facilities for licensable activities, but on less than 15 occasions per year, what licence would I require?

You will be able to apply for a Temporary Events Notice (TEN). This must be given at least 10 working days before the event. However, if there are likely to be more than 499 people attending the event, a premises licence will be required.

NB: Each event covered by a TEN can last up to 96 hours and no more than 15 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 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 15 TENS per year per property.

TENS 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 these 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, you can only give 5 TENS 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 Partnership Act).

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

Yes – you will need to licence this activity either with a Premises Licence or Temporary Event Notice. Please note that Premises Licences require a Designated Premises Supervisor to be elected, who must hold a Personal Licence.

Q. How long is the licence valid for once granted?

A Premises Licence is valid indefinitely unless you apply to vary the licence, it is revoked or surrendered. A Personal Licence is also valid indefinitely. Temporary Event Notices are only valid for the length of the event.

Q. How do I make an application?

Click on to Winchester City Council's website, and select the Licensing page. Under the *Alcohol, Entertainment & Late Night Refreshment* tab, you will find details of how to apply for various types of licences and details of application fees.

Within office hours, the Licensing Team can be contacted on 01962 848 188, or emailed at licensing@winchester.gov.uk. The team will be able to advise you on whether you require a licence and, if so, what type of licence and how to apply.

Q. How much does the application cost?

Schools are exempt from paying an application fee for a Premises Licence application, where the entertainment activities are provided by and at the school or college and for the purposes of the school or college. If you applying for a Premises Licence, advertising costs may need to be met.

Please Note

If you are hiring out the premises to people unconnected with the school, for events such as weddings or private parties, an application fee will be payable.

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?

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

Q. Do schools need to include anything extra with a Premises Licence application?

As part of a Premises Licence 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. Licensed areas should be surrounded with a clear, red line.

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

When devising a yearly plan of events that take place on school premises, you should consider the following:

General Considerations:

- The type of events (public event, PTA organised event, students only, private party etc.)
- Which licensable activities will be taking place on the premises.
- The days and times that licensable activities will take place.
- Where on school grounds the licensable activities will take place; inside only, the school hall, the playground, the drama studios etc. This should be clearly marked on the premises plan.

Supply of Alcohol:

- Who will be selling/supplying the alcohol?
- To whom is the alcohol being sold or supplied?
- What measures will be put in place to ensure that alcohol is not sold or supplied to underage customers?
- Will the alcohol be for consumption on the premises, off the premises, or both?

Entertainment:

- What is the nature of the entertainment activities?
- Who will be attending, and how many people? (Parents, general public, invitation only, students only)
- Details of any events to which the public are admitted
- Provisions for access, parking and dispersal

Q. I still have further questions about licensing activities for school premises. Who can I contact for information?

Call the Licensing Team at Winchester City Council on 01962 848 188, or email at licensing@winchester.gov.uk. We will always aim to respond to email enquiries within 10 working days.

You can also see more information on the Licensing page at Winchester City Council's website: <http://www.winchester.gov.uk/licensing>