

Premises Licence Guidance - Variation (additional information is available in the notes at the back of the application pack):

This application cannot be used to vary the licence so as to extend the period for which the licence has effect or to vary substantially the premises to which it relates. If you wish to make that type of change to the premises licence you should make a new premises licence application under section 17 of the Licensing Act 2003.

Submitting an application:

Fee:

The section asks for the non-domestic rateable value (NDRV) of the premises. This is not the same as the actual business rates which you pay, but is a value determined by the Valuation Office, which helps determine business rates. The NDRV, rather than your business rates bill, will determine the fee level to be paid with the licence application and the annual fee thereafter. The NDRV of any premises can be checked on the Valuation Office Agency (VOA) website: www.voa.gov.uk. NDRV is revalued every 5 years. A new valuation came into force on 1 April 2005. Premises that do not have a non domestic rateable value are treated as falling into Band A for licensing fee purposes.

Band	A	B	C	D	E
Non domestic rateable value	None to £4,300	£4,301 to £33,000	£33,001 to £87,000	£87,001 to £125,000	£125,001 plus
Premises licences*					
New application and variation	£100	£190	£315	£450	£635
Multiplier applied to premises used exclusively or primarily for the supply of alcohol for consumption on the premises (Bands D & E only)	N/A	N/A	N/A	X2 (£900)	X3 (£1,905)
Annual charge*	£70	£180	£295	£320	£350
Annual charge multiplier applied to premises used exclusively or primarily for the supply of alcohol for consumption on the premises (Bands D&E only)	N/A	N/A	N/A	X2 (£640)	X3 (£1,050)

*Annual charge is payable on the anniversary of the grant of the licence.

For premises which hold more than 5,000 including staff, the additional fee is payable:

Number	Additional fee
5,000 to 9,999	£500
10,000 to 14,999	£1,000
15,000 to £19,999	£2,000
20,000 to £29,999	£4,000
30,000 to £39,999	£8,000
40,000 to £49,999	£12,000
50,000 to £59,999	£16,000
60,000 to £69,999	£20,000
70,000 to £79,999	£24,000
80,000 to £89,999	£28,000
90,000 and over	£32,000

Are there any exemptions to the payment of the fees?

There is an exemption from the payment of fees in relation to the provision of regulated entertainment at church halls, chapel halls or premises of a similar nature, village halls, parish or community halls, or other premises of a similar nature. The costs associated with these licences will be met by central Government. **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.**

Schools and sixth form colleges are also exempt from the fees associated with the authorisation of regulated entertainment **only**, where the entertainment is provided by and at the school or college and for the purposes of the school or college.

Application forms:

- Submit the original application to the licensing authority: Licensing Authority, St Albans City and District Council, St Peters Street, St Albans, Herts AL1 3JE
- Submit copies of the application to the 6 responsible authorities:

Head of Environment and Health Environment and Health St Albans City and District Council Civic Centre St Peters Street St Albans Herts AL1 3JE Tel: 01727 819436 Fax: 01727 819433 Email: environmental@stalbands.gov.uk Website: stalbands.gov.uk	Licensing Officer Hertfordshire Constabulary County Police Station Victoria Street St Albans Herts AL1 3JL Tel: 01727 796007 Email: Licensing@stalbands.gov.uk
Local Safeguarding Children's Board Room 153 County Hall Pegs Lane Hertford Herts SG13 8DQ Tel: 01992 588079 Fax: 01992 555719 Email: admin.lscb@hertscc.gov.uk	Fire Safety Officer Hertfordshire Fire and Rescue Service 'A' Division HQ Queensway Hemel Hempstead HP2 5HA Tel: 01442 867103
Chief Trading Standards Officer Hertfordshire Trading Standards Mundells Welwyn Garden City Hertfordshire AL7 1FT Tel: 01707 292429 Fax: 01727 813877 Email: hcc.tradstad@hertscc.gov.uk	Senior Planning Enforcement Officer St Albans City and District Council Civic Centre St Peters Street St Albans Herts AL1 3JE Tel: 01727 866100 ext 2346 Email: planning@stalbands.gov.uk

Advertise the application:

- The person making the application must display a pale blue A4 (or larger) notice, printed legibly in black ink or typed in black, in a size equal (or larger) to 16 font, prominently at or on the premises to which the application relates. Where the premises covers an area of more than 50 metre squared, the same notice must be placed every 50 metres along the external perimeter of the premises. The notice must be displayed for 28 consecutive days, starting the day after the application is given to the relevant licensing authority.

In addition to this, they publish a notice in a local newspaper (or if there is none, in a local newsletter, circular or similar document) circulating in the vicinity of the premises, at least once during the 10 working days after the application is given to the relevant licensing authority.

Suggested wording for the advert/public notice:

Notice of an application under the Licensing Act 2003

Notice is hereby given that [applicant] in respect of premises known as [premises name and address] applied to St Albans City and District Council for a [grant/variation] of a premises licence.

The proposed application is: [brief description of application].

Any representation by an interested party or responsible authority regarding the above mentioned application must be received in writing by Licensing Section, St Albans City and District Council, Civic Centre, St Peters Street, St Albans, Herts AL1 3JE no later than [date representations must be received by] stating the grounds for objection.

The register of St Albans City and District Council and the record of the application may be inspected at the address of the Council, given above, Mondays-Thursdays 8.45am-5.00pm and Fridays 8.45am-4.30pm. Alternatively it can be viewed on the internet: www.stalbands.gov.uk

It is an offence knowingly or recklessly to make a false statement in connection with an application. The maximum fine for which a person is liable on summary conviction for the offence is £5,000.

Plan:

Include a plan of the premises (with a red line showing where the licensable activities will be taking place) which must comply with the following:

- (a) the extent of the boundary of the building, if relevant, and any external and internal walls of the building and, if different, the perimeter of the premises;

- (b) the location of points of access to and egress from the premises;
- (c) if different from paragraph (b), the location of escape routes from the premises;
- (d) in a case where the premises is used for more than one existing licensable activity, the area within the premises used for each activity;
- (e) fixed structures (including furniture) or similar objects temporarily in a fixed location (but not furniture) which may impact on the ability of individuals on the premises to use exits or escape routes without impediment;
- (f) in a case where the premises includes a stage or raised area, the location and height of each stage or area relative to the floor;
- (g) in a case where the premises includes any steps, stairs, elevators or lifts, the location of the steps, stairs, elevators or lifts;
- (h) in a case where the premises includes any room or rooms containing public conveniences, the location of the room or rooms;
- (i) the location and type of any fire safety and any other safety equipment, including if applicable, marine safety equipment; and
- (j) the location of a kitchen, if any, on the premises.

Unless you have previously agreed with the relevant licensing authority in writing that an alternative scale plan is acceptable to it, the plan should be drawn in standard scale, where 1 millimetre represents 100 millimetres. The plan may include a key of symbols to illustrate the above on the plan, but there is no requirement to do so.

What happens after I have submitted the application?

- A 28 day consultation takes place where people can object to the application.
- If an objection is received a hearing will be convened within 20 working days of the closing date of the consultation to determine the application. Applicants can mediate with objectors. If mediation is successful the hearing will be cancelled (both parties must write to the Council confirming what has been agreed). You must keep the Council informed if you are attempting to mediate.
- If no objections are received the licence is deemed granted.

Rights of appeal:

- If the application does go before the Licensing Sub Committee for determination, the applicant and the person/s who made the objection/s to the application have the right to appeal the decision to the Magistrates Court.

Application to vary a premises licence under the Licensing Act 2003

PLEASE READ THE FOLLOWING INSTRUCTIONS FIRST

Please write legibly in block capitals. Ensure that your answers are inside the boxes and written in black ink. Use additional sheets if necessary. You may wish to keep a copy of the completed form for your records.

I/We (insert name(s) of applicant) _____ being the premises licence holder, apply to vary a premises licence under section 34 of the Licensing Act 2003 for the premises described in Part 1 below (the premises).

Premises licence number:	
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Part 1 – Premises details

Postal address of premises or, if none, ordnance survey map reference or description
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Telephone number

Non-domestic rateable value of premises £

Part 2 – applicant details:

Daytime contact telephone number:

E-mail address:

Current postal address if different from premises address:
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Part 3 - Variation

Do you want the proposed variation to have effect as soon as possible? Yes / No (delete as applicable)

If **not**, do you want the variation to take effect from (dd/mm/yyyy): _____

If your proposed variation would mean that 5,000 or more people are expected to attend the premises at any one time, please state the number expected to attend: _____

Please describe briefly the nature of the proposed variation (For example the type of premises, its general situation and layout and any other information which could be relevant to the licensing objectives. Where your application includes off-supplies of alcohol and you intend to provide a place for consumption of these off-supplies you must include a description of where the place will be and its proximity to the premises):

Part 4 – operating schedule

Please complete those parts of the operating schedule below which would be subject to change if this application to vary is successful.

Provision of regulated entertainment

- a) plays (complete box A)
- b) films (complete box B)
- c) indoor sporting events (complete box C)
- d) boxing or wrestling entertainment (complete box D)
- e) live music (complete box E)
- f) recorded music (complete box F)
- g) performances of dance (complete box G)
- h) anything of a similar description to that falling within (e), (f) or (g) (complete box H)

Please tick

Provision of entertainment facilities for:

- i) making music (complete box I)
- j) dancing (complete box J)
- k) entertainment of a similar description to that falling within (i) or (j) (complete box K)

Please tick

- Provision of late night refreshment (complete box L)
- Supply of alcohol (complete box M)

Please tick

In all cases complete boxes N, O and P

A - Plays

Standard days and timings (Please give timings in 24 hour clock (e.g. 16:00) and only give details for the days of the week when you intend the premises to be used for the activity)			Will the activity take place indoors, outdoors or both (indoors may include a tent) please tick	Indoors	
				Outdoors	
				Both	
Day	Start	Finish	Please give further details here (i.e. un-amplified/amplified):		
Mon					
Tue			State any seasonal variations (i.e. additional days during certain months):		
Wed					
Thu			Non standard timings. Where you intend to use the premises for the activity at different times to those listed in the column on the left (i.e. bank holidays):		
Fri					
Sat					
Sun					

B - Films

Standard days and timings (Please give timings in 24 hour clock (e.g. 16:00) and only give details for the days of the week when you intend the premises to be used for the activity)			Will the activity take place indoors, outdoors or both (indoors may include a tent) please tick	Indoors	
				Outdoors	
				Both	
Day	Start	Finish	Please give further details here (i.e. un-amplified/amplified):		
Mon					
Tue					
Wed			State any seasonal variations (i.e. additional days during certain months):		
Thu					
Fri					
Sat			Non standard timings. Where you intend to use the premises for the activity at different times to those listed in the column on the left (i.e. bank holidays):		
Sun					

C – Indoor sporting events

Standard days and timings (Please give timings in 24 hour clock (e.g. 16:00) and only give details for the days of the week when you intend the premises to be used for the activity)			Please give further details here (i.e. un-amplified/amplified):		
Day	Start	Finish			
Mon					
Tue					
Wed			State any seasonal variations (i.e. additional days during certain months):		
Thu					
Fri					
Sat			Non standard timings. Where you intend to use the premises for the activity at different times to those listed in the column on the left (i.e. bank holidays):		
Sun					

D – Boxing or wrestling entertainments

Standard days and timings (Please give timings in 24 hour clock (e.g. 16:00) and only give details for the days of the week when you intend the premises to be used for the activity)			Will the activity take place indoors, outdoors or both (indoors may include a tent) please tick	Indoors	
				Outdoors	
				Both	
Day	Start	Finish	Please give further details here (i.e. un-amplified/amplified):		
Mon					
Tue			State any seasonal variations (i.e. additional days during certain months):		
Wed					
Thu			Non standard timings. Where you intend to use the premises for the activity at different times to those listed in the column on the left (i.e. bank holidays):		
Fri					
Sat					
Sun					

E – Live music

Standard days and timings (Please give timings in 24 hour clock (e.g. 16:00) and only give details for the days of the week when you intend the premises to be used for the activity)			Will the activity take place indoors, outdoors or both (indoors may include a tent) please tick	Indoors	
				Outdoors	
				Both	
Day	Start	Finish	Please give further details here (i.e. un-amplified/amplified):		
Mon					
Tue			State any seasonal variations (i.e. additional days during certain months):		
Wed					
Thu			Non standard timings. Where you intend to use the premises for the activity at different times to those listed in the column on the left (i.e. bank holidays):		
Fri					
Sat					
Sun					

F – Recorded music

Standard days and timings (Please give timings in 24 hour clock (e.g. 16:00) and only give details for the days of the week when you intend the premises to be used for the activity)			Will the activity take place indoors, outdoors or both (indoors may include a tent) please tick	Indoors	
				Outdoors	
				Both	
Day	Start	Finish	Please give further details here (i.e. un-amplified/amplified):		
Mon					
Tue					
Wed			State any seasonal variations (i.e. additional days during certain months):		
Thu					
Fri					
Sat			Non standard timings. Where you intend to use the premises for the activity at different times to those listed in the column on the left (i.e. bank holidays):		
Sun					

G – Performance of dance

Standard days and timings (Please give timings in 24 hour clock (e.g. 16:00) and only give details for the days of the week when you intend the premises to be used for the activity)			Will the activity take place indoors, outdoors or both (indoors may include a tent) please tick	Indoors	
				Outdoors	
				Both	
Day	Start	Finish	Please give further details here (i.e. un-amplified/amplified):		
Mon					
Tue					
Wed			State any seasonal variations (i.e. additional days during certain months):		
Thu					
Fri					
Sat			Non standard timings. Where you intend to use the premises for the activity at different times to those listed in the column on the left (i.e. bank holidays):		
Sun					

H – Anything of a similar description to that falling within (e), (f) or (g)

Please give a description to the type of entertainment you will be providing:

Standard days and timings (Please give timings in 24 hour clock (e.g. 16:00) and only give details for the days of the week when you intend the premises to be used for the activity)			Will the activity take place indoors, outdoors or both (indoors may include a tent) please tick	Indoors	
				Outdoors	
				Both	
Day	Start	Finish	Please give further details here (i.e. un-amplified/amplified):		
Mon					
Tue			State any seasonal variations (i.e. additional days during certain months):		
Wed					
Thu					
Fri			Non standard timings. Where you intend to use the premises for the activity at different times to those listed in the column on the left (i.e. bank holidays):		
Sat					
Sun					

I – Provision of facilities for making music

Please give a description of the facilities for making music you will be providing:

Standard days and timings (Please give timings in 24 hour clock (e.g. 16:00) and only give details for the days of the week when you intend the premises to be used for the activity)			Will the activity take place indoors, outdoors or both (indoors may include a tent) please tick	Indoors	
				Outdoors	
				Both	
Day	Start	Finish	Please give further details here (i.e. un-amplified/amplified):		
Mon					
Tue			State any seasonal variations (i.e. additional days during certain months):		
Wed					
Thu					
Fri			Non standard timings. Where you intend to use the premises for the activity at different times to those listed in the column on the left (i.e. bank holidays):		
Sat					
Sun					

J – Provision of facilities for dancing

Please give a description of the facilities for dancing you will be providing:						
Standard days and timings (Please give timings in 24 hour clock (e.g. 16:00) and only give details for the days of the week when you intend the premises to be used for the activity)		Will the activity take place indoors, outdoors or both (indoors may include a tent) please tick	Indoors			
			Outdoors			
			Both			
Day	Start	Finish	Please give further details here (i.e. un-amplified/amplified):			
Mon						
Tue						
Wed					State any seasonal variations (i.e. additional days during certain months):	
Thu						
Fri						
Sat					Non standard timings. Where you intend to use the premises for the activity at different times to those listed in the column on the left (i.e. bank holidays):	
Sun						

K – Provision of facilities for entertainment of a similar description to that falling within (i) or (j)

Please give a description of the type of entertainment facilities you will be providing:						
Standard days and timings (Please give timings in 24 hour clock (e.g. 16:00) and only give details for the days of the week when you intend the premises to be used for the activity)		Will the activity take place indoors, outdoors or both (indoors may include a tent) please tick	Indoors			
			Outdoors			
			Both			
Day	Start	Finish	Please give further details here (i.e. un-amplified/amplified):			
Mon						
Tue						
Wed					State any seasonal variations (i.e. additional days during certain months):	
Thu						
Fri						
Sat					Non standard timings. Where you intend to use the premises for the activity at different times to those listed in the column on the left (i.e. bank holidays):	
Sun						

L – Late night refreshment (applicable only between 23.00 – 05.00hrs)

Standard days and timings (Please give timings in 24 hour clock (e.g. 16:00) and only give details for the days of the week when you intend the premises to be used for the activity)			Will the activity take place indoors, outdoors or both (indoors may include a tent) please tick	Indoors	
				Outdoors	
				Both	
Day	Start	Finish	Please give further details here (i.e. un-amplified/amplified):		
Mon					
Tue			State any seasonal variations (i.e. additional days during certain months):		
Wed					
Thu			Non standard timings. Where you intend to use the premises for the activity at different times to those listed in the column on the left (i.e. bank holidays):		
Fri					
Sat					
Sun					

M – Supply of alcohol

Standard days and timings (Please give timings in 24 hour clock (e.g. 16:00) and only give details for the days of the week when you intend the premises to be used for the activity)			Will the sale of alcohol be for consumption:	On the premises	
				Off the premises	
				Both	
Day	Start	Finish	State any seasonal variations (i.e. additional days during certain months):		
Mon					
Tue			Non standard timings. Where you intend to use the premises for the activity at different times to those listed in the column on the left (i.e. bank holidays):		
Wed					
Thu					
Fri					
Sat					
Sun					

State the name and details of the individual whom you wish to specify on the licence as designated premises supervisor (DPS) (only those persons who hold a personal licence may be a DPS):

Name:
Address:
Personal licence number:
Issuing licensing authority of the personal licence:

N

Please highlight any adult entertainment or services, activities, other entertainment or matter ancillary to the use of the premises that may give rise to concern in respect of children (i.e. nudity, semi-nudity, films for restricted age groups, gaming machines):

O – Hours premises are open to the public (might include times when licensable activities are not taking place but the premises are open)

Standard days and timings (Please give timings in 24 hour clock (e.g. 16:00) and only give details for the days of the week when you intend the premises to be used for the activity)			State any seasonal variations (i.e. additional days during certain months):
Day	Start	Finish	
Mon			Non standard timings. Where you intend to use the premises for the activity at different times to those listed in the column on the left (i.e. bank holidays):
Tue			
Wed			
Thu			
Fri			
Sat			
Sun			

Please identify those conditions currently imposed on the licence which you believe could be removed as a consequence of the proposed variation you are seeking:

	Please tick
I have enclosed the premises licence	
I have enclosed the relevant part of the premises licence	
Reasons why I have failed to enclose the premises licence or relevant part of the premises licence:	

P

Describe any additional steps you intend to take to promote the four licensing objectives as a result of the proposed variation:

a) general – all four licensing objectives

b) the prevention of crime and disorder:

c) public safety

d) the prevention of public nuisance

e) the protection of children from harm

Checklist – all sections must be completed (By ticking this list, you are making a declaration that you have carried out the listed actions. If you tick the boxes and do not carry out these actions, you may be making a false statement in relation to the application, which is an offence, which on conviction may make you liable to a fine of up to £5,000.):

	Please tick
I have made or enclosed payment of the fee	
I have sent copies of this application and the plan to the responsible authorities and others where applicable	
I understand that I must now advertise my application at the premises and in a local publication	
I have enclosed the premises licence or relevant part of it or explanation	
I understand that if I do not comply with the above requirements my application will be rejected	

It is an offence, liable on conviction to a fine up to a level 5 on the standard scale, under section 158 of the Licensing Act 2003, to make a false statement in or in connection with this application.

Part 4 – signatures

Signature of applicant (the current premises licence holder) or applicant's solicitor or other duly authorised agent (an applicant's agent (for example a solicitor) may sign the form on their behalf provided that they have actual authority to do so). If signing on behalf of the applicant please state in what capacity.

Signature: _____ Date: _____ Capacity: _____

Contact name (where not previously given) and postal address for correspondence associated with this application

Telephone number

E-mail address

Part A – consent of individual to being specified as designated premises supervisor (DPS)

I (full name of prospective DPS) _____ of
(home address of prospective DPS) _____

_____ hereby confirm that I give my consent to be specified as the DPS in relation to the application for (type of application) _____ by (name of applicant) _____ relating to a premises licence (number of existing licence, if any) _____ for (name and address of premises to which the application relates) _____

_____ and any premises licence to be granted or varied in respect of this application made by (name of applicant) _____ concerning the supply of alcohol at (name and address of premises to which application relates) _____

_____. I also confirm that I am applying for, intend to apply for or currently hold a personal licence, details of which I set out below.

Personal licence number (insert personal licence number, if any) _____
_____ Personal licence issuing authority (insert name and address and telephone number of personal licence issuing authority, if any) _____

Signed: _____

Name (please print): _____

Date: _____

Part B – consent of premises licence holder to transfer premises licence

I/We (full name of premises licence holder(s)) _____

_____ The premises licence holder of premises licence number _____ relating to (name and address of premises to which the application relates) _____ hereby give my consent for the transfer of premises licence number _____ to (insert full name of transferee) _____

Signed: _____

Name (please print): _____

Date: _____

Guidance from the DCMS website

APPLICATION FOR A PREMISES LICENCE

COMPLETING THE FORM

In the opening statement, you should insert the name of the applicant or applicants who are applying for a licence e.g. 'John Smith' or 'Nice Pub Company'.

PART 1: Premises Details

This section asks for the address and some other details of the premises. If the premises has no postal address, for example, or if the application relates to an event on open land, you should describe the location of the premises or give the Ordnance Survey map reference.

The section also asks for the non-domestic rateable value (NDRV) of the premises. This is not the same as the actual business rates which you pay, but is a value determined by the Valuation Office, which helps determine business rates. The NDRV, rather than your business rates bill, will determine the fee level to be paid with the licence application and the annual fee thereafter. The NDRV of any premises can be checked on the Valuation Office Agency (VOA) website www.voa.gov.uk. NDRV is revalued every 5 years. A new valuation came into force on 1 April 2005. Premises that do not have a non domestic rateable value are treated as falling into Band A for licensing fee purposes.

PART 2 – Applicant Details

This section asks you to state the capacity in which you are applying, for example as an individual, a limited company, a recognised club, a charity etc. You can only apply in one of these capacities so should only tick one box.

If you are applying as a person described in (a) or (b) you must also tick one of the three boxes at the end of this question. For the majority of applicants, the first box will apply (i.e. the applicant will be carrying on or proposing to carry on a business). An application pursuant to a 'statutory function' might be an application made by an agency of the Government (e.g. the Passport Agency) and an application pursuant to a 'function discharged by virtue of her majesty's prerogative' might be an application made by the Government (e.g. by a Secretary of State).

You should then give further details in either section **(A) INDIVIDUAL APPLICANTS** or section **(B) OTHER APPLICANTS**, but not both.

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.

Part 3 – Operating Schedule

You should state the date you would like the licence to start. A premises licence will last indefinitely, unless otherwise stated in the box provided.

General description of the premises

You are asked to describe the premises. For example the type of premises it is, its general situation and layout and any other information that would be relevant to the licensing objectives. You should also describe any areas that you intend to provide for people to consume alcohol that you sell or supply such as outside areas e.g. beer gardens.

5,000 or more people attending

The question concerning the number of people attending the premises at any one time is necessary to determine whether an additional fee for large events should apply. It is not necessary to complete this box if you think that less than 5,000 people will attend the premises at any one time. The figure relates to the maximum number of people on the licensed premises, including employees, at any one time – not the total number over a period of time. It is important to note that the attendance figure relates to the 'licensed premises' (i.e. the licensed area identified in the plan) and not areas that are outside the 'licensed premises'. If you decide that the number will not exceed 5,000, you will be responsible for ensuring that the numbers at any one time do not exceed this figure. If you do exceed it, you could be engaging in an unlicensed activity, which is a criminal offence.

Do I have to issue everyone a ticket to prove the numbers on the premises?
It is for you to decide when putting your application together whether you need arrangements for counting the numbers coming in or out. However, it is an offence to make a false declaration in the application, which could lead to a £5,000 fine.
I run a country show which has a beer tent. Do I have to put the total number of people at the show in this section?
It depends whether you are licensing the whole premises. As most of the events at such a show are not licensable activities, it should be possible to simply license the beer tent. In this case the capacity of the beer tent is what counts

and this may be unlikely to trigger the additional fee for large events.

Should I include my beer garden on my premises licence?

That is for you to decide. In doing so, you will want to consider whether you might want to use the garden at some point in the future to sell alcohol – perhaps an outdoor bar at a barbeque or possibly through waited drinks service. Also, if you do not include the garden as part of the licensed premises, drinks that are bought to be consumed there will count as off supplies and any conditions that relate to off sales would apply. If the beer garden is being provided for consumption of off-supplies, you must include a description of where the place is and its proximity to the premises.

Licensable activities

You should indicate which licensable activities you wish to carry on by ticking the appropriate boxes. In considering what to put in this section, you should think about all the activities you may want to conduct at the premises in the future and consider whether any are licensable activities under the Act. After this, you should complete the corresponding boxes from A to M that relate to those activities. Only complete the boxes that relate to the activities you have ticked.

You should give timings using the 24-hour clock and only give details for days of the week when you intend the premises to be used for the licensable activities in question. The space marked 'state any seasonal variations', gives you the opportunity to include any, for example, longer hours or additional days during the summer. The space marked 'non standard timings', gives you the opportunity to record occasions when the timings will change. For example, you may wish the activity to go on longer on Christmas Eve or weekends preceding bank holidays.

Under 'non standard timings' can I say that I will open late to cover Rugby World Cups, Australian Rules Football, or sporting events overseas that are broadcast late at night or early morning in the UK?

You can include whatever licensable activities you like, but you should think about how these might be viewed by responsible authorities or interested parties. It might be worth talking to your licensing authority and the relevant responsible authorities first to see what conditions, if any, you might offer to reassure any concerns.

Do I need door staff if I extend my licensing hours?

Not necessarily. You may take the view that this is needed in order to promote one or more of the licensing objectives and include it in your operating schedule. However, if you decide not to do so and relevant representations are made to the effect that door staff should be on the premises, such a condition may be imposed, following a hearing before the licensing authority, if it is necessary for the promotion of the licensing objectives. Each case will differ, and it will be up to the licensing authority to decide on the conditions such as the times that door staff must be in place following the consideration of relevant representations.

The Act requires that when the presence of door staff is made a condition on any premises licence, they must be licensed by the Security Industry Authority (SIA).

Except in box C (indoor sport) you are asked to indicate whether the activity is taking place indoors, outdoors or both. Indoors may include a tent.

In the space marked 'Please give further details here', please state type of activity to be authorised, if not already stated, and give relevant further details, for example (but not exclusively) whether or not music will be amplified or unamplified.

BOXES A – K Provision of regulated entertainment

BOX A: Plays

A performance of any dramatic piece, (including rehearsal), whether involving improvisation or not, which is given wholly or in part by one or more persons present and performing in which the whole or a major proportion of what is done by the person(s) performing, whether by way of speech, singing or action, involves the playing of a role.

BOX B: Films

Any exhibition of moving pictures except where its sole or main purpose is to demonstrate a product, advertise goods or services or provide information, education or instruction, or if it consists or forms part of an exhibit put on show for any purposes of a museum or art gallery. The use of television or radio receivers is not licensable, except for the showing of pre-recorded programmes.

BOX C: Indoor sporting event

A sporting event is defined in the Act as any contest, exhibition or display of any sport in which physical skill is the predominant factor, and any form of physical recreation which is also engaged in for purposes of competition or display which takes place wholly inside a building, and at which the spectators are accommodated inside that building. This includes any roofed structure and could be a vehicle, vessel or moveable structure.

A venue with a roof that opens and closes is regarded under the Act as being an outdoor event and sporting activities in such venues are not licensable under the Act. But note that other activities at such venues (such as the sale of alcohol or live music) are licensable.

BOX D: Boxing or wrestling entertainment

Unlike other sports, boxing and wrestling is licensable whether held indoors or outdoors.

BOX E: Live music

Music includes vocal or instrumental music or any combination of the two. The performance of live music, if it is incidental to some other activity, which is not in itself regulated entertainment, is not licensable.

BOX F: Recorded music

Your licence does not have to cover the playing of recorded music if it is incidental to some other activity which is not itself regulated entertainment, as this would be exempt. For example, background music in a supermarket is likely to be considered to be incidental. If you have a jukebox or a disc jockey at your premises you need to consider whether, in your particular case, this is incidental music or whether it is a licensable activity. If in doubt, discuss this with your licensing authority.

BOX G: Performances of dance

Morris dancing or any dancing of a similar nature is not licensable, nor is the performance of unamplified live music as an integral part of such dancing.

BOX H: Entertainment of a similar description to that falling within (e) live music, (f) recorded music or (g) performance of dance

BOXES I – K (the provision of entertainment facilities)

This refers to facilities provided for enabling people to take part in making music, dancing and similar activities. Where a public hall committee hires out a hall for use as a dance venue (an "entertainment facility") to the host and organiser of a private wedding the event may not be licensable, unless the public hall committee are also managing or organising the provision of the entertainment for those attending (see Schedule 1, paragraphs 1(2) and (4) of the Act).

BOX I: Provisions of facilities for making music

BOX J: Provision of facilities for dancing

BOX K: Provision of facilities for entertainment of a similar description to that falling within (i) provision of facilities for dancing or (j) performance of dance

BOX L the provision of late night refreshment

This covers the supply of hot food or drink between 11:00pm and 5:00am, although there are several exemptions. Hot drinks consisting of, or containing alcohol, should be authorised under the supply of alcohol, rather than late night refreshment.

A hot drink from a vending machine where the customer inserts the payment into the machine and the drink is supplied directly by the machine is not licensable, but would be if a member of staff takes the money or serves the drink.

Free hot food or hot drink is not licensable, nor is that supplied by a registered charity or by a person authorised by a registered charity.

Hot food or hot drink supplied on a vehicle, which is not permanently or temporarily parked at the time is also exempt.

There are also exemptions that apply to hotel guests, certain employees or particular trades or professions. 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. If in doubt, you should contact your licensing authority.

BOX M: sale by retail of alcohol

If you wish people to be able to consume alcohol on the premises, please tick 'on'. If you wish people to be able to purchase alcohol to consume away from the premises, please tick 'off'. If you wish people to be able to do both, please tick 'both'.

Do alcohol wholesalers require a licence to trade?

Yes in some cases. For the first time, wholesalers will require a premises licence to sell alcohol in wholesale quantities to members of the public. No sales of any kind may be made to children. Sales made to other traders for the purposes of their trade will not be a licensable activity. Similarly, sales made to holders of premises licences, club premises certificates or personal licences will not be a licensable activity if the sale is for the purposes authorised by the premises licence or for the purposes of the *qualifying club*. Also exempt will be when alcohol is sold wholesale to premises users operating under a temporary event notice. In all cases, it is advisable to check with the licensing authority for the area if the sale is a licensable activity and to avoid any potential problems.

What is a "wholesale" quantity?

The Act does not provide a definition of "wholesale" quantity, which is to be contrasted with the provisions in the Licensing Act 1964, where the definition of "sale by retail" impliedly provides a definition. This is because the Act does not make special provision for the wholesale of alcohol to the public – all sales by retail are caught.

Do I need a licence if I sell alcohol wholesale to friends from my own house?

All sales of alcohol to members of the public, even in wholesale quantities, from any premises will require an authorisation. Any premises from which alcohol is supplied or sold will require either a premises licence, a club

premises certificate or a temporary event notice. There will need to be a designated premises supervisor for the premises if the authorisation is in the form of a premises licence.

For a small-scale operation selling alcohol in bulk to friends, the applicant would still need an authorisation for the premises from which the alcohol is supplied or sold. In all cases it will be advisable to consult the licensing authority for the area to check whether the activities will be licensable to avoid any repercussions.

Designated Premises Supervisor

If you intend to sell alcohol, you should give details of the person who you wish to be the designated premises supervisor (DPS) under the new licence. The DPS will need to hold a valid personal licence. In many cases, this will be the premises licence holder, but you can choose to name someone else. There is only one DPS for each premises (but any number of personal licence holders) and it is usually, but not necessarily, the person who has day to day responsibility for the premises. You will also need to submit a 'DPS consent form' signed by the person you wish to be your DPS (you need to do this even if this is the same person who is applying for the premises licence) to confirm that he/she is happy to take on this role. The form should be included with your application (see checklist).

What is a designated premises supervisor (DPS)?

A designated premises supervisor (DPS) is the person identified as such for a particular premises who is named on the premises licence. Any premises where alcohol is supplied under a premises licence must have a DPS. They will be named in the operating schedule for any premises with a premises licence. The DPS will not necessarily be the premises licence holder, although this may sometimes be the case. It is expected that they will be the point of contact for the premises at all times for licensing authorities, or the police or fire services if problems occur at the premises.

Any application for a premises licence must also include a form of consent given by the individual whom the applicant wishes to have specified in the premises licence as the DPS.

Does the designated premises supervisor (DPS) have to be on the premises at 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.

Can I be a designated premises supervisor (DPS) at more than one premises at the same time?

Yes. The only requirement for being a DPS is that the individual concerned must be the holder of a personal licence. This ensures that where the activities concern the supply of alcohol there is a person associated with the premises who has an understanding of the social issues and potential problems associated with the sale of alcohol.

Can anyone object to a person who is specified as a designated premises supervisor (DPS)?

The chief officer of police only will be able to make representations about the specification of any DPS if he feels, in the exceptional circumstances of the case, that the crime prevention objective could be undermined by that specification. This could include fears that the DPS would not be able to fulfil the responsibilities in respect of the crime prevention objective for more than one premises at the same time. Where the chief officer of police makes representations about the DPS, the licensing authority must hold a hearing to consider them (unless all parties agree that this is unnecessary). As a result of the consideration of the representations, the licensing authority will refuse to specify the DPS if it considers it necessary for the promotion of the crime prevention objective to do so.

Can there be more than one designated premises supervisor (DPS) at the same premises?

The Act specifies that there may only be one DPS for any premises.

What happens if the designated premises supervisor (DPS) leaves his employment, notifies the licensing authority, but does not tell the premises licence holder?

The DPS must inform the relevant licensing authority if he or she wishes to be removed as DPS. Within 48 hours of the notice being given to the licensing authority, the individual must also give the premises licence holder a copy of the notice sent to the licensing authority. The DPS must also send a notice directing the licence holder to send to the relevant licensing authority the premises licence or if that is not practicable, a statement of the reasons for the failure to provide the licence within 14 days of receiving the notice.

If the holder fails to comply with the direction he will commit an offence.

See guidance on Premises Licences for more information about DPSs:

www.culture.gov.uk/alcohol_and_entertainment/licensing_act_2003/premises_licences

For more information about Personal Licences:

www.culture.gov.uk/alcohol_and_entertainment/licensing_act_2003/personal_licences

BOX N

This asks you to give information about anything to occur at the premises or ancillary to the use of the premises which may give rise to concern in respect of children, for example (but not exclusively) nudity or semi-nudity, films for restricted age groups or gambling. You do not need to give details here of AWP machines. You do not complete this section if it

does not apply to your premises, but rather than leave blank, it would be better to write 'none' or 'N/A' to be clear that you have considered this, rather than simply forgotten to complete the box.

BOX O: Hours premises are open to the public.

While this may include times where no licensable activities take place, it is important for responsible authorities, interested parties and the licensing authority to know how long your premises is open in addition to the times where licensable activities will take place. For example, it might be necessary and proportionate to ensure that licensable activities finish in good time before the premises closes to the public to allow orderly departure.

You should indicate whether any of the 'seasonal variations' to and 'non standard timings' for licensable activities, would affect the hours the premises are open to the public, in the spaces provided. You may also wish to consider whether there will be any seasonal variations or non-standard timings when the premises will be open to the public at different times for non-licensable activities - for example, opening early to provide breakfasts during the Summer holidays.

P – Steps to promote the licensing objectives

You are asked to describe the steps you intend to take to promote the four licensing objectives:

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

Don't forget that you should already be abiding by relevant legislation in other areas. Your starting point should be compliance with these requirements. If you feel there is nothing more you need to do, then you might wish to write 'N/A' or something like 'nothing beyond existing Health and Safety/Fire Safety etc requirements'. This shows you have considered the objectives and come to a decision that you have nothing additional to do and not that you have forgotten to write anything in this section. Of course, if a responsible authority for one of the licensing objectives considers that you need to do more, they will be able to make representations. If you have concerns, you may find it useful to talk to the relevant responsible authority before completing the form.

If you do intend to take additional measures, you should consider carefully what to include. Anything you put down here is likely to become a condition of your licence. Failure to meet those conditions would constitute an offence under the Act. You should therefore think carefully about adding conditions to ensure that they are achievable, realistic, necessary, appropriate, proportionate and within your control. Base your response on a proper, common sense consideration of the risks and what you can realistically do to mitigate them.

Examples of possible conditions in relation to the four licensing objectives are included in the Guidance which the Secretary of State has issued to licensing authorities and is available from the DCMS website [www.culture.gov.uk]. These are simply given as a pool of potential conditions that might be helpful for people to consider. They are not model conditions and in no way should be seen as standard conditions that should be applied to everyone.

In the 'General Box', list the steps you will take to promote all four licensing objectives together, for example, employing additional staff.

What is an operating schedule?

The operating schedule is a part of the relevant application form, in which the applicant sets out various details on how the premises is proposed to operate when carrying on licensable activities. It must include the following information:

- a statement of the steps the applicant proposes to take to promote the licensing objectives (for example, the arrangements for door security to prevent crime and disorder)

The significance of the operating schedule is that if the application for the premises licence is granted, it will be incorporated into the licence itself and will set out the permitted activities and the limitations on them.

What is meant by 'in the vicinity of the premises'?

Ultimately this will be decided by the courts but the licensing authority will have to consider whether a resident or a business would be affected by the carrying on of licensable activities on the premises.

Checklist and declaration

By ticking this list, you are making a declaration that you have carried out the listed actions. If you tick the boxes and do not carry out these actions, you may be making a false statement in relation to the application, which is an offence, which on conviction may make you liable to a fine of up to £5,000.

You should check that you have included all the required documentation. This includes a plan of the premises and where necessary, the DPS consent form.

Plans

The plan of the premises should be included with the application, and copied to the responsible authorities as part of the application. The plan of the premises needs to meet the requirements set out in the Act and the Licensing Act 2003 (Premises licences and club premises certificates) Regulations 2005, SI 2005/42 to show the following:

- (a) the extent of the boundary of the building, if relevant, and any external and internal walls of the building and, if different, the perimeter of the premises;
- (b) the location of points of access to and egress from the premises;
- (c) if different from paragraph (b), the location of escape routes from the premises;
- (d) in a case where the premises is used for more than one existing licensable activity, the area within the premises used for each activity;
- (e) fixed structures (including furniture) or similar objects temporarily in a fixed location (but not furniture) which may impact on the ability of individuals on the premises to use exits or escape routes without impediment;
- (f) in a case where the premises includes a stage or raised area, the location and height of each stage or area relative to the floor;
- (g) in a case where the premises includes any steps, stairs, elevators or lifts, the location of the steps, stairs, elevators or lifts;
- (h) in a case where the premises includes any room or rooms containing public conveniences, the location of the room or rooms;
- (i) the location and type of any fire safety and any other safety equipment, including if applicable, marine safety equipment; and
- (j) the location of a kitchen, if any, on the premises.

Unless you have previously agreed with the relevant licensing authority in writing that an alternative scale plan is acceptable to it, the plan should be drawn in standard scale, where 1 millimetre represents 100 millimetres. The plan may include a key of symbols to illustrate the above on the plan, but there is no requirement to do so.

Do I have to have plans professionally drawn?
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There is no requirement to have plans professionally drawn. What is important is that they are accurate and meet the requirements referred to above.
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Do I need to show a consumption area, such as a beer garden, on the plan?
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There is no requirement to show on the plan any areas that are not part of the premises you are licensing. You should, however, describe any areas that you intend to provide for people to consume alcohol that you sell or supply under the general description of the premises that you are required to give at the beginning of Part 3 of the application form.

Responsible authorities

You are required to give a copy of the application, including the accompanying documentation, to the “responsible authorities” on the same day as the application is given to the relevant licensing authority. Responsible authorities are the public bodies that are entitled to make representations to the licensing authority in relation to an application. Any representations must be about the likely effect of granting the application on the promotion of the licensing objectives. The responsible authorities include the following, for the area in which the premises are situated:

- The chief officer of police
- The fire and rescue authority
- The health and safety authority
- The local planning authority
- The environmental health authority
- The body recognised as being responsible for protection of children from harm
- Inspectors of Weights and Measures (trading standards officers)

More information about responsible authorities is available on the DCMS website:
www.culture.gov.uk/alcohol_and_entertainment/premises_licences

Advertising your application

Applications must be advertised as set out in the Act and the Licensing Act 2003 (Premises licences and club premises certificates) Regulations 2005. This includes displaying a sign at or outside the premises and an advertisement in a locally circulating newspaper.

What is the process following the advertisement?

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
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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 11pm for a pub in a quiet residential area.

DO NOT FORGET TO ENCLOSE THE CORRECT FEE

Details on fees can be found in the relevant guidance note: www.culture.gov.uk/alcohol_and_entertainment/fee_levels

What is the fee for?

The fee is to fully recover the administration, inspection and enforcement costs of licensing authorities, which arise out of carrying out their licensing functions under the Act. This is to avoid any need for council tax payers to subsidise these costs.

Are there any exemptions to the payment of the fees?

There is an exemption from the payment of fees in relation to the provision of regulated entertainment at church halls, chapel halls or premises of a similar nature, village halls, parish or community halls, or other premises of a similar nature. The costs associated with these licences will be met by central Government. 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.

Schools and sixth form colleges are also exempt from the fees 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.

When do the "additional" premises licence fee, and annual fee apply?

The Government believes that fee levels need to take account of exceptionally large events where over 5,000 people attend at any time, and which give rise to exceptional considerations and licensing authority costs. Such events might include major festivals and other events, which often involve the building of substantial temporary structures. In such circumstances, it may be appropriate for an extra fee to be charged, in addition to the standard application and variation fee.

Venues that are permanent or purpose built or structurally altered for the activity are exempt from the additional fee. Other premises may be able to obtain a permanent premises licence and would then pay an additional annual fee. However, this may depend on the practicalities of drawing up plans that are not subject to variation each year, and an operating schedule that satisfies responsible authorities and interested parties. Otherwise, they may have to apply for a new licence each year.

Regulations prescribe that the additional fee for large scale events would not be payable where the premises is a structure which is not a vehicle, vessel or moveable structure, and has been constructed or structurally altered to allow:

- The proposed licensable activities to take place
- The premises to be modified temporarily, from time to time, if relevant for the proposed licensable activities
- The proposed number of people on the premises at any one time
- The premises to be used in a manner which complies with the operating schedule

The full details of where the additional fee is applicable can be found in Regulation 4(5) of The Licensing Act 2003 (Fees) Regulations 2005. If an applicant is unsure about whether the additional fee will apply, they should seek legal advice or consult with their local licensing officer.

What premises pay the multiplier charge?

The multiplier charge is applied to premises in bands D and E, used exclusively or primarily for the supply of alcohol for consumption on the premises, when applying for the grant or variation of a premises licence.

Does it cost more for a premises licence to be authorised for the provision of regulated entertainment or late night refreshment as well as the sale or supply of alcohol?

No. The fee for a premises licence or club premises certificate is the same regardless of whether you apply at the same time for it to authorise one, two or all of the licensable activities.

When will I have to pay the annual fee?

The annual fee will become due and payable each year on the anniversary of the date of the grant of the licence or certificate.

What will happen if I don't pay my annual fee?

If you do not pay your annual fee, the fee will be recoverable as a debt by the licensing authority.

Can I pay in instalments?

No. The fee will be payable in full at the time of application and when the annual fee is due.

Will the fees stay the same forever?

Not necessarily. The Secretary of State can alter fee levels at any time by means of amending regulations. Fee levels will be monitored to ensure that they are enabling licensing authorities to recover fully their costs, without placing an unreasonable burden on licensees. An Independent Fees Review Panel has been set up for this purpose. If it proves necessary to raise the fees in the future, they would be increased. Similarly, the fees could be reduced if experience showed that they had been set too high.

Part 4 – Signatures

The application form must be signed. An applicant's agent (for example a solicitor) may sign the form on their behalf provided that they have actual authority to do so. Where there is more than one applicant, both applicants, or their respective agents, must sign the application form.

Exemptions etc.

175 Exemption for raffle, tombola, etc.

(1) The conduct of a lottery which, but for this subsection, would to any extent constitute a licensable activity by reason of one or more of the prizes in the lottery consisting of alcohol, is not (for that reason alone) to be treated as constituting a licensable activity if—

- (a) the lottery is promoted as an incident of an exempt entertainment,
- (b) after the deduction of all relevant expenses, the whole proceeds of the entertainment (including those of the lottery) are applied for purposes other than private gain, and
- (c) subsection (2) does not apply.

(2) This subsection applies if—

- (a) the alcohol consists of or includes alcohol not in a sealed container,
- (b) any prize in the lottery is a money prize,
- (c) a ticket or chance in the lottery is sold or issued, or the result of the lottery is declared, other than at the premises where the entertainment takes place and during the entertainment, or
- (d) the opportunity to participate in a lottery or in gaming is the only or main inducement to attend the entertainment.

(3) For the purposes of subsection (1)(b), the following are relevant expenses—

- (a) the expenses of the entertainment, excluding expenses incurred in connection with the lottery,
- (b) the expenses incurred in printing tickets in the lottery,
- (c) such reasonable and proper expenses as the promoters of the lottery appropriate on account of any expenses they incur in buying prizes in the lottery.

(4) In this section—

- “exempt entertainment” has the same meaning as in section 3(1) of the Lotteries and Amusements Act 1976 (c. 32);
- “gaming” has the meaning given by section 52 of the Gaming Act 1968 (c. 65);
- “money” and “ticket” have the meaning given by section 23 of the Lotteries and Amusements Act 1976; and
- “private gain”, in relation to the proceeds of an entertainment, is to be construed in accordance with section 22 of that Act.

PART 2 EXEMPTIONS

Film exhibitions for the purposes of advertisement, information, education, etc.

5 The provision of entertainment consisting of the exhibition of a film is not to be regarded as the provision of regulated entertainment for the purposes of this Act if its sole or main purpose is to—

- (a) demonstrate any product,
- (b) advertise any goods or services, or
- (c) provide information, education or instruction.

Film exhibitions: museums and art galleries

6 The provision of entertainment consisting of the exhibition of a film is not to be regarded as the provision of regulated entertainment for the purposes of this Act if it consists of or forms part of an exhibit put on show for any purposes of a museum or art gallery.

Music incidental to certain other activities

7 The provision of entertainment consisting of the performance of live music or the playing of recorded music is not to be regarded as the provision of regulated entertainment for the purposes of this Act to the extent that it is incidental to some other activity which is not itself—

- (a) a description of entertainment falling within paragraph 2, or
- (b) the provision of entertainment facilities.

Use of television or radio receivers

8 The provision of any entertainment or entertainment facilities is not to be regarded as the provision of regulated entertainment for the purposes of this Act to the extent that it consists of the simultaneous reception and playing of a programme included in a programme service within the meaning of the Broadcasting Act 1990 (c. 42).

Religious services, places of worship etc.

9 The provision of any entertainment or entertainment facilities—

- (a) for the purposes of, or for purposes incidental to, a religious meeting or service, or
- (b) at a place of public religious worship,

is not to be regarded as the provision of regulated entertainment for the purposes of this Act.

Garden fêtes, etc.

10 (1) The provision of any entertainment or entertainment facilities at a garden fête, or at a function or event of a similar character, is not to be regarded as the provision of regulated entertainment for the purposes of this Act.

(2) But sub-paragraph (1) does not apply if the fête, function or event is promoted with a view to applying the whole or part of its proceeds for purposes of private gain.

(3) In sub-paragraph (2) “private gain”, in relation to the proceeds of a fête, function or event, is to be construed in accordance with section 22 of the Lotteries and Amusements Act 1976 (c. 32).

Morris dancing etc.

11 The provision of any entertainment or entertainment facilities is not to be regarded as the provision of regulated entertainment for the purposes of this Act to the extent that it consists of the provision of—

- (a) a performance of morris dancing or any dancing of a similar nature or a performance of unamplified, live music as an integral part of such a performance , or
- (b) facilities for enabling persons to take part in entertainment of a description falling within paragraph (a).

Vehicles in motion

12 The provision of any entertainment or entertainment facilities—

- (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,

is not to be regarded as the provision of regulated entertainment for the purposes of this Act.

Exempt supplies: clubs, hotels etc. and employees

3 (1) The supply of hot food or hot drink on or from any premises at any time is an exempt supply for the purposes of paragraph 1(1) if, at that time, a person will neither—

- (a) be admitted to the premises, nor
- (b) be supplied with hot food or hot drink on or from the premises,

except by virtue of being a person of a description falling within sub-paragraph (2).

(2) The descriptions are that—

- (a) he is a member of a recognised club,
- (b) he is a person staying at a particular hotel, or at particular comparable premises, for the night in question,
- (c) he is an employee of a particular employer,
- (d) he is engaged in a particular trade, he is a member of a particular profession or he follows a particular vocation,
- (e) he is a guest of a person falling within any of paragraphs (a) to (d).

(3) The premises which, for the purposes of sub-paragraph (2)(b), are comparable to a hotel are—

- (a) a guest house, lodging house or hostel,
- (b) a caravan site or camping site, or
- (c) any other premises the main purpose of maintaining which is the provision of facilities for overnight accommodation.

Exempt supplies: premises licensed under certain other Acts

4 The supply of hot food or hot drink on or from any premises is an exempt supply for the purposes of paragraph 1(1) if it takes place during a period for which—

- (a) the premises may be used for a public exhibition of a kind described in section 21(1) of the Greater London Council (General Powers) Act 1966 (c. xxviii) by virtue of a licence under that section, or
- (b) the premises may be used as near beer premises within the meaning of section 14 of the London Local Authorities Act 1995 (c. x) by virtue of a licence under section 16 of that Act.

Miscellaneous exempt supplies

5 (1) The following supplies of hot food or hot drink are exempt supplies for the purposes of paragraph 1(1)—

- (a) the supply of hot drink which consists of or contains alcohol,
- (b) the supply of hot drink by means of a vending machine,
- (c) the supply of hot food or hot drink free of charge,
- (d) the supply of hot food or hot drink by a registered charity or a person authorised by a registered charity,
- (e) the supply of hot food or hot drink on a vehicle at a time when the vehicle is not permanently or temporarily parked.

(2) Hot drink is supplied by means of a vending machine for the purposes of sub-paragraph (1)(b) only if—

- (a) the payment for the hot drink is inserted into the machine by a member of the public, and
- (b) the hot drink is supplied directly by the machine to a member of the public.

(3) Hot food or hot drink is not to be regarded as supplied free of charge for the purposes of sub-paragraph (1)(c) if, in order to obtain the hot food or hot drink, a charge must be paid—

- (a) for admission to any premises, or
- (b) for some other item.

(4) In sub-paragraph (1)(d) “registered charity” means—

- (a) a charity which is registered under section 3 of the Charities Act 1993 (c. 10), or
- (b) a charity which by virtue of subsection (5) of that section is not required to be so registered.

Clubs which are not recognised clubs: members and guests

6 For the purposes of this Schedule—

- (a) the supply of hot food or hot drink to a person as being a member, or the guest of a member, of a club which is not a recognised club is to be taken to be a supply to a member of the public, and
- (b) the admission of any person to any premises as being such a member or guest is to be taken to be the admission of a member of the public.