DIOCESE OF ST EDMUNDSBURY AND IPSWICH

ENTERTAINMENT AND ALCOHOL LICENSING

Major changes were made to the system by the Licensing Act 2003, most of which came into force in 2005. The local authority is now the licensing authority for all relevant matters. During the course of the legislation, strenuous efforts were made by churches of all denominations to mitigate the effects of the new law.

Churches open for public religious worship

1.1 Entertainment This includes plays, films, indoor sporting events, music, dancing and/or the provision of facilities to enable any of these things to take place. Any or all of these things in a place of public religious worship do not require any sort of licence under the Licensing Act. This applies whether they are organised by the church or by an outsider and whether or not they take place in the context of worship.

1.2 The sale of alcohol. Any sale of any alcohol in a church will require some form of authorisation from the licensing authority, usually a temporary event notice ("TEN") – see below.

2. Churchyards

2.1 Entertainment It is unclear whether the exemption for a place of public religious worship will include the churchyard as well as the church building. I think that we must be seen to be co-operative with the licensing authority and if an open-air concert is being planned for a churchyard, I suggest that the authority be consulted well in advance in case a temporary event notice is required (see below). However, if the entertainment is part of an actual religious meeting or service, there is a separate exemption and no licence or TEN is necessary.

2.2 Alcohol. The position is exactly the same as inside the church. A licence or TEN is required.

3. Premises annexed to a church and detached church halls

3.1 Entertainment. These premises do not count as a place of public religious worship. Therefore some form of licence or TEN will be required unless the event is part of an actual religious meeting or service, in which case it is exempt.

3.2 Alcohol. As for churches and churchyards.

4. Church functions on non-church premises

4.1 Entertainment. The position is exactly the same as for church halls.

4.2 Alcohol. -ditto-

5. Licensing

Wherever some sort of authority is required under the Act from the local authority, it can normally be obtained in one of two ways.

5.1 Premises licence. This is the usual route for church halls. A PCC can apply for a premises licence for a church hall to permit any or all of the regulated activities ie sale of alcohol, plays, films, indoor sporting events, music, dancing and the provision of facilities to provide any of these. If a church hall is regularly used for any of these things, a premises licence will be essential. The licence does not have to cover all the headings. If a premises licence is required for the sale of alcohol, there will be numerous conditions that may be difficult for the PCC to observe. An individual person will have to have a separate personal licence in order to become the "designated premises supervisor". Many church and village halls will therefore be licensed for entertainment but not for the sale of alcohol. All licences under the old law should by now have been converted into premises licences under the 2003 Act.

If the premises licence does not permit the desired activity, then the other method must be used.

5.2 Temporary event notice (TEN). This replaces the old "occasional permission" obtained from the licensing justices. A TEN allows licenseable activities on a temporary basis for a period not exceeding 96 hours without the need for a premises licence.

A TEN can apply to any premises and will therefore be equally relevant to a concert in aid of the church in a private garden as in the church hall.

There must be not more than 500 people at the event. In general there may be not more than twelve TENs for any one premises in any period of twelve months.

One TEN can cover both entertainment and alcohol.

Anyone can apply for a TEN and it is the easiest way of making legal an event where alcohol will be sold in the church, or an event with some form of entertainment or alcohol at a church hall or elsewhere that does not have a premises licence.

Notice has to be given to both the police and the local authority, neither of whom must object. The minimum notice period is ten working days. The fee for a TEN is currently £21.00.

Please note that the village pub can no longer bring a bar to a function away from the pub other than by using the TEN.

6. Members clubs

These have a separate licensing system, still run by the local authority, but are unlikely to be relevant to churches and church hall.

7. Sale of alcohol - Is it or isn't it?

There are obvious problem areas.

(a) Concert; an admission charge; a free drink included in the ticket - This will require a TEN.

(b) Concert; no admission charge; a free drink; contributions invited - This will probably escape the licencing rules provided there is absolutely no obligation to contribute and no suggestion of a minimum amount. Make the invitation for a contribution one for the event as a whole, not just the drink. If in doubt, get a TEN and charge properly.

(c) Concert; free drink; no request for payment - this is outside the scope of the Licensing Act.

(d) Wine at the eucharist – outside the Act, regardless of what goes in the collection plate.

(e) Bring and buy; sloe gin is sold – get a TEN or put it in as a prize in a raffle (see below).

(f) A concert; a raffle is held; there are bottles of wine among the prizes – The Act provides a specific exemption. The raffle must be incidental to some other event e.g. the concert, bazaar, entertainment, dance etc; after deduction of all relevant expenses, none of the proceeds must be used for private gain; none of the prizes must be money prizes; the result must be announced at the time; the raffle must not be the main inducement to attend

I have not taken soundings of the different local authorities in our diocese. Hearsay suggests that local authorities across the country are taking different views. The church cannot afford to run foul of the law. If in doubt, please contact the licensing department of your own local authority (district or borough council).

Anyone involved with alcohol at any sort of event should keep it away from children under eighteen.

8. Use of church premises by others

It is an offence for someone knowingly to allow a licenseable activity to be carried on without authority. Therefore PCC's must not hire out a church or church hall in the knowledge that it is to be used for something that requires a licence, without obtaining proof from the hirer that he/she has obtained a TEN, unless of course the event is already covered by the premises licence. Church halls without a premises licence will need to keep careful control on how many TEN's are being used (not more than 12 in any 12 month period).

9. Copyright and performing rights

The fact that a concert or a play has the authority of a premises licence or a TEN does not automatically waive the entitlement of the copyright-owner or publisher to the appropriate fee for performing the work.

10. Food

Similarly this is outside the scope of the Licensing Act and is subject to separate controls.

11. Carol Singing

At the end of 2005 there was considerable confusion about whether or not an annual carol concert needs a licence under the Act. It does not if it can

genuinely be said to be an actual religious meeting or service. If there is any doubt the safest course is the TEN process.

Carol-singing on a house to house basis still requires permission from the local authority under the House to House Collections Act. I think that this does not require a separate TEN but there is a contrary view in some places. The situation may well be clarified by the government later in the year.

Last updated May 2006

J S Hall

Diocesan Registrar