

**BRISTOL CITY COUNCIL
LICENSING TEAM (TEMPLE STREET)
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Licensing Act 2003 Information for local residents

Background to Licensing Act 2003

The Licensing Act 2003 has created a single licensing system for supply of alcohol, entertainment and late night refreshment, which is managed by the Licensing Authority, which in effect is the Council for the area where the premises are located.

What are licensable activities?

- The sale by retail of alcohol
- The supply of alcohol by or on behalf of a club to a member or to the order of a member (you may need to apply for a Club Premises Certificate there are separate guidance notes on this type of application)
- Provision of regulated entertainment
- Provision of late night refreshment

What is regulated entertainment?

- Performance of a play
- Exhibition of a film
- Indoor sporting event
- Boxing or wrestling entertainment
- Performance of live music
- Any playing of recorded music
- Performance of dance

Are there any exemptions to regulated entertainment?

The following are regulated entertainment regardless of timings or audience size these include boxing and wrestling (with exception for Greco-Roman and freestyle forms of wrestling), combined fighting sports and adult entertainment.

A number of exemptions have recently been introduced these include:

Live music in licensed venues

- Live music is no longer considered to be regulated entertainment in venues licensed for the sale of alcohol for consumption on the premises in the following situations:
- when it is unamplified and takes place between 8am and 11pm; and
- when it is amplified and takes place in the presence of an audience of 200 persons or less and is provided between 8am and 11pm.

The premises must be open for the sale of alcohol during the time that the live music is provided for the exemption(s) to take effect.

Any condition attached to the Premises Licence relating to live music will cease to have effect in respect of the live music when offered between 8am and 11pm, unless such conditions have been reinstated by the Licensing Authority as part of a Review Hearing.

Live music in venues which are not licensed

Unamplified, live music has been deregulated between 8am and 11pm in all non-licensed venues. However, unamplified, live music after 11pm and amplified live music in non-licensed venues will still require formal authorisation from the Licensing Authority by way of a Premises Licence, Club Premises Certificate or Temporary Event Notice.

Live music in workplaces

When it takes place between 8am and 11pm and in the presence of an audience of 200 persons or less.

Incidental music

Performance of live music or the playing of recorded music that is incidental to some other activity which is itself not an entertainment or the provision of entertainment facilities. For example recorded music played in a supermarket.

Theatrical performances and performance of dance

When it takes place between 8am and 11pm and in the presence of an audience of 500 persons or less.

Indoor sports

When it takes place between 8am and 11pm and in the presence of an audience of 1000 persons or less.

Film Exhibitions

Where the purpose is to demonstrate any product, advertise any goods or services, or to provide information, education or instruction, or is part of an exhibit at a museum or art gallery.

Television or Radio

The simultaneous reception and playing of a programme does not constitute regulated entertainment.

Religious Services and Places of Worship

Entertainment or entertainment facilities for or incidental to a religious meeting or service or at a place of religious worship does not constitute regulated entertainment.

Garden Fetes, etc

Garden fetes or functions or events of a similar nature do not constitute regulated entertainment provided that they are not conducted for private gain.

Morris Dancing, etc.

A performance of Morris dancing or any dancing of a similar nature or a performance of un-amplified, live music as an integral part of such a performance, or facilities enabling people to take part shall not constitute regulated entertainment.

Vehicles in Motion

The provision of entertainment or facilities for entertainment on premises consisting of or forming part of a vehicle at a time when the vehicle is not permanently or temporarily parked is not the provision of regulated entertainment.

Any condition attached to the Premises Licence relating to live music will cease to have effect in respect of the live music when offered between 8am and 11pm, unless such conditions have been reinstated by the Licensing Authority as part of a Review Hearing.

What is a Temporary Event Notice?

A Temporary Event Notice allows licensable activity on premises that are not currently licensed, or to hold activities existing licences or club certificates do not permit. This would include for example:

- Selling alcohol at a school fete
- Providing regulated entertainment in a pub (please note there are some exemptions)
- Selling alcohol after the hours your normal licence permits, e.g. for a special occasion

A TEN can be served on the Licensing Authority provided that no more than 499 people will be in attendance and the notice does not last for not more than 168 hours (7 days). There are a number of further restrictions which are detailed in our TEN guidance.

Can I object to a TEN?

No, only the police and environmental health may object to a notice if they believe that the event would undermine any of the licensing objectives. If an objection is received in respect of a late TEN a counter notice will be served by the Licensing Authority and the event cannot go ahead.

If the objection relates to a notice for a Standard TEN the Licensing Authority would arrange for a hearing where the notice user is given the opportunity to advise why the TEN should be allowed. If there is a premises licence/club premises certificate in force for the area (or part of the area) where the TEN is to take place the Licensing Authority may attach conditions from this licence/certificate which promotes the licensing objectives. If the Licensing Authority feels that their concerns cannot be mitigated they will issue a counter notice.

At any time before a hearing the police and environmental health may modify a TEN with the consent of the premises user. In such a case an objection notice will be deemed to have been withdrawn.

What is a premises licence?

A Premises Licence is required for the provision of licensable activities to the public.

How do I know an application for a premises licence has been applied for?

An application for the grant of a premises licence must be advertised on the site and in a locally circulating newspaper. Licensing Authorities are also required to advertise application on our website available at

<https://www.bristol.gov.uk/licences-permits/licensing-act-2003> .

Site notices must be displayed for a period of no less than 28 consecutive days, starting on the day after the day on which the application was given to Bristol City Council.

The newspaper notice shall be published on at least one occasion during the period of ten working days, starting on the day after the day on which the application was given to the relevant Licensing Authority.

Can I object to a premises licence application?

Representations may be submitted by a responsible authority or other person. Representations must be submitted to the Licensing Authority within the 28 day representation period and relate to at least one of the licensing objectives which are:

- The Prevention of Crime and Disorder
- Public Safety
- The Prevention of Public Nuisance
- The Protection of Children From Harm

If representations are made, the Licensing Authority will hold a hearing to consider the representations, unless the Licensing Authority, the applicant and those making representations agree it is not necessary. This may be the case where all parties meet prior to a hearing and resolve the issues that resulted in representations being made. In such circumstances the representations may be modified and a licence granted with amendments or conditions that arise from that meeting.

How can I submit an objection?

Email licensing@bristol.gov.uk

Post to: Licensing Team (100 TS), Bristol City Council, PO Box 3399, Bristol, BS1 9NE

Hand deliver to: 100 Temple Street, Bristol, BS1 6AG

What is an application for review?

An application for the review of a Premises Licence or Club Premises Certificate is a request for the local authority to review the licence attached to a premises. A review can be lodged at any time.

Who can submit an application for review?

An application for review may be submitted a responsible authority or any other person.

On what grounds can I submit an application for review?

An application for the review of a Premises Licence must be based on at least one of the licensing objectives.

How do I submit an application for review and what are the timescales involved?

There are a number of criteria and steps that must be satisfied when applying for a review of a licence these include serving the application on the premises licence holder or the Club Premises Certificate Holder in respect of Club Premises Certificates, the Licensing authority and all of the Responsible Authorities.

Further information regarding reviews can be obtained from the Licensing Team.

What can the committee decide at a review hearing?

The Licensing Committee may decide to:

- Revoke the licence
- Amend the licence, for example, this may include additional conditions, a reduction in the hours for licensable activities or certain licensable activities withdrawn from the Premises Licence
- To make no changes

Can anyone attend the hearing?

The hearing is a public meeting therefore anyone can attend the hearing.

However only those individuals that have submitted representations to the application may speak at the meeting.

The information in this guidance was accurate when produced, but you are always advised to seek your own legal advice should you have any queries and you should note that the Council cannot be liable in any way for the contents of this guidance.