

LICENSING ACT 2003

1. This Act is intended to provide an integrated system of licensing covering:-
 - (a) the sale of alcohol and the supply of alcohol by clubs);
 - (b) the provision of "regulated entertainment"; and
 - (c) the provision of late night refreshment.

The local authority will normally be the "licensing authority" under the Act, but in some cases it will be possible to appeal from the licensing authority's decision to the magistrates' court.

2. Information about the timetable for implementing the Act will be found on the Department for Culture, Media and Sport website (see paragraph 7 below). . However, in very general terms, the new licensing regime will begin to come into operation on 7th February 2005, and it is expected that it will be fully in force and will replace the existing licensing regimes in about November 2005.
3. The Act makes substantial changes in the previous licensing regime in relation to alcohol, and for that reason alone could well be relevant in practice in relation to some church activities and premises.
4. In addition, the term "regulated entertainment" is very broadly defined, and includes plays, films, indoor sporting events, live and recorded music and dancing. However, this is subject to a number of detailed conditions laying down the circumstances in which the statutory controls apply, and there are also a number of statutory exemptions.
5. In particular, the Act provides that the provision of entertainment or entertainment facilities:-
 - (d) for the purposes of , or for purposes incidental to. a religious meeting or service or
 - (e) at a place of public religious worship;

is not to be regarded as "regulated entertainment" under the Act. This clearly reduces the impact of the Act would otherwise have in relation to church activities and premises.

6. It is important to note that the only types of premises which are completely exempted are places of public religious worship; thus for example, activities in a church hall will not automatically fall outside the new licensing controls regarding entertainments. However, the regulations relating to the fees payable for licences under the 2003 Act contain a special exemption for cases where a "church hall, chapel hall or other similar building" needs a licence under the Act solely in relation to "regulated entertainment"; the same exemption also applies to village halls, parish halls, community halls and other similar buildings. In addition, while the Bill which became the 2003 Act was before Parliament, the Government pointed out that the conditions attached to any licences for such premises would need to be

proportionate to the risks involved in the areas of nuisance, public safety and crime and disorder, and recognised that these were likely to be minimal in most cases.

7. Further information about the Act will be found on the Department for Culture, Media and Sport website (www.culture.gov.uk/alcohol_and_entertainment/licensing_act_2003/default.htm). The local authorities which will act as the new licensing authorities under the Act will now have published their first "policy statements" in relation to those functions, and a large number of local authorities have placed their policy statements and other helpful material on their own websites.

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