

Licensing Act 2003

Licensable activities

This leaflet gives advice on what is a 'licensable activity' under the Licensing Act 2003.

Guidance notes 3



Introduction

This leaflet gives advice on what is a licensable activity under the Licensing Act. Broadly it falls into three parts, alcohol or entertainment or late night refreshment (or combination of any of the three parts.)

Alcohol

Any retail sale or supply of alcohol requires a licence. Selling liqueur chocolates does not require a licence although they may not be sold to under 16s. The supply of alcohol by a club or to a member of a club requires that the club must have a Club Registration Certificate. Only qualifying clubs which are suitably constituted, such as working men's clubs, can make use of such certificates. Other informal groups such as parent teacher associations are not qualifying clubs and therefore require licences to sell alcohol.

Entertainment

The provision of entertainment means the provision of either entertainment or entertainment facilities.

Entertainment means any of the following:

- the performance of a play (this means any piece where a dramatic role is acted out);
- an exhibition of a film (this means any display of moving pictures);
- an indoor sporting event;
- boxing or wrestling entertainment;
- a performance of live music;
- any playing of recorded music;
- a performance of dance;
- or entertainment of a similar description to live music, recorded music or dance.

The entertainment must take place in the presence of an audience (however small).

Entertainment facilities are those for enabling people to take part in an entertainment of the following sort:

- making music;
- dancing; and
- entertainment of a similar description to making music or dancing.

"Entertainment facilities" are, for example, a dance floor provided for customers to use, whereas "entertainment" might involve a performance of dance provided for an audience.

In addition the entertainment or entertainment facilities must be provided:

- a to the public; and/or
- b exclusively for members and their guests of a club which is a qualifying club.

Dance schools do not provide entertainment when giving lessons although they would require a licence if they decided to give demonstrations of their students abilities to the public or to members of a qualifying club.

Exemptions:

- a films to demonstrate a product, advertise goods or series, or provide information or education;
- b films shown in museums or art galleries as part of an exhibit;
- c music that is incidental to a non licensable activity e.g. a fashion show;
- d showing live television programmes;
- e music or a play as part of a religious meeting or service or at a place of public religious worship (e.g. nativity plays during a service anywhere, choral works or a play in a church even where not part of a service);
- f garden fetes;
- g morris dancing; or
- h provision of entertainment on vehicles in motion.

Late night refreshment

The provision of late night refreshment means the supply of hot food or drink, between 11.00 pm and 5.00 am to members of the public on or from any premises for consumption either on or off the premises. Hot means that it has been heated to above ambient temperature or that, after it has been sold, can be heated on the premises. This means that any restaurant, pub, snack bar, chip shop, 24 hour supermarket, etc supplying hot food after 11.00 pm will require a Premises Licence. If the premises already has a Licence to sell alcohol, that licence must be varied to add late night refreshment.

Supply to the following persons is exempt:

- a members of recognised clubs;
- b someone staying at a hotel (including guest house, lodging house, hostel, etc.) for the night;
- c by an employer to employees;
- d engaged in a particular trade/profession/vocation;
- e guests of the above.

Supply in the following circumstances is also exempt:

- a drinks (not food) from vending machines;
- b free food or drink;
- c food or drink supplied by registered charities;
- d on a vehicle.

NB: The supply of alcoholic hot drinks would need a premises licence.

Temporary event notices

In some circumstances where a licensable function is going to take place it may be that a full licence is not required and that a Temporary Event Notice can be made use of. Please see our leaflet on Temporary Event Notices.

Further information

We realise that this may be a confusing time for existing licensees but we are here to help you through this process. Licensees can contact us at any time for advice, or to request an application pack. This leaflet provides advice based on information available at the time of writing and this may change. It is intended for guidance only and does not provide authoritative legal advice. Only the courts can interpret legislation with definitive authority.

Applicants are advised to seek their own professional advice where they feel it is necessary.

We would welcome your comments on this or any other of our leaflets, so as to ensure that they meet the needs of the users of our services.

If you have difficulty understanding this leaflet for any reason please contact us to discuss other formats that we can provide.

How to contact us:

London Borough of Hammersmith & Fulham
Licensing Section
Environmental Protection
5th Floor, Town Hall Extension
King Street, Hammersmith, London, W6 9JU.

Phone: 020 8753 1084

Fax: 020 8753 3922

Email: licensing@lbhf.gov.uk

Website: www.lbhf.gov.uk

Other useful contact:

Department for Culture, Media and Sport
204 Cockspur Street, London, SW17 5DH.

Phone: 020 7211 6200.

Website: www.culture.gov.uk

If you would like any part of this document interpreted into your own language, please phone 020 8753 4040.

Russian

Если вы хотите, чтобы
какая-либо часть этого
документа была устно
переведена на ваш язык,
пожалуйста, позвоните по
телефону 020 8753 4040.

Polish

Jeśli chciałbś jakaolwiek
część tego dokumentu
przetłumaczyć na język
ojczysty, to proszę zadzwonić
pod numer 020 8753 4040.

French

Si vous souhaitez qu'une
partie de ce document soit
traduite dans votre langue,
veuillez appeler le
020 8753 4040.

Spanish

Si desea alguna parte de
este documento en su
propio idioma, llame al
020 8753 4040.

Albanian

Nese do deshironi ndonje
pjese te ketij dokumenti te
perkthyer ne gjuhen tuaj,
telefononi 020 8753 4040.

Amharic

የዚህ ደብዳቤን ግንኙነት
ክፍል በራሱም ቋንቋ
እንዲተረጎምልዎት ከፈለጉ
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020 8753 4040 ይደውሉልን።

Portuguese

Se desejar qualquer parte
deste documento
interpretada no seu idioma,
telefone por favor para
020 8753 4040.

Somali

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qeyb dukumentigan ka mid
ah luqaddaada ama
afkaaga laguugu turjumo,
fadlan teleefoon u soo dir
020 8753 4040.

Punjabi

ਜੇਕਰ ਤੁਹਾਨੂੰ ਇਸ ਦਸਤਾਵੇਜ਼ ਦੇ ਕਿਸੇ
ਵੀ ਹਿੱਸੇ ਦਾ ਕੀਤਾ ਹੋਇਆ ਅਨੁਵਾਦ
ਤੁਹਾਡੀ ਅਪਣੀ ਭਾਸ਼ਾ 'ਚ ਚਾਹੀਦਾ ਹੈ,
ਤਾਂ ਕ੍ਰਿਪਾ ਕਰਕੇ ਟੈਲੀਫੋਨ ਕਰੋ
020 8753 4040.

Gujarati

જો તમને આ દસ્તાવેજના કોઈપણ
ભાગનું કંઈક ભાષાંતર તમારી પોતાની
ભાષામાં જોઈવું છે તો, મહેરબાની
કરી ટેલિફોન કરો
020 8753 4040.

Hindi

यदि आपको इस दस्तावेज के किसी भी
हिस्से का किया हुआ अनुवाद अपनी
भाषा में चाहिए, तो कृपया टैलफोन करें
020 8753 4040.

Urdu

اگر اس دستاویز کے کسی بھی حصہ کا ترجمہ
آپ کو اپنی زبان میں چاہئے تو براہ مہربانی
ٹیلی فون کریں: 020 8753 4040

Farsi

اگر شما میخواهید هر بخشی از
این سند به زبان شما برایتان ترجمه
شفاهی بشود لطفا با شماره تلفن
020 8753 4040 تماس بگیریید.

Arabic

إذا كنت ترغب بالحصول على
ترجمة فورية لأي جزء من هذه
الوثيقة، فيرجى الاتصال ب:
020 8753 4040

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www.lbhf.gov.uk

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