



bringing cinema to community venues

## Licensing Guidelines

### General information

*Warning:* The Licensing Act 2003 has yet to be tested in the courts. Consequently there is no definitive interpretation of the law and licensing practitioners do not always agree on what the Act means. These guidelines are based on a “best guess” interpretation, as advised by County Secretary’s and by a licensing consultant.

There are three licensable activities that might affect your events: the retail sale of alcohol, the provision of regulated entertainment and the provision of late night refreshment. Late night refreshment only applies after 11pm; these notes do not cover that aspect of the law.

Derbyshire Film is currently covered by a Certificate of Exemption under the terms of section 6(6) of the Cinemas Act 1985. The Department for Culture, Media and Sport has assured us that this exemption IS STILL VALID for any venues showing films as part of the Derbyshire Film scheme. It is valid until 17 December 2007.

### Retail sale of alcohol

If you sell alcohol to the public or a section of the public it is a licensable activity. If, however, you give the alcohol away completely free it cannot be a licensable activity.

The slightly greyer area is when alcohol is given away free, but there is an admission charge. It seems likely that this would count as a retail sale of alcohol, as the courts would conclude that an element of the charge covers the cost of the alcohol (even if we're making a loss on the event overall). Therefore, a licence would be needed.

However, for free events (e.g. launches, exhibition openings, etc.), it is legal to give away a glass of wine without having an alcohol licence.

## **Regulated entertainment**

The ONLY activities that are regulated entertainment are those listed in the Act, namely:

- plays, including dramatic performances
- films (but not slide shows, as the definition only covers moving pictures)
- indoor sporting events
- boxing and wrestling (indoors and outdoors)
- dancing
- live and recorded music and entertainment similar to music and dancing

where the entertainment takes place in the presence of an audience and is provided for the purpose of entertaining that audience.

Musical and dance events are only licensable where the aim is to entertain an audience, so keep fit activities, are NOT licensable.

There is an exemption for film exhibitions where the sole or main purpose is to provide information, education or instruction. Unfortunately, this only relates to films not to other forms of entertainment, so all other regulated activities are licensable, even if there is an educational purpose, if they take place in front of an audience.

Events held outdoors will need to obtain a licence for that outdoor space.

It is possible to get a Temporary Event Notice (TEN), rather than a full Premises Licence. The problem with a TEN is that you can only use them for the same premises on a maximum of 12 occasions and 15 days a year.

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