

LICENSING ACT 2003

GUIDANCE

REGULATED ENTERTAINMENT (AS AT JULY 2015)



The Licensing Act 2003 requires that:

- the sale or supply of alcohol by retail,
- regulated entertainment, and
- the provision of hot food or hot drink between 23:00 and 05:00 on any day (except in premises subject to a club premises certificate)

are authorised under the legislation. An “authorisation” is a premises licence, club premises certificate granted or temporary event notice given under the Licensing Act 2003.

Regulated entertainment is:

- a performance of a play
- an exhibition of a film
- an indoor sporting event
- a boxing or wrestling entertainment
- a performance of live music
- any playing of recorded music
- a performance of dance
- anything similar to music or dancing

where the entertainment takes place in the presence of an audience, or if it is in private, where a charge is made with a view to a profit – that is, any surplus over and above the costs of providing the entertainment.

However, the legislation itself contains a (much amended) series of exemptions, which has resulted in the following being outside the scope of the legislation’s general requirement for entertainment to be authorised:

- activities which involve participation as acts of worship in a religious context
- activities in places of public religious worship
- education – teaching students to perform music or to dance
- the demonstration of a product – for example, a musical instrument in a music shop
- the rehearsal of a play or performance of music for a private audience where no charge is made with a view to making a profit
- morris dancing (or similar) and its accompanying music
- incidental music – the performance of live music or the playing of recorded music if it is incidental to some other (non-licensable) activity
- incidental film – an exhibition of moving pictures which is incidental to some other (non-licensable) activity
- a spontaneous performance of music, singing or dancing
- garden fêtes or similar which are not promoted or held for purposes of private gain
- films for advertisement, information, education or in museums or art galleries
- television or radio broadcasts – as long as the showing of the programme is simultaneous with its broadcast
- vehicles in motion – at a time when the vehicle is not permanently or temporarily parked
- games played in pubs, youth clubs etc. (e.g. pool, darts and table tennis)
- stand-up comedy, and
- provision of entertainment facilities (e.g. dance floors)

In addition, authorisation will not be required for the following, provided that, in each instance, **all** the criteria are satisfied:

- **Plays:** no authorisation is required for performances between 08:00 and 23:00 on any day, provided that the audience does not exceed 500.

- **Dance:** no authorisation is required for performances between 08:00 and 23:00 on any day, provided that the audience does not exceed 500.
- **Films:** no authorisation is required for “not-for-profit” film exhibition held in community premises between 08:00 and 23:00 on any day provided that the audience does not exceed 500 and the organiser
 - (a) gets consent to the screening from a person who is responsible for the premises; and
 - (b) ensures that each such screening abides by age classification ratings.
- **Indoor sporting events:** no authorisation is required for an event between 08:00 and 23:00 on any day, provided that those present do not exceed 1000.
- **Boxing or wrestling entertainment:** no authorisation is required for a contest, exhibition or display of Greco-Roman or freestyle wrestling between two participants, taking place 08:00 and 23:00 on any day wholly inside a building, provided that the audience does not exceed 1000.
- **Live music:** no authorisation is required for:
 - a performance of unamplified live music between 08:00 and 23:00 on any day, on any premises.
 - a performance of amplified live music between 08:00 and 23:00 on any day on premises authorised to sell alcohol for consumption on those premises, provided that the audience does not exceed 500.
 - a performance of amplified live music between 08:00 and 23:00 on any day, in a workplace that is not licensed to sell alcohol on those premises, provided that the audience does not exceed 500.
 - a performance of amplified live music between 08:00 and 23:00 on any day, in a church hall, village hall, community hall, or other similar community premises, that is not licensed by a premises licence to sell alcohol, provided that
 - (a) the audience does not exceed 500, and
 - (b) the organiser gets consent for the performance from a person who is responsible for the premises.
 - a performance of amplified live music between 08:00 and 23:00 on any day, at the non-residential premises of
 - (i) a local authority, or
 - (ii) a school, or
 - (iii) a hospital,
 provided that
 - (a) the audience does not exceed 500, and
 - (b) the organiser gets consent for the performance on the relevant premises from:
 - (i) the local authority concerned, or
 - (ii) the school or
 - (iii) the health care provider for the hospital.
- **Recorded Music:** no authorisation is required for:
 - any playing of recorded music between 08:00 and 23:00 on any day on premises authorised to sell alcohol for consumption on those premises, provided that the audience does not exceed 500.
 - any playing of recorded music between 08:00 and 23:00 on any day, in a church hall, village hall, community hall, or other similar community premises, that is not licensed by a premises licence to sell alcohol, provided that
 - (a) the audience does not exceed 500, and
 - (b) the organiser gets consent for the performance from a person who is responsible for the premises.
 - any playing of recorded music between 08:00 and 23:00 on any day, at the non-residential premises of
 - (i) a local authority, or
 - (ii) a school, or
 - (iii) a hospital,

provided that

- (a) the audience does not exceed 500, and
- (b) the organiser gets consent for the performance on the relevant premises from:
 - (i) the local authority concerned, or
 - (ii) the school proprietor or
 - (iii) the health care provider for the hospital.

- **Circuses:** no authorisation is required for entertainment forming part of a performance by a travelling circus where the entertainment:
 - is neither the exhibition of a film or boxing and wrestling
 - takes place between 08:00 and 23:00 on any day
 - the entertainment takes place and the audience are accommodated wholly inside a moveable structure
 - the site is not used for by a travelling circus for more than 28 consecutive days
- **Cross activity exemptions:** no authorisation is required between 08:00 and 23:00 on any day, with no limit on audience size for:
 - any entertainment taking place on the premises of the local authority where the entertainment is provided by or on behalf of the local authority;
 - any entertainment taking place on the hospital premises of the health care provider where the entertainment is provided by or on behalf of the health care provider;
 - any entertainment taking place on the premises of the school where the entertainment is provided by or on behalf of the school proprietor; and
 - any entertainment (excluding films and a boxing or wrestling entertainment) taking place at a travelling circus, provided that (a) it takes place within a moveable structure that accommodates the audience, and (b) that the travelling circus has not been located on the same site for more than 28 consecutive days.

These exemptions mean that, for example, an indoor sporting event taking place between 07:00 and 23:30 on a particular day **will be** licensable in respect of activities taking place between 07:00-08:00 and 23:00-23:30.

Similarly, where the audience for a performance of dance fluctuates, those activities **will be** licensable if, and for so long as, the number of people in the audience exceeds 500.

If organisers are uncertain as to audience sizes or if audience migration is likely, authorisation should be obtained.

For example, a temporary event notice (TEN) would still be required include if the activity is the playing of recorded music or the exhibition of a film that requires an authorisation; or if the entertainment is not authorised by an existing licence or certificate and its conditions.

Please note that anyone involved in the organisation or provision of entertainment activities – whether or not any such activity needs authorisation under the Licensing Act 2003 – must comply with any applicable requirements of other legislation relevant to the event (e.g. in areas such as crime and disorder, fire, health and safety, noise, nuisance and planning). Any such person should take steps to be make themselves aware of the relevant best practice; the responsible authorities may a useful source of expert support and guidance, but will not be able to give business critical advice.

These guidance notes are necessarily not exhaustive – the legislation is complex and you should seek competent independent legal advice, particularly where business-critical decisions are involved.

Please note that the Southampton City Council Licensing Team administers Licensing Act 2003 matters for the Borough of Eastleigh under the Southampton and Eastleigh Licensing Partnership.

Copyright licensing: Whether not the authority of a premises licence, club premises certificate or temporary event notice is required, the performance or reproduction of any copyright sound or visual work will need permission from the copyright owner. For more information [contact PRS for Music Ltd.](#) and [Phonographic Performance Ltd.](#) in respect of performances of music and recorded

music or the [Motion Picture Licensing Company Ltd.](#) (trading as MPLC) and [Filmbank Distributors Ltd.](#) (t/a Filmbank Media) in respect of film or video works. The [Independent Cinema Office](#) may be able to advise in respect of the showing of copyright film or video recordings in a community setting. The licensing authority has no involvement in these processes.

Table 1 – Contact details for the Licensing Authority:

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| Southampton and Eastleigh Licensing Partnership Civic Centre, Southampton SO14 7LY | Direct: Fax No: Email: DX No: | 023 8083 3002 (option 3, then option 1) 023 8083 4061 licensing@eastleigh.gov.uk 115710 Southampton 17 |
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Table 2 – Other Responsible Authorities

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| Force Licensing Team Hampshire Constabulary Southampton Central Police Station Southern Road Southampton SO15 1AN | Direct: Switchboard: Fax No: Email: Internet: | 023 8047 9919 ext 4724005# 0845 045 4545 023 8067 4712 licensing@hampshire.pnn.police.uk www.hampshire.police.uk |
| Environmental Health Eastleigh Borough Council Eastleigh House, Upper Market Street Eastleigh SO50 9YN | Direct: Fax No: Email: | 023 8068 8307 023 8061 5224 eh@eastleigh.gov.uk |
| <i>Please note that for some premises, the Health & Safety Executive will be the responsible authority</i> | | |
| Hampshire + IOW Fire and Rescue Service HQ, Business Fire Safety, Leigh Road, Eastleigh, Hampshire SO50 9SJ | Switchboard: Fax No: Email: | 023 9285 5180 023 9288 5175 csprotection.admin@hantsfire.gov.uk |
| Hampshire County Council Trading Standards Montgomery House, Monarch Way, Winchester, Hampshire SO22 5PW | Direct: Email: | 01962 833 620 liquor.licensing@hants.gov.uk |
| Hampshire County Council CSD Safeguarding Unit, Falcon House, Monarch Way Winchester SO22 5PL | Direct: Fax: Email: | 01962 876 222 01962 876 229 child.protection@hants.gov.uk |
| Hampshire County Council Public Health Department (Licensing) 1st Floor, Room 153, Queen Elizabeth II Court South Winchester SO23 8TG | Direct: Fax: Email: Web: | 023 8038 3319 01962 847 644 (please include address and email in fax) publichealth.licensing@hants.gov.uk www.hants.gov.uk |
| Development Control Eastleigh Borough Council Eastleigh House, Upper Market Street Eastleigh SO50 9YN | Direct: Fax No: Email: | 023 8068 8427 023 8068 8261 enforcements@eastleigh.gov.uk |
| Health and Safety Executive Priestley House, Priestley Road Basingstoke Hampshire. RG24 9NW | Switchboard: Fax No: | 01256 404 000 01256 404 100 hselicensing@hse.gsi.gov.uk |
| <i>Please note that the HSE will only need to be involved where Eastleigh Borough Council's Environmental Health service is not the enforcing authority under the Health and Safety at Work Act , e.g. premises of a crown body, a local authority, the police, a hospital, a school or a university</i> | | |
| Southampton Marine Office, Maritime and Coastguard Agency, Spring Place, 105 Commercial Road, Southampton SO15 1EG | Direct: Email: Internet: | 020 3817 2211 / 2212 / 2213 southampton_mo@mcga.gov.uk www.mcga.gov.uk |
| <i>Please note that the MCA will only be involved where the application is in respect of a vessel</i> | | |