



Relaxation of alcohol laws for Church Halls and other community premises

BRIEFING

Introduction

The Licensing Act 2003 (“the 2003 Act”) requires that anyone wishing to sell alcohol or provide entertainment or late night refreshments (the supply of hot food and drink between 11pm and 5am) must do so from premises that have the benefit of a premises licence.

The 2003 Act stipulates that every premises licence is subject to mandatory conditions which include the following:

- No alcohol sales may be made unless the premises licence has named on it a nominated person, known as the designated premises supervisor (“DPS”) who in turn must be a personal licence holder.
- Every sale of alcohol must be made or authorised by a personal licence holder.

To obtain a personal licence a person must possess a licensing qualification and a criminal record bureau certificate.

Exemption for religious services and places of worship

Where the entertainment is for the purposes of, or for purposes incidental to a religious meeting or service or at a place of public religious worship, this entertainment is not required to be licensed.

There is no such exemption regarding the sale of alcohol. Alcohol may be given away but this must be genuinely free. For example, charging an entrance fee to an event and then providing alcohol free of charge could be construed as a sale which would need to be covered by a licence. If people bring their own alcohol then no sale takes place and no licence is required.

New provisions for Church Halls and Village Halls

The Government has now amended the 2003 Act to disapply the above mandatory conditions in relation to premises licences held by village halls, church halls, chapel halls, community halls and similar community premises (“Community Premises”).

If the mandatory conditions are disapplied, a new alternative condition will be applied instead.

The effect of this condition will be that the responsibility for authorising the sales of alcohol would fall on the premises licence holder itself, which will be the committee or board of individuals responsible for the management of the premises.

The licence holder will undertake the responsibilities previously required of the DPS. Provided that the licence holder properly authorises the sale of alcohol (we advise that this be clearly set out in writing) then the actual user of



the Community Premises may sell alcohol under the authority of the premises licence and there will be no requirement for sales of alcohol to be authorised by a personal licence holder.

How to disapply the mandatory conditions

It had been hoped that the mandatory conditions would be disapplied automatically for Community Premises. However, the Government has decided that the police should have the opportunity to object to their removal at certain premises on crime and disorder grounds.

An application will need to be made to the Licensing Authority to disapply the mandatory conditions and substitute them with the new alternative condition

Reasons to apply to disapply the mandatory conditions

Once the premises licence has been amended to disapply the mandatory conditions:

- the Management Committee of Community Premises will no longer need to worry about varying the premises licence each time there is a change of DPS
- there will be no requirement for a personal licence holder to be present when alcohol sales are made or indeed for alcohol sales to be authorised by a personal licence holder
- there will be no requirement for Community Premises to apply for personal licences (cost

estimated by the Government including training to be approximately £273 per licence)

Conclusion

The Government estimates that some 4,000 Community Premises could benefit from this change to the law.

An application to vary the existing premises licence should result in a long term cost savings for Community Premises and we recommend that those involved with the running of Community Premises take advantage of this change to the 2003 Act.

The new law will come into effect at the end of July. We await the final regulations but understand that the application fee will be £23.

The Winckworth Sherwood licensing team will be ready, willing and able to make applications to disapply the mandatory conditions for Community Premises. Please do contact us if you would like us to assist.

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