Introduction
This leaflet gives advice on what is a licensable activity under the Licensing Act. Broadly it falls into three parts
- the sale or supply of alcohol
- the provision of entertainment
- the provision of late night refreshment
- any combination of the above.

Alcohol
Any retail sale 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.

Selling alcohol includes giving it away as part of an inclusive ticket.

Entertainment
The provision of entertainment means the provision of either
- a) entertainment or
- b) entertainment facilities.

‘Entertainment’ means any of the following:
- the performance of a play (this means any piece where a dramatic role is acted out including opera and ballet)
- an exhibition of a film (this means any display of moving pictures including videos)
- an indoor sporting event
- boxing or wrestling entertainment
- a performance of live music
- any playing of recorded music
- a performance of dance
- 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 or
(b) exclusively for members and their guests of a club which is a qualifying club or
(c) where (a) and (b) do not apply, for consideration and with a view to profit.

For example this means that the provision of music or the performance of a play to either the public, or
- a) to members of a qualifying club (e.g. Working Men’s Club etc.), or
- b) to members of an association, which is not a qualifying club, (e.g. Parents Association) where an entrance fee is paid to raise funds, are all licensable activities.
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 shown in museums or art galleries as part of an exhibit,
- b) music, provided it is incidental to a non licensable activity e.g. a fashion show
- c) showing television programmes,
- d) entertainment, such as 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),
- e) garden fetes,
- f) Morris dancing
- g) 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 either 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, take-away, pub, snack bar, fish and chip shop, 24-hour supermarket, etc supplying hot food after 11.00 pm needs a Premises Licence. If the premises already has a Premises Licence to sell alcohol, that licence must be varied to add Late Night Refreshment to the Premises Licence

**Exemptions**
Supply to:
- a) members of recognised clubs,
- b) someone staying at a hotel for the night (including guest house, lodging house, hostel, caravan site, camping site, etc.),
- c) by an employer to employees,
- d) guests of the above.

The supply of:
- a) alcoholic hot drinks (would need an alcohol licence),
- b) drinks (not food) from vending machines,
- c) free food or drink,
- d) food or drink supplied by registered charities.

**Temporary Event Notices**
In some circumstances where a licensable function is going to take place it may be that a premises licence is not required and that a Temporary Event Notice can be made use of.

**General**
If you think that any activity might fall into any of these categories or might need a licence please contact us for advice.

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.

**Further information**
There are a number of information leaflets available from the Licensing Team at the Town Hall (tel: 01737 276428) email; licensing@reigate-banstead.gov.uk or via the Council’s website which include:
- Children and Alcohol
- Temporary Events
- Late Night Refreshment
- Representations and Objections
- Licensee’s Responsibilities
- Conversion of Existing Licences
- The New Law