

### Late Night Refreshment

The provision of late night refreshment means the supply of hot food or drink, between 11pm and 5am 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, pub, snack bar, 'takeaway', 24 hour supermarket, etc supplying hot food after 11pm 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 (including guest house, lodging house, hostel, caravan site, camping site, etc.) for the night,
- c) by an employer to employees,
- d) guests of the above. The supply
  - a) of alcoholic hot drinks (would need a premises licence anyway),
  - 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 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

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.

### For more information, please contact:

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## Licensing Act 2003

## Licensable Activities



**Environmental Health and Building Control  
Services**

# Licensing Act 2003

## Licensable Activities

### Introduction

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

### 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 Premises Certificate. Only qualifying clubs which are suitably constituted, such as working mens 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 can include giving it away as part of a wider ticket. Please check if you are unsure.

### 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);

- 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 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.

(Note 'profit', not 'private gain' - this therefore includes school plays which make profit even though the proceeds go to the school.)

A private event - for example a wedding reception - held in a separate room of a public house or hotel would normally be an event which needs to be covered by a premises licence, because the hire would be with a view to profit.

Additionally the provision of music or the performance of a play to either

- a) the public, or
- b) to members of a qualifying club (e.g. Working Mens Club etc.), or
- c) 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) in vehicles in motion.