

CRICKLADE TOWN HALL COMMITTEE

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ALCOHOL AND THE TOWN HALL – LICENSING ACT 2003

These notes are very important – please read them carefully

On 24th November 2005 there were massive changes to the licensing laws within England & Wales. These changes have had a significant effect on the Town Hall and if you are a user or potential user, they affect you.

During 2006 the Town Hall operated on a basis of Temporary Event Notices (TENs), which resulted in the limit of 12 such notices being reached in May and no further events being permitted where the sale of alcohol was involved. This has clearly been unsatisfactory and so the management committee took the decision to become licensed for the sale of alcohol. In order for us to be able to hold more than 12 events where alcohol is sold, we need a premises licence with an operating schedule to permit the sale of alcohol and a Designated Premises Supervisor (DPS) who has ultimate responsibility for the licensable activities. The DPS must hold a personal licence.

The Town Hall now has a licence to permit the sale of alcohol from a temporary bar at pre-booked events and a DPS – Steve Cleverly. It is not necessary for the DPS to be present at the hall for every event, but as the ultimate responsibility lies with the DPS the Town Hall Management Committee will reserve the right for the DPS or anyone nominated by the DPS to be present at any event. There will be changes to the hiring terms and conditions, but we have tried to make it so hirers can continue to operate in much the same way as they do now. These necessary changes are covered below:

- It will be a condition of booking the Hall that you do not apply for a TEN. If you do, you could be affecting the possibility of others holding an event. If a TEN is needed for an event that is not covered by our premises licence, it will be a decision for the management committee. If the licensing authority provides us with notice of someone applying for a TEN and it has not been arranged through us, the booking will be cancelled and we will seek financial compensation by way of a cancellation fee.
- It will be possible to use the Town Hall Licence for a fee of £20 (slightly less than the cost of a TEN but without any of the hassle). The charge is made to cover the cost of the licence. A lower fee is applicable to the Town Hall Annexe or where only wine is to be sold. Details of the lower fees are available on request.
- **Except for a few special circumstances the bar facilities must be provided by Steve Cleverly, our DPS.** You will need to make the necessary arrangements with Steve and he can be contacted by writing to him, Mr Steve Cleverly, The Old Bear, 101 High Street, Cricklade SN6 6AA or by telephone: 01793 750005.

- If you would prefer for the bar to be run by a local pub, the situation is the same as now, the pub will have its own personal licence holder(s) and therefore you can hand over the entire function. The pub does not have to issue a TEN as the Town Hall operating schedule permits the sale of alcohol from a temporary bar at pre-booked events. However the pub does not take over the role of the DPS and so any such arrangements will need to be made with the approval of the DPS. **You should contact Steve Cleverly if you are considering this approach.**
- The situation is much the same where the Bar is organized through providing your own drinks, own pricing, own bar staff, own profit etc. This needs the approval of the DPS as they retain responsibility for the sale of alcohol in such situations. The DPS may have to have someone present at your event. The DPS may also insist on briefing the proposed bar staff on what bar signage you use, and in particular on Proof of Age. Again, you should contact Steve Cleverly if you are considering this approach.
- The management committee has made every effort to obtain a licence to cover the majority of events. The times on our operating schedule where the sale of alcohol can take place from a temporary bar at a pre-booked event are 0800hrs to 0200hrs Monday to Friday, 0800hrs to 0000hrs on a Saturday and 1400hrs to 0000hrs on a Sunday. Events that fall outside of these times will require a TEN, but as mentioned in 1 above, these must be organised via the management committee. A full list of the times that regulated entertainment is permitted will be published within the operating schedule.

Notes in the event that you need to apply for a TEN

The town hall is permitted to have a maximum of 12 events per annum when the sale of alcohol is permitted outside the terms of the operating schedule. The system involves the event organiser "the premises user" giving a temporary event notice (TEN) to the licensing authority and copying this to the police. The premises user is responsible for ensuring that the law is adhered to.

Any person or group organising an event at which alcohol is to be sold must notify the committee in advance of the event and must ensure that, no later than 10 working days before the day the event is to start, duplicate copies of the TEN are sent to North Wiltshire District Council (NWDC), who are the relevant licensing authority together with the fee of £21.00. A copy of the notice must also be given to the Licensing Officer at Wiltshire Police no later than 10 working days before the day on which the event is to start. Events covered by a TEN can last up to 96 hours and no more than 12 TENs can be given in respect of any given premises in any year. This is subject to a maximum aggregate duration of the periods covered by TENs of 15 days in any year.

If, after arranging via the management committee you need to submit a TEN you should first check whether the limit of 12 has already been reached, as the fee is non-refundable. An early application is advisable.

PLEASE NOTE that it is not necessary to issue a TEN for any event where alcohol is given away free e.g. private parties, wedding receptions etc. We are also advised that including the cost of alcohol in the price of a ticket to an event or requesting a "donation" as a way of covering the cost of serving free alcohol is not a tried and tested way of circumventing the regulations. i.e. anyone adopting these methods would risk prosecution for failing to obtain a TEN.

Offences under the Licensing Act 2003

It should also be noted that the following, among other things, are offences under the Licensing Act 2003:

- the sale or supply of alcohol to children under 18 years of age (maximum fine on conviction is a fine up to level 5 on the standard scale, currently £5,000);
- allowing the sale of alcohol to children under 18 (maximum fine on conviction is a fine up to level 5 on the standard scale, currently £5,000);
- knowingly allowing the consumption of alcohol on the premises by a person aged under 18 (maximum fine on conviction is a fine up to level 5 on the standard scale, currently £5,000);
- allowing disorderly behaviour on the premises (maximum fine on conviction is a fine up to level 3 on the standard scale, currently £1,000);
- the sale of alcohol to a person who is drunk (maximum fine on conviction is a fine up to level 3 on the standard scale, currently £1,000);
- obtaining alcohol for a person who is drunk (maximum fine on conviction is a fine up to level 3 on the standard scale, currently £1,000);
- knowingly allowing a person aged under 18 to make any sale or supply of alcohol unless the sale or supply has been specifically approved by the premises user or any individual aged 18 or over who has been authorised for this purpose by the premises user (maximum fine on conviction is a fine up to level 1 on the standard scale, currently £200); and
- knowingly keeping or allowing to be kept on the premises any smuggled goods which have been imported without payment of duty or which have otherwise been unlawfully imported (maximum fine on conviction is a fine up to level 3 on the standard scale, currently £1,000).