

Meeting of:	<b>Licensing Sub-Committee</b>
Date of Meeting:	<b>Friday, 14 October 2022</b>
Relevant Scrutiny Committee:	Homes and Safe Communities
Report Title:	Grant of a Premises Licence
Purpose of Report:	To consider an application under the Licensing Act 2003 for a Premises Licence.
Report Owner:	Licensing Authority
Responsible Officer:	The Licensing Authority
Elected Member and Officer Consultation:	Statutory Consultation
Policy Framework:	This is a matter for decision by the Licensing Act 2003 Sub Committee
<p>Executive Summary:</p> <ul style="list-style-type: none"> <li>To consider an application under the Licensing Act 2003 ("the Act") for the grant of a Premises Licence at Cosmeston Medieval Village, Lavernock Road, Penarth, CF64 5UY, submitted by The Tourism and Events Department, Vale of Glamorgan Council.</li> </ul>	

## **Recommendation**

1. The Sub-Committee is required to determine the application having regard to the Council's Statement of Licensing Policy, the Guidance issued by the Home Office, the application and any representations submitted.

If minded to grant the application, the Sub-Committee is requested to confirm whether any additional conditions are to be imposed or only those which are consistent with and set out in the operating schedule. Section 10 of the Home Office Guidance relates to conditions attached to Premises Licences. Mandatory conditions apply to the licence in respect of a Designated Premises Supervisor, age verification policy and authorisation by personal licence.

## **Reason for Recommendation**

1. To advise the Members of the relevant options available to them under the Licensing Act 2003 in determining the matter.

## **1. Background**

- 1.1 When discharging its functions the licensing authority must promote the following licensing objectives set out in the Licensing Act 2003:
  - The prevention of crime and disorder
  - Public Safety
  - The prevention of public nuisance
  - The protection of children from harm.
- 1.2 On 22<sup>nd</sup> August 2022 the Licensing Authority received an application for the grant of a Premises Licence for Cosmeston Medieval Village, Lavernock Road, Penarth, CF64 5UY. A copy of the relevant parts of the application form is attached at Appendix A to this Report. A plan of the proposed premises is within the application form papers. The applicant, is the Vale of Glamorgan Council which will be referenced as the local authority within this report where information is provided on the legislation or statutory guidance.
- 1.3 The application seeks authorisation for the following licensable activities; the sale by retail of alcohol for consumption on the premises and the provision of regulated entertainment. The application for the latter comprises permission to provide the performance of plays, showing of films, live and recorded music, performances of dance and anything of a similar description.
- 1.4 Schedule 1 to the 2003 Act originally set out what activities fall within the definition of regulated entertainment and when the activities needed to be authorised via a premises licence.

- 1.5** Following the passing of The Deregulation Act 2015, some aspects of regulated entertainment became exempt from licensing and the provision of some entertainment on local authority owned premises is also exempt from the need to be authorised by a premises licence. The full definition of the exemption is contained within Schedule 1 paragraph 12ZA of the Licensing Act 2003 and is set out below at Section 5.
- 1.6** The applicant cannot rely on the deregulation exemptions if it proposes to hire out the premises to third parties who are not providing the entertainment on behalf of the local authority, and therefore this application is required to cover that eventuality. If the applicant wishes films to be shown on a commercial basis on the premises, it must apply for the inclusion of films irrespective of whether it or a third party organises the screenings.
- 1.7** The various amendments made to the Licensing Act 2003 are complex, but specific advice will be given on the effects of deregulation at the meeting and are referenced in Section 5 below.
- 1.8** The application includes an Operating Schedule which sets out the steps the applicant proposes to take to promote the licensing objectives which is set out in Box M of the Application form at Appendix A.
- 1.9** An extract from the statutory guidance as it relates to regulated entertainment is attached at Appendix B.

## **2. Key Issues for Consideration**

- 2.1** The application was advertised in accordance with the regulations. The period for making representations ended on 19<sup>th</sup> September 2022.
- 2.2** Under The Licensing Act 2003 (Premises and Club Premises Certificates) Regulations 2005 a Responsible Authority or any other person may make relevant representations at any time during the 28 day consultation period.
- 2.3** On 16<sup>th</sup> September representations were received from South Wales Police. A copy of the representations is attached to the Report at Appendix C
- 2.4** During the consultation period eight representations were received from other persons and the relevant representations within the emails and letters received are summarised in Appendix D.
- 2.5** The authority is only empowered to consider relevant representations as defined in Section 18 (6) of the Licensing Act 2003 that is, "representations which are about the likely effect of the grant of the premises licence on the promotion of the licensing objectives". In addition, representations must not be frivolous or vexatious. Having regard to the guidance issued under Section 182 of the Licensing Act 2003, only those relevant representations which relate to the four licensing objectives have been included in Appendix D.

- 2.6** A Premises Licence, once granted, will generally remain in force indefinitely. The circumstances in which it will not do so are when:
- It is revoked; or
  - The applicant requests a licence for a limited time only; or
  - It is suspended; or
  - It lapses due to some incapacity on the part of the licence holder; or
  - It is surrendered.
- 2.7** At the time this report was drafted, the representations had not been withdrawn and therefore a full hearing of this application is necessary.

### **3. How do proposals evidence the Five Ways of Working and contribute to our Well-being Objectives?**

- 3.1** This report relates to a regulatory function of the Council.

### **4. Climate Change and Nature Implications**

- 4.1** This report relates to a regulatory function of the Council.

### **5. Resources and Legal Considerations**

#### **Financial**

- 5.1** Fees associated with the issue of Licences are set in statute and support the administration and enforcement of the Licensing Act 2003 functions.

#### **Employment**

- 5.2** None.

#### **Legal (Including Equalities)**

- 5.3** Section 18 of the Licensing Act 2003 provides as follows;  
Determination of application for premises licence  
(1)This section applies where the relevant licensing authority—

(a) receives an application for a premises licence made in accordance with section 17, and

(b) is satisfied that the applicant has complied with any requirement imposed on him under subsection (5) of that section.

(2) Subject to subsection (3), the authority must grant the licence in accordance with the application subject only to—

(a) such conditions as are consistent with the operating schedule accompanying the application, and

(b) any conditions which must under section 19, 20 or 21 be included in the licence.

(3) Where relevant representations are made, the authority must—

(a) hold a hearing to consider them, unless the authority, the applicant and each person who has made such representations agree that a hearing is unnecessary, and

(b) having regard to the representations, take such of the steps mentioned in subsection (4) (if any) as it considers necessary for the promotion of the licensing objectives.

(4) The steps are—

(a) to grant the licence subject to—

(i) the conditions mentioned in subsection (2)(a) modified to such extent as the authority considers necessary for the promotion of the licensing objectives, and

(ii) any condition which must under section 19, 20 or 21 be included in the licence;

(b) to exclude from the scope of the licence any of the licensable activities to which the application relates;

(c) to refuse to specify a person in the licence as the premises supervisor;

(d) to reject the application.

**5.4** Schedule 1 of the Licensing Act 2003 was amended by the Deregulation Act 2015 to insert Section 12ZA as follows:

**5.5** (1) The provision of any entertainment by or on behalf of a health care provider, local authority or school proprietor is not to be regarded as the provision of regulated entertainment for the purposes of this Act if the conditions in subparagraphs (2) to (5) are satisfied.

(2) The first condition is that the entertainment takes place—

(a) if it is provided by or on behalf of a health care provider, on any premises forming part of a hospital—

(i) in which that provider has a relevant property interest, or

(ii) which are lawfully occupied by that provider,

(b) if it is provided by or on behalf of a local authority, on any premises in which that authority has a relevant property interest or which are lawfully occupied by that authority, and

(c) if it is provided by or on behalf of a school proprietor, on the premises of the school.

(3) The second condition is that the premises are not domestic premises.

(4) The third condition is that the entertainment takes place between 8am and 11pm on the same day (or, where an order under section 172 has effect in relation to that entertainment, during any times specified under that order).

(5) The fourth condition is that the entertainment is not relevant entertainment within the meaning of paragraph 2A(2) of Schedule 3 to the Local Government (Miscellaneous Provisions) Act 1982 (meaning of "sexual entertainment venue").

(6) For the purposes of this paragraph, a person has a relevant property interest in premises if that person—

(a) is for the time being entitled to dispose of the fee simple in the premises, whether in possession or in reversion, or

(b) holds or is entitled to the rents and profits of the premises under a lease which (when granted) was for a term of not less than 3 years.

(7) In sub-paragraph (3), "domestic premises" means premises occupied as a private dwelling, including any garden, yard, garage, outhouse or other appurtenance of such premises whether or not used in common by the occupants of more than one such dwelling.

**5.6** The Live Music Act 2012 ("2012 Act")  
<http://www.legislation.gov.uk/ukpga/2012/2>; Licensing Act 2003 (Descriptions of Entertainment) (Amendment) Order 2013 ("2013 Order")  
<http://www.legislation.gov.uk/uksi/2013/1578/contents/made> ; and The Legislative Reform (Entertainment Licensing) Order 2014 ("2014 Order") apply to this application.

**5.7** The Licensing Act 2003 Sub-Committee must have regard to the Vale of Glamorgan Council's Statement of Licensing Policy, and pay particular attention to Sections 3, 7, 8, 12 and 20. There are no specific policies relating to the area or for this type of application. Sections 2, 9 and 10 of the Statutory Guidance issued under Section 182 of the Licensing Act 2003 relate to this application.

## **6. Background Papers**

The Licensing Act 2003; The Secretary of State's Guidance issued under Section 182 of the Licensing Act 2003; Regulations to the 2003 Act; Vale of Glamorgan Council's Statement of Licensing Policy.

Vale of Glamorgan Council  
Civic Offices, Holton Road,  
Barry, CF63 4RU.

VALE of GLAMORGAN



## Application for a premises licence to be granted under the Licensing Act 2003

### PLEASE READ THE FOLLOWING INSTRUCTIONS FIRST

Before completing this form please read the guidance notes at the end of the form. If you are completing this form by hand please write legibly in block capitals. In all cases ensure that your answers are inside the boxes and written in black ink. Use additional sheets if necessary.

You may wish to keep a copy of the completed form for your records.

**I/We** The Tourism and Events Department, Vale of Glamorgan Council

*(Insert name(s) of applicant)*

**apply for a premises licence under section 17 of the Licensing Act 2003 for the premises described in Part 1 below (the premises) and I/we are making this application to you as the relevant licensing authority in accordance with section 12 of the Licensing Act 2003**

### Part 1 – Premises Details

Postal address of premises or, if none, ordnance survey map reference or description			
Cosmeston Medieval Village Lavernock Rd			
Post town	Penarth	Postcode	CF64 5UY
Telephone number at premises (if any)			
Non-domestic rateable value of premises		£0	

## Part 2 - Applicant Details

Please state whether you are applying for a premises licence as  
Please tick as appropriate

- |  |                          |                             |
|--|--------------------------|-----------------------------|
| a) an individual or individuals *  | <input type="checkbox"/> | please complete section (A) |
| b) a person other than an individual *   |                          |                             |
| i. as a limited company  | <input type="checkbox"/> | please complete section (B) |
| ii. as a partnership   | <input type="checkbox"/> | please complete section (B) |
| iii. as an unincorporated association or   | <input type="checkbox"/> | please complete section (B) |
| iv. other (for example a statutory corporation)  | X                        | please complete section (B) |
| c) a recognised club   | <input type="checkbox"/> | please complete section (B) |
| d) a charity   | <input type="checkbox"/> | please complete section (B) |
| e) the proprietor of an educational establishment  | <input type="checkbox"/> | please complete section (B) |
| f) a health service body   | <input type="checkbox"/> | please complete section (B) |
| g) a person who is registered under Part 2 of the<br>Care Standards Act 2000 (c14) in respect of an<br>independent hospital in Wales   | <input type="checkbox"/> | please complete section (B) |
| ga) a person who is registered under Chapter 2 of<br>Part 1 of the Health and Social Care Act 2008<br>(within the meaning of that Part) in an<br>independent hospital in England | <input type="checkbox"/> | please complete section (B) |
| h) the chief officer of police of a police force in<br>England and Wales   | <input type="checkbox"/> | please complete section (B) |

\* If you are applying as a person described in (a) or (b) please confirm:

Please tick yes

I am carrying on or proposing to carry on a business which involves the use of the premises for licensable activities; or X

I am making the application pursuant to a  
statutory function or   
a function discharged by virtue of Her Majesty's prerogative



**SECOND INDIVIDUAL APPLICANT (if applicable)**

Mr <input type="checkbox"/>	Mrs <input type="checkbox"/>	Miss <input type="checkbox"/>	Ms <input type="checkbox"/>	Other Title (for example, Rev)	
<b>Surname</b>			<b>First names</b>		
I am 18 years old or over					<input type="checkbox"/> Please tick yes
Current postal address if different from premises address					
Post town				Postcode	
<b>Daytime contact telephone number</b>					
<b>E-mail address (optional)</b>					

**(B) OTHER APPLICANTS**

Please provide name and registered address of applicant in full. Where appropriate please give any registered number. In the case of a partnership or other joint venture (other than a body corporate), please give the name and address of each party concerned.

<b>Name</b> Vale of Glamorgan Council
<b>Address</b> Tourism and Events Dept Docks Office Barry CF63 4RT
<b>Registered number (where applicable)</b>
<b>Description of applicant (for example, partnership, company, unincorporated association etc.)</b> Local Authority
<b>Telephone number (if any)</b> Events De [REDACTED]
<b>E-mail address (optional)</b> [REDACTED]@y.uk

### Part 3 Operating Schedule

When do you want the premises licence to start?

DD	MM	YYYY
0 1	1 0	2 0 2 2

If you wish the licence to be valid only for a limited period, when do you want it to end?

DD	MM	YYYY

<p>Please give a general description of the premises (please read guidance note 1)</p> <p>Medieval Village area within Cosmeston Country Park.</p> <p>The Licence would be used for occasional events at the Village. Specifically for ticketed family audience events – a Halloween and Christmas Festival, which was trialled successfully in 2021.</p>
---

If 5,000 or more people are expected to attend the premises at any one time, please state the number expected to attend.

What licensable activities do you intend to carry on from the premises? None

(Please see sections 1 and 14 of the Licensing Act 2003 and Schedules 1 and 2 to the Licensing Act 2003)

**Provision of regulated entertainment**

Please tick any that apply

- a) plays (if ticking yes, fill in box A) X
- b) films (if ticking yes, fill in box B) X
- c) indoor sporting events (if ticking yes, fill in box C)
- d) boxing or wrestling entertainment (if ticking yes, fill in box D)
- e) live music (if ticking yes, fill in box E) X
- f) recorded music (if ticking yes, fill in box F) X
- g) performances of dance (if ticking yes, fill in box G) X
- h) anything of a similar description to that falling within (e), (f) or (g) (if ticking yes, fill in box H) X

**Provision of late night refreshment** (if ticking yes, fill in box I)

**Supply of alcohol** (if ticking yes, fill in box J) X

In all cases complete boxes K, L and M

**A**

Plays Standard days and timings (please read guidance note 6)			<b>Will the performance of a play take place indoors or outdoors or both – please tick</b> (please read guidance note 2)	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	X
Day	Start	Finish			
Mon	11:00	2300	<b>Please give further details here</b> (please read guidance note 3) Plays / the playing of a role/ performance by signing, speech or action will take place indoor or outdoors.  Licence would be used for occasional events.		
Tue	11:00	2300			
Wed	11:00	2300	<b>State any seasonal variations for performing plays</b> (please read guidance note 4)		
Thur	11:00	2300			
Fri	11:00	2300	<b>Non standard timings. Where you intend to use the premises for the performance of plays at different times to those listed in the column on the left, please list</b> (please read guidance note 5)		
Sat	11:00	2300			
Sun	11:00	2300			

**B**

<b>Films</b> Standard days and timings (please read guidance note 6)			<b>Will the exhibition of films take place indoors or outdoors or both – please tick</b> (please read guidance note 2)		Indoors	<input type="checkbox"/>
					Outdoors	<input type="checkbox"/>
					Both	X
<b>Day</b>	<b>Start</b>	<b>Finish</b>	<b>Please give further details here</b> (please read guidance note 3) The exhibition of moving pictures such as outdoor / indoor cinema and the showing of live / pre recorded programme.			
Mon	11:00	2300				
Tue	11:00	2300				
Wed	11:00	2300	<b>State any seasonal variations for the exhibition of films</b> (please read guidance note 4)			
Thur	11:00	2300				
Fri	11:00	2300				
Sat	11:00	2300	<b>Non standard timings. Where you intend to use the premises for the exhibition of films at different times to those listed in the column on the left, please list</b> (please read guidance note 5)			
Sun	11:00	2300				

**E**

<b>Live music</b> Standard days and timings (please read guidance note 6)			<b>Will the performance of live music take place indoors or outdoors or both – please tick</b> (please read guidance note 2)	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	X
Day	Start	Finish	<b>Please give further details here</b> (please read guidance note 3) Live music eg. Brass bands, pop bands, choirs, jazz and as part of a play, street entertainment programme or festival.		
Mon	11:00	2300			
Tue	11:00	2300	<b>State any seasonal variations for the performance of live music</b> (please read guidance note 4)		
Wed	11:00	2300			
Thur	11:00	2300			
Fri	11:00	2300	<b>Non standard timings. Where you intend to use the premises for the performance of live music at different times to those listed in the column on the left, please list</b> (please read guidance note 5)		
Sat	11:00	2300			
Sun	11:00	2300			

F

<b>Recorded music</b> Standard days and timings (please read guidance note 6)			<b>Will the playing of recorded music take place indoors or outdoors or both – please tick</b> (please read guidance note 2)	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	X
<b>Day</b>	<b>Start</b>	<b>Finish</b>	<b>Please give further details here</b> (please read guidance note 3) Recorded music may be used during films, plays, dance or street theatre or music festival.		
Mon	11:00	2300			
Tue	11:00	2300	<b>State any seasonal variations for the playing of recorded music</b> (please read guidance note 4)		
Wed	11:00	2300			
Thur	11:00	2300	<b>Non standard timings. Where you intend to use the premises for the playing of recorded music at different times to those listed in the column on the left, please list</b> (please read guidance note 5)		
Fri	11:00	2300			
Sat	11:00	2300			
Sun	11:00	2300			

G

Performances of dance Standard days and timings (please read guidance note 6)			Will the performance of dance take place indoors or outdoors or both – please tick (please read guidance note 2)	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	X
Day	Start	Finish			
Mon	11:00	2300	<b>Please give further details here</b> (please read guidance note 3) Dance performances and dance as part of a play or street theatre or festival, will take place outdoors and or indoors.		
Tue	11:00	2300			
Wed	11:00	2300	<b>State any seasonal variations for the performance of dance</b> (please read guidance note 4)		
Thur	11:00	2300			
Fri	11:00	2300	<b>Non standard timings. Where you intend to use the premises for the performance of dance at different times to those listed in the column on the left, please list</b> (please read guidance note 5)		
Sat	11:00	2300			
Sun	11:00	2300			

H

<b>Anything of a similar description to that falling within (e), (f) or (g)</b> Standard days and timings (please read guidance note 6)			Please give a description of the type of entertainment you will be providing Street entertainers with or without music, Santa's Grotto, cinema, music festival.		
Day	Start	Finish	<b>Will this entertainment take place indoors or outdoors or both – please tick</b> (please read guidance note 2)	Indoors	<input type="checkbox"/>
Mon	11:00	2300		Outdoors	<input type="checkbox"/>
				Both	<input checked="" type="checkbox"/>
Tue	11:00	2300	<b>Please give further details here</b> (please read guidance note 3) As above.		
Wed	11:00	2300			
Thur	11:00	2300	<b>State any seasonal variations for entertainment of a similar description to that falling within (e), (f) or (g)</b> (please read guidance note 4)		
Fri	11:00	2300			
Sat	11:00	2300	<b>Non standard timings. Where you intend to use the premises for the entertainment of a similar description to that falling within (e), (f) or (g) at different times to those listed in the column on the left, please list</b> (please read guidance note 5)		
Sun	11:00	2300			



J

<b>Supply of alcohol</b> Standard days and timings (please read guidance note 6)			<b>Will the supply of alcohol be for consumption</b> – <b>please tick</b> (please read guidance note 7)	On the premises	<input checked="" type="checkbox"/>
				Off the premises	<input type="checkbox"/>
				Both	<input type="checkbox"/>
<b>Day</b>	<b>Start</b>	<b>Finish</b>	<b>State any seasonal variations for the supply of alcohol</b> (please read guidance note 4)		
Mon	11:00	23:00			
Tue	11:00	23:00			
Wed	11:00	23:00			
Thur	11:00	23:00			
Fri	11:00	23:00			
Sat	11:00	23:00			
Sun	11:00	23:00			
			<b>Non standard timings. Where you intend to use the premises for the supply of alcohol at different times to those listed in the column on the left, please list</b> (please read guidance note 5)		

State the name and details of the individual whom you wish to specify on the licence as designated premises supervisor:

Name Sarah Jones	
Address Vale of Glamorgan Council Docks Office Barry	
Postcode	CF63 4RT
Personal licence number (if known)	
Issuing licensing authority (if known)	

**K**

**Please highlight any adult entertainment or services, activities, other entertainment or matters ancillary to the use of the premises that may give rise to concern in respect of children (please read guidance note 8).**  
None

**L**

<b>Hours premises are open to the public</b> Standard days and timings (please read guidance note 6)			<b>State any seasonal variations</b> (please read guidance note 4)  Village Opening times for general public are: 10.00am to 5.00pm April to September 10.00am to 4.00pm October to March (Closed Dec 25, 26 and Jan 01)
Day	Start	Finish	<b>Non standard timings. Where you intend the premises to be open to the public at different times from those listed in the column on the left, please list</b> (please read guidance note 5)
Mon	11:00	23:00	
Tue	11:00	23:00	
Wed	11:00	23:00	
Thur	11:00	23:00	
Fri	11:00	23:00	
Sat	11:00	23:00	
Sun	11:00	23:00	

**M** Describe the steps you intend to take to promote the four licensing objectives:

**a) General – all four licensing objectives (b, c, d and e) (please read guidance note 9)**

All relevant legislation such as Health & Safety, Fire Safety, Environmental Health requirements etc will be followed at all events at the above premise.

Police, Fire and Ambulance services will be informed of all events. All events at this premise will be presented at the Council's Event Safety Advisory Group meetings.

Fire extinguishers and first aid personnel will be available where appropriate.

Public Safety stewards and security will be employed at events and where appropriate staff will hold a DBS certificate.

Risk assessments will be carried out before all events.

All performers and suppliers at events will carry the appropriate insurance.

**b) The prevention of crime and disorder**

Please see section A

**c) Public safety**

Please see section A

**d) The prevention of public nuisance**

Please see section A

**e) The protection of children from harm**

Please see section A

**Checklist:**


Please tick to indicate agreement

- I have made or enclosed payment of the fee. X
- I have enclosed the plan of the premises. X
- I have sent copies of this application and the plan to responsible authorities and others where applicable. X
- I have enclosed the consent form completed by the individual I wish to be designated premises supervisor, if applicable. X
- I understand that I must now advertise my application. X
- I understand that if I do not comply with the above requirements my application will be rejected. X

**IT IS AN OFFENCE, LIABLE ON SUMMARY CONVICTION TO A FINE NOT EXCEEDING LEVEL 5 ON THE STANDARD SCALE, UNDER SECTION 158 OF THE LICENSING ACT 2003, TO MAKE A FALSE STATEMENT IN OR IN CONNECTION WITH THIS APPLICATION.**

**Part 4 – Signatures** (please read guidance note 10)

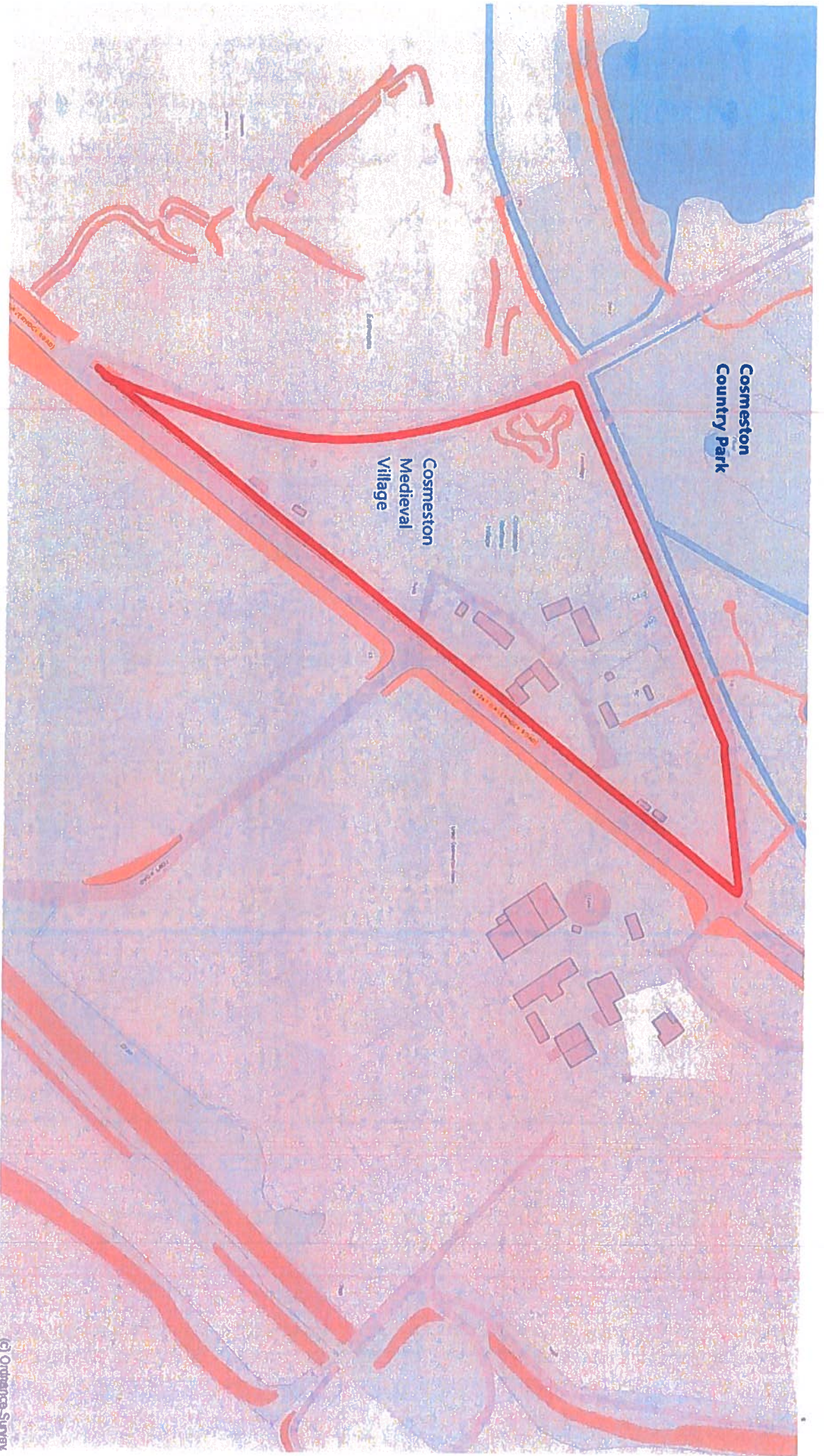
Signature of applicant or applicant's solicitor or other duly authorised agent (see guidance note 11). If signing on behalf of the applicant, please state in what capacity.

Signature	
Date	22/8/22
Capacity	Events Officer

For joint applications, signature of 2<sup>nd</sup> applicant or 2<sup>nd</sup> applicant's solicitor or other authorised agent (please read guidance note 12). If signing on behalf of the applicant, please state in what capacity.

Signature	
Date	
Capacity	





# 16. Regulated entertainment

## Types of regulated entertainment

- 16.1 Schedule 1 to the 2003 Act sets out what activities are regarded as the provision of regulated entertainment and when they are licensable and those activities which are not and therefore exempt from the regulated entertainment regime. Changes to regulated entertainment are due to take effect on 6 April 2015. Therefore, up until that date you should refer to chapter 16 of the guidance published in October 2014.
- 16.2 The descriptions of entertainment activities licensable under the 2003 Act are:
- 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; and
  - entertainment of a similar description to a performance of live music, any playing of recorded music or a performance of dance.
- 16.3 To be licensable, one or more of these activities needs to be provided for the purpose (at least partly) of entertaining an audience; has to be held on premises made available for the purpose of enabling that activity; and must also either:
- take place in the presence of a public audience, or
  - where that activity takes place in private, be the subject of a charge made with a view to profit.
- 16.4 Guidance around what constitutes audiences and private events is at paragraphs 16.11-16.14.

## Overview of circumstances in which entertainment activities are not licensable

- 16.5 There are a number of exemptions that mean that a licence (or other authorisation<sup>18</sup>) under the 2003 Act is not required. This Guidance cannot give examples of every eventuality or possible entertainment activity that is not licensable. However, the following activities are examples of entertainment which are not licensable:
- 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 guitar – 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;

---

<sup>18</sup> The word 'licence' is typically used as a reference to all forms of authorisation



- Morris dancing (or similar)<sup>19</sup>;
- Incidental music – the performance of live music or the playing of recorded music if it is incidental to some other activity<sup>20</sup>;
- Incidental film – an exhibition of moving pictures if it is incidental to some other activity<sup>21</sup>;
- A spontaneous performance of music, singing or dancing;
- Garden fetes – or similar if not being 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 programme is live and simultaneous;
- 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)<sup>22</sup>.

16.6 As a result of deregulatory changes that have amended the 2003 Act<sup>23</sup>, no licence is required for the following activities:

- Plays: no licence is required for performances between 08.00 and 23.00 on any day, provided that the audience does not exceed 500.
- Dance: no licence is required for performances between 08.00 and 23.00 on any day, provided that the audience does not exceed 500<sup>24</sup>.
- Films: no licence 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 licence 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 licence is required for a contest, exhibition or display of Greco-Roman wrestling, or freestyle wrestling between 08.00 and 23.00 on any day, provided that the audience does not exceed 1000.
- Live music: no licence permission 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,

<sup>19</sup> Including any live music or playing of recorded music as an integral part of a performance of Morris dancing, or similar activity.

<sup>20</sup> See paragraphs 16.57-16.61

<sup>21</sup> See paragraphs 16.65-16.68

<sup>22</sup> This was previously licensable under the 2003 Act until the commencement of the Live Music Act 2012.

<sup>23</sup> The Live Music Act 2012 ("2012 Act") <http://www.legislation.gov.uk/ukpga/2012/2>; Licensing Act 2003 (Descriptions of Entertainment) (Amendment) Order 2013 ("2013 Order") <http://www.legislation.gov.uk/uksi/2013/1578/contents/made>; The Legislative Reform (Entertainment Licensing) Order 2014 ("2014 Order") <http://www.legislation.gov.uk/uksi/2014/3253/introduction/made>; and the Deregulation Act 2015 ("2015 Act").

<sup>24</sup> But see paragraphs 16.47 -16.48 in relation to dance that is adult entertainment and remains licensable.

provided that the audience does not exceed 500<sup>25</sup>.

- a performance of amplified live music between 08.00 and 23.00 on any day, in a workplace<sup>26</sup> that does not have a licence, 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 licence permission 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<sup>27</sup>.
  - 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.
- Cross activity exemptions: no licence 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)

---

<sup>25</sup> Provided that a number of other important conditions are satisfied (see paragraphs 16.38-16.43).

<sup>26</sup> The Live Music Act 2012 provides that if premises are licensed under the 2003 Act, they cannot also be treated as a workplace for the purpose of the 2012 Act.

<sup>27</sup> Provided that a number of other important conditions are satisfied, see paragraphs 16.38-16.43.



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.

- 16.7 The deregulatory changes mean that, for example, an indoor sporting event that takes place between 07.00 and 23.30 on a particular day is 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 are 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<sup>28</sup>, it might be easier and more flexible to secure an appropriate authorisation. Examples of where a Temporary Event Notice (TEN)<sup>29</sup> could 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.
- 16.8 Of course, anyone involved in the organisation or provision of entertainment activities – whether or not any such activity is licensable under the 2003 Act – must comply with any applicable duties that may be imposed by other legislation relevant to the event (e.g. in areas such as crime and disorder, fire, health and safety, noise, nuisance and planning).<sup>30</sup> Any such person should take steps to be aware of relevant best practice, and may find responsible authorities a useful source of expert support and advice.
- 16.9 The various effects of the changes made to entertainment licensing by the set of deregulatory changes between 2012 and 2015<sup>31</sup> are described in greater detail in subsequent paragraphs:
- Music entertainment, see in particular paragraphs: 16.20-16.21; 16.26-16.33; and 16.36-16.44;
  - Plays, dance, and indoor sporting events, see in particular paragraphs: 16.34-16.35 and 16.45-16.48;
  - Local authority, hospital and school premises, see in particular paragraphs: 16.16-16.20
  - Community premises, see in particular paragraphs: 16.21-16.24 and 16.34-16.35
  - Circuses, see in particular paragraph 16.25
  - Boxing or wrestling entertainment, see in particular paragraphs: 16.49-16.51.

---

<sup>28</sup> See paragraph 16.12

<sup>29</sup> See chapter 7

<sup>30</sup> See paragraphs 16.70-16.72 in relation to other licensing regimes

<sup>31</sup> An entertainment activity may meet the conditions of more than one exemption

## General circumstances in which entertainment activities are licensable

16.10 An authorisation for regulated entertainment is always required for entertainment activities that take place before 08.00 or after 23.00, unless exempted under any other provision of the 2003 Act, as amended<sup>32</sup>.

### Audience

- 16.11 For the purposes of regulated entertainment, the term “audience” refers to any person for whose entertainment (at least in part) any licensable activities are provided. An audience member need not be, or want to be, entertained: what matters is that an audience is present<sup>33</sup> and that the purpose of the licensable activity is (at least in part) intended to entertain any person present<sup>34</sup>. The audience will not include performers, together with any person who contributes technical skills in substantial support of a performer (for example, a sound engineer or stage technician), during any associated activities. This includes setting up before the entertainment, reasonable breaks (including intervals) between activities and packing up thereafter. Similarly, security staff and bar workers will not form part of the audience while undertaking their duties.
- 16.12 More than one entertainment activity (or for a single activity, more than one performance or event) can be held concurrently, provided that the audience for each such performance or event does not exceed the threshold at which such a performance or event becomes licensable. In some circumstances, there will be a clear distinction between performances or events; for example, their taking place in separate rooms or on separate floors. However, organisers will have to ensure that audiences do not grow or migrate, so that the audience exceeds the relevant limit for any one performance or event at any time. If there is the possibility of audience migration, it might be easier and more flexible to secure an appropriate authorisation.

### Private events

- 16.13 Events held in private are not licensable unless those attending are charged for the entertainment with a view to making a profit (including raising money for charity). For example, where a party is held for friends in a private dwelling featuring amplified live music, if a charge or contribution is made solely to cover the costs of the entertainment, the activity is not regulated entertainment. Similarly, any charge made to the organiser of a private event by musicians, other performers, or their agents does not of itself make that entertainment licensable – it would only do so if the guests attending were themselves charged by the organiser for that entertainment with a view to achieving a profit. The fact that this might inadvertently result in the organiser making a profit would be irrelevant, as long as there had not been an intention to make a profit.
- 16.14 Schedule 1 to the 2003 Act also makes it clear that before entertainment is regarded as

---

<sup>32</sup> See examples at paragraph 16.5

<sup>33</sup> In some circumstances, such as un-ticketed live music events, a degree of judgement may be required as to whether persons are part of an audience. Factors to consider could include whether a person is within the perimeter of the premises, the audible range of the performance, and their visibility of the entertainment. In order to meet the definition of an entertainment activity in the 2003 Act, the activity must take place in the presence of an audience and be provided for the purpose, or for purposes which include the purpose of, entertaining that audience.

<sup>34</sup> For example, a darts championship competition hosted in part to entertain an audience could be a licensable activity, but a pub game of darts played for the enjoyment of the participants is not licensable.

being provided for consideration, a charge has to be:

- made by or on behalf of a person concerned with the organisation or management of the entertainment; and
- paid by or on behalf of some or all of the persons for whom the entertainment is provided.

## **Circumstances in which entertainment activities are no longer licensable**

16.15 No licence is required for certain entertainment activities on specified premises, as follows:

### **Local authorities, hospital healthcare providers and school proprietors: cross-entertainment activity exemption**

16.16 No licence is required for any entertainment provided by or on behalf of a local authority, health care provider, or school proprietor to the extent that it takes place on defined premises, between 08.00-23.00 on any day provided that:

- for entertainment provided by, or on behalf of, a local authority it takes place on premises in which that authority has a relevant property interest, or is in lawful occupation;
- for entertainment provided by, or on behalf of, a health care provider it takes place on any premises forming part of a hospital in which the provider has a relevant property interest, or is in lawful occupation; and
- for entertainment provided by, or on behalf of, a school proprietor it takes place on the premises of the school.

16.17 This Guidance cannot give examples of every eventuality where entertainment is not licensable under this exemption through being provided “by or on behalf of”. It will depend on the facts in each case. However, the following are examples of activities that are not usually considered to be licensable under this exemption:

- Any entertainment activity hosted by a local authority on their own premises, where there is a significant relationship between the local authority and the provider of the entertainment (e.g. principal and agent);
- Any entertainment activity organised on a local authority’s behalf on that local authority’s premises by a cultural trust in discharge of a local authority’s discretionary power to arrange entertainment provision and support for the arts, including festivals and celebrations.
- Any entertainment activity organised by a healthcare provider on their own hospital premises in partnership with a hospital charity;
- Any entertainment event on school premises organised by the Parent Teacher Association (PTA) to benefit the school.

16.18 It is for the local authority, health care provider or school proprietor to determine whether, and on what basis, they can (or wish) to provide entertainment activity under this exemption, including consideration of issues around fundraising, profit making, governance or use of public funds. However a pure hire of premises by a third party<sup>35</sup>

---

<sup>35</sup> But see paragraph 16.20

does not constitute the provision of an entertainment event “on behalf of” a local authority, healthcare provider, or school proprietor and nor does commercial entertainment which the local authority<sup>36</sup> merely facilitates through providing a public space<sup>37</sup>.

- 16.19 All the terms used in this exemption, such as “local authority”, “health care”, “health care provider”, “hospital”, “school”, “school premises”, “school proprietor”, “domestic premises” and “relevant property interest” are defined in the 2014 Order<sup>38</sup>.

### **Local authority, hospital and school premises: third party music entertainment**

- 16.20 No licence is required for a performance of live music or the playing of recorded music on local authority, hospital or school premises, that are not domestic premises, between 08.00-23.00 on any day provided that:

- it is performed in front of an audience of no more than 500 people; and
- a person concerned in the organisation or management of the music entertainment has obtained the prior written consent<sup>39</sup> of the local authority, health care provider or school proprietor (as appropriate) for that entertainment to take place. It is for these “trusted providers” to determine whether, or not, they wish to make their premises available for music entertainment by a 3rd party and on what terms they deem it appropriate.

### **Community premises: music entertainment**

- 16.21 No licence is required for a performance of live music or the playing of recorded music on community premises<sup>40</sup>, between 08.00-23.00 on any day provided that:

- the community premises are **not** authorised, by a premises licence or club premises certificate, to be used for the supply of alcohol for consumption on the premises<sup>41</sup>;
- the music entertainment is in the presence of an audience of no more than 500 people; and
- a person concerned in the organisation or management of the music entertainment has obtained the prior written consent<sup>42</sup> of the management committee of the premises, or if there is no management committee, a person who has control of the premises in connection with the carrying on by that person of a trade, business or other undertaking, or failing that a person with a relevant property interest in the premises.

---

<sup>36</sup> Or healthcare provider or school proprietor.

<sup>37</sup> The exemption would similarly not apply, for example, to a commercial company operating on premises belonging to a local authority under a long term lease.

<sup>38</sup> See footnote 20

<sup>39</sup> This requirement is designed to ensure that those responsible for the premises hosting the entertainment have considered and approved the effect of the event on other users of their premises and the wider community.

<sup>40</sup> The definition of community premises is covered in paragraphs 4.56-4.60 of this Guidance. A community premises is likely to be multi-functional and ‘other similar building’ within the definition cannot be stretched to ordinarily include a public house, a bingo hall, or other business premises or private property.

<sup>41</sup> Where a community premises is licensed for the supply of alcohol by a premises licence (or exceptionally a club premises certificate), then any performance of live music or the playing of recorded music on relevant alcohol licensed premises may be subject to the conditional deregulation described in paragraphs 16.26-16.33.

<sup>42</sup> See footnote 36

## Community premises: exhibition of film

- 16.22 No licence<sup>43</sup> is required for an exhibition of a film on community premises<sup>44</sup> between 08.00-23.00 on any day provided that:
- the film entertainment is not provided with a view to profit<sup>45</sup>;
  - the film entertainment is in the presence of an audience of no more than 500 people;
  - the admission of children is subject to such restrictions as are necessary to comply with the recommendation issued by the BBFC or relevant licensing authority regarding the admission of children; and
  - a person concerned in the organisation or management of the exhibition of the film has obtained the prior written consent<sup>46</sup> of the management committee of the premises, or if there is no management committee, a person who has control of the premises in connection with the carrying on by that person of a trade, business or other undertaking, or failing that a person with a relevant property interest in the premises.
- 16.23 Under this exemption, one condition is that the film entertainment is not being provided with a view to profit<sup>47</sup>. An entry charge does not of itself make the film entertainment licensable; it is whether the organiser intended to make a profit (that includes raising money for charity). A charge or contribution that is made solely to cover the costs of the film screening<sup>48</sup> is consistent with 'not being provided with a view to profit'. The 'not with a view to profit' condition applies solely to the activity of exhibiting the film under this exemption. A charge with a view to making a profit may legitimately be levied for any other activity or event that is distinct from film admission, such as the provision of refreshments, film talks, or a social event.
- 16.24 This community film exemption is also conditional on those responsible having in place operating arrangements that ensure that the age rating for the film is implemented by means of a suitable child admission policy<sup>49</sup>. How this is achieved is a matter for the organisation or social group exhibiting the film. For example, they may operate a membership subscription scheme which pays for entry to all titles in a season and is limited to adults. It could be a children's film club with a policy of only showing films that are suitable for all by being rated 'U' by the BBFC. Alternatively, the organisers could sell tickets to the public and ensure that children are only permitted to attend in accordance with any age rating for the film – i.e. a door admissions policy linked to proof of age.

---

<sup>43</sup> However, see paragraph 16.70 in relation to copyright

<sup>44</sup> See footnote 37

<sup>45</sup> See paragraph 16.23

<sup>46</sup> See footnote 36

<sup>47</sup> 'not provided with a view to profit' is the inverse of 'with a view to profit' mentioned in paragraph 16.13

<sup>48</sup> Legitimate costs of a film screening would include overheads directly relevant to providing the film entertainment (e.g. premises hire, film hire, equipment etc.)

<sup>49</sup> See 3rd bullet point in paragraph 16.22

## Travelling circuses

16.25 Where types of entertainment are present in a performance by a travelling circus<sup>50</sup> they will not be licensable provided that certain qualifying conditions are met<sup>51</sup>. The qualifying conditions are that:

- the entertainment is not an exhibition of a film or a boxing or wrestling entertainment;
- the entertainment takes place between 08.00 and 23.00 on the same day;
- the entertainment takes place wholly within a moveable structure and the audience present is accommodated wholly inside that moveable structure; and
- the travelling circus has not been located on the same site for more than 28 consecutive days.

## Live music

16.26 Live music is licensable:

- where a performance of live music – whether amplified or unamplified – takes place before 08.00 or after 23.00 on any day;
- where a performance of amplified live music does not take place either on relevant licensed premises, or at a workplace that is not licensed other than for the provision of late night refreshment;
- where a performance of amplified live music takes place at a time when the relevant licensed premises are not open for the purposes of being used for the sale or supply of alcohol for consumption on the premises<sup>52</sup>;
- where a performance of amplified live music takes place at relevant licensed premises, or workplaces<sup>53</sup>, in the presence of an audience of more than 500 people<sup>54</sup>; or
- where a licensing authority intentionally removes the effect of the deregulation provided for by the 2003 Act when imposing a condition on a premises licence or club premises certificate as a result of a licence review<sup>55</sup>.

16.27 In any of the above circumstances, unless the performance of live music is appropriately authorised by a premises licence, club premises certificate or TEN, allowing it to take place could lead to enforcement action and, where relevant, a review of the alcohol licence or certificate.

16.28 A public performance of live unamplified music that takes place between 08.00 and 23.00 on the same day no longer requires a licence under the 2003 Act in any location. An exception to this is where a specific condition related to live music is included following a review of the premises licence or club premises certificate in respect of relevant licensed premises.

---

<sup>50</sup> 'Travelling circus' is defined in the 2014 Order as meaning a circus which travels from site to site for the purpose of giving performances. Musical entertainment at a travelling fairground is likely to be incidental to the main attractions and rides that are not themselves regulated entertainment.

<sup>51</sup> There is no audience limit for this exemption, but the conditions are designed to ensure that deregulation does not have unintended consequences for the licensing objectives – e.g. only bona fide travelling circuses qualify.

<sup>52</sup> See Chapter 3 of this Guidance

<sup>53</sup> See paragraph 16.31

<sup>54</sup> The 2014 Order substituted "500" for "200" that was in the 2012 Act

<sup>55</sup> See paragraphs 16.55-16.56

16.29 As a result of the amendments to the 2003 Act, section 177 of the 2003 Act now only applies to performances of dance<sup>56</sup>.

### **Key terms used in relation to live music**

16.30 Under the live music provisions, “music” includes vocal or instrumental music or any combination of the two. “Live music” is a performance of live music in the presence of an audience which it is intended to entertain. While a performance of live music can include the playing of some recorded music, ‘live’ music requires that the performance does not consist entirely of the playing of recorded music without any additional (substantial and continual) creative contribution being made. So, for example, a drum machine or backing track being used to accompany a vocalist<sup>57</sup> or a band would be part of the performance of amplified live music. The performance of a DJ who is merely playing tracks would not be classified as live music, but it might if he or she was performing a set which largely consisted of mixing recorded music in a live performance to create new sounds<sup>58</sup>. There will inevitably be a degree of judgement as to whether a performance is live music (or recorded music) and organisers of events should check with their licensing authority if this consideration is relevant to whether the activity is authorised by a licence or certificate. In the event of a dispute about whether a performance is live music or not, it will be for the licensing authority initially and ultimately, for the courts to decide in the individual circumstances of any case.

16.31 A “workplace” is as defined in regulation 2(1) of the Workplace (Health, Safety and Welfare) Regulations 1992 and is anywhere that is made available to any person as a place of work. It is a very wide term which can include outdoor spaces, as well as the means of entry and exit.

16.32 A “relevant licensed premises” for the purposes of this chapter is one which is authorised to sell or supply alcohol for consumption on the premises by a premises licence or club premises certificate. Premises cannot benefit from the deregulation introduced by the 2012 Act by virtue of holding an authorisation for the sale or supply of alcohol under a TEN.<sup>59</sup>

### **Recorded music**

16.33 No licence is required for recorded music where it takes place on premises which are authorised by a premises licence or club premises certificate to be used for the supply of alcohol for consumption on the premises. However, recorded music remains licensable:

- where the playing of recorded music takes place before 08.00 or after 23.00 on any day;
- where the playing of recorded music takes place at a time when the relevant licensed premises are not open for the purposes of being used for the sale or supply of alcohol for consumption on the premises;<sup>60</sup>
- where the playing of recorded music takes place at relevant licensed premises in the

---

<sup>56</sup> See paragraph 2.13. Post the 2013 Order, Section 177 can be relevant to a performance of dance after 23.00 on any day

<sup>57</sup> Karaoke is generally classed as a performance of live music

<sup>58</sup> This would include ‘scratching’

<sup>59</sup> TENs are covered in chapter 7

<sup>60</sup> See Chapter 3 of this Guidance

presence of an audience of more than 500 people; and

- where a licensing authority intentionally removes the effect of the deregulation provided for by the 2003 Act (as amended).<sup>61</sup>

## Plays and dance

16.34 No licence is required for a performance of a play or dance to the extent that certain qualifying conditions<sup>62</sup> are satisfied. However a performance of a play or dance remains licensable:

- where the performance takes places before 08.00 or after 23.00 on any day; or
- where the performance takes place in the presence of an audience of more than 500 people.

## Indoor Sport

16.35 No licence is required for an indoor sporting event to the extent that certain qualifying conditions<sup>63</sup> are satisfied. However an indoor sporting event remains licensable:

- where the event takes places before 08.00 or after 23.00 on any day;
- where the event takes place in the presence of more than 1000 spectators.

## Licence conditions

### Live Music or recorded music

16.36 Any existing licence conditions<sup>64</sup> (or conditions added on a determination of an application for a premises licence or club premises certificate<sup>65</sup>) which relate to live music or recorded music remain in place, but are **suspended** between the hours of 08.00 and 23.00 on the same day where the following conditions are met:

- at the time of the music entertainment, the premises are open for the purposes of being used for the sale or supply of alcohol for consumption on the premises;
- if the music is amplified, it takes place before an audience of no more than 500 people; and
- the music takes place between 08.00 and 23.00 on the same day.

16.37 Whether a licence condition relates to live or recorded music will be a matter of fact in each case. In some instances, it will be obvious that a condition relates to music and will be suspended, for example “during performances of live music all doors and windows must remain closed”. In other instances, it might not be so obvious: for example, a condition stating “during performances of regulated entertainment all doors and windows must remain closed” would be suspended insofar as it relates to music between 08.00 and 23.00 on the same day to an audience of up to 500, but the condition would continue to apply if there was regulated entertainment after 23.00.

16.38 More general licence conditions (e.g. those relating to overall management of potential noise nuisance) that are not specifically related to the provision of entertainment (e.g.

---

<sup>61</sup> This would be by way of imposing a condition on a premises licence or club premises certificate as a result of a licence review, see paragraphs 16.55-16.56

<sup>62</sup> See paragraphs 16.6 and 16.45-16.48

<sup>63</sup> See paragraph 16.6.

<sup>64</sup> In relation to relevant licensed premises, see paragraph 16.32

<sup>65</sup> See paragraphs 16.39-16.40



signage asking patrons to leave quietly) will continue to have effect.

- 16.39 Chapter 9 of this Guidance sets out how a licensing authority must determine applications for a new licence or to vary an existing premises licence. Licence conditions imposed, in accordance with paragraphs 9.41 to 9.43, for live or recorded music activities will only apply if the activity meets the criteria of having more than 500 people present, and/or the activities are taking place between 23.00 and 08.00.
- 16.40 These conditions will, in effect, be suspended between 08.00 and 23.00 if a performance of live music or the playing of recorded music takes place before an audience of 500 people or fewer, but will remain on the face of the licence for when these activities may take place under other circumstances.
- 16.41 Where a performance of live music or the playing of recorded music on relevant licensed premises is not licensable, it remains possible for anyone to apply for a review of a licence or certificate, if there are appropriate grounds to do so.<sup>66</sup>

**URhS Caerdydd a'r Fro**  
Gorsaf Heddlu Bae Caerdydd,  
Stryd James, Bae,  
Caerdydd CF10 5EW  
Telffon: 01656 869211  
Mewn argyfwng ffoniwch **999**  
Fel arall, ffoniwch **101**  
Gwefan: [www.heddlu-de-cymru.police.uk](http://www.heddlu-de-cymru.police.uk)

**Cardiff & Vale BCU**  
Cardiff Bay Police Station,  
James Street, Cardiff Bay  
CF10 5EW  
Telephone: 01656 869211  
In an emergency always dial **999**  
for non-emergencies dial **101**  
Website: [www.south-wales.police.uk](http://www.south-wales.police.uk)

SWYDDOGOL - OFFICIAL

Licensing Department,  
Cardiff Bay Police Station,  
James Street,  
Cardiff,  
CF10 5EW.

16<sup>th</sup> September 2022

Tourism and Events Dept,  
Vale of Glamorgan Council,  
Docks Office,  
Barry,  
Cf63 4RT.

**RE: Application for the grant of a premise licence "COSMESTON MEDIEVAL VILLAGE", Lavernock Road, Penarth, CF64 5UY.**

I have caused enquiries to be made into this application and make the following representation that I wish to be considered when deciding on the licensable activity and conditions for this licence.

The applicant has applied for a premise licence that will permit several licensable activities, including showing of plays, films, live music, recorded music, dance and the sale of alcohol for on premise consumption only. The premise itself is a historically accurate medieval village where occasional, seasonal events are held.

The applicant has applied for the following licensable activity permissions:

**Opening hours.**

Monday to Sunday 11:00 – 23:00

Mae Heddlu De Cymru yn croesawu derbyn gohebiaeth yn Gymraeg a Saesneg. Byddwn yn ateb gohebiaeth a dderbynnir yn Gymraeg yn Gymraeg ac ni fydd gohebu yn Gymraeg yn arwain at oedi.

South Wales Police welcomes receiving correspondence in Welsh and English.  
Any correspondence received in Welsh will be answered in Welsh and corresponding in Welsh will not lead to a delay in responding.

**Plays, Films, Live Music, Recorded Music, Dance both indoors and outdoors.**  
Monday to Sunday 11:00 – 23:00.

**Sale of Alcohol for ON premise consumption.**  
Monday to Sunday 11:00 – 23:00.

**Hours AGREED for the sale of alcohol.**  
Monday to Sunday 11:00 – 22:30.

**Measures offered by the applicant in support of the application:**

**General**

All relevant legislation such as Health & Safety, Fire Safety, Environmental Health requirements etc will be followed at all events at the above premise.

Police, Fire and Ambulance services will be informed of all events. All events at this premise will be presented at the council's Event Safety Advisory Group meetings.

Fire extinguishers and first aid personnel will be available where appropriate.

Public Safety stewards and security will be employed at events and where appropriate staff will hold a DBS certificate.

Risk assessments will be carried out before all events.

All performers and suppliers at events will carry the appropriate insurance.

**Prevention of crime and disorder.**

Please see section A.

**Public Safety**

Please see section A.

**Prevention of public nuisance**

Please see section A.

**Protection of children from harm**

Please see section A.

Mae Heddlu De Cymru yn croesawu derbyn gohebiaeth yn Gymraeg a Saesneg. Byddwn yn ateb gohebiaeth a dderbynnir yn Gymraeg yn Gymraeg ac ni fydd gohebu yn Gymraeg yn arwain at oedi.  
South Wales Police welcomes receiving correspondence in Welsh and English.  
Any correspondence received in Welsh will be answered in Welsh and corresponding in Welsh will not lead to a delay in responding.



We therefore ask that the Licensing Committee hear the representation made by the Police when determining the grant of this application.

The application does not offer any formal conditions or provide any points that could be turned into conditions. Owing to this, it has fallen upon the Police to put forward a number of appropriate and proportionate conditions that are applicable to the application.

At this time, no agreement has been reached with the applicant so South Wales Police are objecting to the granting of this licence. However, dialogue between the parties is ongoing and should an agreement be reached ahead of any planned hearing, then the Police will formally withdraw our objection to the granting of this licence.

1. A CCTV system will be installed for each event to an agreed standard with South Wales Police. There will be coverage of all licensable areas used by the public (excluding Toilets) including all entrances and exits. Images will be kept for a minimum of 31 days and produced to an authorised member of South Wales Police immediately when the premises are open to the public and within a reasonable time when the premises are closed. There will be sufficient staff trained to facilitate the above.
2. The premises will operate a 'Challenge 25' policy. This policy will be brought to customers' attention by staff and through the display of appropriate signage. The only forms of identification recognised will be photographic identification cards, such as a driving licence, passport, HM Forces Card or proof of age scheme card with PASS logo.
3. An incident record will be kept at the premises. Any incident of crime or disorder witnessed by staff or any incident reported by customers is to be noted in the log. The following information shall be recorded in relation to each incident:
  - Date and time of the incident
  - Name of person making the report
  - Names of the parties involved (if known) or description of the parties (in as much detail as possible)
  - Nature of the incident
  - Any action taken thereafter
  - Refusals of saleStaff will be trained in relation to their responsibility to complete an incident report. Access to incident reports shall be made available to South Wales Police on request.
4. The DPS or a personal licence holder will be present when the sale of alcohol takes place.
5. Relevant staff and management shall receive refresher training in relation to licensing legislation and underage sales and shall be fully conversant with the conditions contained therein the Premises Licence.

Mae Heddlu De Cymru yn croesawu derbyn gohebiaeth yn Gymraeg a Saesneg. Byddwn yn ateb gohebiaeth a dderbynnir yn Gymraeg yn Gymraeg ac ni fydd gohebu yn Gymraeg yn arwain at oedi.

South Wales Police welcomes receiving correspondence in Welsh and English.  
Any correspondence received in Welsh will be answered in Welsh and corresponding in Welsh will not lead to a delay in responding.



6. The supply of alcohol at events shall not be served in glass vessels. Alternative vessels to glassware shall be used when serving drinks, ideally, plastics, polycarbonate plastic substitute, cardboard or similar alternative. (Unless in agreement with South Wales Police Licensing for a dedicated function where the glass drinking vessels are to remain within a designated area and cannot be taken into the public areas.)
7. The sale of alcohol for on sales will cease 30 minutes prior to the end of any event.
8. If SIA registered security are used, a duty register shall be kept of all persons engaged as security staff at the premises and be kept for a 12 month period. The register must include the following:
  - Name of security staff,
  - Full SIA licence number,
  - Time and date duty commenced and finished.

If you wish any further information, then please contact Police Licensing Officer Scott McCarthy at the Cardiff Bay Police Station [REDACTED]

Yours faithfully,

R.Haines

Chief Inspector

Mae Heddlu De Cymru yn croesawu derbyn gohebiaeth yn Gymraeg a Saesneg. Byddwn yn ateb gohebiaeth a dderbynnir yn Gymraeg yn Gymraeg ac ni fydd gohebu yn Gymraeg yn arwain at oedi.

South Wales Police welcomes receiving correspondence in Welsh and English.

Any correspondence received in Welsh will be answered in Welsh and corresponding in Welsh will not lead to a delay in responding.



## APPENDIX D

<p>Representation 1 R.E.</p>	<p>The Medieval Village was recently used for open air cinema screenings where we could clearly hear the soundtrack from the films even whilst sitting indoors with the double glazed windows closed.</p> <p>This is already an intrusive development that spoils the quiet enjoyment of our home and garden albeit for a limited period so far. We have tolerated this nuisance on a number of evenings this Summer but deferred making a formal complaint to the Council in the knowledge that it was only for a limited period.</p> <p>We therefore totally object to the granting of an alcohol license and all year entertainment at this venue with all the problems that will bring, from noise to pollution, and potential anti-social behaviour, in what is after all a Country Park setting.</p>
<p>Representation 2 M.G.</p>	<p>It will detract from the tranquillity and openness of the Medieval Village and Country Park.</p> <p>It is considered that these proposals would serve to increase the general levels of any noise or disturbance associated with the use of the park.</p> <p>Nuisance to neighbours, resulting from noise and general disturbance from traffic movements.</p> <p>Although the application is only for the time between 11:00 to 23:00pm, there will be noise and disturbance to nearby properties prior to and after these times with setting up, dismantling and clearing</p>

	<p>up that may well go on into the early hours.</p> <p>Concerns over the security and the safe and proper use of the Medieval Village and Country Park and all its visitors.</p> <p>There are concerns over visitor safety when leaving the Medieval Village in the late hours especially following the consumption of alcohol due to the unlit areas surrounding the Medieval Village, exiting the Medieval Village onto Lavernock Road with its poor visibility splays and speeding traffic on Lavernock Road., Also the nearness of Sully Brook and the Lakes also presents safety issues especially after the consumption of alcohol.</p> <p>It will have an adverse impact on neighbour amenity.</p>
<p>Representation 3 M.B.</p>	<p>The proposal is totally inappropriate in the area proposed, it's a Country Park with all that provides for nature.</p> <p>It's also bordered by existing and proposed residential housing which would be affected by late night noise and lighting.</p>
<p>Representation 4 M.C.</p>	<p>I wish to object most strongly to the granting of a licence in the terms stated. This is a residential area and will become even more so assuming plans go ahead for additional housing.</p> <p>The Medieval Village is a site of extraordinary cultural and scientific interest and occasional events, ceasing around 9pm have been held successfully.</p> <p>A seven day licence to 11pm risks unruly behaviour, criminal activity noise and litter, which would be devastating for local residents.</p>

<p>Representation 5 P.H.</p>	<p>Whilst the location is semi rural it is close enough to residential areas to cause disturbance.</p> <p>A licence with these hours is not compatible with this location.</p> <p>It will cause noise disturbance as has been witnessed just this summer when a screening made by Adventure Cinemas in the same location drew many noise complaints upto 1/2 a mile away as noise travels in this usually quiet location.</p> <p>There are many homes with young children in the area and the noise caused will be detrimental to their health and well-being.</p> <p>Although the licence application is upto 11pm disturbance will continue well past this time with people leaving the main car park which is opposite residential areas.</p> <p>This late time increases the chance of public disorder and raises the risk of criminal and disorderly behaviour well past the 11pm cut off time.</p>
<p>Representation 6 J.S.</p>	<p>After hearing about the above application for various events to be held at the Medieval Village, both my husband and I were horrified at the idea to hold such things every day from 11am to 11pm.</p> <p>Not only is the Medieval Village close to Lavernock Road and the residential area whereby we would have to put up with noise from the event, plus cars revving up but to top it all to have alcohol on sale thereby causing other major problems.</p>



<p>Representation 7 J.T.</p>	<p>Cosmeston park &amp; Medieval village is a country park &amp; wildlife area.</p> <p>If proposed plans for alcohol sales, cinemas etc go ahead there will be much disruption.</p> <p>Human life will also be affected as some people are not respectful. Noise carries in the evenings &amp; it is extremely upsetting to say the least.</p>
<p>Representation 8 W.Y.</p>	<p>Our house is in close proximity to this area and earlier this year when a cinema was set up we endured horrendous noise forcing us to close all windows in very hot weather so that we could try and get some sleep.</p> <p>Music and alcohol are a recipe for disaster late at night and you have obviously not thought this plan through respecting residents well being.</p>