

LICENCES AND PERMISSIONS

This document briefly introduces some of the licences and permissions which may be needed by organisations running a community building. For more information, reference should be made to the sources listed in **For Further Information** at the end of the document. For information relating to the Licensing Act 2003, please see Information Sheet 20.

WHO APPLIES FOR A LICENCE OR PERMISSION?

In some instances, it will be the responsibility of the organisation running the building to apply for a licence or permission; in other instances it will be the responsibility of the organiser of a particular event.

The basic rule is that where a licence or permission applies to the building or to activities directly organised by the building's managing body (e.g. a Community Association or one of its Sections), the managing body – usually in the person of the Secretary – should apply. Where a permission applies to an activity or an event organised by an independent organisation or group, then the organiser of that activity or event should apply.

This simple rule, however, does not apply exactly to every circumstance. If an independent group uses premises for an activity that requires a licence or other permission which the managing body already holds, it is important to check whether it also covers other users of the building, and to advise them accordingly.

Purpose	Licence Required	Where From?	Fee?	Period	Conditions	Other Remarks
You play live or recorded music at public events. Therefore, copyright fees are due to <i>authors and composers</i> .	Copyright – Performing Right Society (PRS)	The Performing Right Society.	Fee payable – a special tariff is available for community buildings, and fees may sometimes be waived.	Annual licence or occasional permit.		Application form needs careful preparation – see <i>Licensing and other Statutory Requirements</i> , p 29. PRS publish special <i>Notes</i> for Community buildings – or consult the CommunityMatters Helpline (0207 226 0189).
	Premises Licence	Local	Fee payable	Annual fee for	Ten working	Local Authority Licensing

	or Temporary Event Notice (TEN) may be needed	Authority.	Licensing Authority.	Premises Licence or fee per event (TEN).	days notice is needed for a TEN.	01708 432777
You play recorded music when members of the public are present, so that copyright fees are due to <i>the record producers</i> .	Copyright – Phonographic Performance Ltd (PPL) Premises Licence or Temporary Event Notice (TEN) may be needed	Phonographic Performance Ltd (address on p8 below); but see remarks in right-hand column. Local Authority.	Fee payable, but some exemptions for charities. Fee Payable Licensing Authority.	Annual. Annual fee for Premises Licence or fee per event (TEN).	The licence covers the organisers of an activity only and not the building. Independent groups, where applicable, need their own licence.	Community Matters has a scheme which offers a reduced rate for community buildings. Local Authority Licensing 01708 432777.
You hold public staged performances of plays, musicals, operas, dance performances, etc, so that copyright fees are due to <i>authors, composers, publishers etc.</i>	Copyright – Authors and Publishers of Dramatic Works Premises Licence or Temporary Event Notice (TEN) may be needed	The individual author or publisher – the address will usually be shown in the printed script/score. Local Authority.	As determined by author or publisher. Fee payable Licensing Authority.	As stated in the application. Annual fee for Premises Licence or fee per event (TEN).	As determined by author or publisher.	
You hold public performances of copyright videos.	Copyright – Videos	Video performance Ltd (address on p8 below)	Fee payable.	As stated in the application.		For most commercially-produced videos, public performance is not permitted.

	Premises Licence or Temporary Event Notice (TEN) may be needed	or owner of copyright. Local Authority.	Fee payable Licensing Authority.	Annual fee for Premises Licence or fee per event (TEN).		Local Authority Licensing 01708 432777.
You re-record performances from CDs, tapes, radio, tv, etc.	Copyright – Mechanical-Copyright Protection Society	Mechanical-Copyright Protection Society (address on p7 below).	Fee payable.	Annual.		The low-cost 'Miscellaneous Licence' covers small-scale use, subject to certain restrictions.
You hold information about individuals on computer or paper.	Data Protection Notification	Data Protection Commissioner (address on p7 below).		Three years.	Only the information specified in the application form may be held.	The Data Protection Act 1998 extends earlier provisions to cover also paper files – see the 'NOTE' at the end of this document.
You run Bingo sessions.	Licence not required if you follow certain rules				Vary according to circumstances.	See Information Sheet 26 ('Bingo').
You want to install a gaming machine (e.g. a fruit machine).	Certificate of Registration AND ... Machine Duty Licence	Apply to the Local Authority	Fee initially and for renewals.	5 years. One to ten years.	Certificate must be prominently displayed. Licence must be prominently displayed.	Supplier of machine must ensure you have both certificate and licence before releasing the machine.
Licensed Premises or Clubs only	Premises Licence may be needed	Apply to Gambling Commission.	Fee payable Licensing Authority and Gambling Commission.	Annual fee.		Local Authority Licensing 01708 432777.
You want to install a billiard,	Billiards Licence	Apply to the		Annual from 5	Sunday play	Licence not necessary if

snooker or pool table.		Clerk to the Justices.		April.	not permitted.	premises are licensed to sell alcohol.
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You want to allow people to play games of chance for money or other winnings.	<p>Snooker and darts – no licence.</p> <p>Small scale gaming (e.g. bingo or whist) – no licence.</p> <p>Other games of chance – Certificate of Registration may be required.</p>	Apply to the Local Authority.			Certificate must be prominently displayed.	<p>Snooker and darts regarded as games of skill rather than chance.</p> <p>For Bingo, see Information sheet No 26 ('Bingo').</p> <p>Local Authority Licensing 01708 432777.</p>
You want to run a raffle or other draw ('small lotteries').	No licence required				Must be held as part of another event; proceeds not for private gain; tickets to be sold only on the premises at the time of the event; draw must be made and announced during the event; no cash prizes, and total value of <i>bought</i> prizes not to exceed £250.	
You want to run a larger lottery.	'Private Lotteries' – no licence required				Sale of tickets restricted to (1) persons	Tickets for both private and society lotteries must contain prescribed information.

					living or working on same premises; or (2) members of a society.	No tickets may be sold to persons under 16 years old. Local Authority Licensing 01708 432777.
	'Small Society Lotteries'	Register with Local Council; If prizes worth more than £20,000 or more than 50% of the proceeds, register also with the Gambling Commission.			No restriction on sale of tickets to particular place or persons. All proceeds after expenses must be for the promoting association.	Tickets for both private and society lotteries must contain prescribed information. No tickets may be sold to persons under 16 years old. Financial return must be made to local council after a 'Small society lottery'. Local Authority Licensing 01708 432777.
You want to supply food to users of your premises. Hot Food and Drink from 223.00hrs to 05.00	Registration necessary Premises Licence or Temporary Event Notice (TEN) is needed	Your local council.	None.	Permanent. Yearly fee	Food hygiene regulations have to be complied with – including hirers of the premises. For more information, see <i>Managing Your Community Building and Community Matters Information Sheet 11.</i>	Exemption from registration if the building is used exclusively for charitable purposes and only dry foods (tea, coffee, biscuits, etc) are stored. Your local council will offer detailed advice. Local Authority Licensing 01708 432777.
You intend to work with children and young people	Registration necessary	Your local council.	None.	Permanent.	Council is obliged to	Exempt if your activities will take place for less than two

under the age of eight years.					impose certain requirements; see Information Sheet 30 (Safeguarding Children and Young People).	hours in any day, and in certain other circumstances. See Information Sheet 30.
You have a minibus, and you want to charge passengers for using it.	Minibus Permit	Your local council.	Small fee usually charged.	Varies. Check with your local council.	A number of conditions have to be observed.	Applies to vehicles designed for 9+ passengers.

NOTE: THE DATA PROTECTION ACT 1998

The Data Protection Act 1984 was superseded in March 2000 by the more recent Data Protection Act 1998. The principles underlying the new act are similar to those established by the 1984 Act, but **the new Act applies not only to electronically-stored data but also to paper-based files**. The Data Protection Registrar is re-named the Data Protection Commissioner, and stricter conditions apply to the processing of ‘sensitive data’.

The following brief outline is offered for guidance only.

Definitions

- Data *processing* means any use of data held in a ‘relevant filing system’ (see below).
- Data *subjects* are individuals upon whom personal data is stored.
- Data *users* are persons who hold data and who control its content and use.

Personal data means information relating to a living individual who may be identified from that information, including any expression of opinion about the individual. It includes such matters as staff records, records of salaries paid, details of clients at advice sessions. Membership lists which simply include names, addresses, telephone numbers and information about renewal dates or mailing dates are exempt.

A *relevant filing system* is any system (electronic or paper-based) where the records are structured either by reference to individuals or by criteria relating to individuals, so that ‘specific information, relating to a particular individual is readily accessible’.

Data Protection Principles

At the heart of both the 1984 and 1998 Acts are certain principles. They are that personal data must be:

- obtained and processed fairly and lawfully;
- held for registered lawful purposes:
- used for those purposes, and only disclosed to people described in the register entry;
- adequate, relevant and not excessive in relation to the registered purposes;
- accurate and, where necessary, kept up to date;
- held no longer than necessary for the registered purposes;
- accessible to the data subject, who shall have the right to have their information corrected or erased;
- protected by adequate security.

Meanwhile, the 1998 Act adds a further principle: that

- personal data shall not be transferred to a country or territory outside the European Economic Area unless that country or territory ensures an adequate level of protection for the rights and freedoms of data subjects.

Rights and Obligations under the 1998 Act

- *Data subjects* have certain rights, such as –
 - access to data upon themselves held in a relevant filing system
 - compensation where damage has resulted due to any breach of the Act
 - the right to prevent data processing likely to cause damage and distress, or processing for the purposes of direct marketing..
- *The Data Protection Commissioner* is responsible for:
 - maintaining a notification system (simpler than the previous registration system);
 - using statutory powers to enforce compliance with the Data Protection Principles on all data users (and not merely those required to notify);
 - considering any complaint that any of the data protection principles or any provision of the Act is being contravened.
- *Data users* are required to notify to the registrar systems that process personal data (subject to various exemptions), and must conform to the principles and specific requirements of the Act. Failure to comply with the Act can lead to criminal or civil proceedings or both.

Exemptions from Notification

Although community organisations must comply with data protection principles, they can take advantage of certain exemptions from the need to notify the Commission of their data processing. The exemptions apply where data is used only for any or all of the following purposes:

- staff administration (including volunteers);
- advertising, marketing and public relations;

- accounts and other business records;
- membership, contact and supporters' lists for non-profit making organisations.

Transitional Arrangements

Transitional arrangements give data users until 2007 to bring data already held in manual systems into compliance with the new law.

FOR FURTHER INFORMATION

On the Data Protection Act –

Contact the Data Protection Commissioner at Wycliffe House, Water Lane, Wilmslow, Cheshire SK9 5AF
☎ 01625 545745, or at <http://www.open.gov.uk/dpr/dprhome.htm>

Community Matters *Information Sheet* on the Data Protection Act 1998.

On licences and permissions generally –

See Community Matters *Information Sheets* 11 (*Food Safety and Food Hygiene*), 52 (*Public Entertainment Licences*) and 84 (*Occasional Permissions*).

ADDRESSES

Community Trading Services Ltd (CTS), 12-20 Baron Street, London N1 9LL ☎ 020 7837 7887.

The Mechanical-Copyright Protection Society, Elgar House, 41 Streatham High Road, London SW16 1ER ☎ 020 8769 4400.

The Performing Right Society, 29/33 Berners Street, London W1P 4AA ☎ 020 7580 5544.

Phonographic Performance Ltd, 1 Upper James Street, London W1R 3HG ☎ 020 7437 0311.

Video Performance Ltd, 1 Upper James Street, London W1R 3HG ☎ 020 7437 0311.

London Borough of Havering Licensing Authority 10th Floor Mercury House Mercury Gardens RM1 3SL ☎ 01708 432777.