

## **EVENT APPLICATION GUIDANCE NOTES**

### **SECTION 1 – NOTES FOR APPLICATION FORM**

#### **NOTE 1 – STREET COLLECTION PERMIT**

A street collection permit is required from the Local Authority's licensing team in order to carry out a charitable street collection. Before a permit can be granted the Licensing Office will need to have as much information as possible about your charity and the collection; so please send in leaflets and other information about the charity with your application form.

If you do not belong to the charity or group you want to collect for, you will need to send in a letter from that charity or group with your application form. The letter will need to confirm that the charity or group know you are intending to collect for them and have agreed to you collecting on their behalf.

Within one month of a Street Collection having been held you will have to make a financial statement to say how much money you collected and how it will be spent. The Form of Statement will be sent to you with the permit if the collection is approved. You will not usually be allowed to take money from the collection for travel or other personal expenses for making a collection.

Many people wish to collect in the town centre. In order to avoid the public being continuously bothered by a number of collections, the Council has passed a policy that the number of town centre collections allowed per week is limited. Therefore, it is essential that an application for a town centre collection is submitted early to avoid disappointment.

For an application form and more information, please contact the Licensing Section by telephone on 01709 247400 or by email: [licensing@rotherham.gov.uk](mailto:licensing@rotherham.gov.uk)

#### **NOTE 2 – LICENSING ACT 2003**

If you will be having one of the following activities at your event **you will require either a temporary events notice or premises licence**, certificate of authorisation under the Licensing Act 2003:

The Sale of alcohol  
Regulated entertainment

**N.B. The granting of a temporary events notice or even the possession of a premises licence does not mean that an event is approved by either the Council or Rotherham Events Safety Advisory Group (RESAG).**

The descriptions of Regulated entertainment are:

- (a) A performance of a play (**exemptions may apply – see below for Licensing Act 2003 (Description of Entertainment) (Amendment) Order 2013**)
- (b) An exhibition of a film
- (c) An indoor sporting event (**exemptions may apply – see below for Licensing Act 2003 (Description of Entertainment) (Amendment) Order 2013**)
- (d) Boxing, Wrestling or a contest, exhibition or display which combines boxing or wrestling with one or more martial arts (combined fighting sports)

- (e) A performance of live music (**exemptions may apply - see below for Live Music Act**)
- (f) Any playing of recorded music (**exemptions may apply - see below for Live Music Act**)
- (g) A performance of dance (**exemptions may apply - see below for Licensing Act 2003 (Description of Entertainment) (Amendment) Order 2013**)
- (h) Entertainment of a similar description to (e), (f) or (g)

**Please Note:**

**Licensing Act 2003 (Description of Entertainment) (Amendment) Order 2013**

This Order amends the descriptions of entertainment in paragraph 2 of Schedule 1 to the Act so that an authorisation for an indoor sporting event or a performance of a play or dance may be required only when the audience exceeds a specified number or the entertainment does not take place between 8am and 11pm on any day.

**Performance of a Play**

No licence is required for the performance of a play in the presence of an audience of no more than 499 people between 8.00 a.m. and 11.00 p.m. on any day.

**Indoor Sporting Event**

No licence is required for an indoor sporting event (other than boxing or wrestling entertainment) in the presence of an audience of no more than 1000 people between 8.00 a.m. and 11.00 p.m. on any day.

**Performance of Dance**

No licence is required for most performances of dance in the presence of any audience of no more than 499 people between 8.00 a.m. and 11.00 p.m. on any day.

**Live Music Act 2012**

**Entertainment Facilities**

The implementation of the Live Music Act 2012 removes regulation on the provision of entertainment facilities. The provision of entertainment facilities is no longer a licensable activity under the Licensing Act 2003.

**Exemptions**

You will not require a licence for:

- Films which are solely or mainly to demonstrate a product, advertise goods or services, or provide information, education and instruction.
- Films as part of an exhibition in a museum or gallery.
- TV and radio broadcasts, providing they are shown live and not recorded.
- Religious meetings or services.
- Entertainment in places of public religious worship.

- Garden fetes (unless held for private gain). If alcohol is to be served a licence will still be required.
- Entertainment provided in a moving vehicle.
- Morris dancing.
- 'Incidental entertainment' (see below).

### Incidental Entertainment

Consent for regulated entertainment is not needed when it is provided for background entertainment rather than being the main purpose for people attending the event.

Examples of incidental entertainment are:

- A supermarket playing background music (people go there to shop, not listen to music).
- Music during keep-fit classes (people are there to exercise).
- Salsa dance classes (people are there to learn to dance).
- A pub jukebox playing in the background (people are there to drink).

### Live Music

The Live Music Act 2012 amends the Licensing Act 2003 by partially deregulating the performance of live music and removing regulation about the provision of entertainment facilities.

- Unamplified live music between 8.00 a.m. and 11.00 p.m. in all venues is no longer licensable.
- Amplified live music between 8.00 a.m. and 11.00 p.m. before audiences of no more than 200 persons on alcohol licensed premises is no longer licensable.
- Amplified live music between 8.00 a.m. and 11.00 p.m. before audiences of no more than 200 persons in workplaces not otherwise licensed under the 2003 Act (or licensed only for the provision of late night refreshment) is no longer licensable.
- The licensing requirement for the provision of entertainment facilities is removed.
- The exemption for live music integral to a performance of Morris dancing or dancing of a similar type is widened, so that the exemption applies to live or recorded music instead of unamplified live music.

### **Further details**

Further details can also be found on the websites for the Department for Culture, Media and Sport, Licensing Act 2003 (Description of Entertainment) (Amendment) Order 2013 and The Live Music Act 2012.

### **External links**

- [Department for Culture, Media and Sport - Live Music Act 2012](#)
- [Licensing Act 2003 \(Description of Entertainment\) \(Amendment\) Order 2013 -   
<http://www.legislation.gov.uk/ukdsi/2013/9780111538609>](#)
- [Live Music Act 2012](#)

## Temporary Events Notice

For small events which last no more than 168 hours and have no more than 499 people attending at any one time **a temporary events notice (TEN) can be given by the applicant to the Licensing Authority.** There are limits on the number of TENs that can be applied for, as well as deadlines in relation to the timescale required to submit the application to the Licensing Authority as well as the Police and Community Protection Unit of Rotherham Council.

For more information and advice on the licence you will need to contact the Council's Licensing Section on 01709 823153 or email: [Licensing@rotherham.gov.uk](mailto:Licensing@rotherham.gov.uk)

It is illegal to hold an event including any of the above entertainment without a licence.

## NOTE 3 – INSURANCE/RISK ASSESSMENTS/METHOD STATEMENTS

To hold an event on Council land or the highway the Event Organiser will need to have in place £5 million public liability insurance.

Additionally, each of the following activities will require their own separate £5 million public liability insurance. Please ensure that you obtain current copies of the operator's safety certificates, risk assessment, method statement and public liability insurance and enclose them with the application form:

- Fairground Equipment (the Markets Department can advise on local fairground operators – telephone 01709 336957)
- Bonfire and/or Fireworks (Events Officer will forward separate guidelines if you are undertaking this activity)
- Inflatables (e.g. bouncy castles)
- Temporary Demountable Structures, e.g. Stages, Marquees/Gazebos
- Food and Drink concessions (in addition to the above caterers should provide you with details of their registration with their local Environmental Health Department and relevant hygiene certificates)
- Portable Generators

Should your event involve temporary demountable structures such as staging, marquees, etc., you will need to comply with the Construction, Design and Management (CDM) Regulations 2015. See below for link to guidance notes on this:

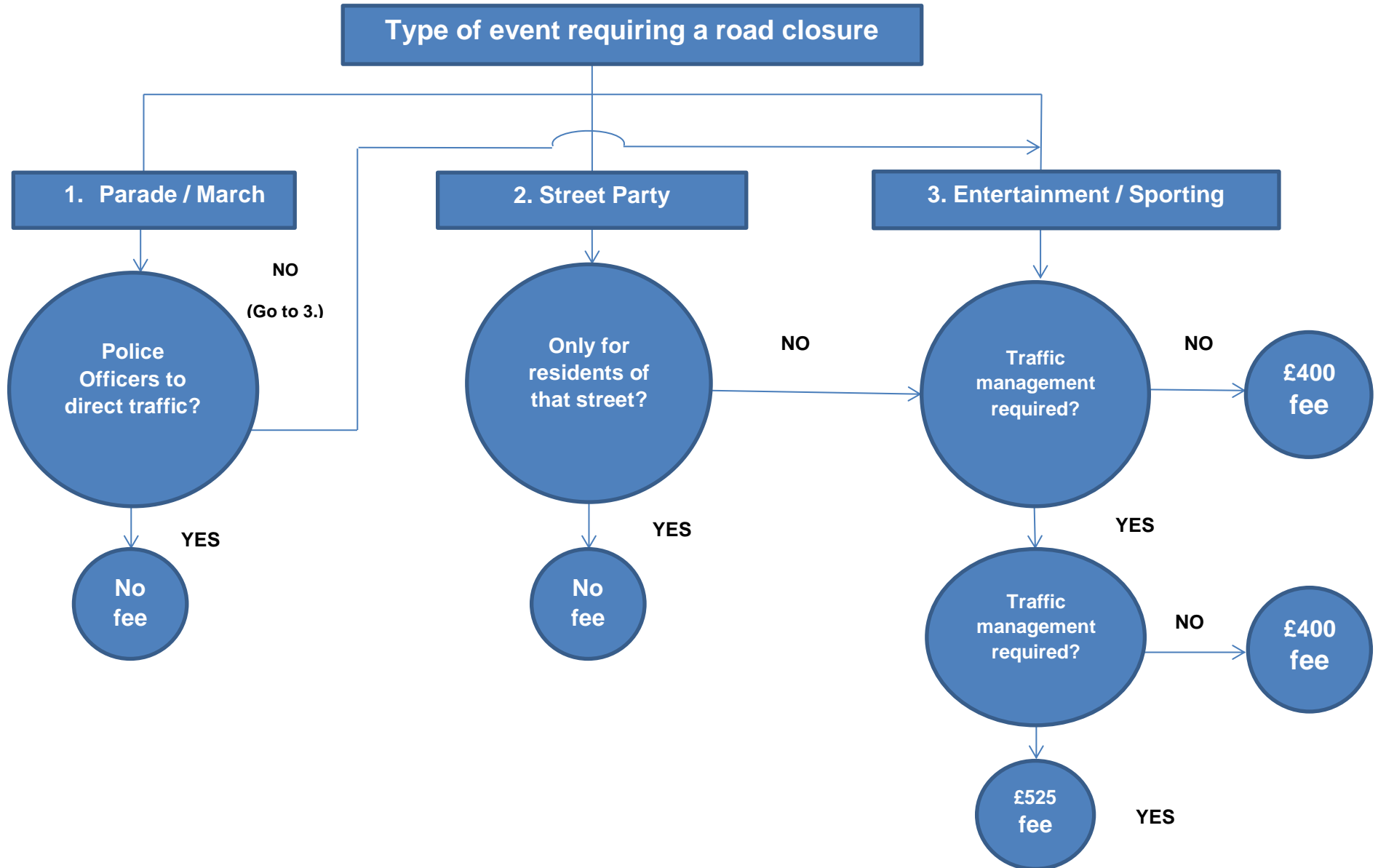
<http://www.cdm4events.org.uk/>

## NOTE 4 – MARKET STALLS

If you are planning on having market stalls/car boot sale at the event, you must contact the Council's Markets Department for permission on 01709 336957. Please note that 5 or more selling stalls constitute a market.

## NOTE 5 - ROAD CLOSURE

**N.B.** The granting of a road closure does not mean that an event is approved by either the Council or Rotherham Events Safety Advisory Group. Depending upon the type of event, a fee may be applicable for arranging a road closure (see below). For further information and advice contact the Council's Community Safety and Street Scene Service on 01709 336003, or email: [Streetworksenforcement@rotherham.gov.uk](mailto:Streetworksenforcement@rotherham.gov.uk)



## NOTE 6 – ROTHERHAM EVENTS SAFETY ADVISORY GROUP

It is the duty of the Emergency Services and Local Authority to uphold reasonable standards of public safety at appropriate events and to encourage the well-being of the public at such events. Accordingly, the relevant agencies participate in **the Rotherham Events Safety Advisory Group (RESAG)** to offer specialist advice to organisers of all appropriate public events. You will be advised if your event needs to be considered by RESAG and guidance on any additional information required will be provided by the Events Team including an Emergency Plan template should this be required.

### SECTION 2 - HEALTH AND SAFETY EXECUTIVE GUIDANCE ON RUNNING EVENTS SAFELY

Good planning and organisation is essential to putting on an event that is both safe and enjoyable. An event organiser has a duty to plan, manage and monitor the event to make sure that workers and the visiting public are not exposed to health and safety risks. See links below:

<http://www.hse.gov.uk/event-safety/index.htm>

Topics covered include:

- Your Duties as Events Organiser
- Safety Plans
- Risk Assessment
- Using and managing Contractors
- Planning for Incidents and Emergencies
- Event Health and Safety Topics

<http://www.thepurpleguide.co.uk/>

The Events Industry Forum Purple Guide to health, safety and welfare at music and other events is currently available following the above link for a subscription of £25.00 but plans are being made to make this available for free. The Events Team can access this guidance for you.

The Council's Events Team are also happy to discuss your event with you and provide advice and guidance where applicable.

## **SECTION 3 - MUSICAL ENTERTAINMENT IN ROTHERHAM TOWN CENTRE - GUIDANCE NOTES**

Musical performances and street entertainment can positively enhance the atmosphere in the town centre. This guidance note sets out the protocol for undertaking musical performances in Rotherham Town Centre.

### **Busking**

Rotherham Metropolitan Borough Council does not issue licences for Busking & mobile Street Entertainment; however performers are expected to adhere to the Code of Conduct (attached to this guidance note).

Rotherham Metropolitan Borough Council currently exercises its powers under the Highways Act 1980 to issue licences for activities that are likely to cause an obstruction to the highway and in these circumstances designated 'pitches' are available. Whereby equipment that is not easily portable (e.g. a sizeable P.A System) is to be located on the highway, a licence would therefore be required.

### **Selling Merchandise**

RMBC has, by resolution, prohibited Street Trading in certain streets in the Borough under schedule 4 of the Local Government (Miscellaneous Provisions Act) 1982 by designating them as 'Prohibited Streets'.

No selling of any merchandise including performance CDs by the vendor shall be allowed other than from a designated "pitch" licensed by the Markets Team. Where merchandise is sold without a licence, this constitutes illegal street trading which may lead to prosecution.

### **Collecting for Charity**

Whereby money is to be collected for charity, a Street Collection Permit is required. To obtain a street collection permit, contact Licensing on 01709 334525. Enforcement action may be taken where licences have not first been obtained.

### **Code of Conduct for Buskers**

- Entertainers should perform within the suggested performance areas only
- Entertainers should not stand/sit, or spread out equipment etc. so as to cause an obstruction of the highway (including footpaths), entrances/exits to premises, or to shop window displays
- Entertainers should not make use of the street furniture, such as public seats, lampposts, planting and railings
- An entertainer should not perform for longer than 1 hour in any location and should not perform again in that location for 2 hours (the new location should be at least as far as the music was audible)
- Entertainers should not site themselves within audible distance of another performer
- Entertainers must not actively collect money or sell merchandise but may have a receptacle (e.g. box, hat or musical instrument case) into which donations from members of the general public can be accepted in return for performances

- Reasonable noise levels should be maintained throughout any performance. Amplifiers may only be used at very low/reasonable levels so as not to cause a nuisance and performers should adjust volume levels as instructed. Where noise generated is considered a possible statutory nuisance by virtue of the Noise and Statutory Nuisance Act 1993 Section 2, enforcement action may be taken. Any request by a Police Officer, PCSO, Warden or enforcement officer to reduce the level of amplification should be complied with
- Entertainers should not perform in a manner which may be considered dangerous to themselves or the general public, and shall not dress or say anything which is likely to cause alarm, distress or offence to a member of the public

#### **SECTION 4 – TOWN CENTRE PITCHES MAP**

