

ELIZABETH II



1967 CHAPTER 19

An Act to provide for the licensing of certain private places of entertainment. [10th May 1967]

BE IT ENACTED by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:—

1.—(1) This Act shall, if adopted by the appropriate local authority, apply to any area in which any of the following enactments is in force, that is to say—

Power to adopt Act in certain areas.

- (a) section 51 of the Public Health Acts Amendment Act 1890 (which provides for the licensing of premises used for public music or dancing in certain provincial areas); 1890 c. 59.
- (b) the Home Counties (Music and Dancing) Licensing Act 1926 (which makes similar provision for certain areas around London); 1926 c. 31.
- (c) paragraph 1 of Schedule 12 to the London Government Act 1963 (which makes similar provision for the London boroughs and the City of London); or 1963 c. 33.
- (d) any enactment in a local Act regulating by means of licences the provision of music and dancing in places of public resort.

(2) In this section “the appropriate local authority” means, as respects any area specified in the first column of Part I of the Schedule to this Act, the authority specified in relation to that area in the second column of that Part; and Part II of that Schedule shall have effect in relation to the adoption of this Act by any such authority.

Certain private places of entertainment to require licences.

2.—(1) Subject to the provisions of this section, no premises in an area to which this Act applies shall be used for any of the following purposes, that is to say, dancing, music or any other entertainment of the like kind which—

(a) is not public within the meaning of the enactment mentioned in section 1(1) of this Act in force in that area; but

(b) is promoted for private gain,

except under and in accordance with the terms of a licence granted under this Act by the licensing authority.

(2) Subsection (1) of this section shall not apply to the use for any of the purposes mentioned in that subsection of, or of any part of—

(a) any premises licensed under any enactment mentioned in section 1(1) of this Act during the hours for which those premises are permitted to be open in accordance with that enactment; or

(b) licensed premises or a licensed canteen within the meaning of the Licensing Act 1964 or premises in respect of which a club or other body is registered under Part II of that Act.

1964 c. 26.

1952 c. 68.

(3) Section 7 of the Cinematograph Act 1952 (which provides that a licence shall not be required under any enactment for the regulation of public dancing, music or other public entertainment of the like kind by reason only of the showing of a film which includes representations of persons dancing or singing or which includes or is accompanied by music) shall apply to this Act as it applies to any such enactment; and a licence shall not be required under this Act by reason only of the performance at any premises of a stage play within the meaning of the Theatres Act 1843 or of the use of any premises for an entertainment which is provided there for the purpose of being broadcast for general reception.

1843 c. 68.

(4) For the purposes of this section, where the proceeds of an entertainment promoted by a society to which this subsection extends are applied for any purpose calculated to benefit the society as a whole, the entertainment shall not be held to be promoted for private gain by reason only that the application of the proceeds for that purpose results in benefit to any person as an individual.

(5) The last foregoing subsection extends to any society which is established and conducted either—

(a) wholly for purposes other than purposes of any commercial undertaking; or

(b) wholly or mainly for the purpose of participation in or support of athletic sports or athletic games.

(6) In the two last foregoing subsections “society” includes any club, institution, organisation or association of persons, by whatever name called, and any separate branch or section of such a club, institution, organisation or association.

3.—(1) The licensing authority may grant to any applicant and from time to time renew a licence for the use of any premises specified therein for all or any of the purposes mentioned in section 2 of this Act on such terms and conditions (including conditions for securing entry to and inspection of the premises) and subject to such restrictions as may be specified therein. Grant, duration and transfer of licences.

(2) Subject to section 5(5) of this Act, a licence granted under this Act shall, unless previously revoked, remain in force for one year or for such shorter period specified in the licence as the licensing authority think fit.

(3) Where a licence has been granted under this Act to any person, the licensing authority may, if they think fit, transfer the licence to any other person on the application of that other person or the holder of the licence.

(4) The person making an application for the grant, renewal or transfer of a licence under this Act shall on making the application pay to the licensing authority a fee of five pounds.

4.—(1) If at any premises any entertainment in respect of which a licence is required under this Act is provided without such a licence being held in respect thereof, then— Enforcement.

- (a) any person concerned in the organisation or management of that entertainment; and
- (b) any other person who, knowing or having reasonable cause to suspect that such an entertainment would be so provided at those premises—
 - (i) allowed the premises to be used for the provision of that entertainment; or
 - (ii) let the premises, or otherwise made the premises available, to any person by whom an offence in connection with the entertainment has been committed,

shall be guilty of an offence.

(2) If the terms, conditions or restrictions on or subject to which a licence in respect of any premises has been granted under this Act are contravened or not complied with, then—

- (a) the holder of the licence; and
- (b) any other person who, knowing or having reasonable cause to suspect that the premises would be used otherwise than in accordance with those terms, conditions or restrictions—
 - (i) allowed the premises to be so used; or

(ii) let the premises, or otherwise made the premises available, to any person by whom an offence in connection with that use of the premises has been committed,

shall be guilty of an offence.

(3) Any person guilty of an offence under this section shall be liable on summary conviction to a fine not exceeding two hundred pounds, or to imprisonment for a term not exceeding three months, or to both.

(4) If the holder of a licence under this Act is convicted by virtue of subsection (2) of this section then, subject to section 5 of this Act, the licensing authority may revoke the licence.

(5) Where an offence under this section committed by a body corporate is proved to have been committed with the consent or connivance of, or to be attributable to any neglect on the part of, any director, manager, secretary or other similar officer of the body corporate or any person who was purporting to act in any such capacity, he as well as the body corporate shall be guilty of that offence and shall be liable to be proceeded against and punished accordingly.

Appeals.

5.—(1) Any of the following persons, that is to say—

- (a) an applicant for the grant, renewal or transfer of a licence under this Act in respect of any premises whose application is refused;
- (b) the holder of any such licence as aforesaid whose licence is revoked or who is aggrieved by any terms, conditions or restrictions on or subject to which such a licence is granted,

may appeal to the appropriate court at any time before the expiration of the period of twenty-one days beginning with the date when he is notified of the refusal of his application, the revocation of his licence or the terms, conditions or restrictions in question, as the case may be.

(2) Where the decision against which an appeal is brought under subsection (1) of this section is that of a local authority, the appropriate court for the purposes of that subsection shall be a magistrates' court acting for the petty sessions area in which the premises in question are situated; and the court may make such order as it thinks fit and, subject to the next following subsection, that order shall be binding on the local authority.

(3) Any person aggrieved by the order of a magistrates' court on such an appeal as aforesaid may appeal therefrom to a court of quarter sessions.

(4) Where the decision against which an appeal is brought under subsection (1) of this section is that of any justices, the appropriate court for the purposes of that subsection shall be a court of quarter sessions; and section 31 of the Summary Jurisdiction Act 1879 (appeals to quarter sessions from courts of summary jurisdiction) shall, with the necessary modifications, apply in relation to any appeal by virtue of this subsection as if the decision against which the appeal is brought were an order of a court of summary jurisdiction.

(5) Where a licence under this Act is revoked or an application for the renewal of such a licence is refused, the licence shall be deemed to remain in force—

- (a) during any period within which an appeal under this section may be brought and, if such an appeal is brought within the relevant period, until the determination or abandonment of the appeal; and
- (b) where such an appeal relating to such a refusal as aforesaid is successful and no further such appeal is available, until the licence is renewed by the licensing authority.

6.—(1) Section 41 of the Justices of the Peace Act 1949 (authentication of licences under section 51 of the Public Health Acts Amendment Act 1890 or any similar local enactment) shall apply also to a licence granted under this Act by justices at any such meeting or sessions as are mentioned in the said section 41.

Application of enactments relating to public places of entertainment.

1949 c. 101.

1890 c. 59.

(2) Section 4(2) of the Home Counties (Music and Dancing) Licensing Act 1926 (delegation to councils of urban districts of powers of council of a county) shall apply also to the powers of the council of a county as licensing authority under this Act for an area in which that Act is in force.

1926 c. 31.

(3) Any enactment applied by this section shall, as so applied, have effect subject to any necessary modifications.

7.—(1) This Act may be cited as the Private Places of Entertainment (Licensing) Act 1967.

Short title, interpretation and extent.

(2) In this Act—

“licensing authority” means, as respects premises in any area specified in the first column of Part I of the Schedule to this Act, the authority specified in relation to that area in the third column of that Part;

“local Act” includes a local Act passed after this Act;

“premises” includes any place.

(3) In this Act references to any enactment shall be construed as references to that enactment as amended or extended by or under any other enactment, including an enactment passed after this Act; and references to any enactment which may be adopted or applied shall be construed as references to that enactment as adopted or applied whether before or after the passing of this Act.

(4) This Act shall not extend to Scotland or Northern Ireland.

SCHEDULE

Sections 1
and 7.

PART I

ADOPTING AND LICENSING AUTHORITIES

Area	Authority which may adopt this Act	Licensing authority
A borough or county district, or part thereof, in which section 51 of the Public Health Acts Amendment Act 1890 is in force.	The council of the borough or county district.	The licensing justices (as defined in the said section 51) of the licensing area (as so defined) in which the premises are situated. 1890 c. 59.
A county, or part thereof, in which the Home Counties (Music and Dancing) Licensing Act 1926 is in force.	The council of the county.	The council of the county. 1926 c. 31.
A London borough ...	The Greater London Council acting with the consent of the council of the borough.	The Greater London Council.
The City of London ...	The Greater London Council acting with the consent of the Common Council.	The Greater London Council.
A borough or county district, or part thereof, in which any such enactment as is mentioned in section 1(1)(d) of this Act is in force.	If the enactment specifies the council of a county as the body responsible for granting licences under the enactment, that council, and, in any other case, the council of the borough or county district.	The body specified by the enactment as the body responsible for granting licences under the enactment.

PART II

PROCEDURE FOR ADOPTING ACT

1. Adoption of this Act shall be effected by a resolution of the local authority expressed to come into force on a date not earlier than one month after the date on which the resolution is passed.
2. The consent of the council of a London borough or the Common Council to the passing of any such resolution by the Greater London Council shall be recited in the resolution.
3. The local authority shall by an advertisement in one or more newspapers circulating in the area to which the resolution relates—
 - (a) give notice of the proposed resolution not less than one month before the date on which it is to be passed; and
 - (b) after passing the resolution and before it comes into force, give notice of the fact that it has been passed and of its terms.
4. A copy of such a newspaper as aforesaid containing such a notice as is mentioned in paragraph 3(b) above shall be admissible as evidence of the passing of the resolution specified in the notice, of its terms and of the fact that any consent recited therein pursuant to paragraph 2 above has been given.

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