

## Use of Parish Buildings for Public Entertainment and Public Meetings

(A reprint of a circular sent to Ministers and Churchwardens on 31 March 1995.)

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### 1. Introduction

The purpose of this circular is to remind you of the restrictions on the use of parish buildings for “public entertainment” and “public meetings”. If you do not need this circular now you should keep it for future reference.

Under the Local Government Act 1993 (the “Act”) a person must not use or permit a building to be used for public entertainment or for a public meeting without the prior approval of the local council. Similar provisions were originally found in the Theatres and Public Halls Act 1908 and, more recently, in the Local Government Act 1919.

The reason for regulating the use of buildings for public entertainment and public meetings is to ensure minimum safety and technical standards are maintained for buildings used by the public.

### 2. Public Entertainment

Entertainment is public entertainment if admission to it may be gained ordinarily by members of the public on payment of money, or other consideration, as the price or condition of admission. Entertainment can still be public entertainment even if -

- (a) some (but not all) persons are admitted without charge; or
- (b) the charge is made as the charge for a meal or other refreshment, or for any other service or thing; or
- (c) a charge is made after admission to the entertainment.

If members of the public cannot gain entry to the entertainment then the entertainment is not public entertainment. Accordingly, private functions limited to members of the church should not be regarded ordinarily as public entertainment.

If admission is free to all, and paragraphs (a), (b) and (c) above do not apply, the entertainment will not be public entertainment. There may still however be a “public meeting”.

If you want to use a parish building for a concert, to show a film, or provide any other entertainment local council approval is required if members of the public can gain admission and an admission fee is charged.

### **3. Public Meetings**

A meeting is a public meeting if it is held for a public purpose and members of the public can gain admission. The Act expressly provides that a meeting for religious worship only is not a public meeting and therefore approval is not necessary if a building is used only for worship. The Act does not provide any assistance on what constitutes “religious worship”. However, opening and closing a meeting in prayer does not of itself mean that the meeting is for religious worship.

A meeting can still be a public meeting even if admission to the meeting is without charge. Thus meetings to discuss a local community issue or of a neighbourhood watch group will be public meetings. Meetings which are only open to members of an organisation are not regarded as public meetings.

### **4. Obtaining Approval**

If a building is to be used for public entertainment or for a public meeting, you must contact your local council to determine its approval requirements and obtain that approval. Almost certainly, your local council will send a representative to inspect your building. Following this visit you may be required to undertake costly work before approval is given. Additionally your local council has power to insist that fire protection works be undertaken even if you decide not to use or permit your building to be used for public entertainment or public meetings.

If the relevant building is subject to a conservation order, permission from the heritage authorities will also be necessary before any work is undertaken.

### **5. What are the consequences of a failure to comply?**

Ministers and churchwardens must ensure that the Act is complied with since they will commit an offence if they use a building for public entertainment, or for a public meeting, or permit a building to be so used without the necessary approval.

### **6. And Finally**

Even though parish buildings are not used for public entertainment or public meetings, the expectation is that they will comply with the technical and safety standards of buildings used for those purposes. This is important for insurance purposes. If a claim is made for damage or injury and non-compliance with relevant

building codes or local government ordinances was a material factor in giving rise to the claim, the insurer may decline a claim if there was gross negligence. This could arise if you knew that a building was in a dangerous condition and continued to permit it to be used for public entertainment, a public meeting, for public worship or otherwise.

This circular is not a definitive statement of all relevant legal principles and has been prepared for information purposes only. If you have specific matters of concern you must obtain expert advice.

For and on behalf of the Standing Committee

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*Legal Officer*

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