

October 2012



APPLICATION FOR A PREMISES LICENCE

When to use the form

This guidance relates to application forms for premises licences under the Licensing Act 2003 (“the Act”). A similar form is available for clubs applying for a club premises certificate.

Broadly speaking, a premises licence can authorise the following activities:

- the sale or supply of alcohol
- the provision of public entertainment
- the provision of late night hot food and drink.

Further information about what activities are licensable is given later in this guidance.

Applications for premises licences must be made to the licensing authority within whose area your premises is situated. This will normally be your local authority. Application forms can be obtained from GOV.UK or Home Office websites or, on request, from your licensing authority. They may also be available on your licensing authority's website.

NEED MORE HELP?

This Guidance is intended to help applicants complete the application form. Further information about the Licensing Act 2003 and other sources of help can be found on the Home Office website www.homeoffice.gsi.gov.uk. Your local licensing authority should be able to help you with any queries or give advice on how to complete the application. You may also wish to consider other sources of advice such as a relevant trade body, or by engaging professional assistance, such as legal advice.

COMPLETING THE FORM

In the opening statement, you should insert the name of the applicant or applicants who are applying for a licence e.g. 'John Smith' or 'Nice Pub Company'.

PART 1: Premises Details

This section asks for the address and some other details of the premises. If the premises has no postal address, for example, if the application relates to an event on open land, you should describe the location of the premises or give the Ordnance Survey map reference.

The section also asks for the non-domestic rateable value (NDRV) of the premises. This is not the same as the actual business rates which you pay, but is a value determined by the Valuation Office, which helps determine business rates. The NDRV, rather than your business rates bill, will determine the fee level to be paid with the licence application and the annual fee thereafter. The NDRV of any premises can be checked on the Valuation Office Agency (VOA) website www.2010.voa.gov.uk. NDRV is revalued every 5 years. A new valuation came into force on 1 April 2010. Premises that do not have a non domestic rateable value are treated as falling into Band A for licensing fee purposes.

See guidance on FEES for more information:

<http://www.homeoffice.gov.uk/publications/alcohol-drugs/alcohol/alcohol-licensing/fee-levels>.

PART 2 – Applicant Details

This section asks you to state the capacity in which you are applying, for example as an individual, a limited company, a recognised club, a charity etc. You can only apply in one of these capacities so should only tick one box.

If you are applying as a person described in (a) or (b) you must also tick one of the three boxes at the end of this question. For the majority of applicants, the first box will apply (i.e. the applicant will be carrying on or proposing to carry on a business). An application pursuant to a 'statutory function' might be an application made by an agency of the Government (e.g. the Passport Agency) and an application pursuant to a 'function discharged by virtue of her majesty's prerogative' might be an application made by the Government (e.g. by a Secretary of State).

You should then give further details in either section **(A) INDIVIDUAL APPLICANTS** or section **(B) OTHER APPLICANTS**, but not both.

Part 3 – Operating Schedule

You should state the date you would like the licence to start. As the licence cannot come into operation until the second appointed day, that is the earliest date you can request. A premises licence will last indefinitely, unless otherwise stated in the box provided.

General description of the premises

You are asked to describe the premises. For example the type of premises it is, its general situation and layout and any other information that would be relevant to the licensing objectives. You should also describe any areas that you intend to provide for people to consume alcohol that you sell or supply such as outside areas e.g. beer gardens.

5,000 or more people attending

The question concerning the number of people attending the premises at any one time is necessary to determine whether an additional fee for large events should apply. It is not necessary to complete this box if you think that less than 5,000 people will attend the premises at any one time. The figure relates to the maximum number of people on the licensed premises, including employees, at any one time – not the total number over a period of time. It is important to note that the attendance figure relates to the 'licensed premises' (i.e. the licensed area identified in the plan) and not areas that are outside the 'licensed premises'. If you decide that the number will not exceed 5,000, you will be responsible for ensuring that the numbers at any one time do not exceed this figure. If you do exceed it, you could be engaging in an unlicensed activity, which is a criminal offence.

Do I have to issue everyone a ticket to prove the numbers on the premises?
It is for you to decide when putting your application together whether you need arrangements for counting the numbers coming in or out. However, it is an offence to make a false declaration in the application, which could lead to a £5,000, fine.
I run a country show which has a beer tent. Do I have to put the total number of people at the show in this section?
It depends whether you are licensing the whole premises. As most of the events at such a show are not licensable activities, it should be possible to simply license the beer tent. In this case the capacity of the beer tent is what counts and this may be unlikely to trigger the additional fee for large events.
Should I include my beer garden on my premises licence?
That is for you to decide. In doing so, you will want to consider whether you might want to use the garden at some point in the future to sell alcohol – perhaps an outdoor bar at a barbeque or possibly through waited drinks service. Also, if you do not include the garden as part of the licensed premises, drinks that are

bought to be consumed there will count as off supplies and any conditions that relate to off sales would apply. If the beer garden is being provided for consumption of off-supplies, you must include a description of where the place is and its proximity to the premises.

Licensable activities

You should indicate which licensable activities you wish to carry on by ticking the appropriate boxes. In considering what to put in this section, you should think about all the activities you may want to conduct at the premises in the future and consider whether any are licensable activities under the Act. After this, you should complete the corresponding boxes from A to M that relate to those activities. Only complete the boxes that relate to the activities you have ticked.

You should give timings using the 24-hour clock and only give details for days of the week when you intend the premises to be used for the licensable activities in question. The space marked 'state any seasonal variations', gives you the opportunity to include any, for example, longer hours or additional days during the summer. The space marked 'non standard timings', gives you the opportunity to record occasions when the timings will change. For example, you may wish the activity to go on longer on Christmas Eve or weekends preceding bank holidays.

Under 'non standard timings' can I say that I will open late to cover Rugby World Cups, Australian Rules Football, or sporting events overseas that are broadcast late at night or early morning in the UK?

You can include whatever licensable activities you like, but should think about how these might be viewed by responsible authorities or interested parties. It might be worth talking to your licensing authority and the relevant responsible authorities first to see what conditions, if any, you might offer to reassure any concerns.

Except in box C (indoor sport) you are asked to indicate whether the activity is taking place indoors, outdoors or both. Indoors may include a tent.

In the space marked 'Please give further details here', please state type of activity to be authorised, if not already stated, and give relevant further details, for example (but not exclusively) whether or not music will be amplified or unamplified.

BOXES A – H (Provision of regulated entertainment)

You should refer to section 1 of and Schedule 1 to the Act or contact your local licensing authority for full details of the definitions of regulated entertainment.

BOX A: Plays

A performance of any dramatic piece, (including rehearsal), whether involving improvisation or not, which is given wholly or in part by one or more persons present and performing in which the whole or a major proportion of what is done by the person(s) performing, whether by way of speech, singing or action, involves the playing of a role.

BOX B: Films

Any exhibition of moving pictures except where its sole or main purpose is to demonstrate a product, advertise goods or services or provide information, education or instruction, or if it consists or forms part of an exhibit put on show for any purposes of a museum or art gallery. The use of television or radio receivers is not licensable, except for the showing of pre-recorded programmes.

BOX C: Indoor sporting event

A sporting event is defined in the Act as any contest, exhibition or display of any sport in which physical skill is the predominant factor, and any form of physical recreation which is also engaged in for purposes of competition or display which takes place wholly inside a building, and at which the spectators are accommodated inside that building. This includes any roofed structure and could be a vehicle, vessel or moveable structure.

A venue with a roof that opens and closes is regarded under the Act as being an outdoor event and sporting activities in such venues are not licensable under the Act. But note that other activities at such venues (such as the sale of alcohol or live music) are licensable.

BOX D: Boxing or wrestling entertainment

Unlike other sports, boxing and wrestling is licensable whether held indoors or outdoors.

BOX E: Live music

Music includes vocal or instrumental music or any combination of the two. The old '2 in a bar' rule will no longer apply under the new licensing regime. Live music will therefore require a licence regardless of the number of participants. The performance of live music, if it is incidental to some other activity, which is not in itself regulated entertainment, is not licensable.

BOX F: Recorded music

Your licence does not have to cover the playing of recorded music if it is incidental to some other activity which is not itself regulated entertainment, as this would be exempt. For example, background music in a supermarket is likely to be considered to be incidental. If you have a jukebox or a disc jockey at your premises you need to consider whether, in your particular case, this is incidental music or whether it is a licensable activity. If in doubt, discuss this with your licensing authority.

BOX G: Performances of dance

Morris dancing or any dancing of a similar nature is not licensable, nor is the performance of unamplified live music as an integral part of such dancing.

BOX H: Entertainment of a similar description to that falling within (e) live music, (f) recorded music or (g) performance of dance

BOX I (the provision of late night refreshment)

You should refer to section 1 and Schedule 2 to the Act or contact your local licensing authority for full details of the definitions of late night refreshment.

This covers the supply of hot food or drink between 11:00pm and 5:00am, although there are several exemptions. Hot drinks consisting of, or containing alcohol, should be authorised under the supply of alcohol, rather than late night refreshment.

A hot drink from a vending machine where the customer inserts the payment into the machine and the drink is supplied directly by the machine is not licensable, but would be if a member of staff takes the money or serves the drink.

Free hot food or hot drink is not licensable, nor is that supplied by a registered charity or by a person authorised by a registered charity.

Hot food or hot drink supplied on a vehicle, which is not permanently or temporarily parked at the time is also exempt.

There are also exemptions that apply to hotel guests, certain employees or particular trades or professions. Supplies of hot food or hot drink on or from premises already licensed under certain other Acts – for example, those used as "near beer" premises in London. If in doubt, you should contact your licensing authority.

BOX J: (sale by retail of alcohol)

If you wish people to be able to consume alcohol on the premises, please tick 'on'. If you wish people to be able to purchase alcohol to consume away from the premises, please tick 'off'. If you wish people to be able to do both, please tick 'both'.

Designated Premises Supervisor

If you intend to sell alcohol, you should give details of the person who you wish to be the designated premises supervisor (DPS) under the new licence. The DPS will need to hold a valid personal licence. In many cases, this will be the premises licence holder, but you can choose to name someone else. There is only one DPS for each premises (but any number of personal licence holders)

and it is usually, but not necessarily, the person who has day to day responsibility for the premises. You will also need to submit a 'DPS consent form' signed by the person you wish to be your DPS (you need to do this even if this is the same person who is applying for the premises licence) to confirm that he/she is happy to take on this role. The form is prescribed, and is available on request from your licensing authority or you can print or download it from the Business Link or Home Office websites. The form should be included with your application (see checklist).

For more information about Personal Licences:

<http://www.homeoffice.gov.uk/publications/alcohol-drugs/alcohol/alcohol-licensing/personal-licence-application/>.

BOX K

This asks you to give information about anything to occur at the premises or ancillary to the use of the premises which may give rise to concern in respect of children, for example (but not exclusively) nudity or semi-nudity, films for restricted age groups or gambling. You do not need to give details here of AWP machines. You do not complete this section if it does not apply to your premises, but rather than leave blank, it would be better to write 'none' or 'N/A' to be clear that you have considered this, rather than simply forgotten to complete the box.

BOX L: Hours premises are open to the public.

While this may include times where no licensable activities take place, it is important for responsible authorities, interested parties and the licensing authority to know how long your premises is open in addition to the times where licensable activities will take place. For example, it might be necessary and proportionate to ensure that licensable activities finish in good time before the premises closes to the public to allow orderly departure.

You should indicate whether any of the 'seasonal variations' to and 'non standard timings' for licensable activities, would affect the hours the premises are open to the public, in the spaces provided. You may also wish to consider whether there will be any seasonal variations or non-standard timings when the premises will be open to the public at different times for non-licensable activities - for example, opening early to provide breakfasts during the Summer holidays.

M – Steps to promote the licensing objectives

You are asked to describe the steps you intend to take to promote the four licensing objectives:

- the prevention of crime and disorder
- public safety
- the prevention of public nuisance
- the protection of children from harm

Don't forget that you should already be abiding by relevant legislation in other areas. Your starting point should be compliance with these requirements. If you feel there is nothing more you need to do, then you might wish to write 'N/A' or something like 'nothing beyond existing Health and Safety/Fire Safety etc requirements'. This shows you have considered the objectives and come to a decision that you have nothing additional to do and not that you have forgotten to write anything in this section. Of course, if a responsible authority for one of the licensing objectives considers that you need to do more, they will be able to make representations. If you have concerns, you may find it useful to talk to the relevant responsible authority before completing the form. Further information on responsible authorities is available from the Home Office website www.homeoffice.gov.uk or from your local authority licensing officer or website.

If you do intend to take additional measures, you should consider carefully what to include. Anything you put down here is likely to become a condition of your licence. Failure to meet those conditions would constitute an offence under the Act. You should therefore think carefully about adding conditions to ensure that they are achievable, realistic, appropriate, proportionate and within your control. Base your response on a proper, common sense consideration of the risks and what you can realistically do to mitigate them.

In the 'General Box', list the steps you will take to promote all four licensing objectives together, for example, employing additional staff.

Checklist and declaration

By ticking this list, you are making a declaration that you have carried out the listed actions. If you tick the boxes and do not carry out these actions, you may be making a false statement in relation to the application, which is an offence, which on conviction may make you liable to a fine of up to £5,000.

You should check that you have included all the required documentation. This includes a plan of the premises and where necessary, the DPS consent form.

Plans

The plan of the premises should be included with the application, and copied to the responsible authorities as part of the application. The plan of the premises needs to meet the requirements set out in the Act and the Licensing Act 2003 (Premises licences and club premises certificates) Regulations 2005, SI 2005/42 to show the following:

- (a) the extent of the boundary of the building, if relevant, and any external and internal walls of the building and, if different, the perimeter of the premises;
- (b) the location of points of access to and egress from the premises;

- (c) if different from paragraph (b), the location of escape routes from the premises;
- (d) in a case where the premises is used for more than one existing licensable activity, the area within the premises used for each activity;
- (e) fixed structures (including furniture) or similar objects temporarily in a fixed location (but not furniture) which may impact on the ability of individuals on the premises to use exits or escape routes without impediment;
- (f) in a case where the premises includes a stage or raised area, the location and height of each stage or area relative to the floor;
- (g) in a case where the premises includes any steps, stairs, elevators or lifts, the location of the steps, stairs, elevators or lifts;
- (h) in a case where the premises includes any room or rooms containing public conveniences, the location of the room or rooms;
- (i) the location and type of any fire safety and any other safety equipment, including if applicable, marine safety equipment; and
- (j) the location of a kitchen, if any, on the premises.

Unless you have previously agreed with the relevant licensing authority in writing that an alternative scale plan is acceptable to it, the plan should be drawn in standard scale, where 1 millimetre represents 100 millimetres. The plan may include a key of symbols to illustrate the above on the plan, but there is no requirement to do so.

Do I have to have plans professionally drawn?
There is no requirement to have plans professionally drawn. What is important is that they are accurate and meet the requirements referred to above.
Do I need to show a consumption area, such as a beer garden, on the plan?
There is no requirement to show on the plan any areas that are not part of the premises you are licensing. You should, however, describe any areas that you intend to provide for people to consume alcohol that you sell or supply under the general description of the premises that you are required to give at the beginning of Part 3 of the application form.

Responsible authorities

You are required to give a copy of the application, including the accompanying documentation, to the “responsible authorities” on the same day as the application is given to the relevant licensing authority. Responsible authorities are the public bodies that are entitled to make representations to the licensing authority in relation to an application. Any representations must be about the likely effect of granting the application on the promotion of the licensing objectives. The responsible authorities include the following, for the area in which the premises are situated:

- The chief officer of police
- The fire and rescue authority
- The Primary Care Trust (or Local Health Board in Wales)
- The health and safety authority
- The local planning authority
- The environmental health authority
- The body recognised as being responsible for protection of children from harm
- Inspectors of Weights and Measures (trading standards officers)

With regard to a vessel, this list also includes the relevant navigation authority, the Environment Agency, British Waterways Board or the Secretary of State

For details of the responsible authorities in your area, contact your local licensing team. Details may also be available on your local authority's website.

Advertising your application

Applications must be advertised as set out in the Act and the Licensing Act 2003 (Premises licences and club premises certificates) Regulations 2005. This includes displaying a sign at or outside the premises and an advertisement in a locally circulating newspaper. For more advice, speak to your licensing officer at your local licensing authority.

DO NOT FORGET TO ENCLOSE THE CORRECT FEE

Details on fees can be found in the relevant guidance note:

<http://www.homeoffice.gov.uk/publications/alcohol-drugs/alcohol/alcohol-licensing/fee-levels>.

Part 4 – Signatures

The application form must be signed. An applicant's agent (for example a solicitor) may sign the form on their behalf provided that they have actual authority to do so. Where there is more than one applicant, both applicants, or their respective agents, must sign the application form.