



Licensing Act 2003

How to apply for or vary a Premises Licence/Club Premises Certificate (note Premises can also include outdoor events)

Contents

General	2
Licensing objectives.....	2
Time limits	2
Incomplete applications.....	2
Duration of licence	2
Designated Premises Supervisor.....	2
All Applications	2
Part 2.....	2
Part 3 – Operating Schedule.....	2
Further details	4
Activities That May Give Rise to Concern in Respect of Children	5
Hours Premises Are Open to the Public.....	5
Steps You Intend to Take to Promote the Four Licensing Objectives.....	5
General – all four licensing objectives	5
The prevention of crime and disorder	5
Public Safety.....	6
The prevention of public nuisance	6
The protection of children from harm.....	6
Signatures and Checklist	7
Advertising Your Application	7
What happens to your application	8
What happens if relevant representations are made?	8
Appeals	8
Checklist	9

General

Use this guidance to assist you completing an application to apply for a licence for a Premises Licence, and vary it as well if you wish. Please note that the Licensing Authority, whilst able to offer advice on points of law, cannot assist you in completing applications forms or advise on hours and activities you may wish to apply for. We recommend you obtain your own independent/legal advice.

Licensing objectives

You need to bear the four licensing objectives in mind when completing your application. They are:

- The protection of children from harm;
- Public safety;
- Prevention of public nuisance;
- Prevention of crime and disorder.

Time limits

There is a period of 28 consecutive days for applications to be advertised, and representations made and then 20 working days, following this for a hearing to start, if representations have been made.

Incomplete applications

We cannot accept incomplete applications. The time limit for processing will not start until you have supplied a correctly completed application, fee, and all other documentation required.

Duration of licence

Premises Licences last for the life of the business or to the end of the event.

Designated Premises Supervisor

You must appoint a Designated Premises Supervisor (DPS). This person is ultimately responsible for everything that happens on the premises, including any offences that may take place. You are only permitted to nominate one DPS per premises. The DPS does not have to be present all the time. However, as they are responsible for ensuring the premises are compliant with the law, we would suggest you appoint somebody who has day-to-day responsibility for the relevant part of the business. A DPS is only required if you intend to sell alcohol, so if you are a school, village or community hall or similar and this is not something you will be applying to do as part of a premises licence application then you may disregard this advice on DPS.

All Applications

Part 2

The first part of this section concerns the type of applicant you are. Tick the appropriate box.

Go to the part of the form relating to the section you have ticked – e.g. Part A for individual applicants, and complete that part.

Part 3 – Operating Schedule

Description of the Premises

Your description should state:

- Whether the premises are detached, terraced etc and what they adjoin, e.g. “terraced adjoining office and florist shop”;
- Description of main use of premises, e.g. pub, restaurant, nightclub;
- How many rooms and floors the premises consists of;
- Which rooms and floors are used for licensable activities;
- What entertainment facilities are provided, if applicable;
- Brief descriptions of what other parts of the premises are used for.

So for example you might say, “Three storey detached building used primarily as restaurant. Top floor used for staff accommodation, There is a function room hired out for private parties on the ground floor, the remainder of the ground floor consists of bar area and kitchen. Bar area used for public to drink and dance. Piano and karaoke machine in bar area.” Or “Single storey detached building used primarily as a village hall. There is a separate function room hired out for parties and the remainder of the ground floor consists of the hall and kitchen. The hall is used for dancing, indoor sports plays and music”. Or “Marquee on sports ground to be used for the public to drink and dance. Hired sanitary accommodation outside”

Include any other information you feel may be relevant to the licensing objectives.

Licensable Activities

You must state what licensable activities you intend to carry on from the premises. Tick the appropriate boxes. Please note that following the Live Music Act 2012 and Deregulation Bill 2015 several previously licensable activities may now be deregulated under certain circumstances. Again we recommend your own independent/legal advice.

Hours and Conditions

In the next section, you must state what hours you are permitted to carry on the licensed activity, and what conditions your current licence(s) contain(s).

You are required to split the conditions in to sections – those that meet all four licensing objectives, and those that meet each of the individual licensing objectives.

Documents to be included

You must enclose the following:

- The fee, see separate document;
- A plan of the premises. The plan must show:
 - The whole building, including non licensed areas;
 - Any external or internal walls which comprise the premises, or in which the premises are comprised;
 - All exits from the premises;
 - If different from the above, the location of the escape routes from the premises;
 - Areas where existing licensable activities take place;
 - In a case where the existing licensed activity relates to the supply of alcohol, the location(s) on the premises that are used for the consumption of alcohol;
 - Fixed structures (including furniture) or similar objects temporarily in a fixed location (but not furniture) that may impact on the ability of customers to use exits or escape routes without impediment;
 - In a case where premises include a stage or raised area, the location and height of each stage or area relative to the floor;
 - The location and type of any fire safety and other safety equipment including, if applicable, marine safety equipment;
 - The location of any kitchen on the premises.
- The consent form from the proposed Designated Premises Supervisor(if required);

Licensed Activities and Opening Times

You must state what licensable activities you intend to provide, and the times you would like to do this. Times must be given in the 24 hour clock.

All times commence at 12 midnight where applicable. There are two boxes for times, to account for when you remain closed during the day (or do not wish to provide licensable activities).

Let's say you wanted to open from 11.00am to 11.00pm on Mondays to Thursdays, 11.00am to 2.00am on Fridays and Saturdays, and from 11.00am to 10.30pm on Sundays. You would fill the boxes in like this:

Supply of alcohol		
Day	Start	Finish
Mon	1100	2300
	-	-
Tue	1100	2300
	-	-
Wed	1100	2300
	-	-
Thur	1100	2300
	-	-
Fri	1100	0000
	-	-
Sat	0000	0200
	1100	0000
Sun	0000	0200
	1100	2230

Seasonal Variations

This would allow you to open later on say, Christmas Eve, or to open later during the summer months (you would have to specify which months). You need to say when you want to open and for how long. We recommend you use this box if you know you want to open later during seasonal periods, rather than wasting a Temporary Event Notice in applying for extensions.

Non standard timings

This caters for special events or Bank Holidays, for example. You may normally open until 11.00pm on Mondays, but on the first Monday of every month a folk club meet at your premises and you would like to provide alcohol and regulated entertainment until midnight on these occasions. You would put the details in this box. You can also use this section to tell us how often you are likely to use the licence, e.g. "Plays will only be held once a month for no more than three days at a time".

Indoors or Outdoors

If licensed activities will take place in a building or similar structure, please tick "Indoors". If activities are to take place in the open air, or with a roof cover and no side wall covers, please tick "Outdoors". If you are a pub with a garden (for example) and you would like licensable activities to take place in the garden, you would tick both boxes.

Further details

You are expected to state the type of activity to be authorised and where applicable, the frequency of these activities. (If you intend to provide licensed activities regularly you do not need to specify this).

For example:

Plays – if the premises licence is for a one off event, you would put the play title here. Otherwise you would state, for example, whether the plays are for children only, a mixed audience, for an amateur dramatics association, and so on.

Film Exhibitions – if a cinema, you may say here how many screens you have. You may describe the type of films you intend to show, e.g. art films, mixed films for all age ranges, and so on.

Indoor Sporting Events – describe the type of sports you intend to provide.

Boxing and Wrestling Entertainments – the category of fights you may wish to provide, whether they will be professional or amateur and so on.

Performance of Live Music – how many musicians do you intend to have performing, what type of music will they play, and will the music be amplified or unamplified?

Playing of Recorded Music – what sort of recorded music? Will it be a DJ or a sound system? What is the power output of any sound system to be used? Will you be providing karaoke?

Performance of Dance – what type of dancing? Will there be a stage or will it be roaming dancers?

Anything of a Similar Description – describe the type of entertainment, e.g. comedy shows, hypnotism performances etc.

Late Night Refreshment – Say what you intend to do, e.g. selling food for takeaway purposes only, selling food for consumption on the premises, the type of food you sell etc.

Activities That May Give Rise to Concern in Respect of Children

This could include nudity or semi-nudity (such as exotic dancers) or the presence of gaming machines.

Hours Premises Are Open to the Public

State the earliest time people are admitted to the premises, and the latest time they will leave.

Steps You Intend to Take to Promote the Four Licensing Objectives

This is a very important part of the form. You must use this area to demonstrate that you can run your business without contravening any of the four licensing objectives.

You need to satisfy the responsible authorities we consult and any other interested parties (e.g. local residents), that you can run the premises responsibly and in accordance with the licensing objectives. If these people do not feel the steps you propose are adequate, they may object to the application being granted.

It is clearly in everybody's interests to reduce the likelihood of people objecting to your variation. You should therefore think very carefully about how you are going to address the four licensing objectives.

Some examples of things you may wish to consider are given below.

General – all four licensing objectives

- Providing registered door supervisors;
- Having a Personal Licence Holder on the premises at all times the licence is being used;
- Staff training on licensing issues;
- Installing a CCTV system.

The prevention of crime and disorder

- Drugs policies/notices;
- Membership of a local Pubwatch scheme;
- Providing adequate lighting;
- Use of a walkie talkie link to other licensed premises in the area;
- Age restrictions;
- Search policies;
- Bottle bans.

Public Safety

- Provision of emergency lighting;
- Provision of additional escape routes;
- Accommodation limits;
- First Aid provision;
- Seating arrangements;
- Use of special effects;
- Number of attendants.

The prevention of public nuisance

This area is particularly important if you are seeking to extend your licence hours. You are not expected to control or seek to control the behaviour of persons once they have left the premises.

- Provision and use of a noise limiting device;
- Secondary glazing/soundproofing;
- Noise patrols of the local area;
- Keeping the music to a reasonable level;
- Litter clearance;
- Considerate loading/unloading arrangements;
- Controlling noxious odours from cooking etc;
- Not using external areas after a certain time;
- Restricting hours that amplified music can take place;
- Keeping doors and windows closed while the licence is being used;
- Prevention of light pollution;
- Notices asking patrons to leave quietly.

The protection of children from harm

- Restricting access to adult entertainment, e.g. lap dancing, age restricted films etc;
- Provision of children's areas;
- CRB checks of staff involved in looking after young people;
- Proof of age cards;
- Prevention of access to gaming machines;
- A limit on the hours during which children can be present on the premises;
- Requirement to be accompanied by an adult;
- Requirement for attendants to be present when children's activities are taking place.

You are not expected to address issues already covered by existing legislation, e.g. "I will not serve to people who are obviously drunk" or "I will not serve alcohol to under-18's".

Whatever you put in this section will become a condition of your licence. Therefore you should not volunteer to do anything that you are not able, or not prepared, to do if the licence is granted.

Immigration Act 2016

As from 6 April 2017, you are required to provide documentation to prove entitlement to work/immigration status for individual applicants and applications from partnerships which are not limited liability partnerships:

A licence may not be held by an individual or an individual in a partnership who is resident in the UK who:

- does not have the right to live and work in the UK; or
- is subject to a condition preventing him or her from doing work relating to the carrying on of a licensable activity.

Any premises licence issued in respect of an application made on or after 6 April 2017 will become invalid if the holder ceases to be entitled to work in the UK.

Applicants must demonstrate that they have an entitlement to work in the UK and are not subject to a condition preventing them from doing work relating to the carrying on of a licensable activity. They do this by providing with this application copies or scanned copies of the following documents (which do not need to be certified).

Please see the website for a list of suitable documents to submit with your application.

Signatures and Checklist

Please make sure you complete and sign.

Advertising Your Application

You must advertise your variation application by way of a notice displayed on pale blue paper at the premises for 28 consecutive days. The notice needs to be displayed prominently at or on the premises where it can be read from the exterior. A premises covering more than 50sqm is required to place a notice every 50 metres along the external perimeter abutting any highway. Two notices for this purpose are included.

You must also publish notice of your variation application in a local publication within ten days of making the application. A form for this purpose is enclosed. You must send a copy of the publication containing the advertisement to us as soon as it is published.

You must send a copy, (we recommend using recorded delivery), of your application to the following 8 responsible authorities:

Thames Valley Police Licensing Office

E Block
Thames Valley Police HQ South
165 Oxford Road
Kidlington
OX5 2NX

Technical Pollution Service

Environmental Regulatory Services
Woodgreen
Witney
OX28 1NB

Food Health and Safety Service

Environmental Regulatory Services
Woodgreen
Witney
OX28 1NB

Oxfordshire Fire and Rescue Service

Sterling Road
Kidlington
OX5 2DU

Oxfordshire Safeguarding Children Board Officer

Oxfordshire Safeguarding Children Board (OSCB)
3rd Floor County Hall
New Road
Oxford
OX1 1ND

Trading Standards Services

Electric Avenue
Ferry Hinksey Road
Off Botley Road
Oxford
OX2 0BY

Planning Services

West Oxfordshire District Council
Elmfield
Witney
OX28 1PB

Merlyn Mistry, Health Improvement Practitioner

Public Health Team
Oxfordshire County Council
County Hall
New Road
Oxford OX1 1ND

Alcohol Licensing Team (Home Office)

Alcohol Licensing Team
Lunar House
40 Wellesley Road
Croydon
CR9 2BY

If your application is incomplete, you will have to resubmit it to these agencies.

What happens to your application

We consult the following organisations:

- The Town or Parish Council;
- The elected Ward Member(s)

The responsible authorities and the above people are entitled to make representations about your application, providing they are relevant to any of the four licensing objectives. Local residents and businesses may also make representations, providing they are relevant to any of the objectives.

What happens if relevant representations are made?

If representations are made, the Council may try to mediate between parties. For example, the Police may object to the Designated Premises Supervisor you have nominated. This could be resolved by removing that person from the application and replacing them with somebody deemed more suitable.

If mediation fails, the Council's Licensing Panel will determine your application. The Panel is comprised of three elected Members of the Council. You will be invited to attend the meeting to give evidence, answer questions, and call any witnesses. The Panel will listen to evidence from both sides before deciding whether to grant the application. They may grant it as requested, grant with conditions (provided these are relevant to the licensing objectives) or refuse your application.

Appeals

If you are dissatisfied with a decision made by the Council, you may appeal to the Magistrates Court for the petty sessions area in which the premises are situated, within 21 days of being notified of the Council's decision.

This leaflet has been made as comprehensive as possible. However, in attempting to simplify the law, certain requirements have been omitted. Full details of what you must do are in the legislation itself.

Laws can and do change. This information was accurate when produced, but may have changed since. We must advise that only the Courts can give an authoritative opinion on statute law.

Checklist

The following needs to be sent to:

Business Support
Licensing Function
Environmental Regulatory Services
Woodgreen
Witney
Oxon
OX28 1NB

Completed application(s)
The fee, see separate document
A plan of the premises

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