



LICENSING ACT 2003 APPLICATION FOR A NEW PREMISES LICENCE GUIDANCE NOTES

This document is intended to give general guidance on how to make a new application for a Premises Licence under the Licensing Act 2003.

Premises Licence	2
How do I make my application?	2
Licensable Activities	3
Deregulatory changes	3
What else do I need to know about making a New Application?	3
What happens next?	4
Appeals	4
What makes a representation 'relevant'?	5
What is the operating schedule?	5
Annual Fees	5
Immigration Act 2016	5
Licensing Section Contact Details:	6
Annex A	7
Annex B	9
Annex C	11
Annex D	14

Premises Licence

A Premises Licence will permit licensable activities to take place on or from the premises and the Act defines premises as any place and includes a vehicle, vessel or moveable structure. The person applying for the premises licence may be the owner or operator of the business or the committee responsible for the building or premises. Briefly, an application can be made by any person who operates a business involving the use of premises for a licensable activity. If the premises are leased, the freeholder has a right to inform that they own, part own, or occupy the premises. By doing so they can register their right to know of any applications or variation notices and request other information relating to those premises. If the activities proposed to be authorised by the premises licence include the sale of alcohol the application must also provide the details of the person nominated as the Designated Premises Supervisor.

How do I make my application?

The application is made to the licensing authority for the area in which the premises are situated. The following must be provided in order that your application may be accepted for processing:

- **The completed application form**
- **Application Fee (see [Annex A](#)).**
- **[Form of consent](#) completed by the proposed Designated Premises Supervisor (only applicable if the premises licence application is to include the retail sale of alcohol)**
- **A Plan(s) of the premises (1:100 scale)**

The plan must show:

- 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 (3)(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) in a case where an existing licensable activity relates to the supply of alcohol, the location or locations on the premises which is or are used for consumption of alcohol.
- f) 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.
- g) 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.
- h) in a case where the premises includes any steps, stairs, elevators or lifts, the location of the steps, stairs, elevators or lifts.
- i) in a case where the premises includes any room or rooms containing public conveniences, the location of the room or rooms.
- j) The location and type of any fire safety and any other safety equipment; and
- k) The location of a kitchen, if any, on the premises.

NB: The plan may include a legend through which these matters are sufficiently illustrated by the use of symbols on the plan.

Licensable Activities

The Licensing Act 2003 stipulates 4 activities which require a licence:

- the sale by retail of alcohol,
- the supply of alcohol by or on behalf of a club to, or to the order of, a member of the club,
- the provision of regulated entertainment
- the provision of late night refreshment.

The **provision of late night refreshment** refers to the sale of hot food or drink to the public between the hours of 11pm and 5am.

The **provision of regulated entertainment** is largely defined as an activity that is provided for the purpose of entertaining an audience and which takes place on premises which are made available for the purpose of enabling the activity. An activity which takes place in private is also licensable if it is subject to a charge which is intended to raise profit. Examples of such activities are below:

- a performance of a play
- an exhibition of a film
- an indoor sporting event
- a boxing or wrestling entertainment
- a performance of live music
- playing of recorded music
- a performance of dance

Deregulatory changes

Deregulatory changes that have amended the Act mean that **no licence is required** for the following:

- **Plays**, where the performance is between 08.00 and 23.00 on any day, and the audience does not exceed 500.
- **Dance**, where the performance is between 08.00 and 23.00 on any day, and the audience does not exceed 500.
- **Films**, where it is 'not-for-profit' and the exhibition is held in a community premises between 08.00 and 23.00 on any day and the audience does not exceed 500; and the organiser (a) has consent from a person with responsibility for the premises; and (b) ensures that the screening abides by age classification ratings.
- **Indoor sporting events**, where the event is between 08.00 and 23.00 on any day, and that those present does not exceed 1000.
- **Boxing or wrestling entertainment**, held between 08.00 and 23.00 on any day, provided that the audience does not exceed 1000.
- **Unamplified live music**, between 08.00 and 23.00 on any day, on any premises.
- **Amplified live music**, between 08.00 and 23.00 on any day on premises which is authorised to sell alcohol to be consumed on-site.

What else do I need to know about making a New Application?

You must submit a full copy of your completed application to all “responsible authorities” (see [Annex B](#)). For your own benefit you are advised to obtain receipts to confirm the safe delivery of the application and copies.

You must also advertise the application by displaying a pale blue notice in a prominent position where it can be conveniently read from the exterior of the premises concerned. The notice must be no less than size A4, with black printing or type equal to or greater than font size 16. The notice must detail the nature of the

application (see [Annex C](#)). This notice must be displayed for not less than 28 consecutive days following the day on which the application was given to the licensing authority. Where the premises covers an area of more than 50 metres square further notices must be displayed every 50 metres along any external boundary of the premises adjacent to the highway.

You must also advertise the application in a local newspaper circulating in the vicinity of the premises. The newspaper notice must be published on at least one occasion and must appear in the paper within 10 working days from the day that the application was given to West Oxfordshire District Council.

Both the newspaper notice and the premises notice for the application should give brief details of the application and must contain the following information:

- The name of the Premises.
- The postal address of the premises.
- The name and postal address of where the application has been made and the website or contact address where West Oxfordshire District Council will make the details of your application available to the public.
- The date by which an interested party or responsible authority may make representations to West Oxfordshire District Council (28 days from the day after the application date).
- That all representations shall be made in writing.
- That it is an offence under Section 158 of the Licensing Act 2003, to make a false statement in or in connection with an application. Those who do so may be liable on summary of conviction to a fine of any amount.

What happens next?

When we receive your application we will send you an acknowledgement letter that will confirm if your application is complete or whether you need to provide more information. Providing that the application is complete it is the duty of the Council to wait for a 28 day period in order to allow the responsible authorities and interested parties to make representation if required.

If there are no relevant representations from the responsible authorities or interested parties within 28 days from your application, your licence will be granted without the need for a hearing.

If a relevant representation has been received (please [see below](#)), the licensing team will decide whether it is appropriate to arrange a mediation meeting between the relevant parties to try and find a reasonable compromise. If this informal process is unsuccessful a hearing before the Licensing Sub-Committee will be arranged and all relevant parties will be notified of the date of that hearing. After a hearing has been held the decision of the Licensing Committee or Sub-Committee and the details of that decision will be circulated to the parties concerned.

Appeals

Any person aggrieved by the decision of the hearing has a right to appeal to the Magistrates Courts appropriate to the location of the premises concerned. If you disagree with any decision of the Licensing Authority we recommend that professional advice should be sought if you are uncertain about the best course of action.

What makes a representation ‘relevant’?

The Licensing Act 2003 specifies 4 objectives, if a representation is received which makes reasonable argument that the granting of the licence will undermine those objectives, then this must be considered.

The Act’s Objectives are:

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

What is the operating schedule?

An operating schedule is an essential part of your application. It is the part of the application documentation that indicates the activities proposed to be authorised by the licence. When they will take place, the overall opening hours, when the public are permitted on the premises, and how you will promote the Act’s four objectives.

You are advised to consider the needs of your future business activities when considering the operation of your premises. Particular thought should be given to the operating hours and activities undertaken by village halls and community centres as these premises often have many different users prone to changes in demand. It may be prudent for you to consider applying for activities that you may want to take place in the future. For example, you may have plans to provide a weekly film show or disco.

One of the most critical parts of the operating schedule is the section where you describe the steps you intend to take to promote the four licensing objectives. Careful consideration should be given to comments entered in this section as these comments could become the basis of conditions placed on the licence.

Annual Fees

An annual fee is payable on the anniversary of the grant date of the Premises Licence. West Oxfordshire District Council will send the licence holder an invoice when this fee is due.

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 their application copies or scanned copies of documents which demonstrate their right to work (see [Annex D](#)) within the UK. These documents do not need to be certified.

Licensing Section Contact Details:

If you would like to make an appointment to see a licensing officer you can contact us by using one of the following methods.

Postal Address:

Business Support - Licensing
Environmental & Regulatory Services
West Oxfordshire District Council
Woodgreen
Witney, OX28 1NB

Telephone: 01285 623000

Email: ers.licensing@publicagroup.uk

Internet:

<https://www.westoxon.gov.uk/business/licences-permits/>

LICENSING ACT 2003 FEE STRUCTURE FOR PREMISES LICENCES

Fees for all Licensing Act 2003 permissions have been set by Central Government. The fees are based on the non-domestic rateable value (NDRV) of the premises.

BAND	A	B	C	D	E
Rateable value	£0 - £4300	£4,301 – £33,000	£33,001 - £87,000	£87,001 - £125,000	£125,001 and above

TABLE A. PREMISES LICENCES

The application fees for premises licences are listed in the next table. There will be a multiplier applied to premises in Bands D and E where they are used exclusively or primarily for the supply of alcohol for consumption on the premises.

NDRV	Band	New/Variation	Annual Fee
£0 - £4300	A	£100	£70
£4,301 - £33,000	B	£190	£180
£33,001 - £87,000	C	£315	£295
£87,001 - £125,000	D	£450	£320
£87,001 - £125,000	D - Primarily supplying alcohol	£900	£640
£125,001 and above	E	£635	£350
£125,001 and above	E – Primarily supplying alcohol	£1,905	£1,050

NOTES

1. Where a premises had no rateable value the fee for Band A should be applied, except where a premises is under construction where the fee for Band C should be applied.
2. Where a premises is part of a larger premises then the rateable value for the whole premises should be used to calculate the fee.

EXEMPTIONS

The following types of premises are exempt from paying fees if their application relates to the provision of regulated entertainment only:-

- i) church halls, chapel halls or other similar buildings or village halls, parish halls or community halls or other similar buildings.
- ii) premises that are, or form part of, a school or college where the provision of regulated entertainment is carried on by the school or college for and on behalf of its own purposes.

TABLE B. ADDITIONAL CHARGES FOR EXCEPTIONALLY LARGE EVENTS

Where the number of people to be allowed on the premises at the same time is 5,000 or more, in addition to the fee specified in Table A, a supplementary fee will be charged in accordance with Table B except where the premises is a structure which is not a vehicle, vessel or moveable structure and has been constructed or altered for the purpose of the activity.

No. of Persons	Additional Fee	Annual Fee
5,000 to 9,999	£1,000	£500
10,000 to 14,999	£2,000	£1,000
15,000 to 19,999	£4,000	£2,000
20,000 to 29,999	£8,000	£4,000
30,000 to 39,999	£16,000	£8,000
40,000 to 49,999	£24,000	£12,000
50,000 to 59,999	£32,000	£16,000
60,000 to 69,999	£40,000	£20,000
70,000 to 79,999	£48,000	£24,000
80,000 to 89,999	£56,000	£28,000
90,000 and over	£64,000	£32,000

ANNUAL FEES

An annual fee is payable on the anniversary of the grant date of the Premises Licence. West Oxfordshire District Council will send the licence holder an invoice when this fee is due.

LICENSING ACT 2003 RESPONSIBLE AUTHORITIES CONTACT DETAILS

Licensing Authority (please include the fee with this copy)

Business Support - Licensing
Environmental & Regulatory Services
West Oxfordshire District Council
Woodgreen
Witney
OX28 1NB

Thames Valley Police Licensing Office

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

Oxfordshire Fire and Rescue Service

Rescue Service HQ
Sterling Road
Kindlington
OX5 2DY

Local Planning Authority

Planning Services
West Oxfordshire District Council
Elmfield
New Yatt Road
Witney
OX28 1PB

Technical Pollution Service

Technical Pollution Service
Environmental & Regulatory Services
West Oxfordshire District Council
Woodgreen
Witney
OX28 1NB

Health and Safety Enforcement – (where Forest of Dean District Council is the enforcing authority)

Food Health & Safety Service
Environmental & Regulatory Services
West Oxfordshire District Council
Woodgreen
Witney
OX28 1NB

Health and Safety Enforcement – (where the Health and Safety Executive is the enforcing authority)

Health and Safety Executive
4th Floor, The Pithay
All Saints Street
Bristol
BS1 2ND

Oxfordshire Safeguarding Children Board

Oxfordshire Safeguarding Children Board (OSCB)
Room 128, 1st Floor, Block 4
3rd Floor County Hall
New Road
Oxford
OX1 1ND

Trading Standards

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

Health Authority

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

PUBLIC NOTICE OF APPLICATION FOR A PREMISES LICENCE

The following page has the template that you should use for the public notice that should be displayed at the premises for 28 days. This is also the template that should be used for the newspaper advert. The guidance notes on how to complete the notice are on the following page.

Public Notice guidance notes:

- (1) Name of applicant or Club
- (2) Address of the premises you are applying to licence with a brief description
- (3) With the proposal to **licence these premises for/vary the current premises licence by*

In this area briefly describe the activities that you have applied for on the operating schedule in your application (including opening times) or the variation to the existing licensed activities e.g.

Altering the terminal hours for Fridays and Saturdays to allow music and dancing (a Discotheque) until 02:00am
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Altering the terminal hour for serving alcohol on Mondays, Tuesdays, Wednesdays and Thursdays from 11:00pm to 12 midnight.
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- i) * means delete as necessary e.g. **licence these premises for/vary the current premises licence by*
- ii) * * Insert the date of making the application and the closing date – 28 days after application given to the Licensing Authority.
- iii) If this form is downloaded this notice **MUST** be on pale blue paper and not less than A4 size. It **MUST** be printed legibly or typed in BLACK and equal to or greater than font size 16.

This sentence is font sized 16.

This advert must be displayed continuously for 28 days following the day on which the application was given to the Licensing Authority. It must be displayed in a prominent position at or on the premises where it can be conveniently read from the exterior of the premises.

IMMIGRATION ACT 2016**DOCUMENTS WHICH DEMONSTRATE ENTITLEMENT TO WORK IN THE UK**

- An expired or current passport showing the holder, or a person named in the passport as the child of the holder, is a British citizen or a citizen of the UK and Colonies having the right of abode in the UK [please see note below about which sections of the passport to copy].
- An expired or current passport or national identity card showing the holder, or a person named in the passport as the child of the holder, is a national of a European Economic Area country or Switzerland.
- A Registration Certificate or document certifying permanent residence issued by the Home Office to a national of a European Economic Area country or Switzerland.
- A Permanent Residence Card issued by the Home Office to the family member of a national of a European Economic Area country or Switzerland.
- A **current** Biometric Immigration Document (Biometric Residence Permit) issued by the Home Office to the holder indicating that the person named is allowed to stay indefinitely in the UK, or has no time limit on their stay in the UK.
- A **current** passport endorsed to show that the holder is exempt from immigration control, is allowed to stay indefinitely in the UK, has the right of abode in the UK, or has no time limit on their stay in the UK.
- A **current** Immigration Status Document issued by the Home Office to the holder with an endorsement indicating that the named person is allowed to stay indefinitely in the UK or has no time limit on their stay in the UK, **when produced in combination with** an official document giving the person's permanent National Insurance number and their name issued by a Government agency or a previous employer.
- A **full** birth or adoption certificate issued in the UK which includes the name(s) of at least one of the holder's parents or adoptive parents, **when produced in combination with** an official document giving the person's permanent National Insurance number and their name issued by a Government agency or a previous employer.
- A birth or adoption certificate issued in the Channel Islands, the Isle of Man or Ireland **when produced in combination with** an official document giving the person's permanent National Insurance number and their name issued by a Government agency or a previous employer.
- A certificate of registration or naturalisation as a British citizen, **when produced in combination with** an official document giving the person's permanent National Insurance number and their name issued by a Government agency or a previous employer.

- A **current** passport endorsed to show that the holder is allowed to stay in the UK and is currently allowed to work and is not subject to a condition preventing the holder from doing work relating to the carrying on of a licensable activity.
- A **current** Biometric Immigration Document (Biometric Residence Permit) issued by the Home Office to the holder which indicates that the named person can currently stay in the UK and is allowed to work relation to the carrying on of a licensable activity.
- A **current** Residence Card issued by the Home Office to a person who is not a national of a European Economic Area state or Switzerland but who is a family member of such a national or who has derivative rights or residence.
- A **current** Immigration Status Document containing a photograph issued by the Home Office to the holder with an endorsement indicating that the named person may stay in the UK, and is allowed to work and is not subject to a condition preventing the holder from doing work relating to the carrying on of a licensable activity **when produced in combination with** an official document giving the person's permanent National Insurance number and their name issued by a Government agency or a previous employer.
- A Certificate of Application, **less than 6 months old**, issued by the Home Office under regulation 17(3) or 18A (2) of the Immigration (European Economic Area) Regulations 2006, to a person who is not a national of a European Economic Area state or Switzerland but who is a family member of such a national or who has derivative rights of residence.
- Reasonable evidence that the person has an outstanding application to vary their permission to be in the UK with the Home Office such as the Home Office acknowledgement letter or proof of postage evidence, or reasonable evidence that the person has an appeal or administrative review pending on an immigration decision, such as an appeal or administrative review reference number.
- Reasonable evidence that a person who is not a national of a European Economic Area state or Switzerland but who is a family member of such a national or who has derivative rights of residence in exercising treaty rights in the UK including:-
 - evidence of the applicant's own identity – such as a passport,
 - evidence of their relationship with the European Economic Area family member – e.g. a marriage certificate, civil partnership certificate or birth certificate, and
 - evidence that the European Economic Area national has a right of permanent residence in the UK or is one of the following if they have been in the UK for more than 3 months:
 - (i) working e.g. employment contract, wage slips, letter from the employer,
 - (ii) self-employed e.g. contracts, invoices, or audited accounts with a bank,
 - (iii) studying e.g. letter from the school, college or university and evidence of sufficient funds; or
 - (iv) self-sufficient e.g. bank statements.

Family members of European Economic Area nationals who are studying or financially independent must also provide evidence that the European Economic Area national and any family members hold comprehensive sickness insurance in the UK. This can include a private medical insurance policy, an EHIC card or an S1, S2 or S3 form.

Original documents must not be sent to licensing authorities. If the document copied is a passport, a copy of the following pages should be provided:-

- (i) any page containing the holder's personal details including nationality;
- (ii) any page containing the holder's photograph;
- (iii) any page containing the holder's signature;
- (iv) any page containing the date of expiry; and
- (v) any page containing information indicating the holder has permission to enter or remain in the UK and is permitted to work.

If the document is not a passport, a copy of the whole document should be provided.

Your right to work will be checked as part of your licensing application and this could involve us checking your immigration status with the Home Office. We may otherwise share information with the Home Office. Your licensing application will not be determined until you have complied with this guidance.