



WEST OXFORDSHIRE
DISTRICT COUNCIL

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.

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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 square metres, 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 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 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:

Licensing
Environmental & Regulatory Services
West Oxfordshire District Council
Woodgreen
Witney
Oxon
OX28 1NB

Telephone:

01993 861000

Email:

ers@westoxon.gov.uk

LICENSING ACT 2003 FEES FOR PREMISES LICENCES

Premises are allocated a fee band according to the non-domestic rateable value.

If a premises is in the course of construction the premises will be in Band C.

In all other cases if a premises does not have a non-domestic rateable value, then it will be in Band A.

Main Application and Annual Fees

The main application fee is the fee for a new application and an application for a full variation. The main annual fee is payable one year after the grant of the licence.

	Rateable Value Bands				
	A	B	C	D	E
Rateable Value	No rateable value to £4,300	£4,301 to £33,000	£33,001 to £87,000	£87,001 to £125,000	£125,001 and above
Main Application Fee	£100	£190	£315	£450	£635
Main Annual Charge	£70	£180	£295	£320	£350

Premises in Band D and E that primarily sell alcohol

A multiplier is applied to premises in bands D and E where they are exclusively or primarily in the business of selling alcohol (mainly large town and city centre pubs).

	Band <i>Band D or E primarily selling alcohol</i>	
	D (x 2)	E (x 3)
Application Fee	£900	£1905
Annual charge	£640	£1050

Exceptionally Large Events

Where the number of people to be allowed on the premises at the same time is 5,000 or more, the fees specified below will be charged in addition to the main fee, 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.

Number in attendance at any one time	Additional fee
5,000 to 9,999	£1,000
10,000 to 14,999	£2,000
15,000 to 19,999	£4,000
20,000 to 29,999	£8,000
30,000 to 39,999	£16,000
40,000 to 49,999	£24,000

Number in attendance at any one time	Additional fee
50,000 to 59,999	£32,000
60,000 to 69,999	£40,000
70,000 to 79,999	£48,000
80,000 to 89,999	£56,000
90,000 and over	£64,000

This fee is in addition to the annual fee;

Number in attendance at any one time	Additional fee
5,000 to 9,999	£500
10,000 to 14,999	£1,000
15,000 to 19,999	£2,000
20,000 to 29,999	£4,000
30,000 to 39,999	£8,000
40,000 to 49,999	£12,000

Number in attendance at any one time	Additional fee
50,000 to 59,999	£16,000
60,000 to 69,999	£20,000
70,000 to 79,999	£24,000
80,000 to 89,999	£28,000
90,000 and over	£32,000

Exemptions

If the application for a Premises/Club Premises Licence relates to the provision of regulated entertainment only and is one of the following, then no fee is required:

- The application is made by a proprietor of a school or a college; and the provision of regulated entertainment on the premises is carried on by the school or college for and on behalf of the purposes of the school or college
- That the application is in respect of premises that are or form part of a church hall, chapel hall or other similar building or a village hall, parish hall or community hall or other similar building.

“**College**” means a college or similar institution principally concerned with the provision of full-time education suitable to the requirements of persons over compulsory school age who have not attained the age of 19;

“**School**” means a school within the meaning of section 4 of the Education Act 1996.

LICENSING ACT 2003
CONTACT DETAILS FOR WEST OXFORDSHIRE DISTRICT COUNCIL
AND RESPONSIBLE AUTHORITIES

West Oxfordshire District Council	Licensing Team, Environmental and Regulatory Services, West Oxfordshire District Council, Woodgreen, Witney, OX28 1NB Tel. No. 01993 861000 Email: ers@westoxon.gov.uk
Thames Valley Police	Licensing Officer, Thames Valley Police Headquarters (South), Kidlington, OX5 2NX Email: licensing@thamesvalley.pnn.police.uk
Oxfordshire Fire and Rescue Service	Oxfordshire Fire and Rescue Service HQ, Sterling Road, Kidlington, OX5 2DU Email fire.service@oxfordshire.gov.uk
Local department with responsibility for Planning	Planning Services, West Oxfordshire District Council, West Oxfordshire District Council, Woodgreen, Witney, OX28 1NB Tel. No. 01993 861000 Email: planning@westoxon.gov.uk
Local department with responsibility for Environmental Pollution	Technical Pollution Team, Environmental & Regulatory Services, West Oxfordshire District Council, Woodgreen, Witney, OX28 1NB Tel. No. 01993 861000 Email: ers@westoxon.gov.uk
Local department with responsibility for Health & Safety	Food Health and Safety, Environmental & Regulatory Services, West Oxfordshire District Council, Woodgreen, Witney, OX28 1NB Tel. No. 01993 861000 Email: ers@westoxon.gov.uk
Oxfordshire Safeguarding Children Board	Oxfordshire County Council County Hall, 3rd Floor, Oxford, OX1 1ND Email: oscb@oxfordshire.gov.uk
Trading Standards	Oxfordshire Trading Standards Service, Graham Hill House, Electric Avenue, Ferry Hinksey Road, Oxford. OX2 0BY E-mail: trading.standards@oxfordshire.gov.uk
Local health body representative	Director of Public Health, Oxfordshire County Council County Hall, Oxford, OX1 1ND Email: publichealthlicensing@oxfordshire.gov.uk
Secretary of State	Home Office (Immigration Enforcement), Licensing Compliance Team (LCT), 2 Ruskin Square (Floor 6), Dingwall Road, Croydon, CR0 2WF E-mail: IE.licensing.applications@homeoffice.gov.uk

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 valid application given to the Licensing Authority. Please ensure that you have received confirmation from the Council of the closing date before publication.
- 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 valid application (as confirmed by the Council) 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

If you are applying as an individual/s or a partnership, you will need to provide a copy of a document demonstrating your entitlement to work in the United Kingdom

Documents accepted from a person to demonstrate their right to work are set out in two lists – List A and List B as set out in [Annex A](#) (also listed below) of the [Employer's guide to right to work checks](#).

List A contains the range of acceptable documents for a person who has a continuous right to work in the UK (including British and Irish citizens).

List B contains a range of acceptable documents for a person who has a temporary right to work in the UK.

If you're not a British or Irish citizen, you can prove your right to work with:

- a share code - you can [get a share code online](#)
- your [eligible immigration documents](#)

You can choose which option you use.

People with the [right of abode](#) in the UK are:

- British and Irish citizens
- some Commonwealth citizens

You can use a [certificate of entitlement](#) to prove your right to work, if you have one. This can be:

- a vignette sticker in your passport
- a digital certificate in your UKVI account - you'll need to [get a share code online](#)

LISTS OF ACCEPTABLE DOCUMENTS FOR RIGHT TO A LICENCE CHECK

LIST A

1. A passport (current or expired) showing the holder is a British citizen or a citizen of the UK and Colonies having the right of abode in the UK.
2. A passport or passport card (in either case, whether current or expired) showing that the holder is an Irish citizen.
3. A document issued by the Bailiwick of Jersey, the Bailiwick of Guernsey or the Isle of Man, which has been verified as valid by the Home Office Employer Checking Service, showing that the holder has been granted unlimited leave to enter or remain under Appendix EU(J) to the Jersey Immigration Rules, Appendix EU to the Immigration (Bailiwick of Guernsey) Rules 2008 or Appendix EU to the Isle of Man Immigration Rules.
4. 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.
5. 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, together with an official document giving the person's permanent National Insurance number and their name issued by a government agency or a previous employer.
6. A birth or adoption certificate issued in the UK, together with an official document giving the person's permanent National Insurance number and their name issued by a government agency or a previous employer.
7. A birth or adoption certificate issued in the Channel Islands, the Isle of Man or Ireland, together with an official document giving the person's permanent National Insurance number and their name issued by a government agency or a previous employer.
8. A certificate of registration or naturalisation as a British citizen, together with an official document giving the person's permanent National Insurance number and their name issued by a government agency or a previous employer.

List B - Group 1

1. A current passport endorsed to show that the holder is allowed to stay in the UK and is currently allowed to do the type of work in question
2. A document issued by the Bailiwick of Jersey, the Bailiwick of Guernsey or the Isle of Man, which has been verified as valid by the Home Office Employer Checking Service, showing that the holder has been granted limited leave to enter or remain under Appendix EU(J) to the Jersey Immigration Rules, Appendix EU to the Immigration (Bailiwick of Guernsey) Rules 2008 or Appendix EU to the Isle of Man Immigration Rules.
3. A current Immigration Status Document containing a photograph issued by the Home Office to the holder with a valid endorsement indicating that the named person may stay in the UK, and is allowed to do the type of work in question, together with an official document giving the person's permanent National Insurance number and their name issued by a government agency or a previous employer.

List B – Group 2

1. A document issued by the Home Office showing that the holder has made an application for leave to enter or remain under Appendix EU to the immigration rules (known as the EU Settlement Scheme) on or before 30 June 2021 together with a Positive Verification Notice from the Home Office Employer Checking Service.
2. A Certificate of Application (non-digital) issued by the Home Office showing that the holder has made an application for leave to enter or remain under Appendix EU to the immigration rules (known as the EU Settlement Scheme), on or after 1 July 2021, together with a Positive Verification Notice from the Home Office Employer Checking Service.
3. A document issued by the Bailiwick of Jersey, the Bailiwick of Guernsey or the Isle of Man showing that the holder has made an application for leave to enter or remain under Appendix EU(J) to the Jersey Immigration Rules or Appendix EU to the Immigration Rules (Bailiwick of Guernsey) Rules 2008, or Appendix EU to the Isle of Man Immigration Rules together with a Positive Verification Notice from the Home Office Employer Checking Service.
4. An Application Registration Card issued by the Home Office stating that the holder is permitted to take the employment in question, together with a Positive Verification Notice from the Home Office Employer Checking Service.
5. A Positive Verification Notice issued by the Home Office Employer Checking Service to the employer or prospective employer, which indicates that the named person may stay in the UK and is permitted to do the work in question.