

Licensing Act 2003

Guidance to making an Application for a New Premises Licence

The following is intended as a guide to making an application for a Premises Licence. Stroud District Council cannot take responsibility or liability for any errors or omissions. You may wish to seek your own independent legal advice before making any licensing application to the Licensing Authority.

WHAT IS A PREMISES LICENCE?

- ✓ A Premises Licence permits licensable activities to take place on or from a defined area, building, part of building, vessel, vehicle or temporary structure.
- ✓ A Premises Licence permits those activities to be available to members of the public
- ✓ If the activities authorised by the Premises Licence include the sale of alcohol the Premises Licence must show the details of the person nominated as the Designated Premises Supervisor. This person must be a personal licence holder.

WHAT ARE LICENSABLE ACTIVITIES

- ✓ The sale of alcohol by retail
- ✓ The provision of regulated entertainment
- ✓ The provision of late night refreshment

THINGS TO CONSIDER BEFORE MAKING AN APPLICATION

Before making an application you should consider the following:

- ✓ What licensable activities your business or organisation aims to do in the future
- ✓ Any impact those activities may have on crime and disorder for example anti social behaviour from your patrons when they leave your premises
- ✓ Any nuisance that may be caused to neighbours such as noise from music or from persons in outside areas
- ✓ Applications for hours that are late at night or in the early hours of the morning are more likely to cause concern to the responsible authorities or your neighbours
- ✓ If appropriate you may wish to discuss your intentions with the relevant responsible authorities **for example the Police and Environmental Health Noise Team**. This will save you time and effort and could avoid representations being made against your application.

HOW TO MAKE AN APPLICATION

The applicant **must** do the following 8 points. Each point is explained in more detail further in this guidance.

1.	Submit to the Licensing Section the completed application form	<input type="checkbox"/>
2.	Submit to the Licensing Section plans of the premises	<input type="checkbox"/>
3.	If the application includes sale of alcohol submit to the Licensing Section a Consent of DPS form	<input type="checkbox"/>
4.	If you are applying as an individual/s or a partnership you must include a copy of a document demonstrating your entitlement to work in the United Kingdom	<input type="checkbox"/>
5.	Pay the Application Fee to the Licensing Section	<input type="checkbox"/>
6.	The Licensing Section will email the responsible authorities with a copy of your application	<input type="checkbox"/>
7.	Place a blue notice at the premises from the day after the application is submitted and ensure it remains in place for 28 days	<input type="checkbox"/>
8.	Place a public notice in a local newspaper within 10 working days from the day after the application is submitted	<input type="checkbox"/>

Applications can be made on-line using the link on Stroud District Council's website www.stroud.gov.uk. There are also word versions of the application forms on the website. If you use the word version you can email the completed application to licensing@stroud.gov.uk and make a telephone payment by ringing the Licensing Section on 014353 754440. Alternatively you can post or hand in completed forms together with a cheque (payable to Stroud District Council) to The Licensing Section, Stroud District Council, Ebley Mill, Ebley Wharf, Stroud, Gloucestershire, GL5 4UB.

1. Complete a New Premises Application Form

Before you begin to fill out the application form you should read the notes at the end of the form

The application can be made in the name of any individual person or several persons or any organisation or business. The applicant must be able to use the premises for the licensable activities proposed. If you are applying as an individual/s or a partnership you **must** include a copy of a document that demonstrates your entitlement to work in the United Kingdom.

If your application includes sale of alcohol you must fill in the details of the person that you wish to be the designated premises supervisor. This person must hold or be in the process of applying for a personal licence. This person may be the same person as the applicant for the Premises licence or a different person but it is usually the person who will have day to day management of the licensable activities.

The second part of the application is called the operating schedule and in this part you must give the details of the licensable activities that you intend to undertake and on which days and at what times. Remember to include any non-standard times where you may wish to have different hours such as New Years Eve.

Licensable Activities - Boxes A – K

Box A: Plays

A performance of any dramatic piece to an audience

Box B: Films

Any exhibition of moving pictures unless it is to demonstrate a product, advertise goods or services or provide information, education or instruction, or if it is part of an exhibit 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

This is a contest, exhibition or display of a sport to an audience. For example an organised darts final with an invited audience is licensable but a darts match between league teams is not.

Box D: Boxing or wrestling entertainment

This indoors or outdoors

Box E: Live music

Music includes vocal or instrumental music or any combination of the two. Please note that from October 2012 the following live music will be exempt from requiring a licence

- Between 8am and 11pm in venues licensed for on-sales of alcohol and live music is unamplified; or if amplified and there are 200 persons or less present.
- For premises not licensed for alcohol sales when the live music is unamplified and takes place between 8am and 11pm. Amplified live music in non-licensed venues will still require a Premises Licence or Temporary Event Notice.

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 the Licensing Team.

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 live music, recorded music or performance of dance

This could include Karaoke

Box I: The provision of late night refreshment

This covers the supply of hot food or drink between 11:00pm and 5:00am,

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'.

NB – Consumption of Alcohol.

Sale of alcohol is a licensable activity, however, consumption of alcohol is not. If you are not intending to have sale of alcohol in any outdoor areas you should still consider whether you need to include, within your licensed premises, any garden areas or outdoor areas in relation to consumption of alcohol so that alcohol consumed here can still be treated as on sales. If you want to have a garden included within your licensed premises you should identify this on your plans. If you choose to 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.

Promoting the Licensing Objectives - Box M (a-e) This is an important part of the application. In this section, you are expected to consider and describe the steps you intend to take to promote the four licensing objectives. The licensing objectives are

- ✓ **Crime and disorder**
- ✓ **Public nuisance**
- ✓ **Public Safety**
- ✓ **Protection of children from harm**

The Responsible Authorities will look at this section to see what working practices will be put in place at the premises to ensure that there are not going to be problems related to the licensing objectives. For example you may wish to explain that you will have CCTV to help prevent crime and disorder or you may ensure doors and windows are closed when music is being played to prevent noise nuisance. The information given by you in this section may form part of any conditions that could be attached to your licence if granted.

2. Submit Plans of the Premises

Plans of the premises to be licensed must be included with the application. The plans must be drawn to scale (1:100cm) and must show:

- ✓ Boundary of area to be covered by the premises licence – this may include outside areas. It is helpful if you outline this boundary in red ink
- ✓ Show the areas where different licensable activities will take place including consumption of alcohol if appropriate
- ✓ All access and egress points including escape routes
- ✓ Any fixed structures which may impact on the ability of individuals at the premises to leave the building safely.
- ✓ Location of fire safety equipment

3. Consent of DPS

If the application includes sale of alcohol you must get the person who you intend to be the designated premises supervisor (DPS) to consent to taking on the role. They must complete and sign a 'Consent of Designated Premises Supervisor' form and this should be submitted with the Premises Application Form

4. Application Fees

The fee is dependant on the non domestic rateable value (NDRV) of the premises. This is not the same as the actual business rate which you pay, but it is a value determined by the Valuation Office. The NDRV of any premises can be checked on the Valuation Office Agency's website www.voa.gov.uk. Please see the end of this guidance for a full list of fees.

Once a licence is granted you will have to pay an annual fee on the anniversary of the grant date.

Some premises are exempt from paying fees for example community premises where the licence does not include sale of alcohol.

Payment is made to Stroud District Council and can be made using the following methods

- Cheque made payable to 'Stroud District Council'

- Cash/card at the Council Offices between the hours of 9am-5pm
- Telephone using a credit/debit card – please call 01453 754440 during the hours of 9am-5pm.

5. Give copies of the application to the Responsible Authorities

You must give a full copy of your application and the plans to all the responsible authorities on the same date that your application is given to Stroud District Council. Stroud District Council's list of Responsible Authorities is available on our website www.stroud.gov.uk or contact the Licensing Section on 01453 754440 for a copy of the list.

Your application will be invalid if subsequently it is found that you have not done this. For your own benefit you may wish to get a receipt for the application and copies delivered or send them by registered post and keep the receipts/tickets as evidence that they have been delivered/sent.

6. Blue Notice at Premises

It is your responsibility to advertise your application by displaying a pale blue notice – size at least A4, with black printing or type equal to or greater than font size 16 placed in a prominent position at or on the premises concerned where it can be conveniently read from the exterior of the premises. If the premises cover more than 50 metres square, further blue notices must be placed every 50 metres along the external perimeter of the premises abutting any highway.

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.

Your application will be invalid if subsequently it is found that you have not done this.

A blank notice is available on Stroud District Council website www.stroud.gov.uk or by ringing the Licensing section on 01453 754440. The notice must include the following

- (a) The name of the applicant.
- (b) The postal address of the premises or, if there is no postal address, a description to enable the location and extent of the premises to be identified.
- (c) A summary of the licensable activities applied for.
- (d) The web address www.stroud.gov.uk where the licensing authority register is kept and Stroud District Council's details where the application may be inspected which is Licensing Section, Environmental Health, Stroud District Council, Ebley Mill Ebley Wharf Stroud Glos. GL5 4 UB. Phone 01453 754440, e-mail: licensing@stroud.gov.uk
- (e) The dates between which representations can be made to the relevant licensing authority about the application – this will be 28 days from the day after the application was submitted to the Licensing Section at Stroud District Council
- (f) A statement that representations shall be made in writing
- (g) A statement that it is an offence knowingly or recklessly to make a false statement in connection with an application and the maximum fine for which a person is liable on summary conviction for the offence.

7. Newspaper Advertisement

You must advertise your application in a local newspaper circulating in the vicinity of the premises, such as the Stroud News & Journal, Dursley Gazette or the Citizen. The newspaper notice must be circulated on at least one occasion within 10 working days, starting on the day after the application was given to Stroud District Council Licensing Team. The newspaper notice should contain the same information as detailed above for the blue notice.

Your application will be invalid if it subsequently is found that you have not done this.

WHAT HAPPENS NEXT?

When we receive your application we will acknowledge in writing its safe receipt and confirm whether it is valid.

The responsible authorities or any other person can make representation about your application. A representation must relate to one or more of the Licensing objectives. Representations must be made during the 28 days from the day after the application was submitted to the Licensing Section.

The responsible authorities may contact you during the representation period to discuss any concerns they may have

If there are no relevant representations from the responsible authorities or other persons your licence will be granted at the end of the representation period in the terms that you applied for.

However, if a relevant representation has been received, the Licensing Section will arrange a hearing before a panel of the Licensing and Regulation Committee. The date for this will be within 20 working days from the end of the representation period. The applicant and all relevant parties that submitted representations will be invited to attend the hearing. At the hearing all parties will have an opportunity to put forward their case and the hearing panel will then make a decision. The decision may be:

- ✓ Grant the licence in the terms applied for
- ✓ Grant the licence with conditions. This could include reduced hours or removing a licensable activity
- ✓ Refuse the application

Appeals

Any person aggrieved by the decision of the hearing has a right to appeal to the Magistrates Courts within 21 days of being notified of the decision.

HOW MUCH WILL IT COST?

The fees are based on the non-domestic rateable value (NDRV) of the premises and are outlined in the table immediately below:

NDRV Band	A £0 - £4,300	B £4,301 - £33,000	C £33,001 - £87,000	D £87,001 - £125,000	E £125,000 and over
Application Fee	£100	£190	£315	£450	£635
Annual Fee	£70	£180	£295	£320	£350

In addition, a multiplier will be applied to premises in Bands D and E where they are exclusively or primarily in the business of selling alcohol as below:

Band	D (x 2)	E (x 3)
Application fee	900	1905
Annual charge	640	1050

To find out the non-domestic rateable value of your premises, enter your postcode into the Valuation Office's website, www.voa.gov.uk.

In addition exceptionally large events of a temporary nature, where the maximum number of persons on the premises at the same time during the times when the licence authorises licensable activities to take place is 5,000 or more, will attract an additional fee for their premises licence that will be charged as follows:

Number of people	Additional Fees	Additional Annual Fee
5,000 – 9,999	£1,000	£500
10,000 – 14,999	£2,000	£1,000
15,000 – 19,999	£4,000	£2,000
20,000 – 29,999	£8,000	£4,000
30,000 – 39,999	£16,000	£8,000
40,000 – 49,999	£24,000	£12,000
50,000 – 59,999	£32,000	£16,000
60,000 – 69,999	£40,000	£20,000
70,000 – 79,999	£48,000	£24,000
80,000 – 89,999	£56,000	£28,000
90,000 and over	£64,000	£32,000

Premises under construction that have not yet been allocated a non-domestic rateable value will be charged at Band C. Subsequent annual fees will relate to the non-domestic rateable value given to the property.

All other premises that do not have a non-domestic rateable value will be charged Band A.

Premises licences for community centres, village and church halls and some schools that permit regulated entertainment but do not permit the supply of alcohol and/or the provision of late night refreshment will not incur a fee.

If you are unsure of the fee to pay please contact the Licensing Section at Stroud District Council.

WHERE CAN I GET MORE HELP AND ADVICE?

Contact the Licensing Section

Address:	The Licensing Section, Stroud District Council, Ebley Mill, Ebley Wharf, Westward Road, Stroud, Glos. GL5 4UB If you wish to call into the Offices to speak to someone from the Licensing Team we advise that you ring first and make an appointment		
Email:	licensing@stroud.gov.uk	Phone:	01453 754440
Web:	www.stroud.gov.uk	Fax:	01453 754963