

Licensing Act 2003 - A Guide to the Application Process

Please read the information below **BEFORE** completing your application form. Further information is available on the Council's website at www.lewes.gov.uk and by following the links **Business>Retail and Leisure>Premises Licence**.

The Application Forms

Please write clearly and use **black** ink.

Enclosures

The documents you will need to enclose with your application are listed at the end of each application form.

Fees

A list of fees is attached.

Personal Licences

A Personal Licence is required to authorise the sale or supply of alcohol. You can apply for a new personal licence by:

- making a personal licence application - forms available from this Licensing Authority or from the DCMS website at:
<http://www.culture.gov.uk>
- apply to the **licensing authority in whose area you normally reside**.
- give details of any relevant or foreign offence (schedule 3 declaration form)
- provide a prescribed criminal record check that was issued no earlier than 6 months before the application is given to the Licensing Authority
- enclose an approved licensing qualification (see below)
- enclose two passport size photographs
- pay the correct fee. (£37.00 for a 10-year licence)

Application Form

The form is 3 pages long and consists of 5 sections:

1. **Your personal details** - self explanatory sections regarding name and address, contacts, etc; required on all applications
2. **Your licensing qualifications** - a tick-box to ensure the criteria are properly met
3. **Previous and outstanding applications for a personal licence** - 3 self-explanatory tick-boxes
4. **Declaration** - to be signed and dated by the applicant

Personal Licences & Criminal Records:

Applications for new personal licences must be accompanied by a proof of criminal record. We recommend the 'Basic Disclosure' from Disclosure Scotland (the English equivalent is not yet undertaking this level of check). The cost of the check is £20. An application form is available from this Authority, or go to: www.disclosurescotland.co.uk to complete an on line check. Other acceptable checks are:

- a criminal conviction certificate issued under S.112 of the Police Act 1997, or
- a criminal record certificate issued under S.113A of the Police Act 1997, or the results of a subject access search under the Data Protection Act 1998 of the Police National Computer by the National Identification Service, and

in any case such certificate or search results shall be issued no earlier than one calendar month before the giving of the application to the licensing authority

Forms for the third option above are available via the Sussex Police website at www.sussexpolice.uk and follow the link to 'freedom of info'. The fee for this check is currently £10.00. The police have advised that this can be a long process (anything up to 40 days) so, to combat delays the police will help by running checks immediately which will suffice until the above forms are returned completed. To aid them in this they will need applicants to include:

- their date of birth, and
- a photocopy of their passport or driving licence

Personal Licence Qualifications:

Personal licences cannot be granted unless the application is accompanied by proof of a personal licence qualification accredited by the relevant awarding body and the Secretary of State. At the moment there are three qualifications that meet the criteria in the Act:

- BIIAB Level 2 National Certificate for Personal Licence Holders, QCA Accreditation Number: 100/4866/2 and;
- GOAL Level 2 National Certificate for Personal Licence Holders, QCA Accreditation Number: 100/4865/0 and;
- GQAL Level 2 National Certificate for Personal Licence Holders, QCA Accreditation Number: 100/5040/1

To see details of the B11 course go to www.bii.org or telephone 01276 684449; for GOAL information please e-mail customerservice@ediplc.com or telephone 08707 202909 and for the GOAL details visit the national training website at www.bii.org or telephone 01305 786639.

Photographs

- Enclose two photographs
- Photographs of the applicant should be identical and;
- Be taken against a light background so the applicant's features are distinguishable and contrast against the background
- Be of 'passport size' and measure 35mm wide and 45mm high
- Shall be full face uncovered and without sunglasses and, unless the applicant wears a head-covering due to his/her religious beliefs, without a head-covering
- On photographic paper
- Properly endorsed - one must be endorsed as a true likeness by a solicitor, notary, a person of standing in the community or an individual with a professional qualification, who should identify themselves and their qualification

Disclosure of convictions and declaration

The Act requires applicants to give a statement of any relevant or foreign offence if convicted on or after the relevant date. See enclosed guidance sheet: 'Personal Licence - Relevant Offences'. The Schedule 3 form consists of 2 pages divided into 5 sections:

1. **Your personal details** - self explanatory sections regarding name and previous name(s) if relevant; required on all applications.
2. **Forfeiture of a personal licence in the last 5 years?** - tick 'Yes' or 'No'.
3. **Relevant or foreign offences** - applicants must either tick the 'No' box or give the details required.
4. **Declaration** - if ticking the 'No' box in section 3 this declaration must be signed and dated by the applicant, in addition to section 5 below
5. **Declaration** - all applicants must sign and date this section.

If the Licensing Authority consider that the test of relevant or foreign offences is failed, they will copy applications to the chief officer of police. Unless the police have given a notice of objection within 14 days of receiving their notice from the Licensing Authority the application will be granted automatically. If a notice of objection is received from the police and is not withdrawn, then such cases will be heard by the relevant licensing sub-committee. Before

objecting to the application, the chief officer of police must be satisfied that granting the application would undermine the crime prevention objective of the Act. Applicants and the police have rights of appeal. If an applicant is convicted of any relevant or foreign offence during the period after which they applied and before the application is determined or withdrawn, they must notify the licensing authority (Lewes District Council, Licensing Section). Failure to do so without reasonable excuse could lead to prosecution and a fine not exceeding level 4 on the standard scale (£2,500).

Premises Licence

You can apply for the grant/variation of a premises licence by:

- Obtaining an application form from the licensing authority in whose area the premises are situated or from the DCMS website at <http://www.culture.gov.uk>
- [Note: the applicant should be the person who is carrying on a business, which involves the use of the premises for the 'licensable activities'. It can be the holder of the existing licence, or a person who has the consent of the present licence holder. This may be the owner, leaseholder or a management company. It would not normally be the manager i.e. an employee. Where a tenancy is held jointly, two people can apply. 'Bodies' e.g. a school or charity, can also apply].
- Enclosing a plan of the premises (see below).
- If alcohol is to be sold, state the name of the Designated Premises Supervisor (DPS). This person, who must be a Personal Licence holder, will have overall responsibility for the sale of alcohol on the premises, and would normally be the manager, tenant, or leaseholder. There can only be one DPS per premises.
- Community premises can apply for the DPS requirement to disapply to the premises for sale and supply of alcohol. (For full details contact the licensing team).
- Enclosing a signed consent form, where appropriate, from the DPS (unless the DPS and applicant are the same person)
- If you are a **club premises**, a copy of the club rules and evidence that it is a 'qualifying club'
- Paying the appropriate fee, which is based on the non-domestic rateable value of the premises (see attached fee schedule)

Note: If applying for a club premises certificate there is no need for a designated premises supervisor

Application Form

Part 1 - Premises details

For supplying the name, address, contact number and rateable value of the premises to be licensed.

Part 2 - Applicant details

To identify the applicant(s) and the capacity in which they apply; consists of a series of tick-boxes and spaces for completing name, address, etc.

Part 3 - Operating schedules

See separate guidance below.

General description of premises p.4 -

The applicant should describe the situation, type and layout of the premises converted to a public house 150 years ago with public and lounge bars, dining room, kitchen facilities, garden and parking on the ground floor with living accommodation above? Or a recently built single storey restaurant with 40 covers, kitchen facilities, and outside terrace for summer dining.

Types of licensable activities p. 4 & 5 -

A series of tick-boxes to be completed as appropriate.

Sections A to M

This is where more detailed information about the chosen activities is given - and guidance notes at the end of the form give more help. The details asked for here will be those that appear on the licence if granted.

The following advice may also be useful:

Karaoke - you will need to include B - films ; F - recorded music and I - provision of facilities for making music.

Indoor sporting events [C] - Normal pub games including darts, pool and skittles do NOT require a premises licence, EXCEPT where there is an audience.

Dancing - dancing for members of the public is J - provision of facilities for dancing.

Provision of facilities for entertainment of a similar description [K] - this could include children's entertainers, circus performers, magicians etc.,

Premises supervisor, p. 17 -

This is applicable for premises where alcohol is supplied (not clubs and community premises where DPS requirement has been disapplied) and should be the person who is named on the separate DPS form and who must hold (or currently be applying for) a Personal Licence.

Boxes N, O, P

These are to be completed in **all** cases. Box P on page 19 is of particular importance as these details reflect whether the applicant is having sufficient regard to the four main principles/objectives of the Act. This is followed by a checklist at the top of page 20.

Part 4 - signatures

All applications must be signed by the applicant or duly authorised person.

Plans

- Two copies of the plan of the premises must be provided.
- This must be to scale 1:100 unless agreed with the Licensing Authority
- It must show walls, boundaries, exits and escape routes, locations of licensable activities, locations for consumption of alcohol, fixed structures and furniture, stages or raised areas, locations of kitchens, locations and types of fire safety equipment (including the fire alarm & call points, smoke/heat detectors, safety lighting and illuminated emergency exit signs). We would also request that toilets, entrances, steps and stairs are shown.

Advertisement of Applications

New Premises Licence applicants and variation of licences must be advertised outside the premises and in a local newspaper, as per the details below:

Notice outside the premises

The notice must be displayed for a period of no less than 28 consecutive days starting the day after the day on which the application was given to the Licensing Authority. The notice must be:

- (a) Of a size equal or larger than A4
- (b) Of a pale blue colour, (2 blank sheets are supplied for your use)
- (c) Printed/typed in black ink with a font size of at least 16.

The notice must be displayed prominently at or on the premises to which the application relates so that it can be conveniently read from the outside. In the case of premises with a frontage in excess of 50 metres, further notices must be placed at 50 metre intervals along any part of the external perimeter of the premises, which is adjacent to any road.

Note:

For minor variations a notice of white colour must be displayed as above for 10 working days. A pro-forma is available on the Council's website www.lewes.gov.uk which applicants can adapt. Consideration should be given to weatherproofing the document.

Notice in local Newspaper (not minor variations)

The applicant must also publish a notice in a local newspaper. This must appear on at least one occasion during the period of ten working days starting on the day after the day on which the application was given to the Licensing Authority. Suitable local newspapers are the local editions of the Sussex Express, Seaford Gazette or Argus.

Both types of Notice shall contain -

- (1) **A brief description of the proposed licensed activities/variation to activities and the dates and times applied for.**
- (2) In **all cases**, the notices shall state:-
 - (a) the name of the applicant or club;
 - (b) The postal address of the premises or club premises, if any, or if there is no postal address for the premises, a description of those premises sufficient to enable the location and extent of the premises or club premises to be identified.
 - (c) The postal address and, where applicable, the worldwide web address where the register of the relevant licensing authority is kept and where and when the record of the application may be inspected. [The Licensing Authority will be making a copy of the licensing register available for viewing at the Council Offices in Lewes between 09.00 - 17.00 from Monday to Thursday and 09.00 - 17.00 on Friday] and on the Council's website at www.lewes.gov.uk and follow the links; business, business and street trading licences, licensing act (2003).
 - (d) The date by which any other person or Responsible Authority may make representations to the relevant Licensing Authority; (28 days starting on the day after the day on which the application was made. 10 working days for minor variations).
 - (e) That any representations/objections to the application must be made in writing, and 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. (The maximum fine for this offence is £5,000).

Operating Schedule

An Operating Schedule is required for all Premises Licence applications, (for example, in connection with hours of trading). It will form part of the application for the premises licence, and it should include information to enable any Responsible Authority to assess whether the steps taken to meet the licensing objectives are satisfactory. Steps taken should be both realistic, and in the control of the applicant. The operating schedule will need to include the following:

- The licensable activities being applied for and the times between which these will take place
- Any other times that the premises will be open to the public
- If the application is for a limited period, i.e. three days
- Whether alcohol will be supplied for consumption on or off the premises
- If alcohol is to be supplied, information about the DPS (unless club or community premises and DPS disappplied)
- The steps which will be taken to promote the four licensing objectives

It is important to consider carefully what steps you are taking to meet the licensing objectives, remember anything that is contained in your operating schedule could be made a condition of your Premises Licence.

To remind you the four licensing objectives are the:-

- **Prevention of crime and disorder**
- **Prevention of public nuisance**

- **Promotion of public safety**
- **Protection of children from harm**

Taking these in turn you may wish to consider some of the following points, although a number of these may not apply depending on the nature of your premises:

Prevention of crime and disorder

- For a town centre premises or larger venue, do you have or need to consider the installation of CCTV
- Membership of 'Pubwatch/Shopwatch'.
- Do you employ door supervisors?
- Are all areas of the premises checked regularly?
- Do you have a drugs/search policy?
- Is there a 'condition of entry' policy?
- Capacity limits and the means employed to control them.
- Prohibition on open containers being taken from the premises.
- Crime prevention notices.
- Consideration of bottle bans, plastic containers, or toughened glass.
- Staff training.
- Records kept of any crime and disorder incidents, and refused alcohol sales.

N.B. this list is not exhaustive

Prevention of public nuisance

- Do you have a policy of management outside the premises at closing time to ensure customers don't gather outside and disturb local residents?
- Have you considered closing outside areas after a certain time if this has caused or is likely to cause noise problems?
- Consider carrying out a '**noise impact assessment**'. This will involve identifying the noise sources generated by your premises, e.g. noise from amplified music, amplified voices, noise from patrons, plant noise e.g. air conditioning units. Consider how and from where each of these noises could be emitted and who could be affected by it.
- Develop a '**noise management strategy**'. This is about finding solutions to noise problems and can include:
 1. A noise-limiting device.
 2. Controlling the volume and bass content of the music.
 3. Keeping doors and windows closed.
 4. Acoustic double-glazing.
 5. Acoustic protection to open chimneys and vents.
 6. Sound trap lobbies or automatically closing doors to prevent noise escaping.
 7. Position and orientation of speakers.
 8. Emergency exits fitted with acoustic doors or baffles.
 9. 'Zoning' by keeping noisy areas away from walls, windows and doors.
- Concerning **noise from patrons** on or leaving the premises, consider;
 1. Noise from gardens and outside areas if they are close to noise-sensitive properties. Consider introducing a closure time for these areas where appropriate.
 2. The rowdy behaviour of patrons.
 3. Notices or announcements requesting patrons to leave quietly and respect local residents.
 4. Where necessary assisting patrons to leave quietly by using door supervisors.
 5. CCTV can monitor and be used to discourage rowdy behaviour.

6. Pub-watch bans.

Promotion of public safety

- Have you carried out a health and safety risk assessment for the premises? The Council's Food and Health and Safety service may be able to assist.
- Do you know the safe capacity of your premises?
- Are fire precautions up to the required standard? The East Sussex Fire and Rescue Service may be able to provide advice and guidance on this point.
- Are the premises suitable for disabled persons?
- Do you know what to do in the event of an emergency and have your staff been trained in evacuation procedures? Do you hold regular fire drills?
- Do you have adequate first aid facilities and/or qualified First Aiders?

Protection of children from harm

- Do you need to restrict access or prevent children from having access to certain parts of the premises or to certain events?
- When children are on the premises, either as part of the audience or as performers, do they require special supervision?
- Do supervisors need to be subject to a criminal records check?

Applicants will also be required to provide contextual information as part of the licence application form on issues such as the local area social demographic characteristics, specific local crime and disorder issues and an awareness of the local environment which will be of benefit to the licensing authority when determining the application. Specific local matters such as crime and disorder issues are likely to influence the steps that applicants will need to take to promote the licensing objectives in their premises and applicants will therefore be required to demonstrate an awareness of such issues when setting out why particular steps will be taken to promote the licensing objectives

Mandatory conditions. Premises Licences and club premises certificate for sale and supply of alcohol have certain mandatory conditions attached to the licence or certificate and these can be accessed for information on the government web site.

We hope that you find this brief guide useful. More information can be found on the government's website at www.homeoffice.gov.uk following the links through "alcohol & entertainment". The site is being constantly updated.

The Council's own website also has additional information at www.lewes.gov.uk by following the links through business, retail and leisure and premises licence.

If you require any further advice please contact the Council Licensing Officers on 01273 484953 or 484334.

Please note that the information in this leaflet is not legal advice. Legislation may change over time and the advice given is based on the information available at the time of print. It is not necessarily comprehensive and will be subject to revision in the event of further government guidance. This advice is not intended to be a definitive guide to, nor substitute for, the relevant law.

FEES AND CHARGES LICENSING ACT (2003)

Statutory fees apply

Premises Licence and Club Premises Certificates

(Licence fees are linked to non-domestic rateable value of the premises)

| Application Fee | £ | Cost |
|-----------------|------------------|------|
| Band A | 0 - 4,300 | £100 |
| Band B | 4,301 - 33,000 | £190 |
| Band C | 33,001 - 87,000 | £315 |
| Band D | 87,001 - 125,000 | £450 |
| Band E | 125,001 and over | £635 |

| Annual Charge | Cost |
|---------------|------|
| Band A | £70 |
| Band B | £180 |
| Band C | £295 |
| Band D | £320 |
| Band E | £350 |

Other Licences

| Type of Licence | Cost |
|------------------------|------|
| Personal Licence | £37 |
| Temporary Event Notice | £21 |

Other Charges

| | Cost |
|--|--------|
| Theft, loss etc of premises licence summary | £10.50 |
| Application for a provisional statement where premises being built etc | £195 |
| Notice of change of name or address | £10.50 |
| Application to vary a licence to specify individual as Designated | £23 |
| Application for transfer of Premises Licence | £23 |
| Interim authority notice following death etc. of licence holder | £23 |
| Theft, loss etc. of certificate or summary | £10.50 |
| Notification of change of name or alteration of rules of club | £10.50 |
| Change of relevant registered address of club | £10.50 |
| Theft, loss etc. of Temporary Event Notice | £10.50 |
| Theft, loss etc. of Personal Licence | £10.50 |
| Duty to notify of change of name or address | £10.50 |
| Right of freeholder etc to be notified of name and address | £21 |
| Minor variation | £89 |
| Application to disapply DPS for community premises | £23 |

Premises Licences Additional Fees

Where the number of people that the applicant allows on the premises at any one time is 5,000 or more; an additional fee will be charged

Responsible Authorities

Original to:

The Licensing Officer
Lewes District Council
Southover House
Southover Road
Lewes
East Sussex
BN7 1AB
Telephone: (01273) 484953

Copies to:

The Licensing Officer
Bexhill Police Station
Terminus Road
Bexhill on Sea
East Sussex
TN39 3NR
Telephone: 0845 6070999

The Chief Officer
East Sussex Fire & Rescue Service
Fire Safety Department
Lewes Fire Station
North street
Lewes
East Sussex
BN7 2PE
Telephone: 01323 462132/462154

Planning Services
Lewes District Council
Southover House
Southover Road
Lewes, East Sussex
BN7 1AB
Telephone: (01273) 471600

Dr Jane Thomas
Consultant in Public Health
Public Health Directorate
E1C County Hall
St Annes Crescent
Lewes
BN7 1 UE
Telephone: (01273 336033)
email: jane.thomas@eastsussex.gov.uk

The Head of Trading Standards
St Mary's House
52 St Leonards Road
Eastbourne
East Sussex
BN21 3UL
Telephone: (01323) 418200

Head of Childrens Safeguards and
Quality Assurance
East Sussex County Council
PO Box 5, County Hall
St Annes Crescent
Lewes
East Sussex
BN7 1SW
Telephone: (01273) 481000

Environmental Health
Lewes District Council
Southover House
Southover Road
Lewes, East Sussex
BN7 1AB
Telephone: (01273) 471600