

Licensing Act 2003 Applying for a Premises Licence



Please read the "Statement of Licensing Policy" and "Guidance for Applicants", enclosed with the application pack before completing the application form. Both documents set out important information about the implications of the Act and what the Council expects of Licensees.

Licensing Objectives

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

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

Drinking Up Time

There is no "drinking up" time under the new Act. "drinking up" is not a licensable activity. Once alcohol has stopped being served, applicants may allow as much or as little drinking up time as required, providing no further sales take place.

Incomplete Applications

The Council cannot accept incomplete applications. The time limit for processing will not start until correctly completed application, together with appropriate fee, and all other documentation required has been submitted. Incomplete applications will be returned to the applicant.

Duration of Licence

Premises Licences and Club Premises Certificates last for the lifetime of the business, unless the application is for a licence for a shorter period, or the licence holder details change

Submission of applications for occasional licences

Applications must be submitted as least two months prior to the event or they will be rejected. The Council recommends that applications for larger/more complex events be submitted at least four months prior to the event.

Designated Premises Supervisor

Where the application for a Premises Licence includes consent to supply or sell alcohol (but not a Club Premises Licence), a Designated Premises Supervisor (DPS) must be appointed. The Designated premises supervisor is the person or persons that will be the first point of contact with the Council or Responsible Authorities should there be concerns regarding the operation of the premises.



Where the Premises to be licensed is a Church Hall, Chapel Hall, Community Hall, Village Hall or something similar then the applicant may apply for the exemption to the 2 mandatory conditions regarding the requirement of a Designated Premises Supervisor and opt instead to have condition 25a which states:

“ Every supply of alcohol under the premises licence must be made or authorised by the management committee”

This must be indicated on the application form in section P(a).

Part 2 – Applicant Details

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

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

Part 3 – Operating Schedule

Start Date

Complete this box where the licence is to have a limited timescale, e.g. for a festival. The date of the event must not be less than two months from the date the application reaches the Council.

The second box stating when the licence is to cease should also be completed.

Licensable Activities

Please state what licensable activities the application relates to. Tick the appropriate boxes.

Licensed Activities and Opening Times

Please state what licensable activities it is proposed to provide, and the times it is proposed to do this. **Times must be given in the 24 hour clock.**

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

For example if it is proposed that the business will operate from 11.00am to 11.00pm on Mondays to Thursdays, 11.00am to 2.00am on Fridays and Saturdays, and from 11.00am to 10.30pm on Sundays, then the boxes should be completed as follows:

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

Seasonal Variations

To allow later operation on specific occasions such as during the summer months (Please specify which months). Please state when it is proposed to open and for how long.

Non Standard Timings

To cater for special events or Bank Holidays, for example. Please specify details in this box.

Indoors or Outdoors

Where licensed activities will take place in a building or similar structure, including marquees, please tick "Indoors". Where activities are to take place in the open air, or with a roof cover and no side wall covers, please tick "Outdoors". Where premises includes a garden (for example) and it is proposed that licensable activities take place in the garden, please tick both boxes.

You may also wish to consider whether you should include your beer garden on your premises licence. That is for you to decide. In doing so, you will want to consider whether you might want to use the garden at some point in the future to sell alcohol – perhaps an outdoor bar at a barbeque or possibly through a waiter drinks service. Also, if you do 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. If the beer garden is being provided for consumption of off- supplies, you must include a description of where the place is and its proximity to the premises.

Further Details

Please state the type of activity to be authorised and where applicable, the frequency of these activities. (Where it is proposed that licensed activities are provided regularly this need not be specified).

For example:

Plays – Where the premises licence is for a one off event, state the play title here. Otherwise state, for example, whether the plays are for children only, a mixed audience, for an amateur dramatics association, etc.

Film Exhibitions - Where a cinema, state how many screens there are. Please specify the type of films it is proposed to show, e.g. art films, mixed films for all age ranges, etc.

Indoor Sporting Events – Describe the type of sports it is proposed will be provided.

Boxing and Wrestling Entertainments – State the category of fights it is proposed to provide and whether they will be professional or amateur.

Performance of Live Music – State, for example, how many musicians it is proposed will be performing, what type of music they may play, and whether the music will be amplified or unamplified?

Playing of Recorded Music – State the type of recorded music? i.e whether it will be a DJ or a sound system? What the power output of any sound system to be used will be? Is it proposed that karaoke will be provided?

Performance of Dance – State the type of dancing? Will there be a stage or will it be roaming dancers, such as striptease, lap dancers?

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

Provision of Facilities for Making Music – State the provision, e.g. a piano, guitars etc. Describe how the facilities will be used, e.g. a folk club.

Provision of Facilities for Dancing – State where the dancefloor will be, what size it is etc.

Provision of Facilities for Entertainment of a Similar Description - State what the facilities are and what they might be used for.

Late Night Refreshment – State the proposed operation, e.g. selling food for takeaway purposes only, selling food for consumption on the premises, the type of food to be sold etc.

This section can also be used to detail how often the licence is likely to be in operation, e.g. “Plays will only be held once a month for no more than three days at a time”.

Activities That May Give Rise to Concern in Respect of Children

Provide details of activities that may include nudity or semi-nudity (such as exotic dancers), adult entertainment or the presence of gaming machines.

Hours Premises Are Open to the Public

Please state what time the public may enter the building or premises and what the latest time is they will leave, regardless of whether licensable activities are taking place. This will include what was previously referred to as “drinking up time”.

Description of the Premises

Please state:

- Whether the premises are detached, terraced etc and what they adjoin, e.g. “terraced property adjoining florist shop and dwelling house etc”;
- Description of main use of premises, e.g. pub, supermarket, club, restaurant, takeaway;
- How many floors the premises consists of;
- Which floors are used for licensable activities;
- What if any entertainment facilities are provided, and where;
- Brief descriptions of what other parts of the premises are used for.
- Describe any areas you intend to provide for people to consume alcohol that you sell or supply such as outside areas e.g. beer gardens

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

Steps You Intend to Take to Promote the Four Licensing Objectives

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

The applicant must demonstrate that the premises are to be operated in accordance with the four licensing objectives and the Council’s Statement of Licensing Policy.

The applicant must satisfy the responsible authorities and any interested parties (e.g. local residents), that the premises are to be operated responsibly and in accordance with the licensing objectives. Where it is felt that the steps proposed are not adequate, an objection to the licence being granted may be made.

Applicants are advised to give careful consideration as to how the four licensing objectives are addressed.

Examples of areas applicants may wish to consider are given below.

General – All Four Licensing Objectives

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

The Prevention of Crime and Disorder

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

Public Safety

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

The Prevention of Public Nuisance

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

The Protection of Children From Harm

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

The above does not seek to be an exhaustive list of measures to be employed by an applicant to maintain the licensing objectives. Applicants are strongly encouraged to identify and apply each measure as might be timely and appropriate in the operation of a particular premise. Further guidance is available in the guidance notes included in the application pack.

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

Applicants should be aware that whatever is stated in this section may become a condition of the licence.

Advertising Your Application

Applications must be advertised by way of a notice displayed at the premises for twenty eight days following the date after the date on which the application is made. The notice must be displayed in a position where persons passing in the street can easily read it. A form for this purpose is included. Applicants will also be required to sign a declaration stating that this requirement has been complied with.

A notice of the application must also be published in the local press within ten working days following the day after the date of the application. A form for this purpose is enclosed. A copy of the newspaper containing the advertisement must be forwarded to the Licensing Unit as soon as it is published.

Documents to be Included

The following must be enclosed with the application:

- The fee; (Please refer to accompanying schedule)
- A plan of the premises. The plan must be drawn to a scale of 1 centimetre to 1 metre, unless the Council have previously confirmed in writing to the applicant that an alternative scale is acceptable. The plan must show the following details and to ensure consistent approach the council requests that the plan be coloured as indicated
 - The whole building, including non licensed areas;
 - Any external or internal walls which comprise the premises, or in which the premises are comprised – *(Coloured Blue)*
 - All exits from the premises;
 - If different from the above, the location of the escape routes from the premises;
 - Where the existing licensed activity relates to the supply of alcohol, the location(s) on the premises that are used for the consumption of alcohol – *(Coloured Red)*
 - Fixed structures (including furniture) or similar objects temporarily in a fixed location (but not furniture) that may impact on the ability of customers to use exits or escape routes without impediment;
 - Where premises include a stage or raised area, the location and height of each stage or area relative to the floor – *(Coloured Brown)*
 - The location and type of any fire safety and other safety equipment including, if applicable, marine safety equipment;
 - The location of any kitchen on the premises – *(Coloured Pink)*
 - Where the premises are used for more than one existing licensable activity, the area within the premises used for each activity – *(Coloured Green)*
 - Where premises includes any room or rooms containing public conveniences the location of the room or rooms – *(Coloured Yellow)*
 - Where premises includes steps, stairs, elevators or lifts the location of same.

All other items, where no colour indication is given should be clearly identified by use of symbols on the plan and a legend to assist in interpretation.

- The consent form from the proposed Designated Premises Supervisor.

Calderdale Council encourage the following certificates to be enclosed with the application

- The following valid safety certificates which are certified by a suitably qualified and competent person
 - Periodic Inspection
 - Fire Alarm
 - Fire Extinguishers
 - Emergency Lighting
 - Boiler

(Details of certified contractors are available from BRE Certification Ltd on 0870 609 6093 www.partp.co.uk.)

Part 5 – Signatures

Where the application is made by a limited company, partnership or unincorporated association, someone who has the capacity to bind the company or partnership should sign. Agents may sign providing they have authority to do so.

Where there are two applicants, they both must sign the form.

Copy to Responsible Authorities

Applicants must supply a copy of the application to the following persons:

West Yorkshire Fire & Rescue Service
Fire Protection Department
Oakroyd Hall
Birkenshaw
BD11 2DY

fire.safety@westyorkshire.gov.uk

Chief Officer of Police
West Yorkshire Police
Calderdale Division
Richmond Close Police Station
Richmond Close
Halifax
HX1 5TW
Tel: (01422) 337059

Calderdale Metropolitan Borough Council
Environmental Health Services
Northgate House
Northgate
Halifax
HX1 1UN
Tel: (01422) 392325

Calderdale Metropolitan Borough Council
Planning Authority
Town & Country Planning
Northgate House
Halifax
HX1 1UN
Tel: (01422) 392237

Calderdale Metropolitan Borough Council
CSBC Business Support Co-ordinator
Calderdale Safeguarding Children Board
Safeguarding & QA Service
Heath Training and Development Centre
Halifax
HX1 2PT
Tel: (01422) 394149

West Yorkshire Trading Standards Service
PO Box 5
Nepshaw Lane South
Morley
Leeds
LS27 0QP

Calderdale Metropolitan Borough Council
Customer Services and Communications
General Licensing Unit
Town Hall
Crossley Street
Halifax
HX1 1UJ
Tel: (01422) 393001

The Primary Care Trust
NHS Calderdale
Northgate House
Halifax
HX1 1UN
HX3 5AX TEL: 01422 266161

If the application is incomplete it will be necessary to resubmit it to these authorities.

What Happens to your Application

The Council will consult the relevant responsible authorities. Responsible authorities are entitled to make representations about the application, providing they are relevant to any of the four licensing objectives. Members of the public and businesses may also make representations, providing they are relevant to the objectives.

What Happens if Relevant Representations are Made?

Where representations are made, the Council will initially suggest that both parties attempt to reach a solution to the concerns raised.

Where agreement is not reached, the Council's Licensing Sub Committee will determine the application. The Committee is comprised of elected Members of the Council.

Applicants and the parties making representations will be invited to attend a meeting of the Licensing Sub-Committee. The applicant will present the application, answer relevant questions and where appropriate, provide supporting information. Applicants and parties making representations may call upon representatives and witnesses. The Committee will consider representations before determining the application. The Sub-Committee may grant the application as requested, grant with conditions (provided these are relevant to the licensing objectives) or refuse the application.

Will Tacit consent apply?

Yes, after 28 days consultation period has expired if no representations have been received from Responsible Authorities or Interested Parties, then the licence is granted as applied for. The licence will be issued to you shortly after.

Appeals

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

The information herein is provided as guidance only and is not intended to be either a comprehensive nor exhaustive explanation of the requirements and obligations arising out of the Licensing Act 2003.

It is the responsibility of the applicant/licensee to become acquainted with and observe the statutory requirements in respect of all activities, entertainments and undertakings the subject of any licence application.

**Calderdale Metropolitan Borough Council
Customer Services
General Licensing Unit
Town Hall
Halifax
HX1 1UJ
Tel: (01422) 393001**