

Licensing Act 2003
Applying for a New Premises
Licence, Club Premises Certificate
or Personal Licence

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Introduction

The aim of this booklet is to give advice to applicants for new premises licences, club premises certificates or personal licences on how to make an application. It is in the interests of applicants, the licensing authority and other interested parties to ensure that applications are properly made. Where mistakes are made on application forms, or all of the necessary supporting information is not provided, this will mean a delay in processing the application. In some cases the application will have to be restarted.

The application process relies on three aspects:

- Filling in the application form;
- Ensuring that the correct fee is submitted;
- Ensuring that all of the supporting documents are enclosed.

Advice on these three aspects is given in the following sections.

If you need further advice on the application process, please consult Section 10, which provides a directory of further sources of information.

Section A – Applying for a New Premises Licence or Club Premises Certificate

1 Which Licence to Apply For

Unless the premises is to be run as a qualifying club, an application will be made for a **premises licence**.

Where the premises is to be run as a qualifying club, there is a choice of whether to apply for a premises licence or a **club premises certificate**.

Qualifying Clubs

In general, to be a qualifying club:

- membership may only be granted at least two days after application
- there must be at least 25 members
- alcohol may only be supplied to members and their guests on behalf of the club
- the club must be established and run in good faith as a club

In addition, if alcohol is supplied to members:

- the supply of alcohol must be managed by a committee of members who are over 18 and elected by the club
- only the club as a whole may receive financial or other benefit from the sale of alcohol.

Benefits and Requirements of a Club Premises Certificate

- Only members of the club and their guests are allowed admittance to the premises in accordance with the club's rules
- A designated premises supervisor is not required
- The supply of alcohol need not be supervised by a personal licence holder.

2 Filling in the Application Form

This information below identifies some important items for applicants to have in mind when they are filling in the application form.

Important Reminders

- Ensure all occasional activities are catered for, including bank holidays (New Year is already covered by a general relaxation of licensing laws).
- If you are applying to sell alcohol, ensure a designated premises supervisor is identified on the application form. This person will need to hold a personal licence before alcohol can be sold.
- Do not leave any sections blank; please put “None” “N/A” or equivalent.
- Check spellings and names of people and premises, and ensure that the same spelling is used throughout.

Helpful Hints

- If you do not know the non-domestic rateable value of the premises, it can be found from the Valuation Office Agency website: <http://www.voa.gov.uk/index.htm>.
- Part 2 is used to identify the capacity in which the applicant is applying for the licence - **only one box should be ticked** and then the details entered into the appropriate box in the second part of the section.
- Part 3 is the operating schedule for the premises. The starting date cannot be back-dated.
 - Specify all of the licensable activities that you want permission for and the times when these will take place. Please make sure you use the 24 hour clock. If an activity finishes after midnight it will be necessary to show this continuing on the next day.

- For example the following application will be assumed to be for opening starting on 19:00 on Monday and finishing at 01:00 on Tuesday and then for another period of opening on Tuesday starting at 19:00 and finishing at 02:00 on Wednesday morning:

| Hours premises are open to the public | | |
|--|-------|--------|
| Standard timings | | |
| (please read guidance note 1) | | |
| Day | Start | Finish |
| Mon | | |
| | 19:00 | 24:00 |
| Tue | 00:00 | 01:00 |
| | 19:00 | 24:00 |
| Wed | 00:00 | 02:00 |
| | | |

- It is important that you make sure you provide as much detail as possible about the steps you intend to take to promote the licensing objectives. This will be scrutinised by the responsible authorities who may make a representation about your application if they think these steps are inadequate. For more information please see the booklet *Guidance on Producing an Operating Schedule*, which can be downloaded from <http://www.leicester.gov.uk/licensing>

3 Accompanying Documents

Plan

All applications must be accompanied by a plan of the premises. The plan must be drawn to a scale of 1 centimetre representing 100 centimetres and must show:

- the extent of the boundary of the building and any external and internal walls
- the location of access to and egress from the premises
- the location of escape routes, if different to the above
- in a case where the premises is to be used for more than one licensable activity, the area within the premises used for each activity
- the location of any fixed structures which may affect the ability of individuals on the premises to use exits or escape routes
- the location of any stage or raised area and the height of each stage or area relative to the floor
- the location of any steps, stairs, elevators or lifts
- the location of any rooms containing public conveniences
- the location of any fire safety and other safety equipment
- the location of any kitchen.

Consent of Designated Premises Supervisor

If permission is being sought for the sale of alcohol, a form must be completed from the person named in the application form as designated premises supervisor giving their permission to be named on the licence.

The relevant form can be downloaded from the Licensing Authority's website:

<http://www.leicester.gov.uk/licensing>.

4 The Fee

The application must be accompanied by the fee. The level of fee is based on the non-domestic rateable value of the premises at the time the application is made. If you do not know the rateable value of the premises it can be found from the Valuation Office Agency website:

<http://www.voa.gov.uk/index.htm>.

The appropriate fee is shown in the table below: *(However see exceptions detailed in next paragraph)*

| Fee for New Premises Licence or Club Premises Certificate | | | | | |
|--|-------------|------------------|-------------------|---|---|
| Band | A | B | C | D | E |
| Non-domestic rateable value | £0 - £4,300 | £4,301 - £33,000 | £33,001 - £87,000 | £87,001 - £125,000 | £125,001 and over |
| Fee | £100 | £190 | £315 | £450 (a higher fee is payable in certain cases, see below) | £635 (a higher fee is payable in certain cases, see below) |

In addition to the above if the premises falls into Band D or Band E and is primarily used for the supply of alcohol for consumption on the premises, eg a pub, a higher fee is payable. This is:

| Additional Fee for <i>Band D & Band E</i> Premises | | |
|---|---|---|
| Band | D (Where primary activity is sale of alcohol for consumption on the premises is primary activity) | E (Where primary activity is sale of alcohol for consumption on the premises is primary activity) |
| Fee | £450 | £1270 |

Payment Method

If sending your application by post payment should be made by cheque payable to *Leicester City Council*. If you are delivering your application in person to the Customer Services Centre then payment may be made by cash or by cheque.

5 Advertising your Application

There is a requirement to advertise your application in both of two ways as follows:

- By displaying a notice on the premises where it can be conveniently read by the public:
 - Of size A4 or greater
 - On pale blue paper
 - Printed legibly in black ink or typed in black in font size 16 or larger
 - For 20 working days starting on the day after the application was made
- By publishing a notice in a local newspaper
 - On a date not more than ten working days from the day after the application was made

Both notices must contain the following information:

- The name of the applicant or club
- The address of the premises
- A statement of the relevant licensable activities included in the application
- The location of the licensing authority's register (This can be given as Leicester City Council, Customer Services Centre, 91 Granby Street, Leicester, LE1 6FB, and <http://www.leicester.gov.uk/licensing>)
- The date between which representations about the application can be made. (This is from the day after the application, for 20 working days)
- State that representations must be made to the Licensing Authority in writing
- 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.

6 Submitting your Application Form

To ensure that your application is valid you must ensure that you serve copies of your application form and all of the accompanying documents on the appropriate authorities. The service requirements depend on whether you are applying for a conversion or a variation as well.

You will need to ensure service on:

- Licensing Authority
- Leicestershire Police
- Leicestershire Fire and Rescue Service
- Planning Authority
- Enforcing Authority for the Health and Safety at Work Act
- Authority Responsible for Pollution Control
- Weights and Measures Authority
- Leicester Area Child Protection Committee
- Public Health

Additional Service Requirements

If you are applying for a licence for a City Council owned building, or for a vessel, there are additional service requirements. Please contact the Licensing Authority for advice.

Service Details

- Licensing Authority post to:
Licensing Authority Office
Leicester City Council
City Hall
115 Charles Street
Leicester
LE1 1FZ

or in person to:
Customer Service Centre
91 Granby Street
Leicester
LE1 6FB
- The Planning Authority, The Enforcing Authority for the Health and Safety at Work Act, The Authority Responsible

for Pollution Control, The Weights and Measures Authority and Public Health.

These authorities are part of the City Council. They have agreed to accept service via the Licensing Authority. It is therefore only necessary to send one copy of your documents to the Licensing Authority.

- **Leicestershire Police**
The Chief Officer of Police,
The Licensing Section,
Mansfield House,
74 Belgrave Gate,
Leicester LE1 3GG.
- **Leicester Safeguarding Children Board**
This authority has nominated the Leicestershire Police to act as its agent in relation to the Licensing Act. Service is achieved by serving on the Police. Only one copy of the documents need to be sent.
- **Leicestershire Fire and Rescue Service**
The Chief Fire Officer
Risk Management
Headquarters
12 Geoff Monk Way
Birstall
Leicester
LE4 3BU

7 Checklist

Before submitting your application form ensure that you can answer “yes” to all of the following questions.

| | |
|---|------------------------------|
| I have completed all sections of the application form | <input type="checkbox"/> Yes |
| I have entered “none” or “N/A” instead of leaving blank sections | <input type="checkbox"/> Yes |
| I have signed the application form | <input type="checkbox"/> Yes |
| I have applied for all the activities that I want the licence to cover in Part 3 | <input type="checkbox"/> Yes |
| I have considered special occasions in my application | <input type="checkbox"/> Yes |
| I have used the 24 hour clock when specifying times | <input type="checkbox"/> Yes |
| I have made sure that spellings of names are consistent throughout | <input type="checkbox"/> Yes |
| I have specified a designated premises supervisor unless I do not intend to sell alcohol | <input type="checkbox"/> Yes |
| I have taken advice from the responsible authorities | <input type="checkbox"/> Yes |
| I have given as much details as possible about the steps I intend to take to promote the four licensing objectives | <input type="checkbox"/> Yes |
| I have checked that I am using the correct non-domestic rateable value for the premises | <input type="checkbox"/> Yes |
| I have included the appropriate fee | <input type="checkbox"/> Yes |
| I have included a plan of the premises | <input type="checkbox"/> Yes |
| I have included the form of permission from the designated premises supervisor, unless I am applying for a club premises certificate or I do not intend to supply alcohol | <input type="checkbox"/> Yes |
| I have sent a copy of my application and accompanying documents to all of the responsible authorities see Section 7. | <input type="checkbox"/> Yes |
| I have made arrangements to advertise my application | <input type="checkbox"/> Yes |

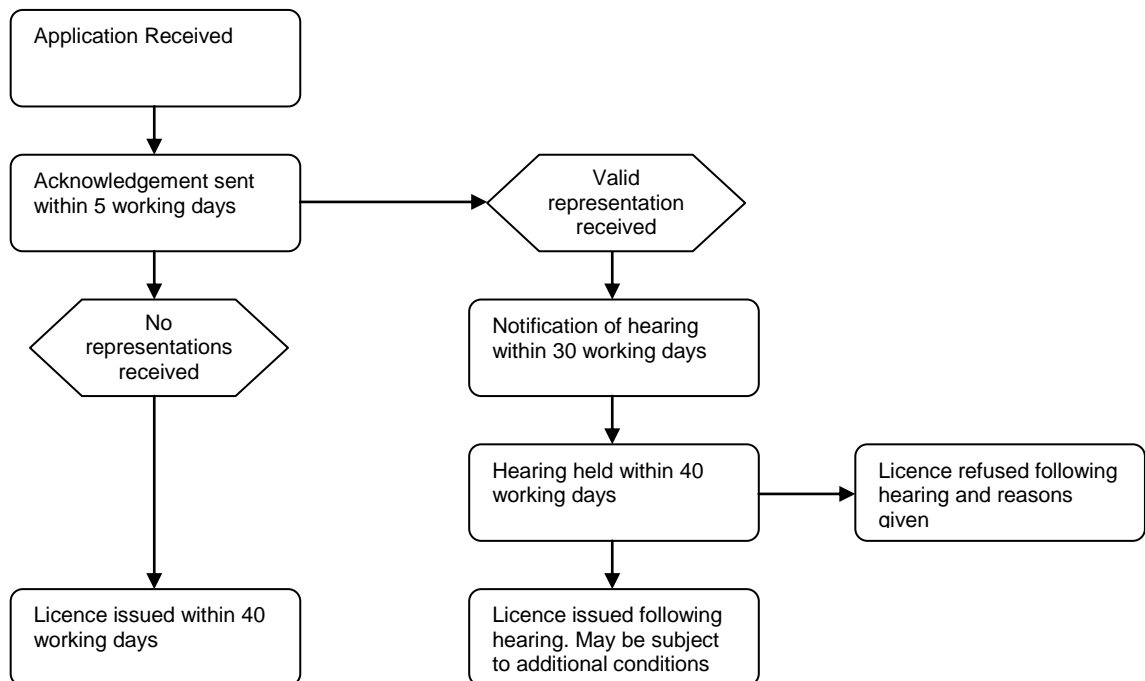
8 How your Application will be Processed

The responsible authorities and interested parties such as local residents may make representations about the application. Twenty working days are allowed for representations and the licensing authority will contact you at the end of this period to let you know whether any have been received.

If no representations are made then the licence will be granted in accordance with the details of the application.

If a valid representation is made then the licensing authority will hold a hearing to consider the representation. They will then decide whether to grant or refuse the licence or apply additional conditions.

The application will proceed as follows:



- *All timings relate to the period since the application was made*

9 Other Permissions

You may need other permissions to use your premises, **in addition** to those under the Licensing Act 2003. These must be obtained before you begin your proposed activities. The information below gives more details about the permissions you may require and how to obtain them. **Please note that this list gives a general guide and is NOT exhaustive.**

Food Safety

Food businesses include those where only drink is provided, and includes religious, voluntary and other such activities which involve food.

If you run or are going to run a food business in the city then you must register your food business under Article 6 of EC Regulation 852/2004. This is free and involves completing and returning a form to the Food Safety Team at Leicester City Council. The form is available for download on the Council's website:

<http://www.leicester.gov.uk/your-council--services/ep/environmental-health--licensing/food-safety/setting-up-a-food-business>

Alternatively please telephone Leicester 252 7002 to request a food business registration form.

Planning

You should check whether you need planning permission before you make a licence application. You may need planning permission to change the use of a property, for example from a shop or restaurant to a hot food take away or bar. If you already have planning permission for the use, you should check that your licence application does not break any condition attached to the planning permission, such as hours of opening. **You are strongly recommended to ensure you have the necessary planning consents before applying for a licence.**

Even if your licence is granted, planning enforcement action can be taken against you if you do not have the right planning permission for the use and the opening hours.

For more information on planning matters visit the Council's website, <http://www.leicester.gov.uk/planning>

Highways

If your activities may affect users of the public highway (including pavements) please contact Highway Management for advice, telephone 0116 454 1000.

Part B – Personal Licences

1. Filling in the Application Form

- **Remember that you must apply to the licensing authority in whose area you are normally resident.**
- Do not leave any sections blank; please put “None” “N/A” or equivalent.
- Check spellings and names of people and premises, and ensure that the same spelling is used throughout.

2. The Fee

The fee for converting a justices’ licence into a personal licence is £37. The fee must accompany the application.

3. Accompanying Documents

You must submit the following accompanying documents with your application.

Photographs

You must send two passport size photographs. They must meet the following requirements:

- contrast against the background,
- 45 millimetres by 35 millimetres,
- full face uncovered and without sunglasses and, unless the applicant wears a head covering due to his religious beliefs, without a head covering,
- on photographic paper,
- and endorsed by
 - the chief executive of the licensing justices for the relevant licensing authority,
 - a solicitor or notary,
 - a person of standing in the community; or
 - an individual with a professional qualification.

Subject Access Search

You must send the results of a subject access search under the Data Protection Act 1998 of the Police National Computer by the National Identification Service. Application forms can be obtained from a police station or the Leicestershire Police website http://www.leics.police.uk/library/prosecutions_convictions_cautions_form.pdf

Alternatively, you can obtain this information from Disclosure Scotland:

- 0870 609 6006
- www.disclosurescotland.co.uk

Disclosure of Convictions and Declaration

You must complete the form *Disclosure of Convictions and Declaration* and submit it with your application.

- A relevant offence is any offence listed in Schedule 4 of the Licensing Act. If you are in any doubt, please contact the Licensing Authority for advice.
- A foreign offence is means an under the law of any place outside England and Wales.

Licensing Qualification

You must send evidence that you hold a relevant licensing qualification. For details of relevant qualifications, please contact the British Institute of Innkeeping (BIIAB) on 01276 684449 or visit their website at www.biiab.org

4. Submitting your Application Form

To ensure that your application is valid you must ensure that you serve copies of your application form and all of the accompanying documents on the Licensing.

Service Details

- Licensing Authority post to:
Licensing Authority Office
Leicester City Council
City Hall
115 Charles Street
Leicester LE1 1FZ

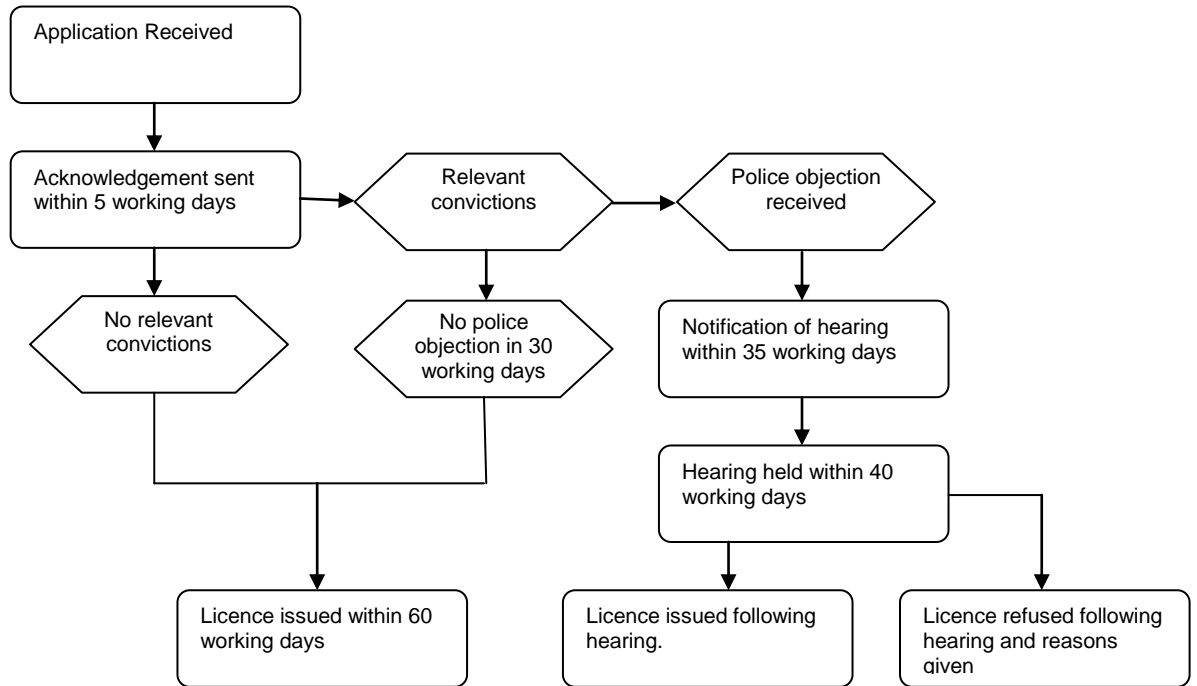
or in person to:
Customer Service Centre
91 Granby Street
Leicester
LE1 6FB

5. Checklist

| | |
|---|------------------------------|
| I have completed all sections of the application form | <input type="checkbox"/> Yes |
| I have entered "none" or "N/A" instead of leaving blank sections | <input type="checkbox"/> Yes |
| I have signed the application form | <input type="checkbox"/> Yes |
| I am applying to the licensing authority for the area where I normally live | <input type="checkbox"/> Yes |
| I have made sure that spellings of names are consistent throughout | <input type="checkbox"/> Yes |
| I have included the appropriate fee | <input type="checkbox"/> Yes |
| I have included two photographs | <input type="checkbox"/> Yes |
| I have included the results of a subject access search | <input type="checkbox"/> Yes |
| I have completed and included the form <i>Disclosure of Convictions and Declaration</i> | <input type="checkbox"/> Yes |
| I have included evidence that I hold a relevant licensing qualification | <input type="checkbox"/> Yes |

6. How Your Application will be Processed

Your application will be processed as follows:



** All timings relate to the period since the application was made*

Part C - Additional Sources of Information

If you require additional information, the following are available:

- Contact the Licensing Authority by post.
Licensing Authority Office
Leicester City Council
City Hall
115 Charles Street
Leicester
LE1 1FZ
- Contact the Licensing Authority by telephone or in person.
Customer Services Centre
Leicester City Council
91 Granby Street
Leicester
LE1 6FB
Telephone (0116) 454 1001
- Contact the Licensing Authority by email.
Licensing@leicester.gov.uk
- Visit the Licensing Authority Website. The website holds a number of guidance documents, applications forms, the authorities licensing policy and other information.
<http://www.Leicester.gov.uk/licensing>
- The Home Office and the Department of Culture, Media and Sport share responsibility for the Licensing Act. There is a range of information on their website including newsletters aimed at the licensing trade.
<https://www.gov.uk/government/organisations/home-office>
http://www.culture.gov.uk/alcohol_and_entertainment/
- Contact one of the responsible authorities for advice on their area of expertise. Contact details for the responsible authorities and a summary of their requirements is contained in a booklet *Guidance on Producing an Operating Schedule*, which can be downloaded from <http://www.leicester.gov.uk/licensing>.