



Guidance on Making an Application

The Licensing Act 2003

- This document is to assist applicants in making an application under the Licensing Act 2003 and is only intended for general guidance;
- You should consult with your own professional or legal advisers for legal advice.
- This leaflet has been made as comprehensive as possible. However, in attempting to simplify the law, certain requirements have been omitted. Full details of what you must do are in the legislation itself.
- Laws can and do change. This information was accurate when produced, but may have changed since. We must advise that only the Courts can give an authoritative opinion on statute law.

If English is not your first language and you would like more information about this document, or if you require information in large print or Braille or tape, please contact (01325) 405888.

اگر آپ کو یہ کتابچہ انگریزی کے علاوہ کسی دوسری زبان میں درکار ہو تو میراٹے ممبر یا نئی ٹیلیفون نمبر 01325 388351 پر فون کر کے حوالہ نمبر بتائیں۔

ਜੇ ਇਹ ਪਰਚਾ ਤੁਹਾਨੂੰ ਅੰਗਰੇਜ਼ੀ ਤੋਂ ਬਿਨਾਂ ਕਿਸੇ ਹੋਰ ਭਾਸ਼ਾ ਵਿਚ ਚਾਹੀਦਾ ਹੈ, ਤਾਂ ਕਿਰਪਾ ਕਰਕੇ ਸਾਨੂੰ ਨੰਬਰ 01325 388351 'ਤੇ ਫੋਨ ਕਰੋ ਅਤੇ ਰੈਫਰੈਂਸ (ਹਵਾਲਾ) ਨੰਬਰ ਦੱਸੋ।

यदि आप यह प्रकाशन अंग्रेज़ी के अलावा अन्य भाषा में चाहते हैं तो कृपया संदर्भ नम्बर (रेफरन्स नम्बर) बताकर निम्नलिखित 01325 388351 पर संपर्क करें।

如果你需要其它語言的版本，請與以下電話聯係並報出參考號碼：01325 388351

यदि आपनार इंगरेज़ी छाड़ा अन्य कौन भाषाय এই प्रकाशनाटिर् दरकार থাকे, तबहले 01325 388351 नयरे फोन करुन एबं सूत्र नयुर उल्लेख करुन।

إذا رغبت الحصول على هذه النشرة بلغة أخرى غير اللغة الإنجليزية فرجو الاتصال بنا على رقم الهاتف التالي : 01325 388351 + مع ذكر رقم الإشارة.

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INTRODUCTION

These notes are intended to provide a summary of the Licensing Act 2003. All references to the 'Licensing Authority' refer to Darlington Borough Council's Licensing Authority

If you wish to carry on any of the following licensable activities you may need to apply for a licence under the Licensing Act 2003;

- The sale by retail of alcohol
- The supply of alcohol by or on behalf of a club to, or by order of a member of the club
- The provision of late night refreshment (i.e. the supply of hot food or drink between 23:00 and 5.00)
- Performance of a play
- Exhibition of a film
- Indoor sporting event
- Boxing or wrestling entertainment
- Performance of live music (subject to exemptions under the Live Music Act)
- Recorded music
- Performance of dance
- Entertainment of a similar description to above

TYPES OF LICENCE

There are three types of licence

1. Premises Licence*
2. Personal Licence
3. Club Premises Certificate

*and a notice of Temporary Events

All forms of application are available by:-

- Access through the Council website www.darlington.gov.uk:
- Telephoning the Licensing Section 01325 405981/405982/405980
- E-mail to: licensing@darlington.gov.uk
- Alternatively access guidance and forms at www.gov.uk

PREMISES LICENCE

This licence will allow the holder to use specified 'licensed premises' for 'licensable activities' (see *list on page 3*). The licence will be of unlimited duration unless otherwise requested (see also 'Temporary Event Notices').

In accordance with the Licensing Act 2003, there will be no statutory limitations to the hours or days during which businesses are able to provide 'licensable activities'. It will be the responsibility of the Licensing Authority, following any representations from the relevant authorities to decide whether the operating times (and licensable activities) for which licensees apply, are granted in the licence.

APPLYING FOR A NEW PREMISES LICENCE

You will need to complete the application form in **BLOCK CAPITALS** using black ink.

- All parts of the form **must** be completed. Make sure the form is signed and dated.
- If you are completing the form on behalf of someone else ensure that the correct person signs the form.
- If you wish to sell alcohol there must be a named person on the licence who is responsible for authorising the sale of alcohol. That person is called a Designated Premises Supervisor (DPS). If the person who is making the application is not going to be the DPS ensure that you submit the form 'consent of individual to being specified as premises supervisor'. A DPS **must** hold a personal Licence (see page 12).
- The application **MUST BE ACCOMPANIED BY THE CORRECT FEE**

Completing the Application Form

You should indicate which licensable activities you wish to carry on by ticking the appropriate boxes in the application form. In considering what to put in this section, you should think about all the activities you may want to conduct at the premises in the future and consider whether any are licensable activities under the Act.

- You will need to **submit a plan** which should be as follows:-
- The plan may include a legend (explanation of symbols on a map) through which the matters mentioned and referred to below are sufficiently illustrated by the use of symbols on the plan
- Scale 1:100 (or other scale with the consent of the Licensing Authority)

The plan **must show**:-

- 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
- the location of points of access and egress from the premises

- if different from the above, the location of escape routes from the premises
- in a case where the premises is used for more than one existing licensable activity, the area within the premises used for each activity (***it is a good idea to use different colours to show the areas for each licensable activity***)
- 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
- 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
- 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
- in a case where the premises includes any steps, stairs, elevators or lifts, the location of the steps, stairs, elevators or lifts
- the location and type of any fire safety and any other safety equipment
- the location of a kitchen, if any, on the premises

ADVERTISING YOUR APPLICATION

- You will need to advertise your application in two ways:
 - i) by placing a notice at the premises or land which **must be** of a paper size equal or larger than A4 which is of a pale blue colour printed legibly in black ink or typed in a font of a size equal to or larger than 16.

In all cases the notice must be in a prominent position at or on the premises to which the application relates where it can be easily read from the exterior of the premises and in the case of a premises which covers an area of more than 50 metres square, a further notice in the same form and subject to the same requirements will be placed every 50 metres along the external perimeter of the highway abutting any highway. An example of a site notice can be seen on page 6.

The notice must be displayed for at least 28 days starting on the day after the application was given to the relevant licensing authority, and

- ii) By placing an advert in a local newspaper or, if there is none, in a local newsletter, circular or similar document circulating in the vicinity of the premises.

The advert must appear on at least one occasion during the period of **10 working days** starting on the day after the day on which the application was given to the relevant Licensing Authority.

Licensing Act 2003 – Site Notice

I/We (applicants name)

HAVE APPLIED TO DARLINGTON BOROUGH COUNCIL
COUNCIL FOR A PREMISES LICENCE

For the provision of:

Example ONLY: The sale of alcohol and recorded music - Mon to Sun 11:00am until 2:00am

(briefly list the licensable activities you are applying for e.g. performance of live music and on which days and time)

AT (Premises Address)

Any person or responsible authorities wishing to oppose the application must give notice in writing to:

The Licensing Officer, Darlington Borough Council, The Town Hall, Feethams, Darlington, DL1 5QT.

Where the application may be inspected during normal office hours Monday to Friday.

By: - *(Insert the date which will be the end of a 28 day period starting on the day after the day on which the application is given to the Licensing Authority)*

It is an offence, liable on conviction to a fine up to level 5 on the standard scale (£5,000), under section 158 of the licensing act 2003 to make a false statement in or in connection with this application.

OPERATING SCHEDULE

As part of your application you will require an operating schedule, the application should outline how the applicant proposes to comply with the four licensing objectives, which are;

- Prevention of crime and disorder
- Prevention of public nuisance
- Public safety
- Protection of children from harm

This must set out the various details relating to the operation of your premises when carrying out licensable activities, the proposed hours of opening, the duration of the licence (if it is to have a fixed term), details about the individual (if any) who is to act as the designated premises supervisor, details of whether alcohol is to be supplied (if at all) for on-sales, off-sales or both, and a statement of how you intend to promote the licensing objectives.

The significance of the operating schedule is that if the application for the premises licence is approved, it will be incorporated into the licence itself and will set out the permitted activities and the limitations on them.

PROVISIONAL STATEMENT

There is provision in the Act in relation to premises, which are being or about to be constructed, extended or altered for use for licensable activities. A person who has an interest in the premises (in the case of an individual there is a requirement that the person is 18 years of age or over) may apply to the licensing authority for a 'provisional statement'. The licensing authority issues a statement in order that an applicant can receive, at an early stage, a statement describing the likely effect of the intended licensable activities on the licensing objectives and an indication of the prospects of any further application for a premises licence.

There are other matters, which need to be addressed if you are contemplating an application for a provisional statement and you are advised to seek the advice of a licensing officer before you make such an application.

ADDRESSES FOR LICENSING AND RESPONSIBLE AUTHORITIES

You will need to have a number of copies of your application for a premises licence and any accompanying documents.

You must ensure that copies are sent to the following on the same day as the day on which the application is given to the Licensing Authority.

1. Keep a copy for yourself
2. A copy to;- **THE LICENSING AUTHORITY**
Town Hall
Darlington
DL1 5QT

3. A further copy must be sent to **all** of the below mentioned

RESPONSIBLE AUTHORITIES

POLICE AUTHORITY

Chief Officer of Police
Police HQ
St Cuthbert's Way
Darlington
DL15LB
ahru@durham.pnn.police.uk

HEALTH & SAFETY/POLLUTION

Darlington Borough Council
Environmental Health Manager
Town Hall
DARLINGTON
DL1 5QT
environmental.health@darlington.gov.uk

CHILD PROTECTION

LSCB
Darlington Borough Council
Town Hall
Darlington
DL1 5QT
lscb@darlington.gcsx.gov.uk

TRADING STANDARDS SERVICE

Darlington Borough Council
Trading Standards Manager
Central House Annexe
Gladstone Street
DARLINGTON
DL3 6JX
tradingstandards@darlington.gov.uk

PLANNING

The Town Hall
DARLINGTON
DL1 5QT

planning.enquiries@darlington.gov.uk

Fire Safety

County Durham & Darlington Fire & Rescue
Service
Belmont Business Park
Durham
DH1 1TW
firesafety@ddfire.gov.uk

HOME OFFICE

Alcohol Licensing Team
Lunar House
40 Wellesley Road
Croydon
CR9 2BY
Alcohol@homeoffice.gsi.gov.uk

PRIMARY CARE TRUST

Miriam Davidson
Director of Public Health
The Town Hall
DARLINGTON
DL1 5QT
miriam.davidson@darlington.gov.uk

VARIATION OF LICENCE

Should you wish to change your premises licence in any way, for example by extending the hours or changes to the layout of the premises you can apply for a variation.

Here is a list of documents, which you will have to supply together with your application for a Variation:-

- Your existing premises licence or a certified copy of it
- A plan of the premises (see page 4)
- The fee (See page 14)
- Consent form completed by the proposed designated premises supervisor (if relevant)
- The application must be made and signed by the premises licence holder

You will have to send, at the same time as you send to the 'Licensing Authority', a copy of your application form and the documents described above to all of the 'Responsible Authorities' (see page 8)

You will be required to advertise the proposed changes in a local newspaper and provide a copy to the Licensing Authority in the same manner as set out for a new application (**see page 5**).

MINOR VARIATION

Small changes to a licence may be able to be authorised by way of a minor variation. The minor variations process can only be used for variations that could have no adverse impact on the promotion of the licensing objectives.

It **cannot** be used to:

- Extend the period for which a licence has effect (i.e. a time limited licence)
- Transfer the licence from one premises to another
- Specify, in a premises licence, an individual as a premises supervisor.
- To add the sale by retail or supply of alcohol as an activity authorised by a premises licence
- To authorise the sale by retail or supply of alcohol at any time between 11pm and 7am
- To authorise an increase in the amount of time in any day during which alcohol may be sold by retail or supplied

You may like to use the minor variations process to make:

- Minor changes to the structure or layout of a premises
- Small adjustments to the licensing hours
- Removal of out of date, irrelevant or unenforceable conditions
- Addition of licensable activities

We suggest you speak to the Licensing Authority before making your application to ascertain whether your proposed changes fulfil the requirement of a minor variation.

CLUB PREMISES CERTIFICATES

These will provide authorisation for qualifying clubs to use club premises for qualifying club activities. These are the supply of alcohol by or on behalf of a club to a member for consumption on the premises, or the sale by retail of alcohol by or on behalf of a club to a guest of a member for consumption on the premises, and the provision of regulated entertainment by or on behalf of a club for its members and guests.

DEFINITION OF A QUALIFYING CLUB

- There must be an interval of at least two days between a member's nomination / application for membership and their admission
- There must be at least twenty-five members
- No alcohol is supplied or intended to be supplied, on the club premises except by or on behalf of the club
- The club must be established and conducted in 'good faith'
- Nobody can be admitted as a member without an interval of at least two days after their nomination or application for membership.

DETERMINING WHETHER A CLUB IS ESTABLISHED AND CONDUCTED IN GOOD FAITH

- The club's freedom to purchase alcohol
- How money or property belonging to the club is used
- Giving members information about the club's finances
- The club's accounts; **and**
- The nature of the premises

If the licensing authority determines that the club does not satisfy these conditions, it will notify the club accordingly and give reasons for reaching its decision.

APPLYING FOR A CLUB PREMISES CERTIFICATE

- To apply for the club premises certificate the same regulations apply as for a premises licence, there is however a different application form.
- You will need to supply a copy of your club rules
- Copies of the form need to be sent to the Licensing Authority and all of the responsible authorities (see page 8)
- A club does not need to specify a 'Designated Premises Supervisor'
- You will also be required to advertise the application as per the instructions on page 5.

REPRESENTATIONS

Representations can be made by a 'responsible authority' (such as the Police or Fire Authority (See page 8 for the full list) or any 'other person'.

Representations can be made with regard to the likely effect of the grant of the licence or club premises certificate (variation etc) on the promotion of the licensing objectives and/or with regard to the suitability of the 'premises supervisor'. However, representations, which the Licensing Authority considers to be irrelevant, frivolous or vexatious, will not be considered.

Where relevant representations are received an application may be heard by a 'licensing sub-committee' which will consist of three members selected from the thirteen elected Local Councillors who sit on the Licensing Committee. They will consider representations having regard to the 'licensing objectives' and may either decide to grant, reject or alter the terms of the licence. They may also impose conditions on a licence.

REVIEW OF LICENCE

After a premises licence has been granted the legislation allows for a review of the licence. Any person can apply to review a licence if they believe the licence holder is not meeting their obligations with regard to the licensing objectives. Similarly the responsible authorities (ie Police, Fire Authority) may consider that the licensing objectives are being compromised and may apply for a review of a licence at any time. The Licensing Authority can reject an application for a review unless it is relevant to one of the licensing objectives.

TEMPORARY EVENT NOTICES

Temporary Event Notices (TEN) can be used to enable any premises to provide a licensable activity lasting no more than 168 hours, with less than 500 attendees (including staff and performers) where a premises licence is not held, or a premises which is already licensed can use a TEN to extend hours or add licensable activities for a temporary period. A premises can be any place (eg building, a field, a park), vessel, vehicle or structure.

Timing & Details

'Premises users' will be required to provide the relevant Licensing Authority, the Chief Officer of Police and the Environmental Health Department with such a notice at least ten working days prior to the event commencement date, and will need to state details including: the maximum number of persons; the licensable activities planned; the times of the event and other matters as may be prescribed by the Government. In exceptional circumstances a 'late TEN' can be accepted which can be given with only 5 working days' notice.

Limitations

- Personal licence holders may make up to 50 applications per year; non personal licence holders may make up to five applications per year

- Each event may last no more than 168 hours and there must be at least 24 hours between events
- The same premises may not be used more than twelve times per year (15 from January 2016)
- The same premises may not be used for greater than 21 days per year in total

Acknowledgement

The Licensing Authority will either acknowledge receipt of the notice or provide a counter notice in the event of any police or Environmental Health representation. Where there is a representation the local Licensing Sub-Committee will hold a hearing unless agreed unnecessary by the premises user and the police or Environmental Health Team.

PERSONAL LICENCE

This licence authorises the specified person to supply alcohol or allow the supply of alcohol, in accordance with a premises licence. These licences do not expire and will be 'portable' between premises. The licence holder has a duty to notify the Licensing Authority of any convictions or change of name/address. Should the licence holder appear before a court of law the licence holder must notify the court at the first opportunity they are the holder of a personal licence.

Applying for a Personal licence

To apply for a licence an applicant must

- Apply for the licence to the **Authority in the area where you live**
- Be over 18 years of age
- Hold an accredited qualification as specified by the secretary of state
- Not have forfeited a personal licence in the last five years
- Not have a relevant criminal conviction as specified in the act (anyone with a conviction should seek the advice of a licensing officer 01325 405980 before putting in an application)

You **MUST** complete the application form in **block capitals** using **BLACK INK** and send it together with the relevant documentation to:- The Licensing Authority, Town Hall, Feethams, Darlington. DL1 5QT

The application form **must** be accompanied by the following:-

- The correct fee (£37)
- Two passport style photographs, one of which is endorsed with a statement verifying the likeness of the photograph to the applicant by a solicitor, notary, a person of standing in the community or any individual with a professional qualification.
- A basic criminal disclosure certificate

You can obtain a basic disclosure through 'Disclosure Scotland' on 0870 609 6006

Or

a criminal conviction certificate issued under section 112 of the Police Act 1997, **or**

a criminal record certificate issued under section 113A of the Police Act 1997 **or**

the results of a subject access search under the Data Protection Act 1998(b) 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 relevant licensing authority **and**

- A relevant qualification
- The Home Office have specified a list of accredited training providers please see <https://www.gov.uk/government/publications/accredited-personal-licence-qualification-providers>

**PLEASE NOTE THAT APPLICATIONS WILL NOT BE DEEMED AS COMPLETE
UNLESS ACCOMPANIED BY THE RELEVANT FEE**

FEES RELATING TO THE LICENSING ACT 2003

| Band | Non-Domestic Rateable Value (£) | New Licence/Club Premises Certificate | # Multiplier (£) | ## Variation (£) | ### Annual Fee (£) |
|------|---------------------------------|---------------------------------------|------------------|------------------|--------------------|
| A | 0-4,300 | 100 | - | 100 | 70 |
| B | 4,300 – 33,000 | 190 | - | 190 | 180 |
| C | 33,001 – 87,000 | 315 | - | 315 | 295 |
| D | 87,001- 125,000 | 450 or | 900 | 450 or 900 | 320 or 640 |
| E | 125,000 + | 635 or | 1,905 | 635 or 1,905 | 350 or 1,050 |

The higher the multiplier fee is payable where band D or E premises are used exclusively or primarily for consumption of alcohol on the premises. This never applies to off-licences or registered clubs.

For a variation submitted after the conversion application a higher fee is payable and the multiplier again applies to premises in Band D or E used exclusively or primarily for consumption of alcohol on the premises.

The annual fee is payable on the anniversary of the grant of the licence and again, the multiplier applies to Band D or E premises.

Exceptionally Large Events

An additional fee also has to be paid for premises with a capacity of over 5,000, or for a variation, which seeks to increase the capacity over 5,000. On top of this an additional annual fee is payable for such premises.

| Capacity | Additional fee (£) | Additional Annual Fee (£) | Capacity | Additional fee (£) | Additional Annual Fee (£) |
|------------------|--------------------|---------------------------|------------------|--------------------|---------------------------|
| 5,000 to 9,999 | £1,000 | 500 | 50,000 to 59,999 | £32,000 | 16,000 |
| 10,000 to 14,999 | £2,000 | 1,000 | 60,000 to 69,999 | £40,000 | 20,000 |
| 15,000 to 19,999 | £4,000 | 2,000 | 70,000 to 79,999 | £48,000 | 24,000 |
| 20,000 to 29,999 | £8,000 | 4,000 | 80,000 to 89,999 | £56,000 | 28,000 |
| 30,000 to 39,999 | £16,000 | 8,000 | 90,000 and over | £64,000 | 32,000 |
| 40,000 to 49,999 | £24,000 | 12,000 | | | |

Personal Licences, Temporary Events and Other Fees

The Licensing Authorities will also be able to charge other fees in relation to their duties, most notably for temporary events and personal licences

| | |
|--|---------|
| Application for a grant of personal licence | £37 |
| Temporary event notice | £21 |
| Minor Variation | £89 |
| Theft, loss, etc. of premises licence or summary | £10.50 |
| Application for a provisional statement | £195.00 |
| Notification of change of name or address | £10.50 |
| Application to vary licence to specify individual as premises supervisor | £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 change of name or address | £10.50 |
| Right of freeholder etc. to be notified of licensing matters | £21 |

USEFUL CONTACTS

The Licensing Section:-

Address:-

**Licensing Office
Town Hall
Feethams
Darlington
DL1 5QT**

Telephone: 01325 405888

e-mail

Darlington Borough Council website

licensing@darlington.gov.uk

www.darlington.gov.uk

Other useful information sources:

Home Office

www.gov.uk

Disclosure Scotland (Basic Disclosure)

www.disclosurescotland.co.uk

British Institute of Inn keeping

www.bii.org.uk

The Licensing Act 2003

www.legislation.gov.uk