

LICENSING ACT 2003

**A GUIDE TO
NEW PREMISES LICENCES
AND
PREMISES LICENCE VARIATIONS**

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General

Licensing Objectives

You need to bear the four licensing objectives in mind when completing your application. If your application goes to a hearing with the Licensing Sub Committee, they will consider whether it fulfils the licensing objectives. The licensing objectives are:

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

Incomplete Applications

We cannot accept incomplete applications. The time limit for processing will not start until you have supplied a correctly completed application, fee, plan for the premises (if applicable) and have advertised your application as required.

Duration of Licence

Premises Licences last for the lifetime of the business, unless you specify that you want it to last for a limited time only.

Designated Premises Supervisor

If you are applying for a Premises Licence that allows the sale of alcohol, you must appoint a Designated Premises Supervisor (DPS). This person is ultimately responsible for everything that happens on the premises.

You are only permitted to nominate one DPS per premises. The DPS does not have to be present on the premises at all times. However, as they are responsible for ensuring the premises are compliant with the law, we would suggest you appoint somebody who has some day-to-day responsibility for the premises.

The DPS must have a Personal Licence. See our guidance “Personal Licences” for more information.

Drinking Up Time

There is no set “drinking up time” in the Act. If you wish, you can create a drinking up time by leaving a 30-minute gap between the time you want to finish selling alcohol and the time the premises will close.

Structural Alterations

If you are making a *minor* alteration to the premises, such as adding an extra toilet, you can apply to for a variation of your existing Premises Licence. If the alteration is more substantial than this, you will need to apply for a New Premises Licence. We suggest you contact the Licensing Office at the address on the front of this guidance if you are unsure which application to make.

New Premises Licences - Completing the Application Form: “Application for a Premises Licence to be granted under the Licensing Act 2003”

Part 1 - Premises Details

Enter the name, address, telephone number and rateable value of the premises.

Part 2 - Applicant Details

The first part of this section concerns the type of applicant you are. Tick the appropriate box. Then complete the part of the form relating to the section you have ticked, e.g. (A) for individual applicants.

Part 3 - Operating Schedule

See page 6 for information on how to complete this section.

Part 4 - Signatures

If 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. Your Agent may sign providing he or she has actual authority to do so.

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

Checklist

Your application for a New Premises Licence must include the following:

- The application form, completed in its entirety
- The fee (see page 12)
- The consent form from the proposed Designated Premises Supervisor, if he/she is not the applicant
- A plan of the premises (see page 10)

You must also:

- Send a copy of your application form and plan to the licensing team and the six responsible authorities (see page 13)
- Advertise your application in a newspaper circulating in the local area (see page 14)
- Advertise your application on a notice at the premises (see page 14)

Varying an Existing Licence - Completing the Application Form: “Application to vary a Premises Licence under the Licensing Act 2003”

Part 1 - Premises Details

Enter the name, address, telephone number and rateable value of the premises.

Part 2 - Applicant Details

Enter the contact details for the licence holder.

Part 3 - Variation

Tick whether you want the Licence to take effect as soon as possible, or, if you want the Certificate to start on a particular date, enter it here.

Describe the changes you wish to make, for example, “Extend the sale of alcohol on Fridays and Saturday from 1000 - midnight and include live music from 1700 - 2300 on Fridays.”

Part 4 - Operating Schedule

You only need to fill in the boxes relating to the activities you want to make changes to. See page 6 for details on how to complete this section.

Part 5 - Signatures

If 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. Your Agent may sign providing he or she has actual authority to do so.

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

Checklist

Your application to Vary an existing Premises Licence must include the following:

- The application form, completed in its entirety
- The fee (see page 12)
- Your current Premises Licence, including Summary, or an explanation why you have not enclosed it
- If you are applying for a **Variation that includes the sale of alcohol for the first time**: The consent form from the proposed Designated Premises Supervisor, if that is not you
- If you are applying for a **Variation that includes minor structural changes to the premises**: A plan of the premises (see page 10)

You must also:

- Send a copy of your application form and plan to the licensing team and the seven responsible authorities (see page 13)
- Advertise your application in a newspaper circulating in the local area (see page 14)
- Advertise your application by way of a site notice posted at your premises for 28 consecutive days from the date we receive your application (see page 14)

Operating Schedules

Start Date (Applications for a New Premises Licence only)

Tell us when you want the Premises Licence to start (providing it is granted). If the Licence is only for a limited period, you must also tell us when you want it to end.

Description of the Premises (Applications for a New Premises Licence only)

Your description should state:

- Whether the premises are detached, terraced etc and what they adjoin
- Description of main use of premises, e.g. pub, takeaway
- How many floors the premises consists of
- Which floors are used for licensable activities
- What entertainment facilities are provided, if applicable
- Brief descriptions of what other parts of the premises are used for

Licensable Activities

If you are applying for a new Premises Licence, tick the boxes of the activities you want to have. If you are applying to vary an existing Premises Licence, tick the boxes of the activities you want to add or change. For more information on what activities need a licence, see page 9.

Licensed Activities and Opening Times

Fill in the boxes that relate to the activities you want to provide. Times must be given in the 24-hour clock. There are two boxes for times, to account for when there is a break during the day.

Let's say you wanted to sell alcohol from 11.00 am to 11.00 pm on Mondays to Thursdays, 11.00 am to 2.00 am on Fridays and Saturdays, and from 11.00 am to 10.30 pm on Sundays. You would fill the boxes in like this:

Supply of Alcohol		
Day	Start	Finish
Mon	11:00	23:00
	-	-
Tue	11:00	23:00
	-	-
Wed	11:00	23:00
	-	-
Thurs	11:00	23:00
	-	-
Fri	11:00	00.00
	-	-
Sat	00:00	02:00
	11:00	00.00
Sun	00:00	02:00
	11:00	22:30

← Hours from Friday midnight into Saturday morning

← Saturdays opening hours up to midnight

← Hours from Saturday midnight into Sunday morning

← Sundays normal opening hours

If you wanted to supply alcohol 24-hours a day, every day, you would fill it in like this:

Supply of Alcohol		
Day	Start	Finish
Mon	00:00	00:00
Tues	00:00	00:00
Weds	00:00	00:00
Thurs	00:00	00:00
Fri	00:00	00:00
Sat	00:00	00:00
Sun	00:00	00:00

Make sure you write “**24-hours a day**” somewhere in the adjoining box.

Seasonal Variations

This would allow you to open later, say, during the summer months (you would have to specify which months). You need to say when you want to open and for how long, e.g. “08.00 to 23.30 every day in July and August”.

Non Standard Timings

This caters for special occasions, such as New Year’s Eve. You may wish to stay open and serve alcohol all night on New Year’s Eve through to your usual close of business on New Year’s Day, so you can specifically ask for this by saying “from normal opening time on New Year’s Eve until normal opening time on New Year’s Day”.

Indoors or Outdoors

Please tick whether the activities will take place indoors, outdoors, or both. Please note that tents and marquees count as “indoors”.

Further Details

Tell us the kind of activity you will be providing, but bear in mind that anything you say here may become a condition on your licence.

Designated Premises Supervisor

See page 3 of this guidance for information about Designated Premises Supervisors.

Hours Premises Are Open to the Public

This area is for you to say 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.

Conditions Currently Attached to the Premises Licence (Applications to Vary a Premises Licence only)

If you wish to remove any of the conditions that are currently attached to the Premises Licence then state clearly which ones they are. You may wish to offer alternative conditions - see below.

Activities That May Give Rise to Concern in Respect of Children

This could include nudity or semi-nudity (such as exotic dancers), films for restricted age groups or the presence of gaming machines. If you do not write anything in here, your Premises Licence or Club Premises Certificate will contain a condition prohibiting any adult entertainment.

Steps You Intend to Take to Promote the Four Licensing Objectives

This is a very important part of the form. You must use this area to demonstrate that you can run your business in accordance with the four licensing objectives.

You need to satisfy the responsible authorities and any other interested parties (e.g. local residents), that you can run the premises responsibly and in accordance with the licensing objectives. If these people do not feel the steps you propose are adequate, they may object to the licence being granted.

It is in everybody's interests to reduce the likelihood of people objecting to your application. You must think very carefully about how you are going to address the four licensing objectives.

Whatever you put in this section will become a condition of your licence. Therefore you should not volunteer to do anything that you are not able, or not prepared, to do if the licence is granted. You 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".

Examples of things you may wish to consider are given below.

General – All Four Licensing Objectives

- Providing registered door supervisors
- Staff training on licensing issues
- Installing a CCTV system

The Prevention of Crime and Disorder

- Drugs policies/notices
- Membership of a local Pubwatch scheme
- Search policies
- Bottle bans

Public Safety

- Provision of emergency lighting
- Provision of additional escape routes
- Capacity 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
- Keeping the music to a reasonable level
- Litter clearance
- Considerate loading/unloading arrangements
- Controlling noxious odours from cooking
- Closing 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
- Notices asking patrons to leave quietly

The Protection of Children From Harm

- Provision of children's areas
- CRB checks of staff involved in looking after young people
- Proof of age cards
- A limit on the hours during which children can be present on the premises
- Requirement for attendants to be present when children's activities are taking place

Which Activities Need a Licence?

Plays – This means the performance of any dramatic piece, including improvisation. You do not need a licence if the play is purely for educational purposes, or it is part of religious worship (e.g. a Nativity play).

New legislation means that you only require a licence for plays if the play falls outside the hours of 08:00 – 23:00 and/or the audience size is more than 500 people.

Film Exhibitions – A ‘film’ means any exhibition of moving pictures. All exhibitions of films need a licence, except:

- The broadcast of films and programmes on television.
- Films that are solely to advertise or demonstrate a product or service.
- Films that solely provide information, education or instruction.
- Films that are a part of an exhibit.

Indoor Sporting Events – You do not need a licence for traditional pub games that are played without an audience (e.g. darts, pool). You only need a licence if the sport is going to attract an audience of more than 1000 people and/or fall outside the hours of 08:00 – 23:00.

Boxing and Wrestling Entertainments – You need a licence for any contest, display or exhibition of boxing or wrestling.

Performance of Live Music – You need a licence for any performance of live amplified music if it falls outside the hours of 08:00 – 23:00 and/or is performed before an audience of more than 200 people.

You will require a licence for unamplified live music when it is performed outside the hours of 08:00 and 23:00 – the audience size does not matter.

Playing of Recorded Music – This includes music played by a DJ. You do not need a licence for background music if it is incidental.

Performance of Dance – You will not need a licence for most performances of dance if it is performed between 08:00 – 23:00 hours and/or has an audience of no more than 500 people. If it falls outside these restrictions then a licence is required.

Entertainment of a Similar Description – Any other types of entertainment that are similar to the music and dance described above.

Late Night Refreshment – This is the sale of hot food and hot drinks between 11pm and 5am.

Supply of Alcohol – This means the supply of alcohol by a members’ club to its members or their bona fide guests.

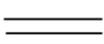
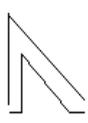
Sale of Alcohol – This means any sale of alcohol, except wholesale. It includes situations where tickets to an event are sold with the promise of a ‘free glass of wine’, or where alcohol is given away in exchange for donations.

If you are still unsure whether the activities you provide require a licence, contact the Licensing Office at the number on the front of this form.

The Plan

The plan must be drawn to a scale of 1 centimetre to 1 metre, unless we have previously confirmed in writing to you that an alternative scale is acceptable. The plan **must** show:

- The whole building, including non licensed areas
- Any external or internal walls which comprise the premises, or in which the premises are comprised
- All exits from the premises
- If different from the above, the location of the escape routes from the premises
- Areas where existing licensable activities take place
- In a case 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
- 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
- In a case where premises include a stage or raised area, the location and height of each stage or area relative to the floor
- 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

PLAN DRAWING SYMBOL SHEET					
	FIRE RESISTING CONSTRUCTOR		CARBON DIOXIDE EXTINGUISHER, 4.5KG CAPACITY UNLESS OTHERWISE STATED		ILLUMINATED EXIT SIGN, LETTERING 75MM UNLESS OTHERWISE STATED
	30 MIN (UNLESS OTHERWISE STATED) FIRE AND SMOKE RESISTING DOORSET WHICH IS SELF- CLOSING AND PROVIDED WITH N6 NOTICES ON EACH SIDE OF THE DOOR		VAPOURISING LIQUID EXTINGUISHER (HALON CF), 2.5KG CAPACITY UNLESS OTHERWISE STATED	E	EXIT SIGN, LETTERING 75MM UNLESS OTHERWISE STATED
			MULTI PURPOSE SPRAY (AFFF), 5L CAPACITY UNLESS OTHERWISE STATED	N1	GENERAL FIRE NOTICE
	30 MIN (UNLESS OTHERWISE STATED) FIRE AND SMOKE RESISTING DOORSET, AND PROVIDED WITH A N3 NOTICE ON THE OUTSIDE OF THE DOOR		FIRE BLANKET, 1M X 1M UNLESS OTHERWISE STATED	N2	STAFF FIRE NOTICE
	FIRE ALARM VISUAL WARNING DEVICE		SAND BUCKET	N3	FIRE DOOR KEEP LOCKED SHUT
SC	SELF CLOSING DOOR	HHP	HEAD HEIGHT PARTITION	N4	SLIDE TO OPEN, LETTERING 75MM UNLESS OTHERWISE STATED
A	SELF CLOSING DOOR ON AUTOMATIC ACTUATION	FRG	FIRE RESISTING GLAZING	N5	FIRE EXIT DO NOT OBSTRUCT, LETTERING 50MM UNLESS OTHERWISE STATED
RS	ROLLER SHUTTER DOOR		FIRE ALARM / ZONE INDICATOR PANEL	N6	FIRE DOOR KEEP SHUT

VL	VERTICAL LADDER	E →	DIRECTIONAL EXIT SIGN, LETTERING 75MM UNLESS OTHERWISE STATED	N7	PUSH BAR TO OPEN NOTICE, LETTERING AT LEAST 50MM IN HEIGHT UNLESS OTHERWISE STATED
SL	SECURITY LOCK APPROVED TYPE		FIRE ALARM ACTUATING POINT	N8	AUTOMATIC DOOR KEEP CLEAR, SHOULD BE PROVIDED ON THE VISIBLE SIDE OF THE DOOR WHEN IN THE OPEN POSITION
PB	PUSH BAR IRONMONGERY, TOGETHER WITH A N7 NOTICE POSITIONED BELOW THE PUSH BAR		FIRE ALARM SOUNDER	Hr 1	HANDRAIL, AT LEAST 840MM IN HEIGHT UNLESS OTHERWISE STATED
VP	VISION PANEL, MEASURING AT LEAST 455MM X 455MM UNLESS OTHERWISE STATED		SMOKE DETECTOR	Gr 1	GUARDRAIL, AT LEAST 1070MM IN HEIGHT UNLESS OTHERWISE STATED
	HOSEREEL 30M LONG, UNLESS OTHERWISE STATED		HEAT DETECTOR		EMERGENCY LIGHT DIRECTIONAL
	WATER EXTINGUISHER, 9L CAPACITY UNLESS OTHERWISE STATED		EMERGENCY LIGHTING POINT		DOORS NOT FORMING PART OF MEANS OF ESCAPE
	FOAM EXTINGUISHER, 9L CAPACITY UNLESS OTHERWISE STATED		NORMAL LIGHTING POINT		SMOKE DETECTOR WITH SOUNDER
	DRY POWDER EXTINGUISHER, 10KG CAPACITY UNLESS OTHERWISE STATED		ACTUATING SWITCH FOR NORMAL LIGHTING POINT		HEAT DETECTOR WITH SOUNDER

The following information may be added to your plans. They are not a mandatory requirement but may speed up your application by making it easier for the Licensing Authority and the Responsible Authorities to understand your application and how the premises are to be operated:

- Plans to be dated and bear the name and location of the premises
- To be endorsed with a location plan showing the site of the premises
- The scale used to be endorsed on the plan
- The total extent of the licensed premises to be defined by a continuous red line
- Areas to be used for the consumption of alcohol to be coloured pink
- Areas to be used for the storage of alcohol and bar serveries to be coloured brown
- Kitchen and staff only areas to be coloured yellow
- Toilet accommodation to be coloured blue
- Emergency exit routes not intended to be used for the consumption of alcohol to be uncoloured
- Where areas of the premises are to be used for specific purposes to which the licence will apply e.g. children only allowed into one area, adult entertainment, showing of films, etc those areas should be outlined and defined in a key accompanying the plan

We strongly recommend that you seek advice from the Fire Authority when preparing plans of the premises.

Fees and Charges

Premises Licence and Club Registration

Band	Non Domestic Rateable Value	New Premises Licence/ Variation Application	Annual Fee
A	No rateable value to £4,300	£100	£70
B	£4,301 - £33,000	£190	£180
C	£33,001 - £87,000	£315	£295
D	£87,001 - £125,000	£450	£320
D x 2	£87,000 - £125,000	£900	£640
E	£125,001 and over	£635	£350
E x 3	£125,001 and over	£1905	£1050

A multiplier is applied to premises in band D and E where they are exclusively or primarily in the business of selling alcohol (mainly large town and city centre pubs). Please contact this office to confirm.

Additional Fee for Large Events

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

Other Fees

Change of premises supervisor	£23.00
Transfer of premises licence	£23.00
Change of name or address	£10.50
Interim authority notice	£23.00
Provisional statement	£315.00

Personal Licence

Grant/Renewal	£37.00
Change of name or address	£10.50

Temporary Permitted Activities

Temporary Event Notice	£21.00
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General

Copies of licences on theft, loss etc.	£10.50
Notice of interest in any premises	£21.00

Application Fees Exemptions

Fees are not payable if the application is only for regulated entertainment in:

- Schools and colleges where the premises are used for the entertainment by the school or college on behalf of the school or college
- Church halls, chapel halls, or other similar building or village halls and the like for the provision of entertainment only.

A similar exemption is provided from the requirement to pay an annual fee in these circumstances provided conditions are met at the time the annual fee falls due to be paid

Submitting Your Application

If you would like to submit by **email** please send the application form, DPS Consent (only with new applications) and plans (only with new applications or if submitting a Variation to make a change to the original plans) to: Licensing@BATHNES.gov.uk
Please state a phone number in the email so that you can be contacted for the payment.
Please note – if submitting by email you do not need to send a copies to the Responsible Authorities as the Licensing team will do this for you.

If you would like to submit a **paper copy** of the application you must send the application form, plan and fee to the Licensing Team at the following address:

Licensing Services, Lewis House, Manvers Street, Bath, BA1 1JG.

At the same time, you must send copies of the application form and plan to the following Responsible Authorities. If they have concerns about what you propose to do they can make a representation. You may wish to contact them when drafting your application in order to try to resolve any issues that could arise.

Liquor Licensing

Avon & Somerset Constabulary
PO Box 3259
Bristol BS2 2EJ
0117 945 5172
liquorlicensing@avonandsomerset.pnn.police.uk

Environmental Protection Manager

Lewis House
Manvers Street
Bath BA1 1JG
01225 477563
Environmental_protection@bathnes.gov.uk

Safeguarding Administration Team

(Child Protection)
P.O. Box 3343
Bath BA1 2ZH
01225 396309
Safeguarding_administrationteam@bathnes.gov.uk

NHS – B&NES

St Martins Hospital
Clara Cross Lane
Bath BA2 5RP
01225 831839
Bruce_Laurence@bathnes.gov.uk &
shelley_Oake@bathnes.gov.uk

If the Premises is a boat, you must also send a copy to:

Canal and River Trust
Head Office
First Floor North,
Station House
500 Elder Gate
Milton Keynes MK9 1BB
customer.services@canalrivertrust.org.uk

Avon Fire & rescue Service

Bath Office,
Cleveland Bridge,
Bath BA2 6PU
0117 926 2061 Ext 477
BathCFSEnquiries@avonfire.gov.uk

Planning Services

Lewis House
Manvers Street
Bath BA1 1JG
01225 394100
Development_control@bathnes.gov.uk

Trading Standards

Lewis House
Manvers Street
Bath BA1 1JG
01225 477508
Trading_standards@bathnes.gov.uk

Home Office Immigration

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

If the Premises is a school, college, university or factory, you must also send a copy to:

Health and Safety Executive
The Pithay
4th Floor
Bristol BS1 2ND

If your application is incomplete, you will have to resubmit it to these agencies

Advertising Your Application

You must advertise your application on an A4 pale blue notice printed legibly in black ink displayed at the premises for 28 days (we will give you a form to fill in and display). You must put the notice up the day after you make your application to the Council. Council officers will check that you have displayed the notice and your application will not be accepted unless this is done.

The notice must be displayed prominently at or on the premises, where it can be conveniently read from the exterior of the premises. If the premises are more than fifty metres square in size, you must display a duplicate notice every fifty metres along the external perimeter of the premises, abutting any highway. Make sure the notice is clearly visible from the public highway and remember that wheelchair users will appreciate the notice not being too high.

You must also publish notice of your application in the local press within ten working days after the day after you make your application. The wording of the newspaper notice will be the same as wording on your blue notice. You must send a copy of the newspaper containing the advertisement to us as soon as it is published.

What Happens Next

The Responsible Authorities and local residents and businesses are entitled to make representations about your application, providing they are relevant to any of the four licensing objectives.

If representations are made, the Council's Licensing Sub Committee will determine your application. The Committee is comprised of elected Members of the Council.

You will be invited to attend the meeting to give evidence, answer questions, and call any witnesses. The Committee will listen to evidence from both sides before deciding whether to grant the application. They may grant it as requested, grant with conditions, or refuse your application.

Appeals

If you are dissatisfied with a decision made by the Council, you may appeal 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. This will normally be the Bath Magistrates' Court.

We have made this leaflet 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.



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