



THE LICENSING ACT 2003

APPLICATION FOR A PREMISES LICENCE

GUIDANCE NOTES

GENERAL

This guidance is intended to assist applicants when applying for a Premises Licence. Further information about the Licensing Act 2003 ('the Act') and other sources of help can be found on the Department for Culture, Media and Sport (DCMS) website www.culture.gov.uk and the Home Office website www.homeoffice.gov.uk. Alternatively you can contact the Licensing Authority for assistance with any queries you may have concerning completion of your application. You may also consider obtaining legal advice or advice from a relevant trade body. Separate guidance notes and application forms are available for Club Premises Certificates.

INTRODUCTION

The following are licensable activities under the Act and, in general, should you wish to provide any of these activities, you will be required to obtain a Premises Licence to do so:-

- The sale and supply of alcohol;
- The provision of regulated entertainment;
- The provision of hot food or hot drink between the hours of 11:00 p.m. and 5:00 a.m. for consumption on or off the premises.

The following types of entertainment are classed as regulated entertainment –

- The performance of a play; *
- An exhibition of a film;*
- An indoor sporting event; *
- A consent, exhibition or display which combines boxing or wrestling with one or more martial arts ("combined fighting sports");
- A boxing or wrestling entertainment;
- A performance of live music; *
- Any playing of recorded music;*
- A performance of dance;*
- Entertainment of a similar description to live music, recorded music or performance of dance.*

*** (see Exemptions for further information)**

EXEMPTIONS

Certain exemptions exist within the Act, regarding the provision of regulated entertainment and late night hot food or hot drinks, whereby a Premises Licence may not be required and details of these can be found under Schedules 1 & 2 of the Act. Further information can also be found on the DCMS website www.culture.gov.uk

Examples of activities, which are not regulated entertainment, are as follows:

- Films which are solely or mainly to demonstrate a product, advertise goods or services, or provide information, education or instruction;
- Films as part of an exhibition in a museum or gallery;
- Pre-recorded films which are incidental to some other activity;
- TV and radio broadcasts, providing they are shown “live” and not recorded;
- Religious meetings or services;
- Entertainment in places of public religious worship;
- Garden fetes (unless held for private gain);
- Entertainment provided in a moving vehicle;
- Morris dancing, including the playing of live or recorded music as an integral part of the performance;
- Greco – Roman and freestyle wrestling between 8:00 a.m. and 11:00 p.m. on the same day before audiences of no more than 1000 people;
- Incidental entertainment where the entertainment is ‘incidental’ to another activity which itself is not regulated entertainment, such as music during a keep fit class or a pub jukebox playing in the background;
- Private events (not open to the public) unless those attending are charged for the entertainment with a view to making a profit.
- Performances, (excluding films, boxing or wrestling) by a traveling circus between 8:00 a.m and 11:00 p.m. on the same day;
- An indoor sporting event between 8:00 a.m. and 11:00 p.m. on the same day, before audiences of no more than 1000 people.
- A performance of unamplified live music; between 8:00 a.m. and 11:00 p.m. on the same day;
- The provision of entertainment by or on behalf of local authorities, healthcare providers or schools on their own defined premises; between 8:00 a.m and 11:00 p.m. on the same day

For audiences not exceeding 500 between 8:00 a.m and 11:00 p.m. on the same day, as follows:

- The performance of a play;
- Performances of dance (excluding exhibitions of dance of an adult nature);
- Amplified live music -

- (i) At licensed premises, authorised to supply alcohol for consumption on the premises; or
 - (ii) At any workplace defined in regulation 2 (1) of the Workplace (Health, Safety and Welfare) Regulations 1992, not licensed under the Act, other than for the provision of late night refreshment. This could include anywhere that is made available to any person as a place of work and can include outdoor spaces.
- Recorded music at licensed premises, authorised to supply for consumption on the premises;
 - The provision of live music or recorded music in a church hall, village hall, community hall or other similar community premises that is not licensed by a premises licence to sell alcohol, provided that the organiser gets consent for the performance from a person who is responsible for the premises.
 - The provision of live music or recorded music at the non-residential premises of a local authority, school or hospital provided that the organiser gets consent for the performance from (i) the local authority concerned or (ii) the school proprietor or (iii) the healthcare provider for the hospital
 - 'Not for profit' film exhibitions held in community premises, provided that the organiser gets consent from a person who is responsible for the premises and ensures that each such screening abides by age classification ratings

The following are examples of exemptions, which apply for the provision of late night hot food or hot drink:

- The supply of a hot drink by means from a vending machine, providing it is operated by members of the public without the involvement of staff on the premises;
- Supplies by a registered charity;
- Supplies from vehicles, other than when they are permanently or temporarily parked;
- Staff canteens
- Private events

HYPNOTISM ACT 1952

The performance of hypnotism is not a licensable activity under the Licensing Act 2003, but is regulated under the Hypnotism Act 1952. An application for consent to conduct an exhibition, demonstration or performance of hypnotism must be made, in writing, to the Licensing Authority by the hypnotist or his/her agent, no less than 28 days in advance of the performance concerned.

There is no fee required for this application.

APPLICATION PROCEDURE

In order to apply for a Premises Licence you must provide:

- Completed application form;
- Operating schedule (see note below);
- Plan of the premises (see notes below);
- Identity and consent of the Designated Premises Supervisor – N.B. applicable only for the supply of alcohol;
- Application fee (see separate sheet).
- Notification to Responsible Authorities;
- Clear photocopies or scanned documents demonstrating that you have the right to live and work in the UK (individual applicants & partnerships only – see application for details). This does not apply to applicants who are not living in the UK or for applications for entertainment licences only.

WHAT IS AN OPERATING SCHEDULE?

An operating schedule is a document which clearly spells out to the Licensing Authority the type and nature of the business the applicant plans to operate under their Premises Licence, including the steps they will take to ensure the **four licensing objectives** specified in the Act, are promoted. These are -

- **The prevention of crime and disorder;**
- **Public safety;**
- **The prevention of public nuisance; and**
- **The protection of children from harm.**

All operating schedules, therefore, should be precise and clear about the measures that it is proposed to take to promote each of the licensing objectives. It should include the following:

- Style and character of the business;
- Relevant licensable activities and the times during which it is proposed that these activities are to take place;
- Other times the public will be admitted;
- Any limited period for which the licence is to exist;
- Designated Premises Supervisor details (where alcohol is to be sold);
- Whether alcohol is to be sold for consumption on or off the premises, or both; and
- How the four 'licensing objectives' will be promoted.

In considering this last point, there are a number of measures an applicant can consider, many of which may already be an integral part of their business operation. For further guidance on the implications of the operating schedule and examples of control measures, applicants should refer to the Council's Statement of Licensing Policy

or the Secretary of State's guidance issued to licensing authorities, which is available from the DCMS website www.culture.gov.uk. and the Home Office website www.homeoffice.gov.uk

Please note that if there are no objections to your application, the measures you include in your operating schedule to promote the four licensing objectives, will be included as conditions of your Premises Licence. It is, therefore, vital that you only include measures that you are able to control or comply with.

PLAN OF PREMISES

All applications must be accompanied by a plan of the premises. Plans will not be required to be submitted to any particular scale, but they must be in a format, which is clear and legible in all material respects, i.e. they must be accessible and provides sufficient detail for the licensing authority to be able to determine the application, including the relative size of any features relevant to the application. There is no requirement for plans to be professionally drawn as long as they clearly show all the prescribed information.

The plan must show: -

- (a) 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;
- (b) The location of points of access to and from the premises;
- (c) If different from paragraph (b) above, the location of escape routes from the premises;
- (d) 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;
- (e) 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;
- (f) 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;
- (g) In a case where the premises includes any steps, stairs, elevators or lifts, the location of the steps, stairs, elevators or lifts;
- (h) In a case where the premises includes any room or rooms containing public conveniences, the location of the room or rooms;
- (i) The location and type of any fire safety equipment and other safety equipment including, if applicable, marine safety equipment; and

- (j) The location of a kitchen, if any, on the premises.

To assist the Fire Authority and the other Responsible Authorities, the plan may include a legend through which the matters mentioned or referred to in the above list are sufficiently illustrated by the use of symbols on the plan and the areas proposed to be licensed, clearly marked in red.

DESIGNATED PREMISES SUPERVISOR

If you intend supplying alcohol as one of the licensable activities at your premises, you must appoint a Designated Premises Supervisor. You are only permitted to nominate one DPS per premises. The DPS does not have to be present all the time but should be an individual who has been given day- to- day responsibility for running the premises by the premises licence holder. There is nothing in the Act to prohibit the premises licence holder from also being the designated premises supervisor

The DPS must hold a valid **Personal Licence**. Separate guidance notes and application forms are available for this purpose.

HOW MUCH DOES THE LICENCE COST?

Licence fees have been set by the Government to recover the Licensing Authority's costs of administration and inspection and are based on the non-domestic rateable value of the premises varying from £0 to £125,000+. (For further information, see separate sheet).

Exemptions exist for certain premises such as church halls; community halls, schools and colleges and where the application relates to the premises of regulated entertainment only.

WHERE DO I SEND MY APPLICATION FORM?

You should send your application form with all relevant documentation as referred to above to:

The Licensing Section
Caerphilly County Borough Council
Public Protection
Penallta Park
Tredomen Park
Ystrad Mynach
Hengoed
CF82 7PG

(Cheques should be made payable to Caerphilly County Borough Council)

NOTIFICATION TO 'RESPONSIBLE AUTHORITIES'

Notification of your application, including copies of plans and identity and consent of the Designated Premises Supervisor (where applicable) must be served on these authorities **on the same day** as on the Licensing Authority itself.

The responsible authorities are: -

Licensing Authority	Fair Trading Officer (Licensing Enforcement) Caerphilly County Borough Council Public Protection Penallta House Tredomen park Ystrad Mynach Hengoed CF82 7PG
Police	The Chief Officer of Police, fao The Licensing Officer Heddlu Gwent Police C' Divisional Headquarters Blackwood Road Pontllanfraith Blackwood NP12 2XA
Fire	South Wales Fire & Rescue Service Headquarters Forest View Business Park Llantrisant CF72 8LX
Health & Safety	Senior Environmental Health Officer (Food & Health & Safety) Caerphilly County Borough Council Public Protection Ty Penallta Ystrad Mynach Hengoed CF82 7PG

Health & Safety
(for premises owned by
Caerphilly CBC)

Health & Safety Executive
Government Buildings
Phase 1
Ty Glas Road
Llanishen
Cardiff CF14 5SH

Planning

Chief Planning Officer
Planning Division
Caerphilly County Borough Council
Tredomen House
Tredomen Park
Ystrad Mynach
CF82 7WF

Environmental Health

Team Leader
Pollution Control
Caerphilly County Borough Council
Public Protection
Penallta House
Tredomen Park
Ystrad Mynach
Hengoed
CF82 7PG

Trading Standards

Senior Trading Standards Officer
(Consumer Protection Section)
Caerphilly County Borough
Council
Public Protection
Penallta House
Tredomen Park
Ystrad Mynach
Hengoed
CF82 7PG

Protection of Children from Harm

Child Protection Co-ordinator
(on behalf of the Local
Safeguarding Children Board)
Caerphilly County Borough
Council
Penallta House
Tredomen Park
Ystrad Mynach

Hengoed
CF82 7PG

Local Health Board

Dr G Richardson
Executive Director of Public
Health
Alcohol Licensing Lead
Aneurin Bevan Gwent Public
Health Team
Victoria House
136-140 Corporation Road
Newport
NP19 0BH

Home Office (Immigration
Enforcement)

Alcohol Licensing Team
Lunar House
40 Wellesley Road
Croydon
CR9 2BY

ADVERTISING YOUR APPLICATION

You are required to advertise your application in two ways – by way of a notice on the premises and a newspaper notice. Please see details below:

Notice on the Premises to be Licensed

The notice should be displayed prominently at or on the premises to which the application relates, where it can be conveniently read from the exterior of the premises, for a period of no less than 28 consecutive days, starting on the day following the day on which the application was given to the Licensing Authority.

The notice itself should be:

- Of a size equal to, or larger than A4;
- Of a pale blue colour;
- Printed legibly in black ink or typed in black in a font equal to or larger than size 16.

In the case of a premises covering an area of more than fifty metres square, a further notice in the same form and subject to the same requirements every fifty metres along the external perimeter of the premises abutting any highway.

Notice in a Newspaper

You must also advertise by publishing a notice:

- In a local newspaper or, if there is none, in a local newsletter, circular or similar document, circulating in the vicinity of the premises;
- On at least one occasion during the period of ten working days, starting on the day after the day on which the application was given to the Licensing Authority.

In both cases, the notice must state –

- The name of the applicant or club;
- The postal address of the premises or club premises, if any, or if there is no postal address for the premises, a description of those premises, sufficient to enable the location and extent of the premises or club premises to be identified;
- The postal address and, where applicable, the worldwide web address where the register of the Licensing Authority is kept and where and when the record of the application may be inspected;
- The date by which an interested party or responsible authority may make representations to the relevant Licensing Authority;
- That representations shall be made in writing; and
- That it is an offence knowingly or recklessly to make a false statement in connection with an application and the maximum fine for which a person is liable on summary conviction for the offence.

For example of a notice, please see separate sheet.

ADVERTISEMENT BY LICENSING AUTHORITY

In addition to the above requirements of the applicant, the licensing authority must advertise the application on its website for a period of no less than 28 consecutive days, starting on the day following the day on which the application was given to the licensing authority.

REPRESENTATIONS

Representations can be made with regard to the likely affect of the grant of a licence on the promotion of the licensing objectives from either a '**Responsible Authority**' or any **other person**. Any Other Persons includes any individual, body or business entitled to make representations, to the Licensing Authority regardless of their geographical proximity to the premises. Whilst any of these persons may act in their own right, they may also request that a representative makes the representation on their behalf.

Unless the Licensing Authority considers the representations frivolous or vexatious and therefore not relevant, they must be taken into consideration before an application is determined. Unless an agreement is reached between all parties, it will be necessary for a hearing to take place by the Licensing and Gambling Sub-Committee, to determine the application.

APPLICATION TO VARY A PREMISES LICENCE

The holder of a Premises Licence may apply, at any time, for variation of the licence. Examples of such variations include:

- Changing the opening hours or types of entertainment;
- Vary / remove existing terms / conditions or restrictions of existing licenses etc;
- Change of the Designated Premises Supervisor.

APPLICATION PROCEDURE

To vary a Premises Licence you must provide:-

- The completed application form;
- The licence fee (see separate sheet)
- The Premises Licence (or the appropriate part of the licence) or;
- A statement of the reasons for failing to provide the licence (or part).

The applicant **MUST** submit a copy of the complete application, together with its accompanying documents (if any) to the Responsible Authorities **on the same day** as the day on which the application is given to the Council.

IN ADDITION applicants **MUST** advertise the application for variation of a Premises Licence to the public in **two** ways (see paragraph “Advertising Your Application”). Similarly, the licensing authority will also advertise the application on its website.

To vary a licence to specify an individual as a **Designated Premises Supervisor (DPS)** you must provide:

- The completed application form;
- The Licence fee (see separate sheet);
- The Form of Consent given by the “proposed individual”; and
- The Premises Licence (or the appropriate part of the licence) or a statement of the reasons for failing to provide the licence (or part).

IN ADDITION the **holder** of the Premises Licence must give notice of his application to:

- The Police; and
- To the existing Designated Premises Supervisor on the same day as the day on which the application is given to the Council.

If the applicant has requested that the variation for the DPS is to have immediate effect, then the applicant **MUST**:

- If his application has been granted, notify the person (if any) who has been replaced as the DPS of the variation; and
- If the application has been rejected, give the DPS (if any) notice to that effect.

Failure to notify the DPS is an offence.

APPLICATION TO TRANSFER A PREMISES LICENCE

APPLICATION PROCEDURE

In order to apply for a transfer of a Premises Licence you must provide:

- Completed application form;
- The licence fee (see separate sheet);
- Form of consent given by the existing Premises Licence Holder or a statement of the reasons for failing to provide this;
- The Premises Licence (or the appropriate part of the licence) or a statement of the reasons for failing to provide the licence (or part).
- Clear photocopies or scanned documents demonstrating that you have the right to live and work in the UK (individual applicants & partnerships only – see application for details). This does not apply to applicants who are not living in the UK or for applications for entertainment licences only.

In addition, the applicant must give notice of the application to the Police and Home Office on the same day as the day on which the application is given to the Council.

If the applicant has requested that the transfer is to have immediate effect, then the applicant **MUST**:

- Forthwith, notify the designated premises supervisor of the application: and
- If the application is granted, forthwith notify the designated premises supervisor of the transfer.

Failure to notify the DPS is an offence.

ADVERTISING YOUR APPLICATION

There is no requirement to advertise.