

APPLYING FOR A PREMISES LICENCE

This guidance incorporates changes to legislation and Statutory Guidance up to April 2017.

INTRODUCTION

Under the Licensing Act 2003, a premises licence will be required for premises where any of the following are provided:

- The sale by retail of alcohol;
- The provision of regulated entertainment; and
- The provision of late night refreshment. (Supplying hot food or hot drink between 11pm and 5am)

Regulated entertainment is:

- Performance of a play
- Exhibition of a film
- Indoor sporting events
- Boxing or wrestling entertainment
- Performances of live music
- Playing of recorded music
- Performances of Dance

In terms of specific regulated entertainments please note that:

- Plays: no licence is required for performances between 08:00 and 23.00 on any day, provided that the audience does not exceed 500.
- Films: no licence is required for 'not-for-profit' film exhibition held in community premises between 08.00 and 23.00 on any day provided that the audience does not exceed 500 and the organiser (a) gets consent to the screening from a person who is responsible for the premises; and (b) ensures that each such screening abides by age classification ratings.
- Indoor sporting events: no licence is required for performances between 08.00 and 23.00 on any day, provided that the audience does not exceed 1000.
- Boxing or Wrestling Entertainment: no licence is required for a contest, exhibition or display of Greco-Roman wrestling, or freestyle wrestling between 08.00 and 23.00 on any day, provided that the audience does not exceed 1000. Combined fighting sports – defined as a contest, exhibition or display which combines boxing or wrestling

with one or more martial arts – are licensable as a boxing or wrestling entertainment rather than an indoor sporting event.

- Live music: no licence permission is required for:
 - a performance of unamplified live music between 08.00 and 23.00 on any day, on any premises.
 - a performance of amplified live music between 08.00 and 23.00 on any day on premises authorised to sell alcohol for consumption on those premises, provided that the audience does not exceed 500.
 - a performance of amplified live music between 08.00 and 23.00 on any day, in a workplace that is not licensed to sell alcohol on those premises, provided that the audience does not exceed 500.
 - a performance of amplified live music between 08.00 and 23.00 on any day, 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 (a) the audience does not exceed 500, and (b) the organiser gets consent for the performance from a person who is responsible for the premises.
 - a performance of amplified live music between 08.00 and 23.00 on any day, at the non-residential premises of (i) a local authority, or (ii) a school, or (iii) a hospital, provided that (a) the audience does not exceed 500, and (b) the organiser gets consent for the performance on the relevant premises from: (i) the local authority concerned, or (ii) the school or (iii) the health care provider for the hospital.

- Recorded Music: no licence permission is required for:
 - any playing of recorded music between 08.00 and 23.00 on any day on premises authorised to sell alcohol for consumption on those premises, provided that the audience does not exceed 500.
 - any playing of recorded music between 08.00 and 23.00 on any day, 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 (a) the audience does not exceed 500, and (b) the organiser gets consent for the performance from a person who is responsible for the premises.
 - any playing of recorded music between 08.00 and 23.00 on any day, at the non-residential premises of (i) a local authority, or (ii) a school, or (iii) a hospital, provided that (a) the audience does not exceed 500, and (b) the organiser gets consent for the performance on the relevant premises from: (i) the local authority concerned, or (ii) the school proprietor or (iii) the health care provider for the hospital.

- Dance: no licence is required for performances between 08.00 and 23.00 on any day, provided that the audience does not exceed 500. However, a performance which amounts to adult entertainment remains licensable.

- Cross activity exemptions: no licence is required between 08.00 and 23.00 on any day, with no limit on audience size for:
 - any entertainment taking place on the premises of the local authority where the entertainment is provided by or on behalf of the local authority;
 - any entertainment taking place on the hospital premises of the health care provider where the entertainment is provided by or on behalf of the health care provider;
 - any entertainment taking place on the premises of the school where the entertainment is provided by or on behalf of the school proprietor; and
 - any entertainment (excluding films and a boxing or wrestling entertainment) taking place at a travelling circus, provided that (a) it takes place within a moveable structure that accommodates the audience, and (b) that the travelling circus has not been located on the same site for more than 28 consecutive days.

There are some other exemptions when a licence for regulated entertainment is not needed, they are:

- Activities which involve participation as acts of worship in a religious context.
- Activities in places of public religious worship.
- Education – teaching students to perform music or to dance.
- The demonstration of a product – for example, a guitar – in a music shop.
- The rehearsal of a play or performance of music for a private audience where no charge is made with a view to making a profit.
- Morris dancing (or similar).
- Incidental music – the performance of live music or the playing of recorded music if it is incidental to some other activity.
- Incidental film – an exhibition of moving pictures if it is incidental to some other activity.
- A spontaneous performance of music, singing or dancing.
- Garden fetes – or similar if not being promoted or held for purposes of private gain.
- Films for advertisement, information, education or in museums or art galleries.
- Television or radio broadcasts – as long as the programme is live and simultaneous.
- Vehicles in motion – at a time when the vehicle is not permanently or temporarily parked.
- Games played in pubs, youth clubs etc. (e.g. pool, darts and table tennis).
- Stand-up comedy.
- Provision of entertainment facilities (e.g. dance floors).

What does “incidental” mean?

This is sometimes a difficult area and if you are unsure you should contact us for advice. Examples of “incidental” entertainment are:

- A supermarket playing background music (people go there to shop – the music is not an influencing factor);
- Music during keep fit classes (people are there to exercise);
- Salsa dance classes (people are there to learn to dance);
- A pub jukebox playing in the background (people are there to drink, the music is not an influencing factor).

Designated Premises Supervisor

Where the sale of alcohol is an authorised activity under the licence, a Designated Premises Supervisor must be nominated. This person has overall responsibility for ensuring that the premises operate correctly. This person must be a Personal Licence holder (see 'Applying for a Personal Licence').

Premises licences, once granted, will last for the life of the business provided there are no changes and therefore will not need to be renewed, although an annual fee will be payable.

THE APPLICATION

Applicants will need to complete an 'Application for a premises licence to be granted under the Licensing Act 2003' and include the following:

- Provide documentary evidence of a right to work in the UK.
- A plan of the premises – (see below).
- An 'operating schedule', including details of the licensable activities, operating times, the Designated Premises Supervisor if alcohol is supplied and the steps the licensee will take to promote the four licensing objectives (see the 'General Guidance for Applicants')
- The fee (see below).
- A consent form from the designated Premises Supervisor if applicable.
- A copy of the application must be sent to the Responsible Authorities (see below).
- The application must be advertised (see below).

Application forms are available on our website www.n-kesteven.gov.uk or by contacting the licensing team at the address below.

RIGHT TO WORK

From the 6 April 2017, licensing authorities are required to check the eligibility to work for all those applying for personal licences and premises licensed for the sale of alcohol and late night refreshment. Licences cannot be issued to an individual who does not have permission to be in the UK, or is not entitled to undertake work relating to the carrying on of a licensable activity.

Licences issued to those with limited permission to be in the UK will lapse when their permission to be in the UK and work in a licensable activity comes to an end.

Premises licence application forms have been updated to allow the applicant to provide their date of birth, nationality and evidence of eligibility to work. A list of acceptable documents to demonstrate eligibility to work has been included within the forms. The applicant must submit copies of their acceptable documents within the application.

We will check that the documents provided demonstrate that the applicant is eligible to work in the licensable activity. This may include making checks with the Home Office Immigration team.

THE PLAN

Applications must contain a plan of the premises which does not have to be to scale but the information contained therein must be clear and legible in all material respects and should include the following details:

- 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 to and egress from the premises;
- if different from the sub-paragraph above the location of escape routes from the premises;
- 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;
- 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;
- in the case where the premises includes any room or rooms containing public conveniences, the location of the room or rooms;
- the location and type of any fire safety and any other safety equipment;
- the location of a kitchen, if any, on the premises.

The plan should include a key through which the matters mentioned or referred to are sufficiently illustrated by the use of symbols on the plan.

FEES

Fees for all 2003 Act permissions and applications are set by Central Government. All cheques should be made payable to "North Kesteven District Council". The authority does not accept cash payments.

Premises licences, club premises certificates, variations to conditions, conversions and annual maintenance fees are based on the non-domestic rateable value (NDRV) of the premises. These are sub-divided into 5 bands. To calculate the fee you will have to pay you will need to know the NDRV of your premises. The annual fee is payable 1 year after the grant of the licence or certificate. A failure to pay the annual fee will result in the suspension of the premises licence until the debt is settled.

Band	A	B	C	D	E
Non-domestic rateable value	£0- £4,300	£4,300- £33,000	£33,001- £87,000	£87,001- £125,000	£125,001 and over
Fees payable for: Premises Licence/Club Certificate and variations to conditions (but not changes of name and address or changes of designated premises supervisor)	£100	£190	£315	£450	£635
Multiplier*				£900*	£1905*
Annual fee	£70	£180	£295	£320	£350
Multiplier*				£640*	£1050*

**The Government has introduced multipliers to bands D and E for premises whose exclusive or primary business is selling alcohol for consumption on the premises.*

To find out how much your non-domestic rateable value of your premises is please enter your postcode into the Valuation Office's website, www.voa.gov.uk.

Exemptions:

No fee or annual charge is payable by church halls, chapel halls, village halls, parish and community halls or other premises of a similar nature for a premises licence authorising **only** the provision of regulated entertainment.

No fee or annual charge is payable by a school or college for a premises licence authorising **only** the provision of regulated entertainment carried on for the purposes of the school or college.

For premises under construction, which have not been allocated a non-domestic rateable value but will be given such a value as soon as a completion certificate is given, the band will be band C. Subsequent annual fees will relate to the actual non-domestic rateable value given to the property.

RESPONSIBLE AUTHORITIES

Responsible Authorities are public bodies that under the terms of the 2003 Act must be fully notified of applications and are entitled to make representations to the licensing authority in relation to the application for the grant or variation of a premises licence.

Persons applying for a new Premises Licences will need to submit a copy of their application, including a plan, to the 'Responsible Authorities'. This must be done **on the same day** as applying to the Licensing Authority (above). Further details are set out at the end of this Guidance.

ADVERTISING THE APPLICATION

Applications must be displayed in a prominent position at or on the premises concerned. There are regulations concerning the format of the actual form the notice must take.

This notice must be displayed for not less than 28 consecutive days starting on the day after the day the application was made. The applicant must also advertise the application in a local newspaper circulating in the district such as the Lincolnshire Echo or Sleaford Standard. The newspaper notice must be circulated on at least one occasion not more than 10 working days after the giving of the application to the Licensing Authority, both the newspaper notice and the notice for the application will contain the following information:

- The relevant licensable activities proposed to be carried on at the premises;
- The name of the applicant;
- The postal address of the premises, or if not applicable a description of the premises concerned;
- Details of where the register of the Licensing Authority is held and where it can be inspected;
- The dates between which an interested party or a responsible authority may make representations to the Licensing Authority;
- A statement that all representations must be made in writing; and
- 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.
- The notice displayed on the premises must be A4 or larger, pale blue in colour, legibly printed in font size 16 or larger.
- There are further regulations in respect of displaying the notice.

A copy of this advertisement must be given to the Licensing Authority along with the details of where and when it is to be published, or a copy of the actual advertisement from the publication must be submitted to the Licensing authority immediately after the publication. We will also advertise the application on our web site

An example notice is attached at the end of this guidance.

REPRESENTATIONS

If a representation from any person or a Responsible Authority has been received, the Licensing Authority will decide whether the representation is relevant. If found to be relevant the licensing team will consider arranging a mediation meeting between the relevant parties for them to try and find a reasonable compromise. If this informal process is unsuccessful a hearing before the Licensing Sub-Committee will be scheduled. All relevant parties will be notified. The Licensing Sub-Committee will make a decision and the details of that decision will be circulated to the parties concerned. For more details concerning hearings before the Licensing Sub-Committee please contact the Licensing team at the address below.

CONTACT US

IF YOU HAVE UNANSWERED QUESTIONS ABOUT THE LICENSING ACT THEN PLEASE CONTACT US BY:

Visiting the Council's website www.n-kesteven.gov.uk or telephone the Licensing Team on 01529 414155 or e-mail licensingteam@n-kesteven.gov.uk. Alternatively you can also make an appointment with an officer of the Licensing team.

The Licensing Team
Environment and Public Protection
North Kesteven District Council
District Council Offices
Kesteven Street
Sleaford
Lincolnshire
NG34 7EF

Appendix A – Responsible Authorities

Responsible Authorities are public bodies that, under the terms of the 2003 Act, must be fully notified of applications and are entitled to make representations to the licensing authority in relation to the application for the grant, variation or review of a premises licence or club premises certificate or for the issue of a provisional statement.

All applications for Licences under the Licensing Act 2003 will need to be addressed to the Licensing Authority (North Kesteven District Council) at the address given above.

Applicants for new, and variations to, Premises Licences and Club Premises Certificates will need to submit a copy of their application, including the plan, to the 'Responsible Authorities'. This must be done **on the same day** as applying to the Licensing Authority (above). The Responsible Authorities for the North Kesteven District Council area are:

- 1. Lincolnshire Police**
- 2. Lincolnshire Fire & Rescue**
- 3. North Kesteven District Council**
 - Food/Health & Safety Team
 - Environmental Protection Team
 - Planning Services
- 4. Lincolnshire Child Protection Services**

5. Lincolnshire Trading Standards

6. Lincolnshire Public Health

7. Home Office (Immigration) – certain types of application.

Their full contact details may be found in our separate guidance document 'NKDC Responsible Authorities'.

LICENSING ACT 2003

(NAME AND ADDRESS OF PREMISES)

I/We (name of applicant(s)) hereby give notice of an application to North Kesteven District Council for a Premises Licence/Club Premises certificate in respect of the above premises. The proposed licensable activities are as follows:-

(A brief description of the licensable activities) e.g

1. To enable the sale of alcohol from – to -,
2. To enable the sale of late night refreshment from – to -,
3. To enable regulated entertainment from – to -,

Full details of the application can be viewed at the offices of North Kesteven District Council, Kesteven Street, Sleaford from 9.00am to 4.30pm Monday to Thursday and 9.00am to 4.00pm Friday, up to 28 days from the date of this application.

All representations made by Interested Parties or Responsible Authorities to the Licensing Authority must be in writing.

It is an offence for anyone knowingly or recklessly to make a false statement in connection with a licence application. Those who make a false statement may be liable on summary conviction to a fine of any amount.

Dated this (day) day of (month) 20**

PLEASE NOTE THAT THE INFORMATION CONTAINED IN THIS GUIDANCE DOCUMENT IS THE LICENSING AUTHORITY'S UNDERSTANDING OF THE CURRENT LEGISLATION. APPLICANTS ARE STRONGLY ADVISED TO SEEK ADVICE FROM A QUALIFIED PROFESSIONAL
