

Licensing Act 2003: Section 17

Guidance notes on completing the application form for the grant of a Premises Licence

These notes provide guidance on completing the application form for the grant of a premises licence under the Licensing Act 2003 only. The Licensing Authority can assist with the detailed completion of the application form and should you wish to pursue this please contact the licensing team (licensing@sevenoaks.gov.uk). Licensing Officers can offer assistance with any general enquiries on procedure or advice so please contact the Licensing Officer for your authority who will be able to assist you further with your query. You may also wish to consider other sources of advice such as a relevant trade body, or by engaging professional assistance, such as legal advice. A separate form is available for clubs applying for a club premises certificate.

You are advised to consult the Licensing Authority's Statement of Licensing Policy before completing the form. The document provides guidance on a number of matters relevant to the application process.

Relationship between Licensing and Planning legislation

It is your responsibility to check with the Authority's Council Planning Department as to whether planning permission is in place for the type or hours of trading which you propose to engage in. Because the Licensing and Planning regimes are totally separate, the grant of a Premises Licence will **not** give you any authorisation under the Planning legislation. If you are unaware or not sure as to the terms of the planning permission currently in place for the premises you are strongly recommended to obtain this information from the Council's Planning Department **before submitting your application for a premises licence**.

Online Applications

You may wish to consider using the [Licensing Online Application facility](#).

If you do your application online you will not need to send copies of the application to all the Responsible Authorities as the Council will attend to this. You must attach a plan of the premises, consent of the proposed Designated Premises Supervisor (if applicable) and pay the relevant licence fee at the time of submitting your application electronically.

However, please note that if you send the Council any application documents in writing, such as the plan which is part of the application, you must also send copies to all the Responsible Authorities. The application will not be considered valid unless and until all the necessary documents have been submitted.

The application process

Whether you apply online or in writing the process is very similar, you will need to ensure the following is carried out –

- Complete the application form
- Attach the Designated Premises Supervisor consent form (if applicable).
- Attach the plan (scale of 1:100 where possible)
- Deposit the application with the Licensing Authority and pay the application fee
- Send the application form to the Responsible Authorities (not applicable to online applications)
- Advertise the application on the premises and in the local press

Determination of your application

The Licensing Authority must determine a valid application within 2 calendar months from the day after the application is received. If any valid representations are received from a Responsible Authority or any other person, then you will be advised as soon as possible. If the representations cannot be resolved then the application will be presented to a Licensing Sub-committee hearing. You will be invited to attend that hearing to present your case along with any party that made a representation. The Sub-committee will usually determine your application on the day of the hearing.

COMPLETING THE FORM

Opening statement

Insert the name of the applicant/s who is applying for the premises licence e.g. 'John Smith' or 'Local Pub Company' etc.

PART 1: Premises Details

Provide the name of the premises, postal address and phone number (if available) or the location of the premises or give the Ordnance Survey map reference.

The section also asks for the non-domestic rateable value (NDRV) of the premises. This is not the same as the actual business rates which you pay but is a value determined by the Valuation Office, which helps determine business rates. The NDRV, rather than your business rates bill, will determine the fee level to be paid with the licence application and the annual fee thereafter so it is important that this information is correct. The NDRV of any premises can be checked on the [Valuation Office Agency \(VOA\) website](#). Premises that do not have a non domestic rateable value are treated as falling into Band A for licensing fee purposes.

Application fee

As stated above the application fee is based on the non-domestic rateable value (NDRV). It is this figure that must be used. The table below gives those rates and the corresponding application fee. The multiplier only applies to premises used exclusively or primarily for the sale of alcohol.

| Rateable value band | Application fee | Multiplier |
|-------------------------------|-----------------|------------|
| No rateable value to £4,300 A | £100 | 0 |
| £4,301 to £33,000 B | £190 | 0 |
| £33,001 to £87,000 C | £315 | 0 |
| £87,001 to £125,000 D | £450 | £900 |
| £125,001 and above E | £635 | £1,905 |

Where the premises capacity **exceeds 5,000** a fee, which is in addition to the above relevant fee, is payable for such large events.

| Numbers in attendance at any one time | Additional fee |
|---------------------------------------|----------------|
| 5,000 – 9,999 | £1,000 |
| 10,000 – 14,999 | £2,000 |
| 15,000 – 19,999 | £4,000 |
| 20,000 – 29,999 | £8,000 |
| 30,000 – 39,999 | £16,000 |
| 40,000 – 49,999 | £24,000 |
| 50,000 – 59,999 | £32,000 |
| 60,000 – 69,999 | £40,000 |
| 70,000 – 79,999 | £48,000 |
| 80,000 – 89,999 | £56,000 |
| 90,000 and over | £64,000 |

If paying by cheque please make them payable to Sevenoaks District Council.

PART 2 – Applicant details

This section asks you to state the capacity in which you are applying, for example as – a) individual, b) a limited company, c) a recognised club, d) a charity, etc. You can only apply in **one** of these capacities, so you should only tick one box.

You should then give full details in either section - **(A) INDIVIDUAL APPLICANTS** or section **(B) OTHER APPLICANTS**, but not both.

Part 3 – Operating Schedule

Premises licence start time. You should state the date you would like the licence to start. A premises licence will last indefinitely, unless it is time limited, surrendered or revoked.

Limited period licence – as an alternative to a licence that lasts indefinitely you can opt for one that only operates for specified period only, i.e. for an event that only occurs at a

particular time of year/s. It is important to be aware that you make clear if the event is for a single year or consecutive years.

5,000 or more occupancy – it is necessary to state the number of people attending the premises at any one time in order that the additional fee for large events can be determined (see below under Application Fees). It is not necessary to complete this box if you think that less than 5,000 people will attend the premises at any one time. The figure relates to the maximum number of people on the licensed premises, including employees and artistes, at any one time – not the total number over a period of time.

General description of the premises

You are asked to describe the premises. For example the type of premises it is, its general situation and layout and any other information that would be relevant to the licensing objectives. You should also describe any areas that you intend to provide for people to consume alcohol that you sell or supply such as outside areas e.g. beer gardens. If you do not include the garden as part of the licensed premises, drinks that are bought to be consumed there will count as off supplies and any conditions that relate to off sales would apply. If the beer garden is being provided for consumption of off-supplies, you must include a description of where the place is and its proximity to the premises. This should also be included within the plan.

Licensable activities

You should indicate which licensable activities you wish to carry out by ticking the appropriate boxes. In considering what to put in this section, you should think about all the activities you may want to conduct at the premises.

You should complete the relevant boxes that relate to the licensable activities you are making application for – put a line through those that are not being applied for. Only complete the boxes that relate to the activities you have ticked. You should give timings using the 24-hour clock (i.e. 08:00 – 23:30 etc.) and only give details for days of the week when you intend the premises to be used for the licensable activities in question.

With the exception of indoor sporting events you are asked to indicate whether the activity is taking place indoors, outdoors or both. Indoors may include a tent.

In the space marked 'Please give further details here', please state type of activity to be authorised, if not already stated, and give relevant further details, for example (but not exclusively) whether or not music will be amplified or unamplified.

The space marked 'state any seasonal variations', gives you the opportunity to include for example, any, longer hours or additional days during the summer or at Christmas etc.

The space marked 'non standard timings', gives you the opportunity to record occasions when the timings will change. For example, you may wish the activity to go on longer on Christmas Eve or weekends preceding Bank Holidays/New Year's Eve or for international sporting events etc.

Important note on live music

An amendment to the Licensing Act was brought in on the 1st October 2012 in relation to live music. The following outlines those instances when the performance of live music will not be a licensable activity and therefore will not need to be applied for as part of your application:-

1. the performance of **unamplified** live music occurring on any premises between **08:00 hours and 23:00 hours**
2. the performance of **amplified** live music occurring between **08:00 hours and 23:00 hours on premises licensed to sell alcohol for consumption on the premises** provided that –
 - a. the audience does not exceed **500 (*)** and,
 - b. at the time of the live music, the premises are open for the purposes of being used for the supply of alcohol for consumption on the premises
3. the performance of **amplified** live music occurring between **08:00 hours and 23:00 hours** in workplaces not licensed under the 2003 Act (or licensed only for the provision of late night refreshment) provided the audience does not exceed **500**
4. the playing of live or recorded music that forms an integral part of a performance of Morris Dancing or any dancing of a similar nature

(*) an audience not exceeding 500, is taken to mean any area/room which may accommodate no more than 500 persons who will be the audience for the activity, as opposed to the overall capacity of a premises which may be greater than that.

Outside of the above exemptions the performance of live music is **still a licensable activity** (i.e. if you wish to have live music after 23:00 hours or before 08:00 hours or if the number of the audience will exceed 500 etc.). If you wish to permit live music in such cases you should include the activity/days/times as part of your application.

Designated Premises Supervisor

If you intend to sell alcohol, you should give details of the person who you wish to be the designated premises supervisor (DPS) under the new licence. The DPS will need to hold a valid personal licence. The DPS will need to complete a consent form acknowledging that they agree to this nomination. This form is available on line.

Concern in respect of children

This asks you to give information about anything to occur at the premises or ancillary to the use of the premises which may give rise to concern in respect of children, for example (but not exclusively) nudity or semi-nudity, films for restricted age groups or gambling. You do not need to give details here of AWP machines. You do not complete this section if it does not apply to your premises, but rather than leave blank, it is requested that you write 'none' or 'N/A' to be clear that you have considered this, rather than simply forgotten to complete the box.

Hours premises are open to the public

While this may include times where no licensable activities take place, it is important for responsible authorities, interested parties and the licensing authority to know how long your premises is open in addition to the times where licensable activities will take place. For example, it might be necessary and proportionate to ensure that licensable activities finish in good time before the premises closes to the public to allow orderly departure. You should indicate whether any of the 'seasonal variations' to and 'non standard timings' for licensable activities, would affect the hours the premises are open to the public, in the spaces provided. You may also wish to consider whether there will be any seasonal variations or non-standard timings when the premises will be open to the public at different times for non-licensable activities - for example, opening early to provide breakfasts during the Summer holidays.

Steps to promote the licensing objectives

You are asked to describe the general steps you intend to take to promote the four licensing objectives a) and the four licensing objectives themselves b) – e):

- the prevention of crime and disorder
- public safety
- the prevention of public nuisance
- the protection of children from harm

If you do intend to take additional measures, you should consider carefully what to include. Anything you put down here is likely to become a condition of your licence. Failure to meet those conditions would constitute an offence under the Act. You should therefore think carefully about adding conditions to ensure that they are achievable, realistic, necessary, appropriate, and proportionate and within your control. Base your response on a proper, common sense consideration of the risks and what you can realistically do to mitigate them.

Checklist and declaration

By ticking this list, you are making a declaration that you have carried out the listed actions. If you tick the boxes and do not carry out these actions, you may be making a false statement in relation to the application, which is an offence, which on conviction may make you liable to a fine of any amount.

Signatures

The application form must be signed. An applicant's agent (for example a solicitor) may sign the form on their behalf provided that they have actual authority to do so. Where there is more than one applicant, both applicants or their respective agents, must sign the application form. You must also provide relevant contact details in the final box on the form.

Your application must be accompanied by a plan of the premises.

Standard scale plans (1 millimetre represents 100 millimetres)

1. An application for a premises licence under section 17, or a club premises certificate under section 71, shall be accompanied by a plan of the premises to which the application relates and which shall comply with the following paragraphs of this regulation.
2. Unless the relevant licensing authority has previously agreed in writing with the applicant following a request by the applicant that an alternative scale plan is acceptable to it, in which case the plan shall be drawn in that alternative scale, the plan shall be drawn in standard scale.
3. The plan shall 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 egress from the premises;
 - (c) if different from sub-paragraph (3)(b), 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 the 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 and any other safety equipment including, if applicable, marine safety equipment; and
 - (j) the location of a kitchen, if any, on the premises.
4. The plan may include a legend through which the matters mentioned or referred to in paragraph (3) are sufficiently illustrated by the use of symbols on the plan.

Responsible authorities

On the same day as the application is given to the licensing authority (not applicable to on line applications), you are required to give a copy of the application, to the “responsible authorities” – please refer to the [responsible authorities](#) page on the website. **If you do not do this the application process will be delayed until such time as the Responsible Authorities have had 28 days to consider the application.**

Responsible authorities are the public bodies that are entitled to make representations to the licensing authority in relation to an application. Any representations must be about the likely effect of granting the application on the promotion of the licensing objectives. With regard to a vessel, this list also includes the relevant navigation authority, the Environment Agency, British Waterways Board or the Secretary of State.

Advertising your application

You will need to advertise the application as follows (A specimen form of notice is attached below).

Please note that any failure to observe the notice requirements is likely to result in your application being delayed or even rejected.

Displaying the notice on the premises

You must, for a period of no less than 28 consecutive days starting on the day after the day on which the application was given to the Licensing Authority, display a notice which is of a size equal or larger than A4, of a pale blue colour, printed legibly in black ink or typed in black in a font of a size equal to or larger than 16 in all cases, prominently at or on the premises to which the application relates where it can be conveniently read from the exterior of the premises. 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 must be placed every fifty metres along the external perimeter of the premises abutting any highway.

In the local press

You must publish 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.

PUBLIC NOTICE

LICENSING ACT 2003

An application has been made by: _(see note 1)_
_____ for the premises _(See note 2)_

On the date of: *(date received)*

Summary of the proposed licensable activities and the proposed hours of opening:

(See note 3)

Any person wishing to view details of an application may contact the Licensing Partnership on 01732 227004

Any person wishing to make representation about the application should make them in writing on or before the : *(See note 4)*

Licensing Partnership, PO BOX 182, Sevenoaks, Kent TN13 1GP

licensing@sevenoaks.gov.uk

<http://pa.sevenoaks.gov.uk/online-licensing>

It is an offence knowingly or recklessly to make a false statement in connection with an application. The maximum fine for which a person is liable on summary of conviction for the offence is unlimited

Notes on completing the form.

1. Insert the full name of the individual/company/partnership etc. that is making the application as detailed on the application itself.
2. Insert the full name of premises and the full address for which the application is being made.
3. List all the proposed licensable activities as detailed on the application and the hours of those activities, including any seasonal variations and non standard timings if applied for, as these form part of the proposed hours.

List the all the opening hours, including any seasonal variations and non standard timings if applied for, as these form part of the proposed hours.

4. Insert the relevant date.