

GUIDANCE NOTES – PREMISES LICENCES

This guidance note has been compiled for your assistance but it is not intended to replace your own legal advice. This note outlines the processes for applicants wishing to apply for a premises licence (including a variation application).

What is a Premises Licence?

A Premises Licence authorises premises to carry out **licensable activities** which are;

- The sale or supply of alcohol
- Provision of regulated entertainment
- Provision of late night refreshment (the sale or supply of hot food / drink at any time between 11pm and 5am)

What is regulated entertainment?

Regulated entertainment is entertainment provided in the presence of an audience, for the purpose of entertaining that audience. For example:

- The performance of a play or the exhibition of a film
- An indoor sporting event, boxing or wrestling
- A performance of live music, playing recorded music or any performance of dance
- Entertainment of a similar description

Deregulation and Exemptions

Certain types of Licensable Activity and Premises have been deregulated, and there are some other exemptions. These are detailed below:

Plays

- No licence is required for performances between 08.00 and 23.00 on any day, provided that the audience does not exceed 500.

Dance

- No licence is required for performances of dance between 08.00 and 23.00 on any day, provided that the audience does not exceed 500.
- Morris dancing. You don't need a licence for a performance of Morris dancing or dancing of a similar nature or for live or recorded music that is an integral part of that performance.

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.
- Films for the purposes of advertisement, information, education are Exempt. A film isn't regarded as regulated entertainment if it is solely or mainly demonstrating a product, advertising goods or services or providing information, education or instruction.
- Film exhibitions in museums and art galleries are Exempt. A film isn't regarded as regulated entertainment if it forms part of an exhibit put on show for any purposes of a museum or art gallery.

Indoor sporting events

- No licence is required for an event between 08.00 and 23.00 on any day, provided that those present do 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.
- All other Boxing and Wrestling Entertainment including Martial Arts require a licence

Live Music

- No licence is required for a performance of unamplified live music between 08.00 and 23.00 on any day, on any premises.
- No licence is required for 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.
- No licence is required for a performance of amplified live music between 08.00 and 23.00 on any day, in a workplace that does not have a licence, provided that the audience does not exceed 500.
- Outside of the above exemptions the performance of live music requires a licence (i.e. if you wish to have live music after 11pm or before 8am or if the number of the audience will exceed 500 etc.)

Recorded Music

- No licence is required for a performance 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.

Deregulation relating to Certain Types of Premises

- Local authority premises- No licence is needed for any entertainment taking place on the premises of the local authority as long as the entertainment is being provided by or on behalf of the local authority.
- Hospital premises- No licence is needed for any entertainment taking place on the hospital premises as long as the entertainment is being provided by or on behalf of the health care provider.
- School premises- No licence is needed for any entertainment taking place on the school premises as long as the entertainment is being provided by or on behalf of the school proprietor.
- A travelling circus- No licence is needed for any entertainment (other than films, boxing or wrestling) taking place at a travelling circus as long as it takes place within a moveable structure that accommodates the audience and as long as the travelling circus has not been located on the same site for more than 28 consecutive days.
- Community premises- No licence is needed for a film exhibition as long as it is "not-for-profit" and the audience does not exceed 500. The organiser must get consent to the screening from a person responsible for the premises and must ensure that such screening abides by age classification ratings.

- A church hall, village hall, community hall or other similar community premises that is not licensed to sell alcohol- No licence is needed for a performance of live music or to play recorded music between 8am and 11pm before an audience of no more than 500 people as long as the organiser gets consent for the performance from a person responsible for the premises.

Other Exemptions

- Music incidental to certain other activities is Exempt. A performance of live music or the playing of recorded music is not regarded as regulated entertainment if it is incidental to some other activity that is not classed as regulated entertainment.
- Use of television or radio receivers. You don't need a licence for a live television or radio broadcast.
- Religious services and places of worship. You don't need a licence to provide any entertainment that is for the purposes of a religious meeting or service or at a place of public religious worship.

Who needs a Premises Licence?

All of the following types of businesses that carry any licensable activities need a Premises Licence to operate after 24th November 2005 (this list is not exhaustive, if in doubt contact the Licensing Service):

- Pubs, café-bars and nightclubs
- Distributors of alcohol via the internet
- Restaurants, hotels and guesthouses that serve alcohol
- Shops and supermarkets that sell alcohol for consumption off the premises including wholesalers who sell to the public
- Late night cafes, takeaways and other premises that supply hot food or hot drink at any time between 11pm and 2am to members of the public for consumption on or off the premises.
- Cinemas, theatres, concert halls and venues providing live entertainment, live music or dancing, or which play recorded music
- Major art and pop festivals, carnivals, fairs and circuses.

Where the sale or supply of alcohol is one of the activities you propose to carry out at your premises, you will also need to employ at least one Personal Licence holder. All sales/supplies of alcohol must be made or authorised by a Personal Licence holder and a Personal Licence holder must be named on the Premises Licence as the Designated Premises Supervisor.

Please note, The Policing and Crime Act 2016 gives a new definition of alcohol: "*spirits, wine, beer, cider or any other fermented, distilled or spirituous liquor in any state*". This change makes it clear that powdered alcohol and vaporised alcohol are to be regulated in the same way as liquid alcohol.

What is a Designated Premises Supervisor?

A premise requires a named Designated Premises Supervisor (DPS) at all premises that sell/supply alcohol. The DPS must have a Personal Licence and whilst they are not required to be present on the premises at all times they will be responsible for the day to day running of the premises.

The DPS named in the application form must be entitled to work in the UK (and must not be subject to conditions preventing him or her from doing work relating to a licensable activity). If you are the holder of a premises licence and are appointing a DPS to work at your premise, you must declare that you have seen a copy of his or her proof of entitlement to work, if appropriate.

Who can apply for a Premises Licence?

Individuals, businesses or partnerships can apply. In the case of an individual, the applicant must be aged 18 or over.

Entitlement to live and work in the UK

Any applicant applying for a premise licence must be able to evidence their right to work in the UK, including those in a partnership which is not a limited liability partnership. A licence cannot be issued to someone if they do not have the entitlement to live and work in the UK, or if they are subject to a condition preventing them from doing work relating to the carrying on of a licensable activity. Any licence granted will become invalid if the holder ceases to be entitled to live and work in the UK.

What do I need to do to apply for a Premises Licence?

- Complete an application form
- Submit a plan of the premises (see the section on plans below)
- Pay the appropriate fee (see the section on fees below)
- Send a copy of your application to each Responsible Authority (see the section on Responsible Authorities below)
- Advertise the application (see the section on advertising below)

Also, if you wish to sell or supply alcohol you need to submit;

- A consent form (attached) from the person whom the applicant wishes to be the Designated Premises Supervisor

The DPS named in the application form must be entitled to work in the UK (and must not be subject to conditions preventing him or her from doing work relating to a licensable activity) and you must declare that you have seen a copy of his or her proof of entitlement to work, if appropriate.

What information do I need to include on the application form?

The application form has been designed by the Government and is quite detailed. You need to tell us as much as possible, telling us about you, your premises and the activities you plan to carry out, and the measures you intend to put in place to promote the licensing objectives. Please note that if your application is found to be incomplete it will be returned to you so it's in everyone's interest to get it right first time.

What are the licensing objectives?

- Prevention of Crime and Disorder
- Public Safety
- Prevention of Public Nuisance
- Protection of Children from Harm

The licensing objectives (which are of equal importance) have been laid down by the Government and are very important. When you apply for your licence you must show how you will address each objective, and each Responsible Authority will assess your application looking at how you will promote the objectives. Any representation received by the Licensing Authority must relate to one or more of these objectives.

Who/what are Responsible Authorities?

Responsible Authorities receive and review all applications and they will look carefully at what measures you intend to put in place to promote the licensing objectives, making **representations** where necessary. Responsible Authorities can also offer you help and advice on your application. Each Responsible Authority's contact details are contained at the end of this guidance, and you are encouraged to contact them in advance of submitting your application, so that in most cases, agreement can be reached about the appropriate measures required to uphold the Licensing Objectives before you apply.

What is a representation?

A representation is a statement of information (usually an objection) relating to your application (or part of it). For example, if it was felt you had not implemented sufficient control measures to prevent your customers from disturbing local residents, Environmental Health may wish to make a representation. Similarly, a local resident could submit a representation objecting to an application if they felt they would be disturbed by the Licensable Activity taking place. All reasons for representation must fall within the four licensing objectives in order to be deemed relevant.

Who can make a representation?

Any Responsible Authority or any other person can make a representation.

Who are other persons?

Other persons (sometimes referred to as Interested Parties) include any individual or body or business entitled to make representations to Licensing Authorities, regardless of their geographic proximity to the premises. Other persons may also be elected members.

Upon receipt of an application, the Licensing Authority will notify, in writing, the Ward Councillors (who represent the area in which your application is located), and local residents and businesses within approximately 50 metres of your application. The Licensing Authority believes it is important to make sure that such Interested Parties are aware of the application and to give them the opportunity to submit representations if they so wish.

What happens if any representations are received about my application?

You will be notified as soon as practicable. If a Responsible Authority has any concerns in respect of your application then they may contact you to discuss further. If relevant representations are received then, unless the representations are withdrawn, your application must be determined by a Licensing Sub Committee, a panel of 3 elected Councillors. They will consider evidence from both sides before determining the application. If representations are made and there is an agreement between the parties (for example – on conditions to be imposed on the licence) then a Sub Committee will determine the application but you will not be required to attend. If no relevant representations are received then your application will be granted as applied for.

Who can give me advice on promoting the licensing objectives?

Please have a look at the Council's Statement of Licensing Policy (available on the Council's website) this sets out our position in respect of the Licensing matters. Advice on each of the licensing objectives is also available from the Responsible Authorities who will be assessing your application.

What information do I need to include in the plan of the premises?

Plans, for written and electronic applications, will not be required to be submitted in 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 provide sufficient detail for us 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. You are asked to submit 2 copies of your plan and they 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 entry and exit points to and from the premises, and if different the location of escape routes from the premises
- c. Where the premises is to be used for more than one licensable activity, the area within the premises used for each activity
- d. 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
- e. The location and height of each stage or raised area (where applicable)
- f. The location of the steps, stairs, elevators or lifts (where applicable), and the location of the room(s) where the premises includes any room or rooms containing public conveniences
- g. The location and type of any fire safety and any other safety equipment
- h. The location of a kitchen, if any, on the premises

How much will it cost me?

The Government have set the fees and they are based on the non-domestic rateable value (NDRV) of your premises. Premises have been put in bands (A to E) and you pay an initial application fee to the Licensing Authority and an annual fee on the Anniversary of your licence issue date each year – we will write to you requesting payment of the fee. The fees are currently set as follows;

Non Domestic Rateable Value (NDRV)	Band	Initial Application and Variation Fee	Annual Fee
Up to £4,300	A	£100	£70
£4,301 to £33,000	B	£190	£180
£33,001 to £87,000	C	£315	£295
£87,001 to £125,000	D	£450	£320
£125,001 and over	E	£635	£350

Premises in band D which are used exclusively or primarily for the supply of alcohol for consumption **on** the premises pay a higher fee - you will need to multiply your initial application fee (and annual fee) by two to calculate your fee.

Premises in band E which are used exclusively or primarily for the supply of alcohol for consumption **on** the premises pay a higher fee - you will need to multiply your initial application fee (and annual fee) by three to calculate your fee.

Where the occupancy of premises is 5,000 persons or more, an additional fee is payable.

Please contact the Licensing Service if you have any queries regarding fees. Fees can be paid in cash or by cheque (cheques made payable to Knowsley MBC).

Where can I find out the non-domestic rateable value of my premises?

You can find out your non-domestic rateable value (NDRV) through the Valuation Office Agency - they have a web-based search facility at www.voa.gov.uk

Do I need to advertise my application?

Yes. You must display a notice on the premises (in a prominent position) for at least 28 consecutive days (starting on the day after the day on which the application was given to the Licensing Authority). The notice must be:

- **A4 size or larger**
- **of a pale blue colour**
- **printed clearly in black ink or typed in black in a font at least 16 point in size**

Premises covering an area of more than 50 square metres must also place a further notice (in the same form as above) every 50 metres along the external perimeter of the premises.

You must also place a notice in a local newspaper (or if there is no newspaper then in a local newsletter, circular or similar document) circulating in the vicinity of the premises. This notice must be placed within 10 working days starting on the day after the day on which the application was given to the Licensing Authority. Please send the Licensing Authority the full page (showing the name of the newspaper and date published) of the newspaper your notice is published in (a good quality copy of the newspaper page is acceptable).

What do I need to include in the advertisement?

Both notices must contain a statement of the relevant licensable activities which it is proposed will be carried out at or from the premises. Both notices must also state:

- i. the name of the applicant or premises, and the postal address of the club
- ii. 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
- iii. the date by which an interested party or responsible authority may make written representations to the licensing authority
- iv. It is an offence to knowingly or recklessly make a false statement in connection with an application under the Licensing Act 2003. A person guilty of such an offence is liable on summary conviction to an unlimited fine.

A sample notice is attached at the end of this guidance. Please note that the notice to be published in a local newspaper does not have to be A4 size – a small notice is fine. The

advertising of applications is very important and applications will be rejected (in accordance with the Licensing act 2003) if applicants fail to comply with the advertising requirements.

What is an Operating Schedule?

An operating schedule is an important document (it forms part of the application form and conditions consistent with it will be applied to any granted licence). The information contained within it will enable Responsible Authorities and interested parties to assess whether the steps you propose to take to meet the licensing objectives are satisfactory. Please have a look at the Councils Statement of Licensing Policy (page 28) for further details on operating schedules. In order to meet the Crime Prevention and Public Safety objectives, applicants are encouraged to confirm the occupancy figure for the premises and confirm whether a fire risk assessment has been completed.

Where do I send my completed application to?

Applications should be made in writing to the Licensing Authority. Applications can be made to the Licensing Authority by electronic means (e-mail) provided that a written application is also sent to the Licensing Authority in writing immediately. Electronic applications can be made to licensing@knowsley.gov.uk. However, please note that an electronic application will not be progressed until such time as the fee, plans and any other documents have been submitted.

How long will it take to process my application?

The Licensing Authority will normally determine your application within 2 months (56 days). If any representations are received then you will of course be notified in writing. Likewise, if a hearing of a Licensing Sub Committee is required to determine your application then details of the hearing will be provided to you in writing.

Where do I submit my completed application form?

Your original completed application form (and accompanying documents) should be returned to the Licensing Authority which is located at;

Knowsley MBC
Licensing Service
Environmental Health and Consumer Protection Division
2nd Floor,
Yorkon Building
Archway Road
Knowsley
Merseyside L36 9FB

Alternatively, you can hand in your application in person at the Licensing public counter, which is open Monday to Friday between 9am and 2.30pm and is based at;

Huyton One Stop Shop
Archway Road
Huyton
Knowsley
Merseyside
L36 9YU
Tel ; 0151 443 2300
Email licensing@knowsley.gov.uk

<http://www.knowsley.gov.uk/business/apply-for-a-licence/licensing-act-2003>

Every effort has been made to ensure that this guidance document is comprehensive and accurate. Whilst the Licensing Authority and each of the 'Responsible Authorities' will be pleased to assist you and offer advice and guidance on how to complete application forms, etc, you are advised to seek your own independent legal advice if you have any legal queries

Responsible Authority Contact Details

<p>Merseyside Police Licensing Unit Merseyside Police 5th Floor HQ Canning Place <u>Liverpool</u> L1 8JX</p> <p>Licensing.Unit@merseyside.police.uk</p>	<p>Fire Authority Mersey Fire and Rescue Service The Licensing Officer St Helens and Knowsley District Parr Stocks Road Fire Station St Helens Merseyside WA9 1NU Tel: 0151 296 6570 ProtectionlicencesStHelensandKnowsley@merseyfire.gov.uk</p>
<p>Planning Authority Department of Regeneration and Neighbourhoods PO Box 26 Municipal Buildings Archway Road Huyton Knowsley Merseyside L36 9YU dcsubmissions@knowsley.gov.uk</p>	<p>Environmental Health and Consumer Protection 2nd Floor, Yorkon Building Archway Road Knowsley Merseyside L36 9FB Contact: (Tel 443 4740) environmentalhealth@knowsley.gov.uk</p>
<p>Department of Children's Services Children's Services Municipal Buildings Archway Road Huyton Knowsley Merseyside L36 9YU Colette.dutton@knowsley.gov.uk</p>	<p>Trading Standards Environmental Health and Consumer Protection 2nd Floor, Yorkon Building Archway Road Knowsley Merseyside L36 9FB Contact: Daniel Mannion (Tel 443 4012) Daniel.mannion@knowsley.gov.uk</p>
<p>Licensing Authority Environmental Health and Consumer Protection Division 2nd Floor Yorkon Building Archway Road Huyton Knowsley Merseyside L36 9FB Tel ; 0151 443 2300 licensing@knowsley.gov.uk</p>	<p>Local Health Body C/O Health and Regeneration Project Officer Yorkon Building Archway Road Huyton Knowsley Merseyside L36 9FB Tel ; 0151 443 5838 Contact: Richard Holford richard.holford@knowsley.gov.uk</p>

<p>Home Office Immigration Enforcement Merseyside, Cheshire and Lancashire</p> <p>Leader: Karen McDonough</p> <p>Level 0 The Capital New Hall Place Liverpool L3 9PP</p> <p>Alcohol@homeoffice.gsi.gov.uk</p>	
<p>The local authority with responsibility for the Health and Safety at Work, etc Act 1974</p> <p>*See note below</p>	

*Note - Depending upon the nature of your business, the authority with responsibility for the Health and Safety at Work, etc, Act 1974 will either be the Council or the Health and Safety Executive (HSE). Generally, the HSE carry out health and safety enforcement in respect of premises owned by the Council, and the Council is responsible for health and safety enforcement for all other premises.

Premises owned by the Council should also send a copy of their application to the Health and Safety Executive North West Division, Grove House, Skerton Road, Manchester, M16 0RB. Tel : 0161 952 8200

LICENSING ACT 2003

TAKE NOTICE THAT (insert name of applicant)

has applied to Knowsley Licensing Authority for a (Variation of
a) Premises Licence in respect of

INSERT NAME AND ADDRESS OF PREMISES
HERE.....

.....
**(briefly describe the proposed licensable activities,
proposed hours, variation, etc).**

.....
.....
.....
A record of the application can be inspected by members of the
public between the hours of 9am and 4pm Monday to Friday at
the office of the Licensing Authority of Knowsley MBC which is
located at;

Knowsley MBC Licensing Service
Environmental Health and Consumer Protection
2nd Floor,
Yorkon Building
Archway Road
Knowsley
Merseyside L36 9FB
Please ring 0151 443 2300 to arrange an appointment
www.knowsley.gov.uk

A Responsible Authority or any other person(s) wishing to make
representations on this application must do so in writing to
Knowsley Licensing Authority at the above mentioned address.
Any written representations must be received by the Licensing
Authority no later than ...**(insert the date - 28 days starting on
the day after the day on which your application is given to
the Licensing Authority – for example if the application is**

given on 1 October 2017 the date to be inserted here would be 29 October 2017).

It is an offence to knowingly or recklessly make a false statement in connection with an application under the Licensing Act 2003. A person guilty of such an offence is liable on summary conviction to an unlimited fine.