

Guidance notes on the completion of forms relating to PREMISES LICENCES under the Licensing Act 2003

These notes are based on current legislation, guidance and good practice but should not be taken as definitive; applicants should have regard to the following:

- Licensing Act 2003 (the Act)
- Guidance issued under S.182 of the Act
- Licensing Act 2003 (Fees) Regulations 2005
- Licensing Act 2003 (Premises licences & club premises certificates) Regulations 2005
- Lewes District Council's & Eastbourne Borough Council's Statements of Licensing Policy

There are many types of applications that relate to Premises Licences and to Club Premises Certificates. Many are to do with changes and variations once the licence or certificate has been granted.

Quick Reference Table

Schedule No.	Brief Title	Fee (£)	Notes
1.	Notification of an interest in premises	21.00	To give annual notice to licensing authority to keep them informed of changes to register
2.	Application for a premises licence	acc. to NDR V*	Apply for a new premises licence application (* Non-Domestic Rateable Value)
3.	Application for a provisional statement	315.00	Application for a premises which is yet to be built / constructed.

4.	Application for a 'full variation' to a premises licence	acc. to NDRV*	Apply for a variation of the premises licence not covered by a minor (*Non Domestic Rateable Value)
5.	Application for a minor variation to a premises licence	89.00	Apply for a variation of a premises licence covered within a minor variation
6.	Application to vary a premises licence in respect of DPS	23.00	Apply to change the Designated Premises Supervisor
7.	Application for transfer of a premise licence.	23.00	Apply to transfer the premises licence holder.
8.	Interim authority notice	23.00	To be used during the deadline from when a premises licence lapses
9.	Application for the review of a premises licence / club premises certificate	N/A	Apply for a review of a premises licence
10.	Declaration for a club premises certificate	N/A	To be used along side a new club premises certificate application
11.	Application for a club premises certificate	acc. to NDRV*	Apply for a new club premises certificate
12.	Application for a full variation to a club premises certificate	acc. to NDRV*	Apply for a full variation of a club premises certificate not covered by a minor variation
13.	Application for a minor variation to a club premises certificate.	89.00	Apply for a variation of a club premises certificate covered within a minor variation
14.	Consent of individual to being specified as DPS / transfer consent	N/A	Consent form of incoming DPS or premises licence holder

**Fees for Premises Licences
New Applications and Full Variation**

Rateable Value (£)	Rateable Value Band	Fee (£)	Annual Fee thereafter (£)
0-4,300	A	100	70
4,301-33,000	B	190	180
33,001- 87,000	C	315	295
87,001- 125,000	D	450	320
125,001 & Above	E	635	350

Premises exclusively or primarily supplying alcohol for consumption on the premises

Band D	900	640
Band E	1905	1050

The rateable value bands listed above are taken from the non-domestic rateable value of the premises and premises licence fees are paid according to the band in which the premises falls. Where a premise is under construction it is to be charged as if it were in band C. If the premises does not have a rateable value, e.g. open spaces, the fee will be charged as if it were in band A.

Premises forming only part of a rateable hereditament, or split between two or more, are treated as having a rateable value equal to the rateable value for the premises of which it forms part or as having the largest rateable value if part of two or more hereditaments.

Very large premises, determined by the number of people the holder of the licence may allow on the premises at the same time, will pay an additional fee to the ones listed above – when applying for a new or converted licence and annually thereafter.

Fees for applications relating to very large premises

Maximum Number of People	Additional Application Fee (£)	Additional Annual Fee (£)
5,000 to 9,999	1,000	500
10,000 to 14,999	2,000	1,000
15,000 to 19,999	4,000	2,000
20,000 to 29,999	8,000	4,000
30,000 to 39,999	16,000	8,000
40,000 to 49,999	24,000	12,000
50,000 to 59,999	32,000	16,000
60,000 to 69,999	40,000	20,000
70,000 to 79,999	48,000	24,000
80,000 to 89,999	56,000	28,000
90,000 & Over	64,000	32,000

Schedule 1- Notification of an interest in premises under s178 of the Licensing Act 2003

This form is for use where a person has an interest in the property being licensed, e.g. as freeholder or mortgagee. The form is for use where the interested party wishes to be notified by the licensing authority of changes to the licensing register in respect of that property.

A person (including a business or company) may apply in respect of the following interest in the property:

- Legal interest as freeholder or leaseholder
- Legal mortgagee in respect of the premises
- In occupation of the premises
- Having a prescribed interest in the premises

The notice has effect for a 12 month period and entitles the signatories to be notified by the licensing authority of changes in the licensing register to which that premises relates and of a right to request copies of the information under S.8

The notice (5 pages) must be signed and a fee sent; an agent / solicitor may do so on the applicant's behalf if they have authority so to do. The details entered on the form will be used by the licensing authority to keep the applicant(s) informed.

Schedule 2 – Application for a premises licence to be granted under the Licensing Act 2003

It consists of 16 pages, divided into parts 1- 5. An application for a new premises licence can only be made:

- Subject to specified advertising of the application (see below)
- By a person/company who carries on, or proposes to, a business which uses the premises for licensable activities
- If the applicant is over 18 years of age
- If the applicant has the right to work in the UK
- On payment of the appropriate fee (see fees guidance notes)
- On receipt of all specified documents, e.g. plans, consent of premises supervisor, etc.
- If copies are sent to the responsible authorities (see Appendix 1)
- A premises licence authorises the use of any premises for licensable activities:
 - The sale by retail of alcohol
 - The provision of regulated entertainment (see Appendix 2)
 - The provision of late night refreshment

Part 1 – Premises details

For supplying the name, address, contact number and rateable value of the premises to be licensed.

Part 2 – Applicant details

To identify the applicant(s) and the capacity in which they apply; consists of a series of tick-boxes and spaces for completing name, address, etc.

Part 3 – Operating schedules

Most of this part is self-explanatory but some sections need details on which the decision on whether to grant the licence or not will be based:

General description of premises –

The applicant should describe the situation, type and layout of the premises in general terms; e.g. is it a 2 storey terraced house in a residential area converted to a public house 150 years ago with public and lounge bars, dining room, kitchen facilities, garden and parking on the ground floor with living accommodation above? Or a purpose built cinema with 9 screens, public cafeteria on the ground floor and patrons-only bar on the first floor in a recently created leisure park?

Types of licensable activities –

A series of tick-boxes to be completed as appropriate. This is followed by more detailed information relating to the activities chosen, sections A-J, and guidance notes at the end of the form give more help. The details asked for here will be those that appear on the licence if granted.

Premises supervisor –

This is applicable for premises where alcohol is supplied and should be the person who is named on the separate DPS form (schedule 11, parts A and B) and who must hold (or currently be applying for) a personal licence.

Part 4 – boxes K, L and M

These are to be completed in **all** cases. Box M is of particular importance as these details reflect whether the applicant is having sufficient regard to the four main principles / objectives of the Act. This is followed by a checklist.

Part 5 – signatures

All applications must be signed by the appropriate or duly authorised person.

Advertising

Applications must be advertised:

- By displaying a pale blue Public Notice (minimum A4) for 28 days starting the day after applying, prominently at or on the premises so that it can be conveniently read from outside, and
- By publishing a notice in the legal section of a local newspaper (Example, Sussex Express or Argus), at least once within 10 days of the day following the application date. Several details must be included in the above notice and advertisement (pro- formas are available):
- The below details must be included in the public notice and newspaper advert:
 - Name of the applicant or club
 - Postal address of the premises or club premises
 - Postal address and worldwide web address of the licensing authority where the register is kept and where & when the record of the application can be viewed
 - Date by which the responsible authorities or anyone else can make representations to the licensing authority and that all representations shall be in writing.
 - Details of offences in relation to making false statements in connection with applications.
- Copies of the application and all documents must also be given by the applicant to responsible authorities (Appx.1) on the same day as the application is made to the licensing authority unless the application is made online electronically in which case the Licensing authority will do this.

Plans

The details required are numerous and plans must be to scale. The following must be shown:

- Premises and building boundaries and walls (internal and external)
- Access and egress points
- Additional escape routes, if applicable
- Defined areas according to licensable activity(ies)
- Location(s) used for consumption of alcohol, if applicable
- Fixed structures which may impact on the use of escape routes
- Locations and heights of stages or raised areas relative to the floor, if applicable
- Location(s) of steps, stairs, elevators and lifts, if applicable
- Location of room(s) containing public conveniences
- Location(s) and type(s) of fire safety equipment and of any other safety equipment
- Location of any kitchen(s) on the premises, if applicable

Schedule 3 – Application for a provisional statement to be granted under the Licensing Act 2003

This form is almost identical to a normal application (schedule 2, above). The two main differences are the schedule of works required in part 3 and the first box in part 4 – general description of premises.

Although applications must be advertised in a similar manner as above, the notices must include a statement about the restricted representations (bullet points below) and, where known, a statement as to the licensable activities proposed. Any subsequent application for a premises licence will not be subject to representations that could have been made at the time of the provisional statement provided:

- There are no material changes to the premises, and
- The form of licence required is that contained in the original, provisional statement application.

A pro-forma for notices and advertising will be available from the council.

Schedule 4 – Application for a full variation to a premises licence under the Licensing Act 2003

The form is divided into 5 parts, mainly in tick-boxes or self-explanatory sections and consists of 15 pages.

Introduction

The applicant must specify in the 1st paragraph their identity and the reference number of the premises licence they are seeking to vary.

Part 1 – premises details

For supplying the name, address, contact number and rateable value of the premises to be licensed.

Part 2 – Applicant details

To identify the applicant(s) and the capacity in which they apply; consists of a series of tick-boxes and spaces for completing name, address, etc.

Part 3 - Variation

Brief description of proposed variation - this may, for example, include licensable activities that have previously not been licensed or it may include new opening and closing times. Variations do not have to be confined to run all year, for example an application can be made for opening hours to be extended just for Sunday nights before a bank holiday. Different opening times can be specified for every day of the week if required.

Some public houses may have previously provided musical entertainment under the 'two in a bar' rule. If the provision of live music is required and this has not been subject to a licence before, this section is where the application is made.

The pages following this section are for the applicant to show detailed arrangements for the variation(s) applied for.

Part 4 - Operating Schedule

This tick-box section is to be completed for all licensable activities that will be changing if the application is successful. The premises will already have an Operating Schedule agreed under the existing premises licence. These tick-boxes will then guide you to which section (A to J) to complete.

Parts A to J

For many premises applications the majority of these sections will be left blank. Details are needed in the grids provided only for the activities that have been ticked above.

Parts K to M

Section K is specifically in relation to the protection of children from harm – one of the 4 licensing objectives. Information is also available from the West Sussex Child Protection Committee.

Section L is needed for all variation applications; it is worth noting that opening hours are not always the same as the hours for which licensable activities take place. For example, a nightclub may be licensed to provide music until 02:00hrs but may want to stay open until 03:00hrs as a 'chilling out' period. Similarly a pub may be licensed to supply alcohol until midnight but may need to stay open for an additional 30 minutes for drinking-up.

Any conditions on the existing licence that may need changing or removing if the variation is granted should be noted in the box provided.

Boxes (a)-(e) of section M are very important. The four licensing objectives are a key principle in the relaxation of licensing restrictions and applications cannot be accepted for premises that do not have suitable measures in place to meet these four objectives. The greater the detail included here the better the assessment made on whether the application meets these requirements. It may not be necessary to complete all four sections, but box (a) and at least one other will be required.

Part 5 – tick boxes and signatories

All variation applications must be signed by the appropriate or duly authorised person. Forms downloaded can be printed off and signed. Online forms can be signed electronically.

Advertising

Variation applications must be advertised:

- By displaying a pale blue notice (minimum A4) for 28 days starting the day after applying, prominently at or on the premises so that it can be conveniently read from outside, and
- By publishing a notice in the legal section of a local newspaper (For Example, Sussex Express or Argus), at least once within 10 days of the day following the application date.
- The below details must be included in the above public notice and newspaper advertisement:
 - A brief description of the proposed variation(s)
 - Name of the applicant
 - Postal address of the premises
 - Postal address of the licensing authority where the register is kept and where & when the record of the application can be viewed
 - Date by which the responsible authorities and anyone can make representations to the licensing authority and that all representations shall be in writing
 - Details of offences in relation to making false statements in connection with applications

Copies of the application and all documents must also be given by the applicant to the responsible authorities on the same day as the application is made to the licensing authority. Responsible authorities for the Lewes & Eastbourne areas are listed on the council's website.

Schedule 5- Application for a minor variation to a premises licence under the Licensing Act 2003

The minor variations process can only be used for variations that could have no adverse impact on the promotion of any of the four licensing objectives. (These are: the prevention of crime and disorder; public safety; the prevention of public nuisance; and the protection of children from harm.) It cannot be used to:

- extend the period for which the licence has effect;
- vary substantially the premises to which it relates;
- specify, in a premises licence, an individual as the designated premises supervisor; • add the sale by retail or supply of alcohol as an activity authorised by a licence or certificate;
- authorise the sale by retail or supply of alcohol at any time between 11pm and 7am; • authorise an increase in the amount of time on any day during which alcohol may be sold by retail or supplied;
- include the alternative licence condition referred to in section 41D(3) of the Licensing Act 2003 in a premises licence.

General description of premises

The applicant should describe the situation, type and layout of the premises in general terms: e.g. is it a 2 storey terraced house in a residential area converted to a public house 150 years ago with public and lounge bars, dinging room, kitchen facilities, garden and parking on the ground floor with living accommodation above? Or a purpose built cinema with 9 screens, public cafeteria on the ground floor and patrons-only bar on the first floor with a recently created leisure park?

Give full details of all the proposed variation.

Failure to provide sufficient information may lead to the refusal of your application. Details should include a description of the proposed variation(s) in terms as precise as possible. If you are not precise, the licensing authority may decide that the changes you propose would be potentially broader in scope than you intend and reject your application as not being a 'minor' variation. You should also include a statement about why you consider the variations proposed could not have an impact on the licensing objectives listed in section 4(2) of the Act. You should cover each of the objectives that could possibly apply to your proposal (or if more than one, to each proposal) and say why you think there could be no adverse impact on that objective. Your application will be assisted by including as much information as you can about this. **(However, there is a box at the end of the form for 'further information', and this should be used for any relevant background information not directly related to the variation.)**

Schedule 6 – application to vary a premises licence to specify an individual as designated premises supervisor under the Licensing Act 2003

The form is divided into 3 parts on 3 pages and is for use where the existing DPS is to change or where there is no existing DPS. All sections are self-explanatory and all variation applications must be signed by the appropriate or duly authorised person. Forms completed on-line can be printed off and signed.

Schedule 7 – application to transfer premises licence to be granted under the licensing Act 2003

Applications for transfer of an existing licence must be made by persons who are entitled to apply for a new premises licence and any transfer application must enclose the existing premises licence (or a statement as to its absence). This will normally arise, for example, when a business is sold to a new owner.

A copy of the application must be served on the chief officer of police who may object on crime prevention grounds within 14 days of receipt of the copy. This is only intended for use in exceptional circumstances and the vast majority of transfers should be an administrative exercise only. Should an objection be lodged, the licensing authority will arrange for a hearing. Both police and applicant have the right of appeal.

The form consists of 5 parts and is 6 pages long. The majority of sections are self explanatory and guidance notes are on page 6 of the form. On page 4, the fourth of the five tick-boxes is there to enable the applicant to carry on with the business (provided the licence application conditions are met) whilst the transfer is being processed.

Schedule 8- Interim authority notice under the Licensing Act 2003

These notices are for use in special circumstances, where the premises licence holder suddenly dies or becomes bankrupt or mentally incapable. Or whereby the licence holder is a company and said company dissolves or is liquidated. A licence would normally lapse in these cases but the Act provides for the licence to be re-instated for a discrete period of time to avoid unnecessary disruption.

Such a notice shall:

- Be given to the licensing authority within 7 days, beginning the day after the original licence lapsed
- Be given by a person holding a prescribed interest in the premises or by someone connected to the former licence holder
- Last for up to two months pending a formal transfer (schedule 6, above)
- Cease if a copy is not served on the chief officer of police within 48 hours of the date of service on the licensing authority

The form is divided into 5 parts, mainly in tick-boxes or self-explanatory sections and consists of 5 pages. Forms completed on-line can be printed off and signed.

Schedule 9 – Application for the review of a premises licence or a club premises certificate under the Licensing Act 2003

A review of a licence can be requested at any time during the life of the premises licence as long as certain criteria are met. The applicant must be in one of the categories in Part 2 of the form and must state which of the objectives of the licensing regime requires review (four licensing objectives, page 3).

The remainder of page 3 and pages 4 to 5 are for the person requesting the review to state their case and provide supporting information.

Copies of the application and all documents must also be given by the applicant to responsible authorities (Appx.1) on the same day as the application is made to the licensing authority and all applications must be signed by the appropriate or duly authorised person (part 5). Forms completed on-line can be printed off and signed.

Schedule 10 – Declaration for a club premises certificate to be granted under the Licensing Act 2003

This form is to be used in conjunction with a schedule 9B form (application for a club premises certificate).

Registered members clubs have existed where members have joined together for particular social, sporting or political reasons. Retail sales of alcohol are often not technically made in such clubs and licensing laws recognise this fact. The granting of a club premises certificate means a qualifying club is entitled to certain benefits (see below) and this declaration is needed to accompany or precede an application for such a certificate to differentiate the premises from proprietary clubs run for business reasons.

Five conditions must be met in order to be a qualifying club (s.62 of the Act) and this declaration is in confirmation of these conditions. Additional conditions relate to the supply of alcohol in such clubs (s.64 of the Act). The form is self-explanatory and must be completed and signed by a duly authorised person.

Schedule 11 – Application for a club premises certificate to be granted under the Licensing Act 2003

Previously, registered members clubs also enjoyed a freedom outside the licensing regime, although many voluntarily did not use it, the 2003 Act has now removed the right to sell or supply alcohol to children in such clubs. Applicants should also be aware that any qualifying club (see 9A above) may additionally choose to obtain a premises licence if it wishes to open its facilities commercially for use by the general public, including sales of alcohol to them.

It consists of 14 pages, divided into numbered parts. An application for a new club premises certificate can only be made:

- Subject to specified advertising of the application (see below)
- By a duly authorised person
- If the applicant is over 18 years of age
- On payment of the appropriate fee (see fees guidance notes)
- On receipt of all specified documents, e.g. plans, club operating schedule, a copy of the club rules, etc.
- If copies of the application and all documents are given to responsible authorities on the same day as the application is made to the licensing authority (see Appendix 1)

A club premises certificate authorises the use of any qualifying club premises for licensable activities:

- The supply of alcohol by or on behalf of a club to, or to the order of, a member of the club
- The provision of regulated entertainment (see Appendix 2)

Part 1 – club premises details

For supplying the name, address, contact number and rateable value of the premises to be licensed and to identify the applicant(s) and the capacity in which they apply; consists of a series of boxes and spaces for completing name, address, etc.

Part 2 – Club operating schedule

Most of this part is self-explanatory but some sections need details on which the decision on whether to grant the licence or not will be based:

General description of club – The applicant should describe the club in general terms; for example the type of premises, its general situation and layout and any other information which could be relevant to the licensing objectives.

Where the application includes off-supplies of alcohol and it is intended to provide a place for consumption of these off supplies the application must include a description of where the place will be and its proximity to the premises.

Qualifying club activities –

A series of tick-boxes to be completed as appropriate. This is followed by more detailed information relating to the activities chosen (sections A-H) and guidance notes at the end of the form give more help. The details asked for here will be those that appear on the licence if granted.

Boxes J, K and L

These are to be completed in **all** cases. Section L on page 12 is of particular importance as these details reflect whether the applicant is having sufficient regard to the four main principles / objectives of the Act. This is followed by a checklist at the top of page 13.

Part 4 – signatures

All applications must be signed by the duly authorised person. Forms completed online can be printed off and sent to the licensing unit.

Advertising - Applications must be advertised:

- By displaying a pale blue notice (minimum A4) for 28 days starting the day after applying, prominently at or on the premises so that it can be conveniently read from outside, and
- By publishing a notice in a local newspaper (Example, Sussex Express or Argus), at least once within 10 days of the day following the application date.

Several details must be included in the above notice and advertisement (proformas will be available in application packs and on the council's website):

- Name of the applicant or club
- Postal address of the premises or club premises
- Postal address of the licensing authority where the register is kept and where & when the record of the application can be viewed
- Date by which responsible authorities and anyone can make representations to the licensing authority and that such representations shall be in writing
- Details of offences in relation to making false statements in connection with applications

Plans - The details required are numerous and plans must be to scale. The following must be shown:

- Premises and building boundaries and walls (internal and external)
- Access and egress points
- Additional escape routes, if applicable
- Defined areas according to licensable activity(ies)
- Location(s) used for consumption of alcohol, if applicable
- Fixed structures which may impact on the use of escape routes
- Locations and heights of stages or raised areas relative to the floor, if applicable
- Location(s) of steps, stairs, elevators and lifts, if applicable
- Location of room(s) containing public conveniences
- Location(s) and type(s) of fire safety equipment and of any other safety equipment
- Location of any kitchen(s) on the premises, if applicable

Schedule 12 – Application to vary a club premises certificate granted under the Licensing Act 2003

Once a club premises certificate has been granted the club may wish to make changes to their permissions. This form (14 pages) mirrors the above application process but asks only for the details of changes being requested:

- **Parts 1 & 2**, require the details of the club concerned and those of the applicant
- **Part 3** – the variation(s) being applied for, e.g. change of hours
- **Part 4** – relates to the club operating schedule as above but only insofar as changes are concerned
- **Signatories / declaration** – as before, to be completed by a duly authorised person

The advertising arrangements specified above also apply to variation applications.

Schedule 13- Application for a minor variation to a Club Premises Certificate under the Licensing Act 2003

The minor variations process can only be used for variations that could have no adverse impact on the promotion of any of the four licensing objectives. (These are: the prevention of crime and disorder; public safety; the prevention of public nuisance; and the protection of children from harm.) It cannot be used to:

- extend the period for which the licence has effect
- vary substantially the premises to which it relates.
- add the sale by retail or supply of alcohol as an activity authorised by a licence or certificate.
- authorise the sale by retail or supply of alcohol at any time between 11pm and 7am.
- authorise an increase in the amount of time on any day during which alcohol may be sold by retail or supplied.
- include the alternative licence conditions referred to in section 41D(3) of the Licensing Act 2003 in a premises licence.

General description of premises

The applicant should describe the situation, type and layout of the premises in general terms: e.g. is it a 2 storey terraced house in a residential area converted to a public house 150 years ago with public and lounge bars, dining room, kitchen facilities, garden and parking on the ground floor with living accommodation above? Or a purpose built cinema with 9 screens, public cafeteria on the ground floor and patrons-only bar on the first floor with a recently created leisure park?

Give full details of all the proposed variation.

Failure to provide sufficient information may lead to the refusal of your application. Details should include a description of the proposed variation(s) in terms as precise as possible. If you are not precise, the licensing authority may decide that the changes you propose would be potentially broader in scope than you intend and reject your application as not being a 'minor' variation. You should also include a statement about why you consider the variations proposed could not have an impact on the licensing objectives listed in section 4(2) of the Act. You should cover each of the objectives that could possibly apply to your proposal (or if more than one, to each proposal) and say why you think there could be no adverse impact on that objective. Your application will be assisted by including as much information as you can about this. **(However, there is a box at the end of the form for 'further information', and this should be used for any relevant background information not directly related to the variation.)**

Schedule 14, parts A & B - Consent of individual to being specified as premises supervisor; Consent of premises licence holder to transfer

Not every person retailing alcohol at premises licensed for that purpose needs to hold a personal licence, but every sale or supply of alcohol must be at least authorised by such a licence holder. The main purpose of the 'designated premises supervisor' is to ensure that there is always one specified individual, among the personal licence holders, who can be readily identified for the premises – that person will normally have been given the day to day responsibility for running the premises by the premises licence holder (it may even be the premise licence holder in some establishments or in small premises).

The form is for use alongside premises licence applications (see schedule 2, page 4) in order to confirm the identity and permission of the designated premises supervisor. It may also be needed where a transfer under s.42 of the Act is being made.

All sections are self-explanatory and all applications must be signed by the appropriate or duly authorised person. Forms completed on-line can be printed off and signed.