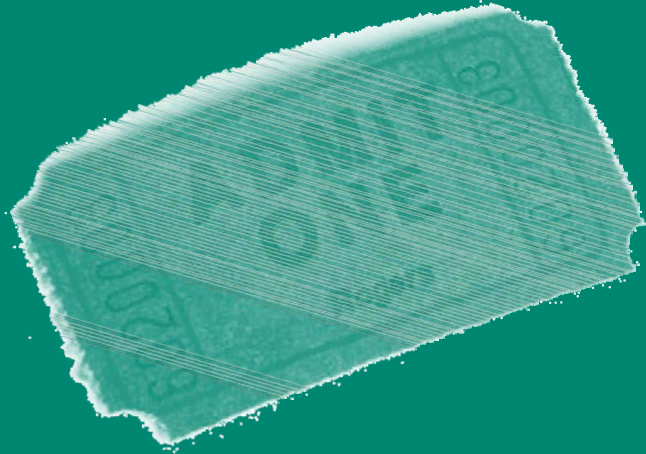




Premises License

Guidance on the
Application Process



Breckland Council
Licensing Team
Elizabeth House Walpole Loke, Dereham NR19 1EE

Telephone: **01362 656876**
Web-site: www.breckland.gov.uk

Contents

	page
Introduction	3
Checklist	3
Part 1 - Premises details	4
Part 2 - Applicant details	4
Part 3 - Operating Schedule	4
Sections A - H (provision of regulated entertainment)	5
Section I (late night refreshment)	5
Section J (supply by retail of alcohol)	6
Designated Premises Supervisor	6
Section K	6
Section L (hours premises are open to the public)	6
Section M (steps to promote the licensing objectives)	6
Part 4 – Signatures, Checklist & Declaration	7
Fees for Premises License	7
Exemptions from Fees	8
Plans of the Premises	
Issue Application Form to Responsible Authorities	8
Display a Public Notice	9
Publish a Newspaper Notice	9-10

introduction

This guidance will assist you with all requirements for making a Premises License application.

A Premises license authorises the following licensable activities:

The sale or supply of alcohol

The provision of public entertainment

A performance of a play (e.g. a pantomime or amateur dramatic production, including a rehearsal)

- @ An exhibition of a film
- @ An indoor sporting event
- @ A boxing or wrestling entertainment
- @ A performance of live music (e.g. karaoke, a band or a choir)
- @ Any playing of recorded music
- @ A dance performance
- @ Facilities for making music, dancing and entertainment of a similar description

The provision of late night refreshment (hot food or drink, consumed on or off the premises, between the hours of 23:00 and 05:00)

The application must be made to the licensing authority within whose area the premises is situated. If you are unsure of the local authority please visit www.direct.gov.uk

checklist

The following requirements must be met in order for you to apply for a Premises License:

Enclosures for Breckland's Licensing team:

- @ Completed Application Form
- @ Fee
- @ Plan of the building
- @ Declaration confirming the issuance of application to Responsible Authorities
- @ Declaration confirming display of Public and Newspaper Notice
- @ Designated Premises Supervisor consent form (if applicable)

Other requirements

- @ Issue a copy of the application form to the Responsible Authorities
- @ Display a Public Notice
- @ Display a Newspaper Notice

Completing the Application Form

Please ensure you carefully read through the application form with this guidance before starting to complete the form. The form may be typed or written legibly in block capitals in **black ink**. If any part of the application is incomplete, or any documentation missing, then the application will be rejected.

The Licensing Team are unable to assist you with the detailed completion of the application form. If you require help, we now offer a consultation service through EHT&C more details can be found on their website at www.ehtc.co.uk

Every section of the application form must be complete. At the top of the first page of the application form you should write the name(s) of the person(s) applying for the license (please note applicants must be 18 years of age or over). Applications can be made by an individual, several individuals, a company or organisation or individuals acting as representatives for a company or individual. The applicant for a Premises License does not need to be a Personal License holder.



Part 1 – Premises Details

Write the name, postal address, telephone number and rateable value of the premises for which you require the license.

If the premises has no postal address (e.g. if the application relates to an event on open land) please enter the Ordnance Survey map reference and a description of the location.

The Non-Domestic Rateable Value of your premises is set by the Valuation Office Agency and helps determine the level of business rates payable. The rateable value of the premises is also used to establish the license fee payable (please see **Fees for Premises License** for fee information). The rateable value can be found on your most recent information from the Valuation Office or by visiting www.voa.gov.uk alternatively, if you don't have access to your website contact us. If the premises to be licensed do not have a Non-Domestic Rateable Value (e.g. a mobile vehicle) please write "none" and you will be charged the Band A fee for the license application.

Part 2 – Applicant Details

This section of the application form asks you to state the capacity in which you are applying; as an individual, a limited company, a recognised club, a charity etc. Please tick the relevant box from (a) to (h).

If you are applying as a person described in either (a) or (b) you must also tick one of the boxes at the end of this question:

- @ The first box should be ticked if you propose to carry on a business at the premises.
- @ An applicant pursuant to a statutory function is typically an application made by a Government agency (e.g. Passport Agency)
- @ An applicant pursuant to a function discharged by Her Majesty's prerogative is usually one made by the Government (e.g. Secretary of State)

You should then give further details of the applicant(s) in either:

- A Individual Applicant(s), or
- B Other Applicants

Only complete either A (individual applicants) or B (other applicants)

Part 3 – Operating Schedule

When do you want the premises license to start?

Please state when you want your license to start. Before entering the commencement date please note that the application will go through a consultation period of 28 calendar days prior to being granted. If representations are received, it may be referred to a Licensing (Sub) Committee Hearing, which could take a further 20 calendar days.

When do you want it to end?

A Premises license will last indefinitely, unless otherwise stated in the box provided.

General description of the premises

You should provide a description of the premises, what type of premises is it? What will it be used for? Describe any areas that you intend to provide for the consumption of alcohol, including outside areas (if applicable). Give a description of the general layout. Include any other information that could be relevant to the four licensing objectives (prevention of crime and disorder, public safety, prevention of nuisance and protection of children from harm). This will assist the consultation process for those who are not familiar with your premises.

If the premises is expecting **5000 attendees or more** at any one time, please state the expected number. (There is an additional charge levied for premises allowing 5000 or more people, please refer to the fee tables at the end of this guidance).

Which licensable activities do you intend to carry on from the premises?

Please tick the box next to each of the licensable activities that you intend to conduct at the premises, this may be one or all of the available options.

Regulated entertainment is broken down in the options a) to k). You should then complete the relevant section that follows, e.g. if providing a) plays complete section A of the application, b) films complete section B and so on.

If providing late night refreshments tick the box then complete section L.

If supplying alcohol tick the box then complete section M.

Sections A – H (Regulated Entertainment)

Please enter the relevant times you require for the **licensable activity** (not the opening hours of the premises to the public) each day of the week using the 24 hour clock format (e.g. 23:00 for 11:00pm, 00:00 for midnight).

Confirm where the activity will take place; indoors, outdoors or both.

Provide further details on the activity. Please ensure you read the relevant guidance note which can be found on page 21 of the application form to help you with this part of the form.

Seasonal variations (please read guidance note 5 - 7 on the notes page of the application form). This box should be completed to cover any additional variations required for seasonal activities (e.g. normal activities occur on Friday and Saturday all year, but you require the activity 7 days a week for the month of July).

Non-standard timings & Seasonal Variations (please read guidance note 5 - 7 on page 21 of the application form). This box should be completed to cover the additional hours or variations required for specific days and seasonal activities

- e.g. an extra hour on Easter Sunday, Bank Holidays, Christmas, New Year etc.
- normal activities occur on Friday and Saturday all year, but you require the activity 7 days a week for the month of July

Box A: Plays

A performance of any dramatic piece, (including rehearsal), whether involving improvisation or not, which is given wholly or in part by one or more persons present and performing in which the whole or a major proportion of what is done by the person(s) performing, whether by way of speech, singing or action, involves the playing of a role.

Box B: Films

Any exhibition of moving pictures except where its sole or main purpose is to demonstrate a product, advertise goods or services or provide information, education or instruction, or if it consists or forms part of an exhibit put on show for any purposes of a museum or art gallery. The use of television or radio receivers is not licensable, except for the showing of pre-recorded programs.

Box C: Indoor Sporting Event

A sporting event is defined in the act as any contest, exhibition or display of any sport in which physical skill is the predominant factor, and any form of physical recreation which

is also engaged in for purposes of competition or display which takes place wholly inside a building, and at which the spectators are accommodated inside that building. This includes any roofed structure and could be a vehicle, vessel or moveable structure.

A venue with a roof that opens and closes is regarded under the act as being an outdoor event and sporting activities in such venues are not licensable under the act. But note that other activities at such venues (such as the sale of alcohol or live music) are licensable.

Box D: Boxing or Wrestling Entertainment

Unlike other sports, boxing and wrestling is licensable whether held indoors or outdoors.

Box E: Live Music

Music includes vocal or instrumental music or any combination of the 2. The old '2 in a bar' rule will no longer apply under the new licensing regime. Live music will therefore require a license regardless of the number of participants. The performance of live music, if it is incidental to some other activity, which is not in itself regulated entertainment, is not licensable.

Box F: Recorded Music

Your license does not have to cover the playing of recorded music if it is incidental to some other activity which is not itself regulated entertainment, as this would be exempt. For example, background music in a supermarket is likely to be considered to be incidental. If you have a jukebox or a disc jockey at your premises you need to consider whether, in your particular case, this is incidental music or whether it is a licensable activity. If in doubt, discuss this with your licensing authority.

Box G: Performances of Dance

Morris dancing or any dancing of a similar nature is not licensable, nor is the performance of unamplified live music as an integral part of such dancing.

Box H: entertainment of a similar description to that falling within (e) live music, (f) recorded music or (g) performance of dance

Box I (the provision of late night refreshment)

You should refer to section 1 and schedule 2 to the act or contact your local licensing authority for full details of the definitions of late night refreshment.

This covers the supply of hot food or drink between 11:00pm and 5:00am, although there are several exemptions. Hot drinks consisting of, or containing alcohol, should be authorized under the supply of alcohol, rather than late night refreshment.

A hot drink from a vending machine where the customer inserts the payment into the machine and the drink is supplied directly by the machine is not licensable, but would be if a member of staff takes the money or serves the drink.

Free hot food or hot drinks are not licensable, nor is that supplied by a registered charity or by a person authorized by a registered charity.

Hot food or hot drink supplied on a vehicle, which is not permanently or temporarily parked at the time is also exempt.

There are also exemptions that apply to hotel guests, certain employees or particular trades or professions. Supplies of hot food or hot drink on or from premises already licensed under certain other acts if in doubt, contact Breckland Council.

Box J: (sale by retail of alcohol)

If you wish people to be able to consume alcohol on the premises, please tick 'on'. If you wish people to be able to purchase alcohol to consume away from the premises, please tick 'off'. If you wish people to be able to do both, please tick 'both'.

Designated Premises Supervisor

The next section requests details of the Designated Premises Supervisor (DPS); this should be completed if you intend to sell alcohol from the premises.

The DPS must hold a personal license (from the local Authority in which they live) and consent to taking on this responsible position.

Please complete the application with their name, address, Personal License number and the issuing Authority. The proposed DPS must also complete and sign the form *Consent of individual to being specified as Premises Supervisor*. This form should be sent back to Breckland Council and has been provided as part of this application pack.

For further details on Designated Premises Supervisors and Personal Licenses please visit our website www.breckland.gov.uk.

Box K

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 amusement with prize (AWP) machines. You do not complete this section if it does not apply to your premises, but rather than leave blank, it would be better to write 'none' or 'N/A' to be clear that you have considered this, rather than simply forgotten to complete the box.

Box L: 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.

Section M (Licensing Objectives)

You are asked to describe the steps you intend to take to promote the 4 licensing objectives:

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

Don't forget that you should already be abiding by relevant legislation in other areas. Your starting point should be compliance with these requirements. If you feel there is nothing more you need to do, then you might wish to write 'N/A' or something like 'nothing beyond existing health and safety/fire safety etc. requirements'. This shows you have considered the objectives and come to a decision that you have nothing additional to do and not that you have forgotten to write anything in this section.

Of course, if a responsible authority for one of the licensing objectives considers that you need to do more, they will be able to make representations. If you have concerns, you may find it useful to talk to the relevant responsible authority before completing the form. Further information on responsible authorities is available from the [Home Office website](#) or from your local authority licensing officer or website.

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 license. 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, appropriate 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. In the 'general box', list the steps you will take to promote all 4 licensing objectives together, for example, employing additional staff. [Mandatory Conditions](#)

Within the Licensing Act 2003 there is a statutory requirement for the Licensing Authority to impose certain mandatory conditions to

a Premises License if applicable. To find out more about these please view our Mandatory Conditions page on the Breckland Council website.

Part 4 – Signatures and Declaration

All applicants, solicitor or authorized agent must sign and date the form and confirm their capacity in the involvement of the application. If you require any correspondence relating to the application to be sent to an alternative address, then please ensure the appropriate details are completed.

You should now have reached the end of the application form. Please check through the form to make sure all parts have been completed.

Fees for Premises License

Ensure you enclose the relevant fee for your application, you can complete the Card Payment form on the last page of the application or enclose a cheque made payable to Breckland Council. Applications are subject to the fees shown in the Table below. All fees are based on the Non-Domestic Rateable Value (NDRV) for the premises.

Rateable Value	£0* - £4,300	£4,301 - £33,000	£33,001 - £87,000	£87,001 - £125,000	£125,000 and over
Band	A	B	C	D**	E**
Fee Payable	£100	£190	£315	£450	£635

*Premises which are not liable for, or exempt from, National Non-Domestic Rates will fall under Band A

**Where a premises falls under Band D or E and is used exclusively or primarily for the supply of alcohol for consumption on the premises the fee will be as follows:

Band	Fee
Band D	£900
Band E	£1905

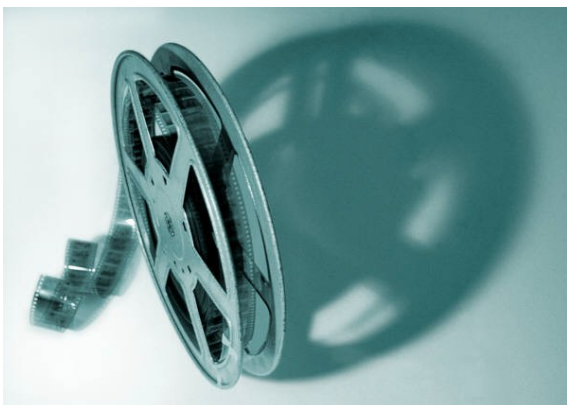
Where the maximum number of persons allowed on the premises at the same time (during times that licensable activities take place) is 5000 or more the following **additional** fee applies:

Number of People	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

Annual Fees

Each year the license is subject to an annual fee. The annual fees are based on the Non Domestic Rateable Value (NDRV):

Rateable Value	£0* - £4,300	£4,301 - £33,000	£33,001 - £87,000	£87,001 - £125,000	£125,000 and over
Band	A	B	C	D**	E**
Fee Payable	£70	£180	£295	£300	£350



Exemptions from Fees

No initial fee is payable for the following:

- @ The application is by a proprietor of an educational institution in respect of premises that are or form part of an educational establishment
 - ▶ The establishment is a school or college
 - ▶ The provision of regulated entertainment on the premises is carried on by the establishment for and on behalf of the establishment
- @ The application is in respect of premises that are or form part of a church hall, chapel hall or similar building or a village hall, parish hall or other similar building

Plans of the premises

A plan of the premises will have to be submitted with every application for a Premises License or Club Premises Certificate. The plan should be drawn in standard scale (1:100). If your building is large or small this scale may not be practical, if you would like to use a different scale please contact us in writing before submitting your application. Our Licensing Team will contact you to confirm if the proposed scale is acceptable.

The plan will need to show:

- @ The boundary of the building, if relevant, and any external and internal walls of the building and, if different, the perimeter of the premises
- @ Points of access and exits from the premises, and the location of escape routes if different
- @ 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 exits and escape routes
- @ The location and height of any stage or raised area or area relative to the floor
- @ Any steps, stairs, elevators or lifts
- @ Any room or rooms containing public conveniences
- @ The location of a kitchen, if any, on the premises

The plan may include symbols to illustrate such matters, and a key to explain them.

Please ensure you make it clear as to where the different licensable activities are going to take place, use coloured outlines if necessary (remember to update your key if using this method to enable the plan to be easily readable).

Issue Application Form to Responsible Authorities

A copy of the completed application form must be sent to each of the Responsible Authorities. Please check website for updated list.

The Chief Officer of Police

c/o The Norfolk Constabulary Licensing Team
Bethel Street Police Station, Bethel Street
Norwich, Norfolk NR2 1NN

The Chief Fire Officer

c/o Norfolk Fire Service
Norwich Road, Thetford Norfolk IP24 2HT

Safeguarding Children Board

Room 60, Lower Ground Floor, County Hall
Martineau Lane, Norwich NR1 2UG

Planning

Head of Development Control
Breckland Council
Elizabeth House, Walpole Loke, Dereham Norfolk NR19 1EE

Environmental Health

Breckland Council
Elizabeth House, Walpole Loke, Dereham Norfolk NR19 1EE

Trading Standards

Norfolk Trading Standards
Norfolk County Council
Martineau Lane, Norwich NR1 2UD

The enforcing authority for Health and Safety will be notified by the Licensing Team.

Any of the Responsible Authorities have 28 consecutive days, starting with the day after the day your application was given to the Licensing Team, to make representations about your application.

Display a Public Notice

You must advertise the application by displaying a Public Notice.

- @ It must be displayed in a conspicuous place on the premises for at least 28 consecutive days starting after the day the application was submitted
- @ It must be displayed where it can be conveniently read by members of public from the exterior of the premises
- @ It must be at least A4 size
- @ It must be pale blue in colour
- @ It must be printed legibly in black ink or typed in a black font equal or greater than font size 16
- @ If the premises covers an area greater than 50 square metres a further, identical notice must be displayed every 50 metres of the perimeter of the premises
- @ Please ensure your application is complete and valid before displaying your Public Notice. If incorrect you may need to display again for 28 consecutive days after submission of a complete application
- @ The Public Notice gives the public the opportunity to make representations. If the representation is valid it may result in a Committee hearing at Breckland Council
- @ Please complete and submit your declaration confirming your display of your Public Notice
- @ You can either complete the form enclosed in the pack or complete and print an online version from www.breckland.gov.uk/licensing



Example of a Public Notice

Notice of an Application for the Grant of a Premises Licence under the Licensing Act 2003

Name of applicant:

Premises name & address to which application refers:

Name:

Address:

(In the absence of a postal address provide a description sufficient to identify the location and extent of the premises).

Proposed licensable activities and hours of operation

If you wish to object to this application written representations should be made to the licensing authority below:

Licensing Team
 Breckland Council
 Elizabeth House
 Walpole Loke
 Dereham
 Norfolk NR19 1EE.

The above application may be viewed during office hours at the above offices.

Representations must be made by	/	/
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N.B It is an offence, liable on conviction to a fine up to level 5 on the standard scale (£5000), under Section 158 of the Licensing Act 2003 to make a false statement in or in connection with this application.

Publish a Newspaper Notice

You must advertise your application by displaying a notice in a local newspaper.

- @ It must be placed in a local newspaper that circulates in the vicinity of the premises
- @ It must be published on at least one occasion during the period 10 working days after the day the application was submitted
- @ Please ensure your application is complete and valid before displaying your Newspaper Notice. If incorrect you may need to advertise again

The Newspaper Notice gives the public the opportunity to make representations. If the representation is valid it may result in a Committee hearing at Breckland Council
 Please complete and submit your declaration confirming your display of a Newspaper Notice

Example of a Newspaper Notice

Notice is hereby given that(name of applicant)
has applied in respect of (premises name and
address) for a Premises Licence / Club Premises Certificate (delete as applicable)
under the Licensing Act 2003 to allow for.....
.....
.....(details of licensable activities including times and days).
Representations to this application must be made in writing by -- / -- / ---- (date) to the
Licensing Team, Breckland Council, Elizabeth House, Walpole Loke, Dereham,
NR19 1EE where applications can be inspected during office hours. It is an offence
liable on summary conviction to a maximum fine of £5,000 to knowingly or recklessly
make a false statement in connection with this application.