

## LICENSING ACT 2003 - INFORMATION FOR APPLICANTS

### This Guidance

The following is general guidance which provides a basic overview to assist applicants in preparation for applications made under this regime. The following is not a definitive statement of the law, but instead aims to help applicants understand better, what is required of them if applying for a licence. As an applicant you are asked to contact an agent or solicitor if you require further advice regarding this as the onus of applying correctly lies solely with you as the applicant. Unfortunately the Licensing department's officers are not permitted to give you advice on what you should apply for. The grey boxes have been developed to help detail the key requirements but you are asked to read all of the information in order to grasp it in its entirety.

### What is the Licensing Act 2003?

The Licensing Act 2003 aims to regulate licensable activities, all of which are administered by the Local Authority. There are four Licensing objectives that underline the legislation and must be promoted and upheld by applicants. These objectives will need to be detailed in the Premises Licence Application Form. The objectives are;

- Prevention of crime and disorder
- Prevention of public nuisance
- Public safety
- Protection of children from harm

### The Licensable Activities

If you wish to **supply alcohol** and/or **entertainment** (dependent on whether you wish to sell alcohol as well) or **hot food and/or drink between 11.00pm and 5.00am the following day**, you must be the holder of a Premises Licence under the Licensing Act 2003. Other licensable activities may include;

- A performance of play
- An exhibition of a film
- An indoor sporting event
- Boxing or wrestling entertainment
- A performance of live music
- Any playing of recorded music
- A performance of dance

In particular a licence may be required by:

- anyone that provides any entertainment between 11PM and 8AM;
- anyone that provides amplified live or recorded music to an audience of more than 500 people;
- anyone that provides recorded music to an audience on premises not licensed for the sale or supply of alcohol;
- anyone that puts on a performance of a play or a dance to an audience of more than 500 people, or an indoor sporting event to more than 1,000 spectators
- anyone that puts on boxing or wrestling
- anyone that screens a film to an audience

### Exemptions of Entertainment under a Premises Licence

If you already hold a premises licence and wish to stage a performance of live music or the playing of recorded music and the following applies;

- it takes place between 8AM and 11PM; and
- it takes place at an alcohol on-licensed premises; and
- the audience is no more than 500 people

you do not need to apply for a variation of your Premises Licence to include recorded music or live music.

## New Premises Licence

### **Applications for a Premises Licence**

The application process consists of;

- A Premises Licence Application form
- A plan
- An application Fee
- Newspaper Advert
- Blue Public Notice
- Proof of Right to work in the UK
- Designated Premises Supervisor Consent Application Form (if selling alcohol)

The following will deal with each of the above in turn:-

#### **The Application Form**

This is the part of the application process where you detail any contact details, what you are applying for in terms of Licensable Activities and how you will meet the four Licensing Objectives. Those licensable activities that are not applicable to you, should be left blank.

#### **The Four Licensing Objectives**

It is vital that all four licensing objectives are completed in order to demonstrate how they will be upheld. An example of each is given below to give you an idea of how they can be promoted;

- Prevention of crime and disorder
  - CCTV shall be installed to Home Office Guidance standards and maintained in a good working condition and recordings shall be kept for 31 days and shall be made available to police and authorised Officers from Brent Council.
- Prevention of public nuisance
  - Notices asking customers to leave quietly shall be conspicuously displayed at all exits.
- Public safety
  - The locks and flush latches on the exit doors shall be unlocked and kept free from fastenings other than push bars or pads whilst the public are on the premises.
- Protection of children from harm
  - A "Challenge 25" policy shall be adopted and adhered to at all times.

#### **The Plan**

The plan guidelines stipulate what needs to be included on the plan. The plan will need to be completed correctly in order to avoid the application process being delayed or suspended. The plan guidelines can be found online or will be sent to you together with the application form.

Please ensure you submit the correct plan in order to avoid delays in the application process

#### **The Application Fee**

The application fee is dependent on your rateable value. This can be accessed by visiting [www.gov.uk/correct-your-business-rates](http://www.gov.uk/correct-your-business-rates). The fee sheet (available online or sent to you with your application) details Bands A-E where you will be able to verify which Band your business falls within. Failure to make the correct payment on time will delay the application process.

Please ensure you pay the correct fee in order to avoid delays in the application process

#### **Newspaper Advert**

The application must be advertised in a local newspaper within 10 working days of the application being submitted to the Local Authority. In order to find a local newspaper, your local newsagent will have some displayed. The contact details for each newspaper can be found within the newspaper.

It is advisable that you shop around as the cost of placing a newspaper advert can vary substantially. Please also be aware that some newspapers only publish on specific dates in the month so you must ensure this coincides with the application process in that the newspaper advert goes into the newspaper within 10 days of the application being officially submitted. When the advert should be published is determined by when payment is made for the application (see PAYMENT OPTIONS below).

Proof of the advert should be emailed to [business.licence@brent.gov.uk](mailto:business.licence@brent.gov.uk) once confirmation has been received by the newspaper listing the advert.

### **Blue Notice**

All applications must be advertised on a notice on [pale blue paper](#), sized A4 or A3 with a font of 16 or greater. The notice must be;

- displayed on a conspicuous part of the premises for 28 consecutive days where it can be clearly seen and read by persons passing in the street.
- displayed at eye level (the average person should not have to look high up or down to see the notice)
- visible 24 hours a day and therefore must be placed in front of a shutter (if a shutter exists) during the hours the business is closed.
- replaced immediately if the notice has been removed

Proof of the pale blue notices should be emailed to [business.licence@brent.gov.uk](mailto:business.licence@brent.gov.uk) (please see PAYMENT OPTIONS below). This should be submitted in the form of two photographs. **One photograph** taken close up, clearly showing the wording on the application and a **second photograph** taken from afar of the entire premises showing where the notice is displayed outside the premises. Please ensure the notice is visible 24hrs a day

### **Proof of Right to Work in the UK**

As of April 2017, the Immigration Act now requires that all persons applying for a licence prove that they have a right to work in the UK. The application form stipulates which forms of identification are acceptable.

Proof of your Right to Work in the UK should be submitted with your Premises Licence Application Form

### **Designated Premises Supervisor Consent Application Form**

This application will only be submitted if you plan on selling alcohol. The application is filled out by the person (Designated Premises Supervisor) who will be responsible for the sale of alcohol in the premises, which includes being responsible for all of the employees selling alcohol whether the designated premises supervisor is present every day or not. The role of the DPS is very important as a result of their responsibility for those that sell alcohol in the premises. It is not a position that should be taken lightly.

If you plan on selling alcohol, the Designated Premises Supervisor (DPS) must submit the Designated Premises Supervisor consent application form (found online or sent to you with the application) and submit it with the application form to [business.licence@brent.gov.uk](mailto:business.licence@brent.gov.uk)

### **Submitting Your Application**

The list of responsible authorities are listed at the back of the application form. All of the responsible authorities should be sent the application form, plan and DPS consent (if applicable). If your application was made electronically, then it is the responsibility of the Local Authority.

The following details which documents should be sent to each responsible authority:-

<b>Responsible Authority</b>	<b>Documents to be Submitted</b>	<b>Methods to Submit Application</b>
<ul style="list-style-type: none"> <li>• Licensing Department</li> </ul>	<ul style="list-style-type: none"> <li>• Premises Licence Application Form</li> <li>• Plan</li> <li>• DPS Consent Form (If selling alcohol)</li> <li>• Proof of Right to Work in The UK</li> <li>• Application Fee</li> </ul>	Via email to <a href="mailto:business.licence@brent.gov.uk">business.licence@brent.gov.uk</a> or by post to the address at the bottom of the Premises Licence Application Form

<ul style="list-style-type: none"> <li>• Chief Officer of Police</li> <li>• London Fire Brigade</li> <li>• Trading Standards</li> <li>• Environmental Health</li> <li>• Children's Services</li> <li>• Licensing Authority</li> <li>• Area Planning Service</li> <li>• Public Food Safety Team</li> <li>• DAAT</li> </ul>	<ul style="list-style-type: none"> <li>• Premises Licence Application Form</li> <li>• Plan</li> <li>• DPS Consent Form (If selling alcohol)</li> <li>• Proof of Right to Work in The UK</li> </ul>	Via Post to the addresses at the bottom of the Premises Licence Application Form
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A copy of the application form must be served on each responsible authority listed at the bottom of the Premises Licence application form once it has been completed together with each of the required documents as above.

Please ensure that the process of submission is met in order to avoid having to restart or repaying for the application.

### **Payment Options**

The order in which to submit your application, put up the blue notices and place the newspaper advert into a newspaper is as follows. There are three options:-

#### **Option One – sending the application by post and payment by post**

1. - Create a plan to scale as per the plan requirements and ensure this is labelled (you may need to carry this out in advance if a professional is drawing the plan for you).
2. - Fill out Premises Licence Application Form  
- Fill out DPS Consent Form (if selling alcohol)  
- Make a colour photocopy of Right to Work in the UK identification  
- Write Cheque for Application  
- Research newspaper costings for adverts and dates when publishing is possible
3. - Post application, all related documents (as per table above) and cheque
4. - Await confirmation from the administration team that the application has been received  
- Write the date on the pale blue notice (the date should be the day after confirmation has been received)  
- Contact the newspaper to place advert, ensuring the advert is published within 10 days of the confirmation date received by the administration team.
5. The date on the pale blue notice and newspaper advert will determine the beginning of the 28 day consultation process.

#### **Option Two – sending the application via email and payment by post**

1. - Create a plan to scale as per the plan requirements and ensure this is labelled (you may need to carry this out in advance if a professional is drawing the plan for you).
2. - Fill out Premises Licence Application Form  
- Fill out DPS Consent Form (if selling alcohol)  
- Make a colour photocopy of Right to Work in the UK identification  
- Write Cheque for Application  
- Research newspaper costings for adverts and dates when publishing is possible
3. - Email application, all related documents (as per table above) and post cheque
4. - Await confirmation from the administration team that the application and cheque has been received  
- Write the date on the pale blue notice (the date should be the day after confirmation has been received)  
- Contact the newspaper to place advert, ensuring the advert is published within 10 days of the confirmation date received by the administration team.

5. The date on the pale blue notice and newspaper advert will determine the beginning of the 28 day consultation process.

#### Option Three – sending the **application via email** and **payment by debit/credit card**

1. - Create a plan to scale as per the plan requirements and ensure this is labelled (you may need to carry this out in advance if a professional is drawing the plan for you).
2. - Fill out Premises Licence Application Form  
- Fill out DPS Consent Form (if selling alcohol)  
- Make a colour photocopy of Right to Work in the UK identification  
- Research newspaper costings for adverts and dates when publishing is possible
3. – Email the application and all related documents (as per table above)
4. - Write in the email that you would like to make payment via debit/credit card
5. - Write the date on the pale blue notice (the date on the notice should be the day after the application and documents have been submitted via email)
6. - Contact the newspaper to place advert (the date in the advert should be the day after the application and documents have been submitted via email)
7. The date on the pale blue notice and newspaper advert will determine the beginning of the 28 day consultation process.

#### **Please be aware of the following;**

A fully completed application is **ONLY** considered complete when all of the documents and payment have been received by the Licensing Department.

1. If you post the application and payment, the application will only be deemed as received **WHEN BOTH** the application and cheque have been received.

**PLEASE NOTE:** This will make a difference to the dates written on the blue notices and the newspaper advert, you should await confirmation from the admin team

2. If you email the application and then make payment via cheque in the post, the application will only be deemed as received **WHEN BOTH** the application **AND** cheque has been received. This is an option but you should make a note when submitting the application via email that the cheque is being sent separately in the post in order to make the administration team aware and prevent them from chasing you for payment.

**PLEASE NOTE:** This will make a difference to the dates written on the blue notices and the newspaper advert, you should await confirmation from the admin team.

3. If you email your application and wish to make payment via debit/credit card, please write your contact details in the email and request that you would like to pay via Credit/debit card. A member of the administration team will then call you to take payment. In this instance the application will be considered received immediately when the payment has gone through. The date on the pale blue notice and advert will be deemed as the day after the application is emailed.

Please **DO NOT SEND CASH** with your application (we do not accept cash) and **DO NOT WRITE** your credit card details in any email/document (as your details are not secure).

#### After The Application Has Been Submitted

Once the application form has been received, it will be consulted on by all of the responsible authorities. If the responsible authority has an objection to the application, they will make contact with you to make a representation. The representation sets out what is expected of you in order for the responsible authority to agree (in their opinion) to the Premises Licence being granted. The representation may also ask for further clarification regarding matters related to the application. If you agree with the proposed, you should reply in writing to confirm your agreement.

You do not have to agree with what has been set out in the responsible authority's representation and if an agreement cannot be reached, the Council's Licensing Committee hearing will be arranged where you the

applicant will be given the opportunity to give your reasons for opposing the representation. The committee will then make a decision according to what they have heard. The committee hearings take place within 20 days, beginning the day after the last day of consultation. Applicants are given 10 days' notice of the hearing date.

The pale blue notice displayed at the premises and newspaper advert also allows other members of the community (residents/customers/businesses) to see the application and oppose it. They may also make representation within the 28 days consultation period but any representations received by the Licensing Department must be legitimate.

If your application is refused by the Licensing committee you may appeal against the decision to the Magistrates' Court.

**PLEASE NOTE:** Until the Licensing Committee hearing has taken place, you are not permitted to carry out licensable activities.

### Premises Licence Variation

The holders of a licence may at any time request a variation to the licence. This may be for a number of reasons such as to add or remove an activity, amend the times of one or more activities, or amend/remove a condition.

The procedure for this is similar to a new application in that it must be served on all Responsible Authorities, advertised in a newspaper and pale blue notices displayed at the premises. You should follow the procedure for making a new premises licence application above if you wish to apply for a variation.

Persons or businesses that believe they are affected by the variation, as well as Responsible Authorities may make representation. Where there are representations that cannot be resolved through agreement, the application will be determined at a hearing represented by the Licensing Sub-Committee.

### Transfers

Any person or business entitled to hold a premises licence may apply for a licence to be transferred to them. This also includes the requirement to remove or add the details of a person named on the licence.

A copy of the application must be served to the police, who may make representation. In this case the application would be determined by the council's licensing Sub-Committee.

If a Premises Licence has been previously suspended due to non-payment of fees, the outstanding fees will need to be paid when the Premises Licence is being transferred. Licensable activities cannot be carried out until all outstanding fees have been paid.

If the outstanding fees are greater than applying for a new Premises Licence, you may wish to make a new application instead. You will need to weigh up your options in terms of cost (newspaper advert/application fee/loss of earnings whilst you apply), whether your application for potential new licensable activities/conditions is more favourable than that of the existing licence and finally how soon you wish to carry out licensable activities. There may be other factors you wish to consider but these are some considerations which may apply.

### Provisional Statements

If you are considering starting a business that would require a licence under the Licensing Act 2003 and you want confirmation that the premises would be licensed, you may apply for a Provisional Statement. For instance if you were considering buying a retail shop and converting it to a 'wine bar' and wanted assurances that you would be granted a licence before going to the expense of buying, applying for planning permission and refurbishing you could apply for a Provisional Statement.

The application procedure is very similar to an application for a premises licence and you would have to produce accurate plans of the proposed premises, and include a comprehensive operating schedule.

At the end of the procedure if you are successful you will be given a Provisional Statement. Provided the premises are completed in accordance with the application you may apply for the Provisional Statement to be made into a full licence.

## **REVIEWS**

The Licensing Act 2003 allows a greater freedom for licensees to operate their business in a way that suits their individual needs.

To ensure there is adequate redress for residents or businesses that may be adversely affected by a licensed premises, there are provisions for licences to be reviewed. Any resident or business in the area of a particular licensed premises as well as any responsible authority may ask for a review.

Any request for a review must be relevant to one or more of the licensing objectives and must not be frivolous, vexatious or repetitious (similar to any other recent representation).

Anyone seeking a review must give written notice to the Council's Licensing unit in the form of a review application (which can be accessed online or requested by emailing [business.licence@brent.gov.uk](mailto:business.licence@brent.gov.uk) , serve a copy of the application on the premises licence holders and to each Responsible Authority (listed at the bottom of the review application form). The Council will then advertise the application for review and hold a committee hearing to determine the matter.

In order to apply for a review hearing, you will need to have sufficient evidence of the Licensing objectives not being upheld by the premises. The evidence will need to be clear, to the point and demonstrate how one, some or all of the Licensing Objectives have failed to be met.

For your information the Licensing objectives are;

- Prevention of crime and disorder
- Prevention of public nuisance
- Public safety
- Protection of children from harm

These are also mentioned at the beginning of this information sheet.

Once the 28 day consultation period has ended, you will be given the opportunity to present your evidence to the committee who will then decide one of the following;

- Add, remove or amend a licence condition
- Exclude an activity from the licence
- Remove the designated premises supervisor
- Suspend (for up to 3 months) or revoke the licence
- Take no action

### **Temporary Event Notices**

A Temporary Event Notice allows for the holding of a small scale one-off licensable activity without having a Premises Licence or Club Registration Certificate and would apply to fetes, open days, and similar events or on special occasions such as international sporting events.

To hold a TEN, notice of the event must be given to the Licensing Authority (Brent Council) the Environmental Health Department and the Police. The procedure is not an application but a notification. The notification notice must be served at least 10 clear working days before the event is to be held. A copy of the application must be forwarded to Brent Licensing Police, 5<sup>th</sup> Floor, , Brent Civic Centre, Engineers Way, Wembley, HA9 0FJ or by email to [licensing-qk@met.police.uk](mailto:licensing-qk@met.police.uk) , the Nuisance Control Team, Brent Council, Regulatory Services, Brent Civic Centre, Engineers Way, Wembley, HA9 0FJ or by email to [ens.noiseteam@brent.gov.uk](mailto:ens.noiseteam@brent.gov.uk) and the Licensing Authority, Regulatory Services, 5<sup>th</sup> Floor, Brent Civic Centre, Engineers Way, Wembley, HA9 0FJ or by email to [business.licence@brent.gov.uk](mailto:business.licence@brent.gov.uk). The more time you allow the better your chances of resolving any problems and not being refused (Heard by Committee). If the Police or Environmental Health objects to a TEN the council will serve a counter-notice and/or hold a hearing to determine the application.

TEN's are subject to the following conditions or limitations

- an event may not last for longer than 168 hours (7 days).
- no more that 499 people (including staff) may attend any event.
- no premises may be used for more than 21 days or 15 separate occasions in any calendar year.
- there must be 24 hours between events at the same premises.
- personal licence holders are limited to 50 TENs in any calendar year and all other persons to 5 in the same period.

### Personal Licences

The requirement for a personal licence is controlled under Part 6 of the Licensing Act 2003. The Act requires that any sale or supply of alcohol under a premises licence must be made or authorised by a personal licence holder.

Only applicants that are resident in the borough of Brent can make a personal licence application to Brent Licensing. If you live within another borough, you should apply directly to your local authority.

All applications must be accompanied with the documents as specified in section 4 of the application form and the fee of **£37.00**. Two current passport sized photographs must be submitted with your application. They must be taken against a light background, with the full face uncovered and without sunglasses or head covering unless due to religious beliefs. One of the photographs must be endorsed with a statement verifying the likeness to the applicant, by a solicitor, notary, a person of standing in the community or any individual with a professional qualification.

Information on a range of accredited courses designed to support the licensing objectives for personal licences can be obtained from The British Institute of Innkeeping – Tel: 01276 684449 website: [www.bii.org](http://www.bii.org) or Inn-Dispensable – Tel: 023 9234 5679 website: [www.inn-dispensable.com](http://www.inn-dispensable.com) . Colour Photocopies of relevant qualifications must be enclosed with the application.

The results of a Disclosure Barring Scotland (DBS) check or Subject Access Search must be obtained prior to submitting your application and must not be more than one calendar month old, when accompanying your application. You may apply for a basic disclosure to Disclosure Scotland, PO Box No.250, Glasgow, G51 1YU or by applying online.

### Proof of Right to Work in the UK

As of April 2017, the Immigration Act now requires that all persons applying for a licence prove that they have a right to work in the UK. The application form stipulates which forms of identification are acceptable.

### Contacts

**Licensing Team (Alcohol & Entertainment)**  
**Brent Civic Centre**  
**Engineers Way**  
**Wembley**  
**HA9 0FJ**

**☎ 020 8937 5359**

**Email: [business.licence@brent.gov.uk](mailto:business.licence@brent.gov.uk)**