

## Guidance Notes for Completing Premises Licence Application Forms

### Part 1 of the application form: Premises Details

You should provide the full postal address or, if there is not a postal address, describe the location of the premises or give the Ordnance Survey map reference. Also required here is the Non Domestic Rateable Value which determines the fee payable. Premises that do not have a non domestic rateable value are treated as falling into Band A for licensing fee purposes. See the separate table for the fees payable.

### Part 2: Applicant Details

This section asks you to state the capacity in which you are applying, for example as an individual, a limited company, a recognised club, a charity etc. You can only apply in one of these capacities so should only tick one box. If you are applying as a person described in (a) or (b) you must also tick one of the three boxes at the end of this question. For the majority of applicants, the first box will apply (i.e. the applicant will be carrying on or proposing to carry on a business). You should then give further details in either section **(A) INDIVIDUAL APPLICANTS** or section **(B) OTHER APPLICANTS**, but not both.

### Part 3: Operating Schedule

You should state the date you wish the licence to start and, if applicable, the end date. A premises licence will usually last indefinitely unless you specifically state an end date.

### 5000 or more people attending

The question concerning the number of people attending the premises at any one time is necessary to determine whether an additional fee for large events should apply. It is not necessary to complete this box if you think that less than 5,000 people will attend the premises at any one time. The figure relates to the maximum number of people on the licensed premises, including employees, at any one time – not the total number over a period of time. It is important to note that the attendance figure relates to the 'licensed premises' (i.e. the licensed area identified in the plan) and not areas that are outside the 'licensed premises'. If you decide that the number will not exceed 5,000, you will be responsible for ensuring that the numbers at any one time do not exceed this figure. If you do exceed it, you could be engaging in an unlicensed activity, which is a criminal offence.

### General description of the premises

You are asked to describe the premises. For example the type of premises it is, its general situation and layout and any other information that would be relevant to the licensing objectives. You should also describe any areas that you intend to provide for people to consume alcohol that you sell or supply such as outside areas e.g. beer gardens. This is separate to the plan of the premises you need to produce.

### Licensable Activities

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

whether any are licensable activities under the Act. After this, you should complete the corresponding boxes from A to M that relate to those activities. Only complete the boxes that relate to the activities you have ticked.

You should give timings using the 24-hour clock. The space marked 'non standard timings', gives you the opportunity to record occasions when the timings will change. For example, you may wish the activity to go on longer on Christmas Eve or weekends preceding bank holidays, but you must be specific about the days and times here so that they can be easily identifiable.

Don't forget to tick the box to specify in each case whether the activity will be taking place indoors, outdoors or both.

#### Designated Premises Supervisor

If you intend to sell alcohol, you should give details of the person who you wish to be the designated premises supervisor (DPS) and submit a signed Form of Consent as part of the application. This person must hold a Personal Licence.

#### N - Adult Entertainment

See the notes on the back of the application form, but you do not need to complete this section if it does not apply to your premises. There is also no need to refer to AWP machines here.

#### O - Hours Premises are open to 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, and also allows for 'drinking up time'.

#### P - Steps to Promote Licensing Objectives

You are asked to describe the steps you intend to take at your premises to promote the four licensing objectives. Anything you put down here is likely to become a condition of your licence. Failure to meet those conditions would constitute an offence under the Act and so you should therefore think carefully about adding conditions to ensure that they are achievable, realistic, necessary, appropriate, proportionate and within your control. An example might be making sure all doors and windows are closed after a certain time to limit the escape of noise from the premises. If a responsible authority considers that you need to do more for one of the licensing objectives, 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.

#### Checklist

Complete the checklist to confirm you have:

- Enclosed a plan of the premises to the required specifications
- Enclosed the correct fee
- Sent copies of the application to all the responsible authorities
- Enclosed the form of consent from the Premises Supervisor, if selling alcohol
- Advertised the application once in the local press within the first 10 days **and** outside your premises using a blue notice for 28 consecutive days. Remember that this is compulsory and will be checked by the Licensing Section.

#### Part 4 - Signatures

The form must be signed by either the applicants or their appointed agent (eg Solicitor).

## Appendix A: Licensable Activities

### **BOXES A – K (Provision of regulated entertainment)**

*You should refer to section 1 and Schedule 1 to the Act or contact the Council Licensing Section for full details of the definitions of regulated entertainment.*

#### **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 programmes.

#### **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.

#### **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 two. The old '2 in a bar' rule will no longer apply under the new licensing regime. Live music will therefore require a licence 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 licence 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 pub 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 the licensing department.

#### **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**

### **BOXES I – K (the provision of entertainment facilities)**

This refers to facilities provided for enabling people to take part in making music, dancing and similar activities, for example a dance floor or where musical instruments are provided for people. Where a public hall committee hires out a hall for use as a dance venue (an "entertainment facility") to the host and organiser of a private wedding the event may not be licensable, unless the public hall committee are also managing or organising the provision of the entertainment for those attending (see Schedule 1, paragraphs 1(2) and (4) of the Act).

**BOX I: Provisions of facilities for making music**

**BOX J: Provision of facilities for dancing**

**BOX K: Provision of facilities for entertainment of a similar description to that falling within (i) provision of facilities for dancing or (j) performance of dance**

**BOX L (the provision of late night refreshment)**

*You should refer to section 1 and Schedule 2 to the Act or contact or contact the Council Licensing Section for full details of the definitions of late night refreshment.*

Late Night Refreshment is defined in the Act as the supply of any hot food or drink between 11:00pm and 5:00am, although there are some exemptions. Hot drinks consisting of, or containing alcohol, should be authorised under the supply of alcohol, rather than late night refreshment. **Therefore, if you run a restaurant or takeaway, including mobile vans, and sell hot food or drink within these hours a licence will be required.**

**BOX M: (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 in sealed containers, please tick 'off'. If you wish people to be able to do both, please tick 'both'.

**Appendix B: The Next Step**

1. Once your application form is complete you need to take at least three copies of it all, including the plan of the premises you have produced and any additional forms as required. It is advisable to also take a copy of everything for your own records.
2. The original should be sent to the Licensing Section at Melton Borough Council for processing. You must then send your copies to each of these Responsible Authorities: the Police, Trading Standards and Leicestershire Fire & Rescue. These, and the Council, will also act as agents for the other Responsible Authorities. **These must be received by them within 48 hours.**
3. You need to advertise the application once it has been served on the Council and is in order. A blue notice must be placed on the premises so that it is visible to passers by. This must remain there for 28 days. There are also requirements for further blue notices for large premises with boundaries greater than 50 metres. Please ask us for further information. You also need to place a copy of the notice in the local newspaper once within the first 10 days. Again, please ask us for further information about the format of the notice in the newspaper.
4. Once submitted to us the Responsible Authorities and other interested parties have 28 days within which to make representations concerning your application. Should there be any representations made and if no agreement can be reached, the matter will be decided by a Licensing Panel comprised of three members of the Licensing Committee. You will be invited to attend. If there are no outstanding representations at the end of the 28 day consultation period then the application will be granted as requested and your licence will follow shortly thereafter.

**Appendix C: Further Information**

Further information and application forms can be obtained from the Licensing Section on 01664 502502 or from our website at [www.melton.gov.uk](http://www.melton.gov.uk)