

THE LICENSING ACT 2003 HELP & ADVICE TO APPLICANTS

Introduction

The Licensing Act 2003 sees a complete change in the way licensing of alcohol, entertainment and late night refreshment will operate. It will now be the duty of the new Licensing Authority (Vale of Glamorgan Council) to deal with these matters.

This guidance document has been developed to assist you in completing the application forms required for applying for a new licence. Alternatively, the Licensing Authority can be contacted either by phone (01446 709105), by e-mail (licensing@valeofglamorgan.gov.uk) or by letter to the Licensing Department, Vale of Glamorgan Council, Civic Offices, Holton Road, Barry, CF63 4RU.

New terminology is introduced under the Licensing Act 2003. Premises Licence, Personal Licence, Club Premises Certificates and Temporary Event Notices will become the new licences issued by the Licensing Authority.

A Premises Licence will be required if you conduct any licensable activity at the premises. A licensable activity is: -

- Sale/Supply of alcohol
- Provision of Regulated Entertainment
- Provision of hot food/drink between 11pm and 5am

The person who is to be the Designated Premises Supervisor for a Premise where the sale/supply of alcohol is to take place will require a Personal Licence. It is open for anyone to apply for a Personal Licence and not restricted to operators within the trade.

A Club Premises Certificate caters for the Registered Clubs amongst you. You may require further advice regarding this certificate, as it will only cover supply of alcohol to a Member or Guest of a Member. For example, in the case of a Golf Club, a member of the public pay's their Green Fee for a round of golf and is neither a Member nor a Guest of a Member. This person should not be able to consume alcohol in the Clubhouse after his round of golf.

Temporary Event Notices are not yet in force. A consultation package from the Government is expected regarding these in 2005.

All premises must have a Licence by 24th November 2005, or they may be prosecuted if they continue to undertake licensable activities.

There are 4 Licensing Objectives that over-ride every application under the Licensing Act 2003. They will also need addressing when you complete your application forms. They are:

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

Application Forms

The section will help you to complete an application form for a new licence, if you already have a licence for your premises then please contact the Licensing Section for help and advice for converting your licence.

Part 1: This section asks for the address of the premises, including any contact telephone number. You must also include in the relevant box the Non-domestic rateable Value of the premises. This is not the same as the amount that you pay in business rates, but is what your business rate is based on. It can be found on your rates bill or you can call the Council and speak to the rates department.

Part 2: This part asks for details about you, the applicant. Please tick the correct box and then fill out the contact details for each applicant. A premises licence can be owned by any number of people, please include everyone, if you need you can add further applicants on a separate sheet.

Part 3: This is the most important part of the form. In this section you should set out the types of Licensable activity you are going to undertake at the premises and the times when it will take place.

You should firstly describe the premises, is it a take-away, restaurant, pub or club. You need then to tick the boxes in relation to the activities that you will be undertaking. If you are unsure which activities apply to you, contact the Licensing Section and we will help to identify the relevant activities.

For each of the activities you have indicated you need to fill out the relevant box; if you have ticked Plays you will need to fill out box Making Music box I, late night refreshment L etc, in all cases you will need to fill out boxes N, O and P.

In each case you must state on the boxes what time you are going to undertake the activity, if there are going to be seasonal variations you should state this, as well as any other time during the year when the hours are going to change.

If you are going to sell alcohol at the premises you also need to state who is going to be your Designated Premises Supervisor, that is the person who has

day-to-day control of the premises. This might be you, a partner or a manager. It is important to note the DPS must hold a personal Licence in order for alcohol to be sold at the premises and that a DPS can only supervise one premises.

Box N refers to adult entertainment. In this box you should highlight any gambling, Lap dancing or other adult activities that are undertaken in the premises. Section 14 of the Statement of Licensing Policy will give further details of adult orientated entertainment

In box O you should state if the Premises is open at time when the Licensable activities do not take place. For example a take-away may be open from 6 in the evening but the Licensable activity only takes place after 11.

Box P is where you should state any actions you are taking to promote the four Licensing Objectives. These will become conditions of your Licence; it is important that you think carefully about the measure that you take already that promote the objectives, and those that you would consider.

Annexes F (Crime Prevention), G (Public Safety), H (Prevention of Public Nuisance & Protection of Children from Harm) give details of some model conditions that you may wish to use in your Operating Schedules. These Annexes are not an exhaustive list and additional conditions may be more relevant in certain circumstances.

Supporting Documentation

In addition to the completed form you are also required to provide other prescribed documentation with your application forms. They are: -

- The required fee
- Form of consent from the Designated Premises Supervisor
- Plan of the Premises

The specified plan of the premises must be in a Scale of 1:100cm and detailed on those plans must be: -

- Extent of the boundary, external & internal walls & the perimeter of the premises
- Access & egress points
- Location of escape routes
- Area used for each licensable activity
- Location for consumption of alcohol
- Fixed structures which impact on the use of exits and escape routes
- Stages or raised platforms and height of each relative to the floor
- Steps, stairs, elevators or lifts location
- Location of public conveniences
- Location & type of any fire safety & other safety equipment
- Location of kitchen

The Fee required as part of your application package will depend upon the Rateable Value of your premises and also if you are intending to apply to vary any existing conditions of licence you may have. The table below will show what the required fee will be for your application dependant on your Rateable Value and also the supplement to be paid should you wish to vary any existing terms and conditions: -

RATEABLE VALUE	BAND	FEE
0 - £4,300	A	£100
£4,301 - £33,000	B	£190
£33,001 - £87,000	C	£315
£87,001 - £125,000	D	£450
£125,000 +	E	£635

Once the form is completed you should submit it along with the supporting documents to the Licensing authority and serve copies on the responsible authorities.

They are: -

- South Wales Police
- South Wales Fire Service
- Environmental Health Department
- Trading Standards
- Social Services (Children & Family Services)
- Planning Department

Details relating to these Authorities can be found at Annex C to the Statement of Licensing Policy. These Authorities MUST be served with a copy of your application on the same day as you serve it to the Licensing Authority. If it is not served on the same day your application will not be valid and will be return to you.

Advertising

In addition to serving the form on the above authorities you are also obliged to advertise your application in two forms.

You will be required to place an advert in a local newspaper, whose distribution is in the area of your premise, on at least one occasion during a period of 10 working days starting on the day after submitting your application to the Licensing Authority.

Secondly, you are required to display a notice which is at least A4 in size, of a pale blue colour and printed legibly in black ink or typed in black in a font size of at least 16, prominently at or on the premises to which your application relates.

Should you require help with the wording of either of the advertisements please contact the Licensing section for assistance.

I trust that you will find this document of assistance to you whilst completing your application forms. Please also be advised that the forms should be completed in line with the Vale of Glamorgan Council's Statement of Licensing Policy, which you should have already received. If you have not already received your copy please contact the Licensing Department on the number as previously mentioned.