

# Licensing Act 2003

## A User-Friendly Guide



## Premises Licenses

As you may be aware the Licensing Act 2003 came into effect on the 24<sup>th</sup> November 2005. This covers all of the following licensable activities.

- ◇ The sale of alcohol by retail
- ◇ The supply of alcohol to club members and their guests
- ◇ The provision of 'regulated entertainment'
- ◇ The provision of late night refreshment

A licensing policy has been established which links to other key strategies covering community safety, cultural development and economic regeneration. A new system of Licensing Committee has been established, and a Central Administration Unit has been formed, serving the following Councils:

- ◇ **Kettering Borough Council**
- ◇ **East Northamptonshire Council**
- ◇ **Borough Council of Wellingborough**
- ◇ **Daventry District Council**
- ◇ **Corby Borough Council**

From 1<sup>st</sup> April 2008, all applications need to be sent directly to the Central Administration Unit at East Northamptonshire Council regardless of the area in which the premises are situated. Details of how to contact the Central Administration Unit are given on the back page of this leaflet.

### The Licensing Objectives.

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

### Premises Supervisor/Personal Licenses.

Each premises must have a Designated Premises Supervisor (DPS). While the Premises Supervisor is ultimately responsible for the establishment, it is not necessary for them to be on site at all times. In the absence of the DPS, it is advisable that they should authorise the relevant members of staff to serve alcohol in their absence. This should be done in writing, and a copy of the authorisation should be available for inspection, on request, by an authorised person, such as the Police, or Local Authority Enforcement Officer. However, it is good practice, wherever possible, for more than one member of staff to hold a personal licence, to cover cases of holidays and sickness

### Frequently Asked Questions

#### “How do I apply?”

You need to submit premises application forms together with the DPS consent form, plan of the premises and a fee made payable to East Northamptonshire Council. The fee is based on the premises rateable value. Fee details are available on both websites mentioned below. Please make cheque payable to East Northamptonshire Council. You need to send a copy of the application to the relevant statutory bodies/consultees such as the Fire, Police etc. Addresses are listed on the unit's website, under Advice & Guidance/Statutory Consultee Details.

You will also need to advertise the application on site with a blue A4 notice which must be displayed within 48 hours of the application being received by the Council. The application also needs to be advertised in the press within 10 days of the application being received by the Council giving people the 28 days to make a

representation. (Day one is the day after the application is received by the Council).

#### **“How long does it take?”**

The Council will consult with various agencies in relation to the licensing objectives and give them 28 days to make a representation. If no representations are made then the licence will be deemed to be granted. If representations have been made, the application will go to the Licensing Committee for decision, which will take a further 28 days.

#### **“Filling In the Forms”**

The operating schedule is part of the application form which the applicant sets out various details on how the premise is proposed to operate. It must include the following information:

- ◇ the licensable activities to be carried out;
- ◇ the proposed hours that the relevant licensable activities are to take place;
- ◇ the proposed hours that the premises are to be open to the public;
- ◇ the duration of the licence (if it is to have a fixed term);
- ◇ details of who is to be the designated premises supervisor if the licensable activities include the supply of alcohol;
- ◇ where alcohol is to be supplied, whether the supplies are proposed to be for consumption on and/or off premises; and
- ◇ a statement of the steps the applicant proposes to take to promote the licensing objectives (for example, the arrangements for door security to prevent crime and disorder).

**It should be born in mind that, on issuing, the Operating Schedule will form a part of the licence, and will be legally enforceable.**

#### **“What is Regulated Entertainment?”**

Subject to qualifying conditions and exemptions the definition states that it is :-

- ◇ A performance of a play
- ◇ An exhibition of a film
- ◇ An indoor sporting event
- ◇ A boxing or wrestling event
- ◇ A performance of live music
- ◇ Any playing of recorded music
- ◇ A performance of a dance
- ◇ Entertainment of similar description to that falling within the performance of live music, playing of recorded music and the performance of dance
- ◇ Provision of facilities for dancing, making music or entertainment of a similar description.

#### **“What is late night refreshment?”**

The Act defines late night refreshment as being hot food served between the hours of 11pm and 5am. The definition of Premises includes vehicles; therefore a static/mobile vendor will require a premises licence for each site.

#### **“Does the Act cover entertainment outdoors?”**

Yes, the Act defines premises as ‘any place and includes a vehicle, vessel or moveable structure’. Unlike the previous system, outdoor entertainment (or any other licensable activity) can take place on either private or public land

and still require a licence. For the purposes of the Act, a marquee is held to be outdoors.

#### **“What defines the sale of alcohol.”**

Any supply of alcohol to the general public is deemed to be licensable if money has changed hands at any point. For example, a ‘free’ glass of wine included in the price of a ticket is still deemed to have been sold.

Alcohol distributed free of charge, at a private party (i.e. where all guests are present by invitation, and at no charge) is not licensable, neither is a ‘bring your own’ event, although the organiser would be responsible for ensuring that no alcohol was served to anyone under 18.

#### **“What is a ‘Short Term Premises Licence’?”**

Under normal circumstances, a one-off event would be covered under a Temporary Event Notice (TEN). However, a TEN will only cover events where 499 people will be present at any one time. For events where 500+ people will be attending at any one time (and this includes staff, security, entertainment etc) a ‘short term premises licence’ must be applied for. The procedure for this is exactly the same as a standard premises licence. The applicant must ensure that they allow at least 56 days clear for the processing of the application, including a possible panel, or the licence may not be granted in time.

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You can view a complete copy of the Act and associated guidance at [www.culture.gov.uk](http://www.culture.gov.uk)