Guidance on Applying for a Premises Licence

# General

A Premises Licence is required for anyone who is currently or proposing to carry on licensable activities as described in the Licensing Act 2003.

The following are classed as licensable activities;

* Supply of alcohol
* Performance of a play
* Exhibition of films
* Boxing or wrestling entertainment
* Indoor sporting event
* Live music
* Recorded music
* Performances of dance
* Late night refreshment

\*there are certain exemptions where regulated entertainment is provided.

If you intend to run a business and carry on licensable activities, you must do so in a way that promotes the four licensing objectives:

* Prevention of Crime & Disorder
* Public Safety
* Prevention of Public Nuisance
* Protection of Children from Harm

# Applying for a Premises Licence

The application for the grant of a Premises Licence is a lengthy form. It incorporates anything you may need to apply for; however, you only need to complete the sections relevant to you and your business.

Section M of the application form requests details on how you intend to promote the licensing objectives. To demonstrate how you intend promote these objectives you should detail the measures you have, or will put, in place to mitigate any potential risks. These measures may appear on any licence granted in the form of conditions; therefore, it is important that these measures are realistic and within the control of the applicant. Any breach of a licence condition is a criminal offence under Section 136 of the Licensing Act 2003.

The Licensing Service has guidance on recommended conditions in order to promote the licensing objectives. This guidance is available on our website and should be referred to when completing Section M of your application form.

# Plan Requirements

In addition to a completed application form you are required to submit a plan of the premises. The plan does not need to be in any particular scale, but it must be in a format which is “clear and legible in all material aspects” i.e. it must be accessible and provide sufficient detail for the Licensing Authority to be able to determine the application, including the relative size of any features relevant to the application. The plan must show the following information:

* Extent of the boundary of the building, if relevant, and any external and internal walls and, if different, the perimeter of the premises
* The location of access to and egress points from the premises
* Escape routes (if these are different from above)
* In a case where the premises is to be used for more than one licensable activity, the area within the premises used for each activity
* All fixed structures (including furniture) or similar objects temporarily in a fixed location (but not furniture) which may impact on the ability of individuals on the premises to use exits or escape routes without impediment
* Raised flooring areas (the location and height of each raised area)
* The location of any steps, stairs, elevators or lifts
* Public conveniences
* All fire safety equipment (location & type)
* Location of kitchen (if any)

We have created separate guidance on how to create a floor plan should you require it, with a handy example drawing.

# Advertising your application

When you are applying for the grant of a premises licence, you must advertise that application in two ways *(if your premise is over 50 square metres please see guidance in red below regarding on site advertisement).*

**1** – A notice must be prominently displayed at the premises where it can be conveniently read from the exterior of the premises. The notice must comply with the following:

* Font size to be equal to or larger than size 16
* Printed in black ink
* Printed on pale blue paper
* This notice must be in place no later than the day following submitting your application and must remain in place for 28 consecutive days

**2** – The same notice must be published in your local newspaper within 10 working days of submitting your application.

Please use our Guidance on Advertising for an advertisement notice template.

If your premises is over 50 square metres, as well as following point 1 above, you are also required to place a further notice, in the same form and subject to the same requirements, every 50 metres along the external perimeter of the premises abutting any highway.

# Representations

Once your application is submitted, there is a 28-day consultation period, whereby people are permitted to submit any representations against your application.

Your application will be forwarded to the following Responsible Authorities –

* Greater Manchester Police
* Greater Manchester Fire & Rescue Service
* Planning
* Trading Standards (Weights & Measures)
* Environmental Health (Noise Nuisance & Health and Safety)
* Public Health
* Safeguarding (protection of children from harm)
* Home Office Immigration Enforcement

As well as Responsible Authorities, any other person can play a role in a number of licensing processes under the 2003 Act. This includes any individual, body or business entitled to make representations to licensing authorities in relation to application for the grant, variation, minor variation or review of premises licences and club premises certificates, regardless of their geographical proximity to the premises

Any representations made by these persons must be ‘relevant’. For a representation to be relevant it must:

* relate to the likely effect of the grant of the licence on the promotion of the licensing objectives
* be made by an interested party or responsible authority
* not have been withdrawn
* not be ‘frivolous’ or ‘vexatious’ or, in the case of a review, ‘repetitious’ if made by an interested party

In the case of variation applications, the representation must be confined to the subject matter of the variation.

If any representations are submitted, the Licensing Authority will notify you upon receipt of the representation. Where possible, mediation between yourselves and the objector will be arranged so an amicable solution may be reached. In the case an agreement is reached, the representation will be withdrawn. In the instance an agreement cannot be reached, the application will proceed to a Licensing Committee Hearing.

A Licensing Committee Hearing is held before three Councillors from the Licensing Committee. The matters will be considered, and a decision reached at the hearing.

A hearing can still go ahead in the absence of any party. At the hearing the licensing panel will decide how to proceed in order to promote the licensing objectives and what they deem as appropriate in the circumstances.

A written result of the hearing will be sent to you afterwards and all parties have a right of appeal to their local magistrates’ court within 21 days of being notified of the decision.

If no representations are made during the 28-day consultation period, the licence will be granted on the 29th day.

# Other things to consider

If your application is for the grant of a licence to supply alcohol, your application must be accompanied by a consent form to be completed by the proposed Designated Premises Supervisor (DPS).

A Designated Premises Supervisor, also referred to as a DPS, is responsible for all sales of alcohol from a premises at which they are specified as the nominated DPS.

The DPS’s details appear on the Premises Licence where they are nominated. If at any point a DPS is going to be absent from the premises, written authority should be in place allowing a named individual(s) to act on their behalf. This authority acknowledges that should any issues occur, such as underage sales, the DPS would still be ultimately responsible.

A DPS must hold a Personal Licence with the Licensing Authority for where they reside. For more guidance and information on how to obtain a Personal Licence, please refer to the Personal Licence Guidance.

# Useful contact information/links:

The Licensing Service receive applications and respond to queries by email. You can contact a member of the team at licensing@oldham.gov.uk

The Licensing Service provides all their application forms and guidance on the Council website. These can be found at [www.oldham.gov.uk/licensing](http://www.oldham.gov.uk/licensing).

The Licensing Act 2003 can be found online at <https://www.legislation.gov.uk/ukpga/2003/17/contents>

Statutory Guidance can be found online at <https://www.gov.uk/government/publications/explanatory-memorandum-revised-guidance-issued-under-s-182-of-licensing-act-2003>