

Premises Licence guidance

Introduction

Wyre Council is responsible for issuing the following:

- Personal Licences
- Premises Licences (either with or without alcohol)
- Club Premises Certificates and
- Temporary Event Notices

The Act is underpinned by the four licensing objectives.

- The prevention of crime and disorder;
- Public safety;
- The prevention of public nuisance; and
- The protection of children from harm

Licensable activities

Retail sale of alcohol

Any retail sale of alcohol requires a licence.

If you include alcohol as part of a ticket price (such as cheese and wine), this is still a retail sale and must be licensed either by a premises licence or a Temporary Event Notice (TEN).

Regulated Entertainment

Due to legislative changes there has been a partial deregulation of regulated entertainment since the introduction of the Licensing Act in 2005.

Subject to the conditions, definitions and the exemptions, the types of entertainment regulated by the Licensing Act 2003 are:

- a performance of a play
- an exhibition of a film
- an indoor sporting event
- a boxing or wrestling entertainment; (indoor and outdoor)
- live music
- recorded music
- performances of dance and
- entertainment of a similar description to live music, recorded music and the performance of dance, where the entertainment takes place in the presence of an audience and is provided at least partly to entertain that audience.

Exemptions

	Between	Audience	Premises type	Notes
Live unamplified music	8am & 11pm	Less than 500 persons	any	
Live amplified music	8am & 11pm	Less than 500 persons	Alcohol on-licensed premises*	Premises must be open for customers under the terms of the licence
Live amplified music	8am & 11pm	Less than 500 persons	Non-licensed workplace	
Live amplified music	8am & 11pm	Less than 500 persons	Non-licensed church, community or village hall or similar	Consent required from person responsible for premises
Live amplified music	8am & 11pm	Less than 500 persons	Non-licensed residential premises of a local authority, hospital,	Consent required from organisation responsible for premises
Recorded music	8am & 11pm	Less than 500 persons	Alcohol on-licensed premises	Premises must be open for customers under the terms of the licence
Recorded music	8am & 11pm	Less than 500 persons	Non-licensed church hall, village hall, community hall or similar	Consent required from person responsible for premises
Recorded music	8am & 11pm	Less than 500 persons	Non-licensed residential premises of a local authority, hospital,	Consent required from organisation responsible for premises
Any entertainment	8am & 11pm	Less than 500 persons	Local authority premises, hospital, school	Entertainment provided by the local authority, health care provider or school
Plays	8am & 11pm	Less than 500 persons	Any premises	
Dance	8am & 11pm	Less than 500 persons	Any premises	
Films	8am & 11pm	Less than 500 persons	Community premises	Not for profit event Consent required from organisation responsible for premises Screening is suitable for age of attendees
Indoor sporting events	8am & 11pm	Less than 1000 persons	Any premises	
Greco-Roman or freestyle wrestling	8am & 11pm	Less than 1000 persons	Any premises	
Travelling circuses	8am & 11pm	No limit	Any moveable structure that the audience is held within	Circus may not be located on same site for more than 28 days

Notes on live music

- Karaoke is generally classed as a performance of live music

- A backing track, drum beat or band that accompanies live singer(s) is classed as amplified live music
- Any performance of dance of a sexual nature will require a licence

Further examples of activities that do not require a licence. However this list is not exhaustive, for further clarification please contact the licensing section or seek independent legal advice.

- Acts of religious worship
- Activities in places of public worship
- Education-teaching students to perform
- The demonstration of a product
- the rehearsal of a play or performance of music for a private audience where no charge is made with a view to making a profit
- Morris dancing (or similar)
- Incidental music – the performance of live music or the playing of recorded music if it is incidental to some other activity
- Incidental film – an exhibition of moving pictures if it is incidental to some other activity
- A spontaneous performance of music, singing or dancing
- Garden fetes – or similar if not being promoted or held for purposes of private gain
- Films for advertisement, information, education or in museums or art galleries
- Television or radio broadcasts – as long as the programme is live and simultaneous
- Vehicles in motion – at a time when the vehicle is not permanently or temporarily parked
- Games played in pubs, youth clubs (such as pool, darts and table tennis)
- Stand-up comedy and
- Provision of entertainment facilities (such as dance floors)

Any activity that falls outside the above definitions is classified as a licensable activity and will need authorisation under a premises licence or a TEN.

Late night refreshment

Late night refreshment is the supply of hot food or hot drink to the public between 11.00pm and 5.00am, for consumption on or off the premises. This includes hot food delivered from a premises.

Food or drink is “hot” if it is heated above ambient air temperature on the premises or elsewhere before it is supplied, or if it may be heated on the premises for this purpose after it is supplied.

Late night refreshment exemptions

There are some instances where the provision of hot food and hot drink does not need to be licensed. These are:

- Hot drinks from a vending machine where payment is inserted into the machine by a member of the public and the hot drink is supplied directly by the machine to the member of the public (this exemption does not apply to hot food)
- Hot food or hot drink supplied free of charge, where there is also no charge for admission to any premises, or for some other item to obtain the hot food or hot drink

- Hot food or hot drink supplied by a registered charity or by a person authorised by a registered charity
- Hot food or hot drink supplied on a vehicle, which is not permanently or temporarily parked at the time (mobile catering vehicles which park up each evening to serve customers from busy licensed premises) need to be licensed
- Supplies of hot food or hot drink are also exempt when the premises are used exclusively for guests of hotels or similar premises – that is guest houses, lodging houses, hostels, caravan or camping sites or other premises supplying accommodation as their main purpose
- Members of recognised clubs and their guests
- Employees of a particular employer and their guests, for example where refreshment is made available to employees whose shift patterns require them to be present at the workplace between 11.00pm and 5.00am
- A person who is engaged in a particular profession or who follows a particular vocation, for example a tradesman carrying out work at particular premises

The application process

Applicants proposing to carry on a business involving licensable activities on the premises may be an individual aged 18 or over, a business, a qualifying club, a charity, the proprietor of an educational establishment, health service body or the Chief Officer of Police.

The responsibility for the licence and payment of the annual fee lies with the Premises Licence Holder. For leased public houses this may be the tenant or the pub operating company. It is not for the council to decide who should apply for the premises licence, but for the tenant and the operating company to agree contractually.

For new applications that request the sale of late night refreshment or the sale of alcohol individuals and individuals in partnerships will have to produce documents which prove the prospective PLH applicant has the right to work in the UK. A copy of the application must also be sent to the Home Office.

Applications

Applications for a premises licence must be made to the licensing authority for the area where the premises is situated and must include

- the completed application form
- a plan of the premises
- the prescribed fee.
- If the licensable activities include the supply of alcohol, by a form of consent in the prescribed form, given by the individual whom the applicant wishes to have specified in the premises licence as the DPS
- Copies of documents to prove that the applicants(s) have the right to work in the UK

The applicant must also serve copies of the application on each of the Responsible Authorities. Where an application is submitted electronically the Licensing Authority will distribute copies to the Responsible Authorities:

- Lancashire Police
- Lancashire Fire and Rescue Service
- Wyre Council's Health and Safety department

- Wyre Council's Environmental Health Department (noise prevention)
- Child Protection Committee (LCC Social Services)
- Wyre Council's Planning Department
- Trading Standards Department (LCC)
- The Public Health Authority (LCC)
- The Secretary of State (Home Office-Immigration Enforcement)
- The Licensing Authority

Contact details for the Responsible Authorities can be found at the end of this guidance.

Applicant's right to work/immigration status

Entitlement to work/immigration status is required for individual applicants and applications from partnerships which are not limited liability partnerships:

A licence may not be held by an individual or an individual in a partnership who:

- Does not have the right to live and work in the UK; or
- Is subject to a condition preventing him or her from carrying on a licensable activity.

Any premises licence issued in respect of an application made on or after 6 April 2017 will become invalid if the holder ceases to be entitled to work in the UK.

Applicants must demonstrate that they are entitled to work in the UK and are not subject to a condition preventing them from doing work relating to the carrying on of a licensable activity by providing proof with the application.

Designated Premises Supervisor (DPS)

In most cases premises licences which authorise the sale and supply of alcohol must identify a person who has responsibility for the day to day running of the premises. This person is known as the DPS and must hold a valid personal licence.

The holder or applicant of a premises licence must ensure check that the DPS has the right to work in the UK by checking the required identity documents.

The operating schedule

The operating schedule sets out details on how the premises will operate and must include the following information:

- The licensable activities to be carried out
- The proposed hours that the relevant licensable activities are to take place
- Any other items that the premises are to be open to the public
- The name and address of the DPS 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 the premises
- Conditions that the applicant would like to volunteer.
- Where the licence is for a limited period, that period

If there are no representations, the conditions and restrictions placed on the premises licence will be based on information contained in the operating schedule.

Plans

The plan enclosed with the application must be a clear representation of the premises and include:

- Entrances and exits
- Fire safety equipment (alarms, blankets, extinguishers)
- A clear line around the area intended to be licensed
- Boundary of the building
- Fire escapes
- Fixed structures
- Any raised areas within the licensed area including the height of the raised area
- Location of toilet facilities
- Additional rooms and/or kitchen area in the building

Plans must be clear and legible. There is no requirement for plans to be professionally drawn as long as they clearly show all the prescribed information.

Advertising applications

All applicants **must** advertise their applications in the following ways:

1) for a period of no less than 28 consecutive days starting on the day after the day on which the application was given to the relevant licensing authority, by displaying a notice,

(a) which is of a size equal or larger than A4, of a pale blue colour, and printed legibly in black ink or typed in black in a font of a size equal to or larger than 16

(b) in all cases, the notice should be placed prominently at or on the premises which the application relates to enable it to be read from the exterior of the premises. In the case of a premises covering an area of more than fifty meters square, a further notice in the same form and subject to the same requirements every fifty meters along the external perimeter of the premises abutting any highway; and

2) by publishing a notice—

(a) in a local newspaper circulated in the vicinity of the premises

(b) on at least one occasion during the period of ten working days starting on the day after the day on which the application was given to the relevant licensing authority

The notices must contain the following information:

- The relevant licensable activities to be carried on at the premises
- The name of the applicant
- The address or location of the premises
- The council postal address and if applicable the web address where copies of the application may be viewed
- The dates between which an interested party and responsible authority may make representations to the licensing authority
- A statement that representations must be made in writing
- A statement that it is an offence to knowingly or recklessly make a false statement in connection with an application and the maximum fine for which a person is liable on summary conviction for the offence

Templates for these notices are available on request from the licensing department.

Decisions

Where there are no objections or relevant representations made by responsible authorities or interested parties during the 28 day representation period, the licensing authority must grant the application. The licence will be granted as applied for, subject only to the mandatory conditions and conditions submitted in the operating schedule.

However during the application process a responsible authority may request additional conditions should be placed on the licence in order to uphold the licensing objectives. Applicants are given the opportunity to agree and accept, but if not the representation will proceed as below.

Representations

If there are no outstanding relevant representations at the end of the consultation period the application must be granted.

If a relevant representation is made, there must be a hearing unless all parties agree that it is unnecessary.

The Licensing Committee or Sub-Committee will consider the representations and may:

- Grant the licence in the accordance with the application
- Refuse to grant the licence
- Add additional conditions or restrictions

Variations

The holder of a premises licence may apply at any time to the licensing authority to amend their licence by

- varying the hours during which a licensable activity is permitted;
- adding licensable activities;
- amending, adding or removing conditions;
- altering any aspect of the layout of the premises which is shown on the plan.

Depending on the proposed changes, it may be possible for you to submit a 'minor variation' application. You should contact the Licensing unit to discuss whether a minor variation would be appropriate

Licence reviews

If a licensed premises causes issues either for any of the responsible authorities or neighbours, a review application can be made to the licensing authority. Ordinarily before matters reach this stage there will have been communication with the Premises Licence Holder premises and where appropriate the DPS.

When a valid application for a review is made the licensing authority will hold a hearing. After hearing all the evidence the Licensing Committee may:

- Modify conditions
- Exclude an activity
- Remove the DPS
- Suspend the licence (for a maximum of three months)
- Revoke the licence

Any party to the decision has the right of appeal to the Magistrates Court who can:

- Dismiss the appeal
- Substitute any alternative decision which the council could have made
- Send the case back to the local authority with directions to deal with it

Other circumstances

Once issued, a premises licence remains in force until it is surrendered by the holder or revoked following a review of the licence. However a premises licence will lapse 28 days after the holder of the licence:

- Dies
- Becomes mentally incapable
- Becomes insolvent
- Ceases to be entitled to work in the UK

Fees

The premises fee structure is banded and based on the non-domestic rateable value of the premises

Band	A	B	C	D	E	D* See notes below	E* See notes below
Rateable value of premises	£1-£4,300	£4,301-£33,000	£33,001-£87,000	£87,001-£125,000	£125,000 and above	£87,001-£125,000	£125,000 and above
Application fee	£100	£190	£315	£450	£635	£900	£1905
Annual fee (which will be invoiced 12 months later)	£70	£180	£295	£320	£350	£640	£1050

Application or notice	Fee
Personal licences	
Application for the grant of a personal licence	£37.00
Replacement of personal licence following theft or loss	£10.50
Duty to notify change of name or address of personal licence holder	£10.50
Temporary Event Notice (TEN)	
TEN	£21.00
Replacement of TEN certificate following theft or loss of temporary event notice	£10.50

Premises licences	
Application to vary licence to specify individual as premises supervisor	£23.00
Application for transfer of premises licence	£23.00
Application for a provisional statement where premises being built	£315.00
Interim authority notice following death of licence holder	£23.00
Right of freeholder to be notified of licensing matters	£21.00
Duty to notify change of name or address of Personal Licence Holder or business name	£10.50
Replacement of premises licence /certificate following theft or loss	£10.50
Club premises certificates	
Notification of change of name or alteration of rules of club	£10.50
Change of relevant registered address of club	£10.50

Notes

- 1) For premises which have a capacity over 5000 please see schedule 3
- 2) Premises that do not have a non-domestic rateable value (vessels, crown property, mobile catering unit and fields) attract the fee from band A
- 3) In the case of a smaller premises that is part of a larger rated area ie a shop on a caravan site, the fee will be based on the RV of the site as a whole, as the smaller elements are not rated separately
- 4) For premises in bands D and E that are used exclusively or primarily for the supply of alcohol for consumption on the premises, the amount of the fee is shown in D* and E*. That is for band D* twice the amount shown for D and in band E* three times the amount shown for band E.
- 5) The act allows for some exemptions from the need to pay the initial licence fee and the annual fee when the premises are only being used for regulated entertainment - when no alcohol is being sold. These are:
 - (a) in the case of an application by a proprietor of an educational institution in respect of premises that are or form part of an educational institution:
 - (i) that the educational institution is a school or a college and
 - (ii) the provision of regulated entertainment on the premises is carried on by the educational institution for and on behalf of the purposes of the educational institution or
 - (b) that the application is in respect of premises that are or form part of a church hall, chapel hall or other similar building or a village hall, parish hall or community hall or other similar building

Schedule 3

Additional fees are payable where 5,000 or more people are attending an event.

Number attending	Addl. fee	Number attending	Addl. fee	Number attending	Addl. fee
5,000 to 9,999	£1,000	30,000 to 39,999	£16,000	70,000 to 79,999	£48,000
10,000 to 14,999	£2,000	40,000 to 49,999	£24,000	80,000 to 89,999	£56,000
15,000 to 19,999	£4,000	50,000 to 59,999	£32,000	90,000 and over	£64,000
20,000 to 29,999	£8,000	60,000 to 69,999	£40,000		

The Police Reform and Social Responsibility Act 2011 amended the Licensing Act 2003 and gives Licensing Authorities the power to **suspend a premises licence for non-payment of the annual fee.**

Responsible Authorities - Contact details for copy applications to be sent to

Planning Department

Wyre Council
Civic Centre
Breck Road
Poulton le Fylde
Lancashire
FY6 7PU
planning@wyre.gov.uk

Health and Safety Department

Wyre Council
Civic Centre
Breck Road
Poulton le Fylde
Lancashire
FY6 7PU
simon.clark@wyre.gov.uk

Environmental Protection

Wyre Council
Civic Centre
Breck Road
Poulton le Fylde
Lancashire
FY6 7PU
jonathan.fail@wyre.gov.uk
nick.clayton@wyre.gov.uk

Police

Police Licensing Department
Lancashire Constabulary
Bispham Police Station
Red Bank Road
Blackpool
Lancashire
FY2 0HJ
westlicensing@lancashire.pnn.police.uk

Fire Authority

Fire Prevention Officer
Lancashire Fire and Rescue
Fleetwood Fire Station
Radcliffe Road
Fleetwood
Lancashire
FY7 6UJ
licensing@lancfirerescue.org.uk

Protection of Children from Harm

Business Manager
Lancashire Safeguarding Children's
Board
Lancashire County Council
Room D39
County Hall
Preston
PR1 0LD
Children.CYPSafeguarding@lancashire.gov.uk

Trading Standards

Trading Standards Service
Intelligence Management Team
4th Floor, Lancashire Point
County Hall
Preston
Lancashire
PR1 8XB
Intelligence.management@lancashire.gov.uk

Public Health

Director of Public Health and Wellbeing, LICENSING
Lancashire County Council
County Hall
Preston
Lancashire
PR1 8XB
PHLicensing@lancashire.gov.uk

Home Office (Immigration enforcement)

Alcohol Licensing Team
Home office
Lunar House
40 Wellesley Road
Croydon
CR9 2BY
alcohol@homeoffice.gov.uk

Wyre Licensing department details

Wyre Council
Civic Centre
Breck Road
Poulton le Fylde
Lancashire
FY6 7PU
Website- www.wyre.gov.uk
licensing@wyre.gov.uk

