

Licensing Act 2003 Applicant Guidance

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Licensing
Public Protection Partnership
E-mail: licensing@westberks.gov.uk

Introduction

This document is intended to offer guidance to applicants. The Licensing Team are also able to provide advice on applications, or you may choose to employ a solicitor or similar to advise and/or assist you.

Whilst care has been taken to ensure that the information contained within this document is correct at the time of publication, we cannot be held liable for any errors. Please note that changes in legislation and guidance after the time of publication may impact on the accuracy of this information.

The West Berkshire Statement of Licensing Policy is available on our website at <http://www.westberks.gov.uk/index.aspx?articleid=28111> . You may also wish to refer to the Home Office website <https://www.gov.uk/guidance/alcohol-licensing> and the Secretary of State's Guidance issued under section 182 of the Licensing Act 2003 (a PDF or link to the current version of this document is available on request).

Licensable Activities

Activities which are licensable under the Licensing Act 2003 are as follows:

- Sale by retail of alcohol (or supply of alcohol in a club).
- Provision of late night refreshment: the sale of hot food or hot drink between 23:00 and 05:00
- Regulated entertainment is defined as one or more of the following, **but please see the below sections which provide details of various exemptions:**
 - i) a performance of a play;
 - ii) an exhibition of a film;
 - iii) an indoor sporting event;
 - iv) a boxing or wrestling event;
 - v) a performance of live music;
 - vi) any playing of recorded music;
 - vii) a performance of dance;
 - viii) entertainment of a similar description to a performance of live music, any playing of recorded music or a performance of dance.

The consumption of alcohol is not licensable. So an event at which people bring along their own alcohol doesn't require a licence. However, if the cost of an event ticket includes a glass of wine etc, or if alcohol is supplied as part of a service (e.g. a hairdresser providing customers with a glass of wine, or a takeaway providing a bottle of beer with a pizza) then authorisation will be required.

Entertainment is only regulated entertainment where it takes place in the presence of an audience and is provided, at least partly, to entertain that audience. Events that are held in private are not licensable unless those attending (i.e. the guests) are charged with a view to making a profit (including raising money for charity).

Exemptions apply to:

- Provision of entertainment at a place of religious worship or for the purposes of a religious meeting or service
- Garden fetes (unless the event is promoted for private gain)
- Education, rehearsals, advertisements and demonstration of products
- Live simultaneous television or radio broadcasts

- Music which is incidental to another activity
- Film which is incidental to another non-licensable activity
- Morris dancing

The following activities are not licensable **when they take place between 08:00 and 23:00 on any day:**

- A performance of a play with an audience of no more than 500 people
- An indoor sporting event with an audience of no more than 1000 people
- A performance of dance with an audience of no more than 500 people
- Live music, where the live music comprises:
 - i) A performance of unamplified live music
 - ii) A performance of amplified live music in a workplace with an audience of no more than 500 people [workplace is any premises which are not domestic premises and are made available to any person as a place of work]
 - iii) A performance of amplified live music on licensed premises (open for the sale of alcohol for consumption on the premises) with an audience of no more than 500 people [unless specific conditions have been added following a review of the premises licence or club premises certificate]
 - iv) A performance of amplified live music in a church hall, village hall, community hall, or other similar community premises, that is not covered by a premises licence to sell alcohol, provided that (a) the audience does not exceed 500 people, and (b) the organiser gets consent for the performance from a person who is responsible for the premises.
 - v) a performance of amplified live music at the non-residential premises of (i) a local authority, or (ii) a school, or (iii) a hospital, provided that (a) the audience does not exceed 500 people, and (b) the organiser gets consent for the performance on the relevant premises from: (i) the local authority concerned, or (ii) the school or (iii) the health care provider for the hospital.
- Playing of recorded music as follows:
 - i) Any playing of recorded music between on premises authorised to sell alcohol for consumption on those premises, provided that the audience does not exceed 500
 - ii) Any playing of recorded music in a church hall, village hall, community hall, or other similar community premises, that is not licensed by a premises licence to sell alcohol, provided that (a) the audience does not exceed 500 people, and (b) the organiser gets consent for the performance from a person who is responsible for the premises.
 - iii) Any playing of recorded music at the non-residential premises of (i) a local authority, or (ii) a school, or (iii) a hospital, provided that (a) the audience does not exceed 500 people, and (b) the organiser gets consent for the performance on the relevant premises from: (i) the local authority concerned, or (ii) the school proprietor or (iii) the health care provider for the hospital.
- Films: no licence is required for 'not-for-profit' film exhibition held in community premises provided that the audience does not exceed 500 people and the organiser (a) gets consent to the screening from a person who is responsible for the premises; and (b) ensures that each such screening abides by age classification ratings.
- Any entertainment (excluding films and boxing/wrestling entertainment) taking place at a travelling circus, provided that (a) it takes place within a moveable structure that accommodates the audience, and (b) that the travelling circus has not been located on the same site for more than 28 consecutive days.
- Greco-Roman and Freestyle wrestling provided it takes place within a building, the audience does not exceed 1000 people and they are accommodated wholly inside the building.

In addition, the provision of regulated entertainment by or on behalf of local authorities, health care providers, or schools on their own premises will be exempt from entertainment licensing between 08:00 and 23:00 on the same day, with no audience limit.

The Licensing Objectives

The role of the Council is to promote the licensing objectives:

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

What types of licence are available?

Premises licences, club premises certificates and temporary event notices can authorise licensable activities at any premises, which can include open spaces and temporary structures as well as buildings or parts of buildings. Premises licences which authorise the sale of alcohol also require a 'Designated Premises Supervisor' who must hold a personal licence.

Premises Licences

A premises licence application can be made by an individual, several individuals, a company or organisation, or other prescribed persons such as individuals acting as representatives for a company or individual. A 'premises' means any place and can include a defined area, a building, part of building, a vessel, vehicle or temporary structure.

The application for a premises licence is usually made by the owner of the business or the committee or organisation responsible for the building. If the premises are leased, the freeholder has a right to inform the Licensing Authority of their interest in the premises and register to be notified of any applications and other matters that may affect the licence.

Premises licences which authorise the sale of alcohol also require a Designated Premises Supervisor ('DPS') to be nominated who must hold a personal licence, unless they are a community premises and have successfully applied for the condition that there must be a DPS to be removed from their licence.

More details can be found at <http://www.westberks.gov.uk/index.aspx?articleid=28228> and see 'How to Apply for a Premises Licence or Club Premises Certificate' within this document.

Club Premises Certificates

A 'qualifying club' can apply for a club premises certificate for any premises occupied and used regularly for club purposes. There are general conditions the club must satisfy, including the following:

- The club is established and conducted in good faith
- The club has at least 25 members
- A person may not be given membership or access to membership privileges without an interval of at least two days from their membership application/nomination and membership being granted
- Alcohol is only supplied to members on the premises by or on behalf of the club

- Alcohol purchases and supplies for the club may only be carried out by members of the club who are over 18 years of age and are elected to do so by the members
- No person at the expense of the club receives any commission, percentage or other similar payment in regard to the purchase of alcohol by the club and there are no arrangements for anyone to receive a financial benefit from supplying alcohol, apart from any benefit to the club or to any person indirectly from the supply giving a gain from running the club

A qualifying club applying for a Club Premises Certificate does not need a personal licence holder identified as a DPS as there is no sale of alcohol by retail taking place. Alcohol may be bought for the club by the members and the money being passed across the bar is to maintain equity between members. The club should ensure there is a clear policy within the club rule book in respect of guests. Clubs should carefully consider whether they should apply for a club premises certificate and/or a premises licence.

As committee members in clubs change from time to time please ensure that the Licensing Team are notified of any changes, in particular changes to the role of Chairman, Secretary or Treasurer.

More details can be found at <http://www.westberks.gov.uk/index.aspx?articleid=28228> and please also see 'How to Apply for a Premises Licence or Club Premises Certificate' within this document.

Temporary Event Notices

Temporary Event Notices (TENs) may be given in respect of licensable activities at unlicensed premises, or at premises which already have a premises licence or club premises certificate to cover licensable activities not permitted by the existing authorisation and/or remove existing premises licence conditions.

A temporary event notice may only be given by an individual and not by an organisation, club or business. The individual giving the notice is the 'premises user'. 'Premises' means any place and can include, for example, a recreation ground or park. For outdoor events in particular, a clear description of the area where licensable activities will be carried on should be provided. The premises user is required to give details of the nature of the event, for example a wedding with a pay bar and disco, or the sale of alcohol at a farmers' market. Details of the times during which the premises user intends to carry out licensable activities must also be provided.

There are prescribed limits on TENs including the number of TENs per premises per year (currently 12 though this is due to rise to 15 from 1 January 2016), the maximum total duration of the periods authorised by TENs in relation to individual premises (21 days in a calendar year), the maximum length of time a TEN may have effect (168 hours or 7 days) and the maximum number of people attending at any one time (499 persons which includes staff, organisers, stewards and performers). There has to be a gap of at least 24 hours in between TENs at the same premises.

How do I submit a temporary event notice?

TENs can be submitted electronically, including online payment, using this link: <https://www.westberks.gov.uk/index.aspx?articleid=28124>. If a temporary event notice is submitted electronically, the licensing authority will send the TEN to the Police and Environmental Protection on behalf of the premises user.

Alternatively, a TEN form is also available to download and print from <https://www.gov.uk/government/publications/temporary-event-notice-form> . The premises user should submit one copy of the notice and the fee (£21) to Licensing Team, West Berkshire Council, Market Street, Newbury, RG12 5LD; a copy to Environmental Protection at the same address and a copy to Licensing, Thames Valley Police Headquarters (South), Kidlington, OX5 2NX.

The fee may be paid by cheque, payable to West Berkshire Council or by card over the telephone to the Licensing Team at **0330 1319742, Option 2**.

Where the premises is situated in two licensing authority areas, TENs must be submitted to each of the licensing authorities identified, together with the appropriate fee, and copies served on both Environmental Protection teams and police forces.

Standard TENs must be served on all 3 authorities at least 10 clear working days before the event (this does not include the day the authorities receive the TEN or the date of the event). Late TENs must be served on all 3 authorities between 5 and 9 clear working days before the event (this does not include the day the authorities receive the TEN or the date of the event). Any TEN given less than 5 clear working days before the date of the event will be void and the activities to which it relates will not be authorised.

Where the TEN is in order, the relevant fee paid and the event falls within the prescribed limits, the licensing authority will record the notice and send an acknowledgement letter to the premises user.

The Police and EP have a period of three working days from when the notice was given to the authority to object to it on the basis of any of the four licensing objectives. If an objection is received to a standard TEN, the premises user will be contacted to discuss options, including modification of the TEN, imposition of existing licence conditions if the TEN is for an event at a licensed premises or a Panel hearing to consider the objection notice. If an objection is received to a late TEN, the event will be immediately vetoed. There is no provision for a hearing nor is there a facility to appeal against the decision.

Provisional Statements

An individual or business who has an interest in a premises or who is considering purchasing a premises and want to be sure that they would be able to obtain a premises licence before they spend large sums of money may choose to apply for a provisional statement. The application process for a provisional statement is the same as for a premises licence and under normal circumstances, a premises licence application will eventually follow on from the grant of a provisional statement; if the applicant intends to go ahead with the proposal. As all relevant parties will have the opportunity to make representations on an application for a provisional statement, they will normally be restricted from making representations when an application is eventually made for a premises licence.

Personal Licences

A personal licence permits an individual to authorise the sale of alcohol from a premises that is suitably licensed for the purposes of selling alcohol by retail. A personal licence holder may give consent to become a designated premises supervisor ('DPS') for a licensed premises where the activity of sale of alcohol is authorised.

Personal licences are not required in qualifying club situations, and for premises licences which do not authorise the sale of alcohol. Applications must be made to the authority in the area in which the applicant normally resides, and the licence holder should notify the original

licensing authority of any changes of name or address. From 1 April 2015 it is no longer necessary to renew a personal licence. Any licences with an expiry date after 1 April 2015, or that bear no expiry date, shall remain valid indefinitely.

Applicants must be over the age of 18, and must prove that they have sufficient knowledge of licensing law and the social consequences of the sale of alcohol by providing a licensing qualification. Details of appropriate qualifications can be found on the application form.

Applicants must submit the following in order for the application to be deemed as valid:

- Application form available at <http://www.westberks.gov.uk/index.aspx?articleid=29963>
- Original licensing qualification certificate
- Fee of £37 (Fee may be paid by cheque, payable to West Berkshire Council or by card over the telephone to the Licensing Team at **0330 1319742, Option 2**)
- Two passport photographs
- A criminal conviction certificate/criminal record certificate or the results of a subject access search of the police national computer by the National Intelligence Service – this document must be dated within the last month.
- A completed disclosure of criminal convictions and declaration form available at <http://www.westberks.gov.uk/index.aspx?articleid=29963>

NB One of the passport photographs should be endorsed as a true likeness of the applicant by a solicitor or notary, a person of standing in the community or any individual with a professional qualification, worded as follows: 'I confirm that this is a true likeness of (name of applicant)'. It should be followed by signature, printed name and date of signing.

Basic criminal record checks can be obtained from Disclosure Scotland. For further details call their helpline on **03000 2000 40**, or see their website:

<https://www.mygov.scot/basic-disclosure/apply-for-basic-disclosure/>

Providing that the applicant has not had any relevant convictions as detailed in Schedule 4 of the Licensing Act 2003 (<http://www.legislation.gov.uk/ukpga/2003/17/schedule/4>), there are unlikely to be any problems with the grant of a personal licence.

How to apply for a Premises Licence or Club Premises Certificate

For new premises licence or club premises certificate, or variation applications, we suggest you contact the Licensing Team on **01635 519 184** or licensing@westberks.gov.uk for advice on the options available to you. The team can also provide application forms, details of fees, and guidance on how to apply. The team can also carry out consultation with the responsible authorities on draft applications and provide guidance on matters which should be considered prior to submission of the full application.

Towards the end of each application form there is a section confirming the items that are required to be submitted with each application. Please ensure everything is included with your application otherwise it will be deemed invalid.

If you hand deliver your application form, we recommend you request a receipt from the reception at our Market Street offices. If you post the application form, we recommend you send it by special delivery.

You can also apply for a premises licence or club premises certificate electronically. The application forms can be downloaded from the link provided in the guidance through our website at <https://www.westberks.gov.uk/index.aspx?articleid=29788> or please contact us for the link.

At present we do not have an online facility. Completed application forms can be given by email to licensing@westberks.gov.uk, together with the plans and any the other items required to be submitted with each application. The application fee will need to be paid by card over the telephone to the Licensing Team at 0330 1319742, Option 2.

The benefit to using this process is that we will serve the application on all responsible authorities on your behalf, so it saves you paper and postage costs.

Operating Schedule

Within the application for a new premises licence or club premises certificate, the applicant must submit an 'operating schedule' which should outline what activities are proposed, when the activities will take place, how the activities will be managed and the opening hours of the premises.

One of the most critical parts of the operating schedule is the section where the applicant describes the steps they intend to take to promote the four licensing objectives. The West Berkshire Statement of Licensing Policy should be used as a guide to the matters that are expected to be addressed in the operating schedule for each licensing objective. It is accepted that the proposed steps will be dependent on the individual style and characteristics of the premises and/or activities to be held. The applicant should carefully consider what they include in this section as the steps may become a condition of the licence or certificate. Applicants may choose to volunteer conditions from the pool of model conditions found towards the end of this document as the steps they will take to promote the licensing objectives.

Changes to Licences

There are certain circumstances that will require the licence holder to make an application to change their licence, for example the following:

- Variation of a premises licence or club premises certificate
- Minor variation of a premises licence or club premises certificate
- Variation of designated premises supervisor
- Transfer of a premises licence
- Request to be removed as designated premises supervisor
- Notification of change of name or address

Application forms for changes can be downloaded from the link provided in the guidance through our website at <http://www.westberks.gov.uk/index.aspx?articleid=28228> or please contact us for the relevant application form.

Completed application forms and notification of change(s) can be given by email to licensing@westberks.gov.uk, together with any other items required to be submitted with each application. The application fee will need to be paid by card over the telephone to the Licensing Team at 0330 1319742, Option 2

Minor Variations

The test for whether a proposed variation is 'minor' is whether it could impact adversely on any of the four licensing objectives. Is it suggested this process be used for changes such as:

- small changes to the structure or layout of a premises;
- small changes to licensing hours (but see below on changes that relate to the sale or supply of alcohol);
- revisions, removals and additions of conditions (this could include the removal or amendment of out of date, irrelevant or unenforceable conditions, or the addition of volunteered conditions).

The minor variations process cannot be used to:

- add the sale or supply of alcohol as a licensed activity
- extend licensing hours for the sale or supply of alcohol at any time between 23:00 and 07:00
- increase the amount of time on any day during which alcohol may be sold or supplied
- extend the period for which a premises licence or club premises certificate has effect
- transfer a premises licence or club premises certificate from one premises to another, or vary substantially the premises to which it relates
- specify an individual as DPS on a premises licence, or
- disapply the mandatory conditions relating to the requirement for a DPS at a community premises (there is a separate process by which a community premises can apply for this).

If you wish to make a change to your licence which is not appropriate for the minor variations process, you will need to make a full application to vary the premises licence.

Plans

The plan of the premises shall be of 1:100 scale (unless otherwise agreed with the Licensing Team) and should include the following details to ensure the Fire Authority can assess the fire precautionary measures:

- The location and extent of the boundary of the building, if relevant, and any external and internal walls which comprise the premises, or in which the premises is comprised;
- The size of the licensed area (in square metres)
- The location of exits and escape routes from the premises, showing clear exit widths of doors, passageways, staircases
- The locations in the premises to be used for licensable activity and in the case of an application where the premises is to be used for more than one licensable activity, the location for each activity;
- In a case where the application relates to the sale or supply of alcohol, the location or locations on the premises which is or are to be used for the consumption of alcohol;
- 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;
- In a case where the premises includes a stage or raised area, the location and height of each stage or area relative to the floor;

- The location and type of any fire safety and other safety equipment; including fire exit signage, fire detectors, fire alarm call points and indicator panel
- The location of a kitchen, if any on the premises.
- Area covered by escape lighting.
- Key to plan symbols used (a copy of the key to plan symbols as used, and preferred, by the Fire Authority is available from the Fire Authority on request).

Standards required in respect of fire safety matters, where relevant to the application:

- 1) Doors, partitions and glazing required to be fire resisting are to be in accordance with BS 476, as amended.
- 2) Fire resisting doors required to resist the passage of smoke at ambient temperature conditions should, unless tested in accordance with BS 476, Section 31.1, be fitted with a smoke seal.
- 3) The fire alarm system is to comply with BS 5839, Part 1. The attention of the Design/Installing Engineer should be drawn to paragraph 4.3 (consultation and records) of BS 5839, Part 1, which requires consultation with the Fire Authority.
- 4) The emergency lighting installation is to comply with BS 5266, Part 1. The attention of the Design/Installing Engineer should be drawn to paragraph 3.1 (consultation and records) of BS 5266, Part 1, which require consultation with the Fire Authority.
- 5) Fire safety related signs and notices are to conform to current British Standards.
- 6) Illuminated "EXIT" signs are to conform to BS 5499, Parts 1 & 3.
- 7) Fire fighting equipment is to comply with BS EN3 1-6, BS 7863, BS 7867 and BS 5306.
- 8) Upholstered seating furniture must satisfy, as a minimum standard, ignition source 0 (cigarette test) and Crib Ignition source 5 as specified in BS 5852,
- 9) Curtains and other textile hangings must be inherently flame retardant or be treated with a durable flame retardant. They must be capable of complying with the "Type B" performance requirements of BS 5867, Part 2 – "Specification for Fabrics for Curtains and Drapes – Flammability Requirements".
- 10) Artificial foliage and other decorative effects are to be fire retardant to the satisfaction of the Fire Authority.
- 11) Linings and surface finishes of walls and ceilings should have a surface spread of flame rating as defined in the current Building Regulations.
- 12) Certificates of Installation Test will be required in respect of items numbered 3, 4, 6, 8 and 9 above and may be required for item 2.

Note: Any reference to a British Standard (BS) should be taken to include the equivalent European Standard if relevant. The most recent revisions of these standards apply.

For new premises licence and club premises certificate applications, and provisional statements, the Licensing team should be sent one copy of the application form with the plan and fee.

Licensing Team
West Berkshire Council
Market Street
Newbury
RG14 5LD

Copies of the form and plan should also be sent to the following:

The Chief Officer of Police	Licensing, Thames Valley Police Headquarters (South), Kidlington OX5 2NX
The Fire Authority	The Fire Safety Officer, Royal Berkshire Fire & Rescue Service, Hawthorn Road, Newbury, Berkshire, RG14 1LD
The Enforcing Authority for Health & Safety at Work Act 1974	Principal Commercial Officer (Health & Safety Enforcement) West Berkshire District Council, Council Offices, Market Street, Newbury, Berkshire, RG14 5LD. For all Council owned or operated premises and those others where the Health & Safety Executive is the Enforcing Authority Principal Inspector, Health & Safety Executive, Priestly House, Priestly Road, Basingstoke, Hampshire RG24 9NW
The Local Planning Authority	Development Control Manager, West Berkshire District Council, Council Offices, Market Street, Newbury, Berkshire. RG14 5LD
The Enforcing Authority for Pollution	Principal Environmental Quality Officer, West Berkshire District Council, Council Offices, Market Street, Newbury, Berkshire, RG14 5LD
Trading Standards	Principal Trading Standards Officer, West Berkshire District Council, Council Offices, Market Street, Newbury, Berkshire, RG14 5LD
Local Safeguarding Children Board	West Berkshire District Council, Council Offices, West Street House, West Street, Newbury, Berkshire, RG14 1BZ
Public Health and Wellbeing	Senior Public Health Programme Manager Public Health and Wellbeing West Berkshire District Council, Council Offices, Market Street, Newbury, Berkshire, RG14 5LD
Home Office - Immigration Enforcement	Alcohol Licensing Team Lunar House 40 Wellesley Road, Croydon, CR9 2BY
In relation to a Vessel – A Navigation Authority British Waterways Board or The Secretary of State	British Waterways Board, Harbour House, West Quay, The Dock, Gloucester GL1 2LG. Tourism Division, 3 rd Floor, 2-4 Cockspur Street, London SW1Y 5DH
The Environment Agency	Responsible Officer Isis House, Wallingford, Oxfordshire OX10 8BD

For variation applications, other than minor variations, the form and original licence should be sent to the Licensing Team with the fee and copied to all responsible authorities as above. The plan should be included if the variation relates to the plan of the premises.

For minor variations, the form and original licence should be sent to the Licensing Team with the fee. The plan should be included if the variation relates to the plan of the premises.

In addition, **applications for transfer of premises licences, variations of DPS and interim authority notices** must be copied to Thames Valley Police at the above address.

Application Fees

Fees for all Licensing Act 2003 authorisations have been set by central government. The fees are based on the non-domestic rateable value of the premises. To find out the non-domestic rateable value of premises, please check using the Valuation Office's website, www.voa.gov.uk.

These are divided into 5 bands:

Band	A	B	C	D	E
Non-domestic rateable value	£0 - £4300	£4,301 - £33,000	£33,001 - £87,000	£87,001 - £125,000	£125,001 and over

The fees for new or variation applications for premises licences and club premises certificates are as set out below:

Rateable value bands	A	B	C	D	E
Main Application Fee	£100	£190	£315	£900	635

However, the fees for new or variation applications for premises licences and club premises certificates where (a) the premises are in Band D or in Band E; and (b) the premises are used exclusively or primarily for the supply of alcohol on those premises, are as set out below:

Rateable value bands	A	B	C	D	E
Main Application Fee	n/a	n/a	n/a	£900	£1905

Also, new or variation applications for premises licences and club premises certificates where the capacity of the premises will exceed 5,000 are subject to additional fees. Please contact the Licensing Team for details.

Community buildings are exempt from paying an application fee, provided there is no sale of alcohol or late night refreshment. For more information about this exemption and to check whether you would qualify, please contact the Licensing Team.

Please note that fees for unsuccessful applications will not be refunded. In addition, you may be required to pay a further application fee should you submit an invalid application.

Other fees:

Type of application	Fee due
Minor variation of premises licence or club premises certificate	£89
Application to vary licence to specify individual as premises supervisor	£23
Application to transfer premises licence	£23
Interim Authority Notice	£23
Notice of interest in any premises	£21
Application for copy of licence, certificate, summary or TEN due to theft or loss	£10:50
Notification of change of name or address (personal or premises licence)	£10:50
Notification of change of name or alteration of club rules	£10:50
Change of relevant registered address of club	£10:50

Fees may be paid by cheque, payable to West Berkshire Council or by card over the telephone to the Licensing Team at **0330 1319742, Option 2**

Advertising the application

For new premises licence and club premises certificate applications, provisional statements and variation applications, the applicant must advertise the application on a public notice displayed at the premises and in a local newspaper.

The public notice must be displayed prominently at the premises where it can be conveniently read from the exterior of the premises for a period of no less than 28 consecutive days starting on the day following the day the application was served on the licensing authority.

In the case of premises covering an area of more than 50 metres square, a further notice in the same form and subject to the same requirements must be placed every fifty metres along the external perimeter of the premises abutting any highway. The notice shall be:

- a) Of a size equal or larger than A4;
- b) Of a pale blue colour; and
- c) Printed legibly in black ink or typed in black in font size of 16 or bigger.

A template for the notice is available on request from the Licensing Team.

The applicant must also advertise their application in a local newspaper circulating in the local area such as the Newbury Weekly News or the Reading Chronicle. The newspaper notice must be published during the period of 10 working days starting on the day after the day on which the application was given to the licensing authority.

Both the newspaper notice and the public notice must contain the following information:

- a) The licensable activities proposed to take place at the premises;
- b) The name of the applicant;
- c) The postal address of the premises, or if not applicable a description of the premises concerned;
- d) Details of where the licensing authority's register is held and where it can be inspected (West Berkshire Council, Market Street, Newbury, RG14 5LD; during normal office hours);
- e) The closing date for representations to be received;
- f) A statement that all representations must be made in writing;

- g) 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 is an unlimited fine.

Please note that the date for (e) is calculated as 28 days from the day on which the application was served on the licensing authority and all responsible authorities. The Licensing Team will formally confirm this date within 2 working days of receipt of the application and we recommend you await this confirmation before placing the notice in the local newspaper.

For minor variation applications, the applicant must advertise the application on a public notice displayed at the premises. The requirements for the public notice are as above, but the notice should be on white paper and should be displayed for 10 working days rather than 28 days. The date for (e) will be 10 working days starting on the day after the day on which the application was served on the licensing authority. There is no need to place a notice in a local newspaper for minor variation applications.

What happens after the application has been submitted?

For new and full variation applications for premises licences, club premises certificates and provisional statements, the Licensing Team will contact the responsible authorities to ensure they have received their copies of the application. The application will be deemed invalid if it has not been properly served on all responsible authorities. For applications submitted online, the Licensing Team will serve copies on the relevant responsible authorities on behalf of the applicant.

Where a complete application form has been submitted with the appropriate fees and other paperwork, the appropriate notices are published and displayed as required, and no representations are received within the 28 day consultation period, the licence will be granted.

If a relevant representation is received, the licensing team will try to arrange a mediation meeting between the relevant parties to try and find a reasonable compromise. If this informal process is unsuccessful, a hearing before a licensing sub-committee will be held to which all relevant parties will be invited. The sub-committee will determine the application.

For minor variation applications, the licensing authority must consider whether the variation could impact adversely on the licensing objectives. The licensing authority may take into account any representations received and advice from responsible authorities and will make a decision within 15 working days beginning on the first working day after the authority received the application. There is no right to a hearing in respect of minor variation applications.

Where a decision is made, an applicant will be informed of their rights of appeal.

Annual Fees

If a premises licence or club premises certificate is granted, the holder of the licence or certificate is required to pay an annual fee as set out below:

Rateable value bands	A	B	C	D	E
Annual fee	£70	£180	£295	£320	£350

However, where (a) the premises are in Band D or in Band E; and (b) the premises are used exclusively or primarily for the supply of alcohol on those premises, the holder of the licence or certificate shall pay an annual fee as set out below:

Rateable value bands	A	B	C	D	E
Annual fee	n/a	n/a	n/a	£640	£1050

Also, where the capacity of the premises exceeds 5,000 the holder of the licence or certificate must pay an additional fee. Please contact the Licensing Team for details.

Annual fees – Payment details are on the back of the invoice which will have been sent to you.

Please note that a failure to pay the annual fee may result in suspension of the premises licence or club premises certificate.

Model Conditions

As mentioned previously in this document, within an application for a new premises licence or club premises certificate, the applicant must submit an 'operating schedule' which should contain details of the steps they intend to take to promote the four licensing objectives. This section includes model conditions which could be used by applicants within their operating schedule.

The applicant should carefully consider what they include in this section as the steps may become a condition of the licence/certificate, and breach of conditions is an offence under the Licensing Act 2003. Conditions will not be attached where this would duplicate matters addressed within other legislation.

In addition to any mandatory conditions required by law, the Licensing Authority will only attach conditions that are consistent with the operating schedule and any other conditions imposed as a result of a panel hearing to determine the application. Each application for a licence will be considered on its own merit. It is recognised that proposed conditions will differ due to the individual circumstances of the premises and will depend on a range of factors, including the nature and style of the premises, its location, the activities taking place there and anticipated clientele

Part A - Conditions Relating to the Prevention of Crime and Disorder

Door Supervisors

A written record shall be kept in respect of all door supervisors working at the premises containing the following information:

- a) name, address, and telephone number;
- b) registration number;
- c) name, address, and telephone number of the agency (where the door supervisor in question is not employed directly by the premises);
- d) dates and times at which he/she commences and finishes work at the premises
details of any incident in which the door supervisor is involved, including calls to police and any police action taken.

This record must be retained at the premises for a period of not less than six months and be available on request by any authorised officer of the Licensing Authority or Police.

Any door supervisors working at the premises shall wear high-visibility arm bands to display their SIA badge.

There shall be a minimum of door supervisors on duty at the premises at all times during opening hours.

There shall be a minimum of one door supervisor on duty at the premises for every 100 persons or part thereof.

Where under-18s are permitted entry to the premises, there shall be either:

- a) a minimum of two door supervisors for every 100 persons or part thereof; or
- b) at least one door supervisor per exit, whichever is the greater.

There shall be a minimum of one female door supervisor on duty at the premises at all times during opening hours.

Illegal Drugs and Offensive Weapons

The management of the premises shall devise and implement a written policy relating to the prevention of illegal drugs and offensive weapons. This policy shall include: staff training, searching, confiscation, storage and disposal of seized items.

Glass and Containers of Alcohol

No glassware, whether open or sealed, shall be given to customers on the premises whether at the bar or by staff service away from the bar.

No customers carrying open containers of alcohol shall be admitted to the premises at any time when the premises are open to the public.

Customers shall be prevented from taking any glasses or open bottles from the premises.

Drinking vessels shall be made of toughened glass or plastic and shall be designed not to have a sharp edge when broken.

CCTV

A digital CCTV system shall be installed and maintained in accordance with current Home Office Guidelines relating to UK Police Requirements for Digital CCTV Systems.

The system shall ensure all licensed areas of the premises (except toilet facilities) are monitored, including all entry and exit points and external areas, and should ensure frontal identification of every person entering and in any light condition.

All cameras shall continually record whilst the premises are open to the public and the recordings shall be kept and available for a minimum of 31 days with accurate time and date stamping. Any breakdown or system failure will be notified to the Police immediately and remedied as soon as practicable.

A member of staff trained in data retrieval and viewing from the CCTV system shall be available at all times when the premise is open to the public.

Recordings shall be made available to an authorised officer of Thames Valley Police or an authorised officer of the Council together with facilities for viewing.

The recordings for the preceding two days shall be made available immediately on request. Recordings outside this period shall be made available within 48 hours. Any request from Thames Valley Police or the Council for a copy of the CCTV recording to be made for evidential purposes must be carried out within 48 hours.

Access and Dispersal

The management of the premises shall devise and implement a written policy to monitor and control the access and exit of persons to and from the premises, including ejections and dispersal.

The supply of alcohol shall cease (insert) minutes prior to the closure of the premises and a winding down period with quieter music shall be implemented.

Provision will be made for customers leaving the premises to be able to book licensed private hire or hackney carriage vehicles.

Management and Control of Activities

The management of these premises shall devise and implement a written policy for the provision of appropriately qualified and trained staff at the premises.

In the absence of the designated premises supervisor, a personal licence holder shall be on the premises at all times when alcohol is available for sale.

There shall be at least two members of staff on duty at the premises each evening from [time] to [time]/until the premises closes, one of whom must be a personal licence holder.

All staff responsible for alcohol sales shall be able to converse with members of the public and relevant agencies in English.

The management of the premises shall have and utilise a Bracknell Business Against Crime Radio between the hours of 18:00 until the premises closes.

Incident Log

Any incident at the premises which impacts on the crime and disorder licensing objective shall be recorded in a register kept at the premises and shall contain the following information:

- a) time and date
- b) exact location
- c) nature of incident
- d) name of staff members or door supervisors involved
- e) name of any offender
- f) action taken as a result of the incident
- g) name of member of staff recording the incident

This record must be retained at the premises for a period of not less than six months and be available on request by any authorised officer of the Licensing Authority or Police.

Part B - Conditions Relating to Public Safety

Capacity

The capacity of [please insert areas] shall be restricted to [please insert numbers].

A suitable method of determining the number of persons on the premises at any one time shall be employed to ensure that the maximum permitted capacity is not exceeded.

A notice shall be displayed prominently at the entrance to the premises indicating the maximum number of persons permitted on the premises (or any particular part of the premises) at any one time.

Means of Escape

All exit doors shall be available at all times when the premises is open to the public without the use of a key, code, card or similar. Exit doors shall be regularly checked to ensure they function satisfactorily.

Safety checks shall be carried out before the admission of the public, and these should be recorded in a log book available on request to an authorised officer of the licensing authority.

Emergency Procedures

Staff with specific responsibilities in the event of fire or other emergency shall receive training and written instruction appropriate to their role and documented records of such training and instruction shall be kept.

Access routes for emergency vehicles shall be kept clear and free from obstruction.

Special Risks

At least 7 days notice shall be given to the Licensing Authority in respect of any entertainment which involves special risks (e.g. firearms, pyrotechnics, lasers, real flame or explosives).

Pyrotechnics, explosives or other highly flammable substances shall only be stored in areas approved by the Licensing Authority and subject to the provisions set out below:

- a) Firearms and replica firearms, including blank ammunition, shall be stored in a secure area to the satisfaction of the Licensing Authority and the police. They shall be under the control of a responsible person, who shall be responsible for the removal and return of all firearms. Firearms shall only be removed from the store (with the amount of ammunition required for the scene) immediately prior to use and returned to the store immediately after use. All discharged cartridges etc. must also be accounted for.
- b) Storage areas and containers used shall be indicated by the explosive/inflammable symbol on the door or lid.

Cylinders for the storage of compressed air, oxygen, or other gases or liquids under pressure shall not be used except with the consent of the Licensing Authority. At least 7 days notice shall be given to the Licensing Authority of any proposal to use such apparatus.

Signs shall be prominently displayed at the entrance to the premises where appropriate to advise the public of details of any special effects to be used during performances.

Animals

At least 7 days' notice shall be given to the Licensing Authority in respect of any entertainment which involves any live animal, bird or fish in a performance on the premises.

Attendants

The number of attendants on each floor or tier in a closely seated auditorium shall be as set out in the table below:

Number of members of the audience present on a floor	Minimum number of attendants required to be present on that floor
1-101	1
101-250	2
251-500	3
501-750	4
751-1000	5
And one additional attendant for each additional 250 persons (or part thereof)	

Attendants shall not be engaged in any duties that would hinder the prompt discharge of their duties in the event of an emergency or entail their absence from that floor or auditorium where they are on duty.

Attendants shall be readily identifiable to the audience.

Seating

There shall be no sitting on floors except in the area(s) as marked on the plan.

There shall be no waiting or standing except in the area(s) as marked on the plan.

In no circumstances shall anyone be permitted to:

- a) sit in the gangway;
- b) stand or sit in front of the any exit; or
- c) stand or sit on any staircase including any landings.

Any drinks to be consumed by a closely-seated audience shall be supplied in plastic/paper containers.

The premises shall not be used for a closely-seated audience except in accordance with plans previously submitted to and approved by the Licensing Authority, a copy of which shall be kept available at the premises and shall be shown to any authorised officer upon request.

Where any part of the premises is used for a closely-seated audience exceeding 250 people there shall be an unobstructed seat way or space of at least 305mm (12 ins) measured between perpendiculars between the back of one seat and the foremost portion of the seat arm or frame immediately behind.

Where the potential audience exceeds 250, all seats in the auditorium should, except in boxes accommodating not more than 8 persons, be either securely fixed to the floor or battened together in lengths of not fewer than four, or more than twelve.

If tiered seating is provided, the back of the highest level and the ends of the rows shall be provided with an effective safety barrier to the satisfaction of the Licensing Authority.

No article shall be attached to the back of any seat which would reduce clear width of seat-ways or cause a tripping hazard or obstruction.

A copy of any certificate relating to the design, construction and loading of any temporary seating shall be kept available at the premises and shall be shown to any authorised officer on request.

Disabled persons

The licensee shall ensure that whenever disabled persons are present, adequate arrangements are made to enable their safe evacuation in the event of an emergency.

Premises used for exhibition of films

Where the premises are not equipped with a staff alerting system the number of attendants present should be as set out in the table below:

Number of members of the audience present on the premises	Minimum number of attendants required to be on duty
1-250	2
And one additional attendant for each additional 250 members of the audience present (or part thereof)	
Where there are more than 150 members of an audience in any auditorium or on any floor	At least one attendant shall be present in any auditorium or on any floor

Where premises are equipped with a staff alerting system the number of attendants present should be as set out in the table below:

Number of members of the audience present on the premises	Minimum number of attendants required to be on duty	Minimum number of other staff on the premises who are available to assist in the event of an emergency
1-500	2	1
501-1000	3	2
101-1500	4	4
1501-more	5 plus one for every 500 (or part thereof) persons over 2000 on the premises	5 plus one for every 500 (or part thereof) persons over 2000 on the premises

At least 7 days notice shall be given to the Licensing Authority and Fire Service of any proposal to allow flammable films on the premises.

Indoor Sports Events

The licensee shall ensure that an appropriate number of qualified medical practitioners are on the premises for the duration of any event involving boxing, wrestling, judo, karate, mixed martial arts or entertainment of a similar nature.

For boxing and wrestling entertainment, or entertainment of a similar nature, any ring shall be constructed and inspected by a competent person, and no member of the public shall occupy a seat within 2.5 metres of the ring.

For water sports events, staff appropriately trained in safety and rescue shall be on the premises for the duration of the event.

Part C - Conditions Relating to the Prevention of Public Nuisance

Noise and Vibration

Noise from regulated entertainment taking place within the premises shall not be audible above background level at the nearest noise sensitive location at any time / between the hours of.....and

'Audible' shall be defined as an increase of more than 3dB when the regulated entertainment is taking place compared to when there is no regulated entertainment. The noise measurement shall be an LAeq,15 minutes. The measurement location shall be 1 metre from the façade of the nearest noise sensitive premises.

During any regulated entertainment, or in any case after, all external doors (including lobby doors) and windows to the premises shall remain closed, other than for access and egress.

Any sound amplification equipment shall be routed through a noise limiter device. The device must be of a type, in a location and set at a level [specify if known] [approved in writing by the appropriate officer of the Council]. The unit must be secured to prevent tampering and the limiter shall not be altered without prior agreement of the licensing authority.

Prominent, clear and legible notices are to be displayed and maintained at all exits requesting the public to respect the needs of local residents and to leave the premises and area quietly.

At the conclusion of all entertainment events a suitably worded announcement shall be made, requesting customers to behave in a quiet manner whilst they are leaving the premises.

All reasonable steps shall be taken to ensure that people entering or leaving the premises do so in an orderly manner and do not in any way cause annoyance to residents and people passing by the premises.

The licence holder shall implement and maintain a noise policy approved by Environmental Health.

Between [specify hours/ days], the noise climate of the surrounding area must be protected such that the weighted equivalent continuous noise level (LAeq) emanating from the application site, as measured [specified distance(usually in metres, between the noise source and the receiver location(s))] from any facade of any noise sensitive premises over any [specify no. of minutes] period with entertainment taking place, must not increase by more than [specify dB tolerance (e.g. +3 dB, +5 dB, etc.)] as compared to the same measure, from the same position, and over a comparable period, with no entertainment taking place; and the unweighted (i.e. linear) equivalent noise level (LZeq) in the 63Hz 1/1-Octave band, measured using the "fast" time constant, inside any noise sensitive premises, with the windows open or closed, over any [specify no. of minutes] period with entertainment taking place, should show no increase as compared to the same measure, from the same location(s), and over a comparable period, with no entertainment taking place.

Use of outside areas

All outside areas shall be closed to customers after with the exception of the external smoking area [as identified on the plan]. This area shall be monitored by the DPS or nominated staff to ensure noise is kept to a minimum so as not to cause nuisance to residents.

There shall be no consumption of food or drink in the outside areas of the premises after

All external tables and chairs shall be removed by each night.

Regulated entertainment shall only take place within the premises and no speakers shall be provided in external areas of the premises.

Monitoring

The external areas of the premises shall be monitored by the DPS or a nominated person every 30 minutes from the start of any regulated entertainment and for a further 30 minutes after the permitted closing time of the premises, to ensure there is no noise which is likely to cause a nuisance to local residents.

All external monitoring and actions taken as a result of such monitoring shall be recorded and made available to authorised officers on request.

Outdoor events

The licensee shall have full control over the sound amplification equipment to the main stage. The volume and tone shall be adjusted accordingly to the requirements of Environmental Health or the Licensing Authority.

The specification, location and orientation of all permanently fixed speakers shall be agreed with Environmental Health or the Licensing Authority.

Noise emanating from regulated entertainment at any outdoor event shall not exceed [insert noise limits] as measured as measured 1 metre from the façade of the nearest noise sensitive premises. The noise level shall be measured as an LAeq,15 minutes.

At least 7 days notice shall be given to the Licensing Authority in respect of any entertainment involving the use of explosives, pyrotechnics and fireworks of a similar nature which could cause disturbance in surrounding areas.

No inflatable play equipment shall be used after on any day.

Light Pollution and Odour

Flashing or bright lights which cause a nuisance to nearby properties shall not be permitted.

Noxious smells shall not be permitted to emanate from the premises so as to cause a nuisance to nearby properties.

Leaflets and Fly Posting

No soliciting for custom, including the distribution of leaflets, shall take place from the premises, immediately outside the premises, or in the vicinity of the premises.

No poster, advertisement, or similar which is unsuitable for general exhibition shall be displayed in a public place. If the licensee is notified by the Licensing Authority in writing that it objects under this rule to a poster, advertisement or similar it shall not be displayed, sold or supplied.

Cleansing

The licensee shall ensure that the footway and public space in the vicinity of the premises is swept and kept free of litter at regular intervals whilst the premises are open and at the close of business, and litter and sweepings disposed of in an appropriate manner.

Notices shall be exhibited in prominent positions on the premises to ask patrons to dispose of their rubbish in the bins provided.

An adequate number of waste receptacles for use by patrons shall be provided and emptied at appropriate intervals.

The licensee shall ensure that all waste is properly presented and placed out for collection no earlier than 30 minutes before the scheduled collection times.

All refuse and bottles shall be disposed of in bins quietly so as not to disturb local residents. There shall be no disposal of glass bottles outside between 23:00 hours and 07:00 hours.

Part D - Conditions Relating to the Protection of Children from Harm

Access for Children to Licensed Premises

It should be noted that it is unlawful under the 2003 Act to permit unaccompanied children under the age of 16 to be present on premises exclusively or primarily used for supply of alcohol for consumption on those premises under the authorisation of a premises licence, club premises certificate or temporary event notice when open for the purposes of being used for the supply of alcohol for consumption there.

It is an offence to permit the presence of children under 16 who are not accompanied by an adult between midnight and 5 am at all premises supplying alcohol for consumption on those premises under the authorisation of any premises licence, club premises certificate or temporary event notice.

Age Restrictions

Persons under the age of 18 shall not be admitted to the premises at any time / between the hours of and

Persons under the age of 18 shall only be admitted to the premises if they are supervised and accompanied by an adult whilst on the premises.

Persons under the age of 18 shall not be admitted to the premises when adult entertainment is taking place.

Films shall be classified in the following way:

- Universal (U) – suitable for audiences aged four years and over.
- Parental Guidance (PG) – some scenes may be unsuitable for young children.
- 12A – passed only for viewing by persons aged 12 years or older or persons younger than 12 when accompanied by an adult.
- 15 – passed only for viewing by persons aged 15 years and over.
- 18 – passed only for viewing by persons aged 18 years and over.

Where a programme includes a film recommended by the licensing authority as falling into an age restrictive category, no person appearing to be under the age specified shall be admitted to any part of the programme.

Where a programme includes a film recommended by the licensing authority as falling into a category requiring any persons under a specified age to be accompanied by an adult, no person appearing to be under the age specified shall be admitted to any part of the programme unaccompanied by an adult, and the licence holder shall display in a conspicuous position a notice clearly stating the relevant age restrictions and requirements.

Where films of different categories form part of the same programme, the notice shall refer to the oldest age restriction. This condition does not apply to members of staff under the relevant age while on duty provided the written consent of the person's parent or legal guardian has first been obtained.

Performances for or involving children

During entertainment presented especially for under-18s, a member of staff shall be stationed in each area occupied by children, and in the vicinity of each exit, so that on each level occupied by children the minimum number of responsible adult members of staff on duty shall be one for every 50 children or part thereof.

During entertainment presented especially for under-18s, there shall be a minimum of two door supervisors on duty at all times including at least one female door supervisor. Any supervisors and chaperones at performances for children shall be appropriately checked by the Disclosure and Barring Service.

Children shall be kept under adult supervision at all times, including transfer between stage and dressing room and anywhere else on the premises.

Measures shall be put in place to ensure that the children can be accounted for at all times in case of an evacuation or emergency.

Age Verification Policy

The licensee shall adopt and maintain a Challenge 25 Policy as part of their policy relating to alcohol sales. Clear signage relating to the policy shall be displayed at the premises.

Training

All staff employed in the sale of alcohol shall be trained in respect of the law relating to the sale of alcohol, the company's proof of age policy and the procedure on handling and recording refusals. Training shall be documented in writing and details made available upon request by Thames Valley Police, Trading Standards Officers and Licensing Officers. Training shall be reviewed and updated on a regular basis.

Record of Refusals of Alcohol

An alcohol refusal register shall be maintained at the premises and kept up to date. The register is to be made available upon request by Thames Valley Police, Trading Standards Officers and Licensing Officers. The register should include details of the time, date, member of staff, reason for refusal and a brief description of the person refused.

General

Alcohol shall be kept behind the kiosk/counter with no public access to this area. All alcoholic products shall be labelled to identify the premises from which it was sold.

Alcohol Delivery Services

Deliveries of alcohol shall only be made to residential dwellings or a place of work with a recognisable postcode.

The delivery shall only take place only if the person receiving the alcohol is inside the property, or inside a communal doorway, and able to prove to the person delivering the alcohol they are a resident or employee at the premises.

Alcohol shall not be delivered to a person who is in a public place e.g. in a street, a park etc. and no sales will take place directly from the delivery vehicle.

All payments for alcohol to be delivered shall be made by credit card only.

Upon receipt of an order including alcohol to be delivered, the customer shall be clearly advised that the delivery will only be made to the person named on the credit card and that if they appear to be under the age of 25 they shall be required to produce an approved form of identification, the name of which corresponds with the name on the credit card.

Failure to provide the requested identification and or credit card shall result in non-delivery of the alcohol and a refund in respect of that part of the order which relates to the alcohol only.

For every delivery a customer will sign a delivery note which shall contain:

- i) Date & time
- ii) Name of person making order
- iii) Address of delivery
- iv) Details of ID provided if Challenge 25 policy applies
- v) Items delivered
- vi) Member of staff making delivery
- vii) Delivery notes shall be kept and made available for inspection by the Police or authorised officer from the Council for 6 months from the date of delivery.