

Premises licences allow the holder to use buildings (or land) for "licensable activities" (any combination of the sale and supply of alcohol, music, dancing, film shows, theatre etc. and late night refreshment).

Licences generally last "for the life of the business." There is an application fee, then annual payments on the anniversary of the grant of the licence.

Our licensing policy, information and links to application forms are available on our Internet site (<http://www.wychavon.gov.uk/lic>) – or will be sent by the licensing unit, on request.

Applying for a new licence:

Ask us for an application pack - or download the forms and information direct from our Internet pages at: <http://www.wychavon.gov.uk/lic> (choose "Licensing Act 2003" from the menu).

Where alcohol is to be sold, there must be a "designated premises supervisor" (DPS) named on the licence. That person is the individual with day to day control of the premises, responsible for authorising all sales of alcohol, but the premises licence doesn't have to be in the same name.

- The DPS must hold a valid personal licence (see separate fact sheet for details of personal licensing)
- Only one individual may be named as the DPS; but any number of persons at the premises can hold a Personal Licence.

The premises licence can be held by an individual, a number of individuals, a limited company, a partnership, an unincorporated association or another group (such as a charity). There are a number of issues to consider when deciding who is to hold the licence:-

1. It is possible for the licence to be surrendered by the premises licence holder.
2. The premises licence holder does not need to be at the premises.
3. A premises licence holder can be prosecuted for any offences that take place on the premises (they will have a defence if they can prove they took reasonable steps to avoid the offence being committed).

Before applying you should:

1. read our statement of licensing policy, and the Government's notes at the end of the application form;
2. talk to - and take advice from - the responsible authorities, particularly the Police, to make sure that you have put in place all reasonable management controls and therefore minimise the likelihood of them objecting, and
3. be able to demonstrate using the application form that the changes you propose won't have a negative effect on the local community.

On the application form you will need to tell us:

- what steps you will take to address the four licensing objectives - protection of children, prevention of crime and disorder, prevention of public nuisance and protection of public safety.
- which licensable activities you want to offer, including whether you have different rooms in your premises that you wish to operate with different times or with different activities;
- the days and times that you want to be able to offer each activity;
- the identity of the designated premises supervisor (where sale of alcohol is requested - NOT clubs), and whether alcohol is to be consumed on or off the premises or both.

You will also have to give us:

- The fee (see below; pay by cheque payable to Wychavon District Council; by credit or debit card over the phone or by cash or card at our customer contact centres);
- where alcohol is to be sold, signed consent from the DPS (NOT clubs), and a
- plan of premises - in accordance with the Regulations (see below).

The application must be sent to us with a copy sent by the applicant to each of the responsible authorities (listed below).

Once you've sent off the forms, you have to advertise the application by:

- Placing a public notice in a newspaper circulating in the area (local press – Newsquest Midlands, phone 01905 748300 or for some areas around Evesham – Evesham Observer 01386 48000) within ten days of making your application.
- by posting a notice at the premises for 28 days from the day that you apply. The notice has to be at least A4 size, on pale blue paper, printed legibly in black at font size 16 or larger. It must be capable of being conveniently read by passers by. For premises larger than 50 metres square, posters must be displayed every 50 metres along any external perimeters abutting a highway.

The notices must be in the form attached. Electronic copies can be downloaded from our web site.

If no objections are received then we will grant your applications with no hearing - subject only to the mandatory conditions detailed in the Licensing Act 2003 and any conditions referred to in your operating schedule.

If there are objections that can't be resolved, we will hold a public hearing before our Licensing Sub-Committee, where the applicant and objectors can speak and the Councillors will make a decision in the light of our Statement of Licensing Policy and the Secretary of State's Guidance on the Act.

Changes at Licensed Premises - Variation

The Licensing Act implies that any change to premises which departs from the original licensing plan must trigger an application for variation. Taken at face value, this would mean wasting the time of businesses and public authorities alike with trivial matters, having no real bearing on the licensing objectives. We want to avoid costly and inappropriate regulation. Our approach is that any matter which has no significance for the licensing objectives is outside the scope of the Act and so does not merit any formal process.

Licence holders can tell us about small and inconsequential changes – which *may* include shelters - simply by providing two copies of an updated plan to us together with a written request for the licence to be updated; with a further copy being sent to each of the appropriate Responsible Authorities listed below. We will consider each case on its merits and will confirm whether or not we agree to making such a change informally. A fee of £10.50 is payable (standard fee for updating licence).

However, we will not consider this informal procedure appropriate where:

- When a drinking area or drinks sale area is about to be made much bigger
- Where use of an escape route will be affected in a significant way
- Where there will be significant interference with sight lines, where alcohol is sold
- If the new arrangement of the building and sources of sound may generate a nuisance

- Where different licensable activities, operating hours or conditions are wanted.

The formal “variation” procedure allows businesses to take advantage of the flexibility offered by the new licensing regime. Examples include:-

- Extended hours all year
- Extended hours for special occasions
- Permission to serve hot food after 11.00pm
- Removal of existing conditions
- Removal of restrictions (such as the requirement to serve food with a Special Hours Certificate)
- Added licensable activities such as music/ dancing/ indoor sporting events.

The Law does not allow the variation procedure to “vary substantially the nature of the business”: in such cases, application for a new licence will be needed.

If we don't grant an application to vary a licence within 2 months from the date we receive it, it is deemed to have been refused and you will need to either apply for a new licence or lodge an appeal with the Magistrates' Court.

Application forms (Premises licence variation, and consent of licence holder) will be sent on request or can be downloaded by following the links from our Internet site; fees are detailed below. Applications must be advertised in the same way as new applications, described above.

Plans:

The scale plan of the building - unless we agree in writing beforehand - must comply with the Regulations, which state:

The plan shall be drawn at a scale of 1:100 and shall show –

- (a) The extent of the boundary of the building, if relevant, and any external and internal walls of the building and, if different, the perimeter of the premises;
- (b) The location of points of access to and egress from the premises;
- (c) If different from paragraph (1)(b), the location of escape routes from the premises;
- (d) In a case where the premises is used for more than one existing licensable activity or qualifying club activity, the area within the premises used for each activity;
- (e) 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;
- (f) 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;
- (g) In a case where the premises includes any steps, stairs, elevators or lifts, the location of the steps, stairs, elevators or lifts;
- (h) In a case where the premises includes any room or rooms containing public conveniences, the location of the room or rooms;
- (i) The location and type of any fire safety and any other safety equipment; and
- (j) The location of a kitchen, if any, on the premises.

The plan may include a legend through which the matters mentioned are sufficiently illustrated by the use of symbols on the plan.

The Responsible Authorities:

Applications for new or varied premises licences or club premises certificates must be served on us, with copies sent to each appropriate "responsible authority" listed below within 48 hours of delivery to the licensing unit.

The Chief Officer of Police:

C/o Licensing Unit
West Mercia Constabulary
Police Station
Castle Street
Worcester, WR1 3QX Phone 01905 331037
Email:
licensing.southworcesters@westmercia.pnn.police.uk
Internet <http://www.westmercia.police.uk>

Before applying,
applicants should take
advice from the
responsible authorities to
minimise likelihood of
objections.

The Fire Authority:
Hereford & Worcester Fire and Rescue Service,
Fire Safety Department,
The Fire Station,
Worcester Road,
Malvern Link, Worcestershire. WR14 1TD
Phone 01684 572948 Fax 01684 572190
Website <http://www.hwfire.org.uk>

The **health and safety enforcing authority for the premises:** There are two choices, If you don't know which applies, then phone us. Normally the correct authority will be Wychavon.

Health & Safety Team,
Environmental Health
Wychavon District Council
Civic Centre
Queen Elizabeth Drive
Persore
Worcs., WR10 1PT
Phone 01386 565015
Fax 01386 561826
Web <http://www.wychavon.gov.uk/es>

But you may need to notify instead:

The Health and Safety Executive
Haswell House
St Nicholas Street
Worcester
WR1 1UW
Phone 01905 743600

The Planning Service Centre
Wychavon District Council
Civic Centre
Queen Elizabeth Drive
Persore Worcs., WR10 1PT Phone 01386 565135

The Environmental Protection Section,
Environmental Services
Wychavon District Council
Civic Centre, Queen Elizabeth Drive
Persore Worcs., WR10 1PT Phone 01386 565015, Fax 01386 561826

Service Development Manager (Safeguarding),
Children's Services
Worcestershire County Council Wildwood Way
Worcester, WR5 2NP

Phone 01905 728841

Head of Trading Standards

Trading Standards & Scientific Services

Worcestershire County Council, County Hall

Wildwood Way, Worcester WR5 2NP Phone - 01905 765394, Fax - 01905 765393

Plus - any other adjoining licensing authority (other than the relevant licensing authority) in whose area part of the premises is situated.

Only in relation to a vessel:

Upper & Lower Avon Navigation Trusts

Mill Wharf, Mill Lane,

Wyre Piddle, Pershore, Worcs., WR10 2JF Phone 01386 552517

- the environment agency - Midland Region, Riversmeet House, Tewkesbury, Glos., GL20 8JG, phone 08708 506506

- the British Waterways Board and the Secretary of State.

Electronic Service of Applications

The legislation does permit electronic service but only after prior agreement with the authorities involved.

Where service is by electronic means, the periods allowed for determination of applications will not begin until all necessary hard copy documents are received by the licensing unit.

Fees

Fees are set by Government and are intended to recover the licensing authorities' costs of administering, inspecting and enforcing the new regime. This is not an exhaustive list.

RATEABLE VALUE	Fee for New Licence or Variation Annual fee	
No rateable value up to £4,300 (band A)	£100	£70
£4,301 to £33,000 (band B)	£190	£180
£33,001 to £87,000 (band C)	£315	£295
£87,001 to £125,000 (band D)	£450	£320
£125,001 and above (band E)	£635	£350

Exemptions

Church halls, chapel halls or other similar buildings, or village, parish or community halls, or schools or colleges (for the purposes of the educational institution) do not have to pay for premises licences - unless retail sale of alcohol is to be included in the premises licence. If that happens, the full fee (as detailed above) is payable.

Continued Over:

Personal Licences, Temporary Events and Other Fees

Application for Provisional Statement	£315
Replacement copy of any licence/ certificate or the summary	£10.50
Notification of change of name or address (any licence or certificate)	£10.50
Variation of licence to specify a premises supervisor	£23
Application for transfer of premises licence	£23
Interim authority notice following death etc. of licence holder	£23
Right of freeholder etc. to be notified of licensing matters	£21

Public Notice - Licensing Act 2003

Take Notice that

(insert name of applicant)

Has applied to Wychavon District Council [for the grant of]/ [to vary a] Premises Licence (delete as applicable) in respect of premises known as: (insert name and address of premises)

The proposed [variations]/ [activities] are as follows:- (list proposed changes to licensable or club activities and days and times between which these activities will take place)

The place where the record of the application may be inspected and where the register of the Licensing Authority is kept is the Licensing Unit, Wychavon District Council, Civic Centre, Queen Elizabeth Drive, Pershore, Worcs., WR10 1PT. The record of the application may be inspected between 9am and 5pm Monday to Friday or at any time at www.wychavon.gov.uk

An interested party or responsible authority may make a representation in writing to the Licensing Unit Leader, Wychavon District Council, Queen Elizabeth Drive, Pershore, Worcs., WR10 1PT by (insert date - the 28th consecutive day following the day after the date on which you give us your application).

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 level 5 on the standard scale (currently £5000).