

Licensing Act 2003

Guidance for Applicants

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Introduction

This guidance is intended to provide an overview of the licensing requirements under the Licensing Act 2003 and provide information to help you in applying for the relevant licence. It does not provide authoritative legal advice, and you may wish to seek your own independent legal advice.

This document should be read in conjunction with Colchester City Council's [Licensing Policy](#), the [Licensing Act 2003](#) and the [Guidance issued under Section 182 of the Act](#)

All the links to apply online, application forms and notices referred to in this document can be found on [Application Forms and Notices](#)

The Licensing Act 2003 established a single integrated scheme for the licensing of individuals and premises in relation to the sale and supply of alcohol, the provision of regulated entertainment and the provision of late-night refreshment.

The objectives of the Act are: -

- The prevention of crime and disorder
- The prevention of public nuisance
- Ensuring public safety
- The protection of children from harm.

These four objectives are paramount to all licensing considerations. Each objective is of equal importance.

The Council, as the Licensing Authority, has a duty to promote the objectives and will have regard to them in the decisions it makes.

Premises Licences

A premises licence authorises the holder to provide the following licensable activities on a premises (which may be either a building or open land):

- Sale by retail of alcohol
- Supply of alcohol to a club member (in which case a premises certificate may be required instead of a premises licence)
- The provision of regulated entertainment
- The provision of late-night refreshment

A premises licence can either be for an indefinite period or for a period specified by you as the applicant.

The premises you wish to licence must be situated within Colchester City Council's boundaries.

Licensing Policy

Before applying for a premises licence or club premises certificate, you are strongly advised to read the Council's [Licensing Policy](#).

The Policy sets out the relevant information on how licence applications will be determined and how licensed premises are expected to operate. There is a greater chance of a representation being made where the factors contained in the Policy are not addressed.

You are also encouraged to consult with local residents and businesses prior to applying to ensure you are aware of and can address any needs or concerns they may have.

Planning considerations

Please identify the current lawful use of the premises in planning terms and any relevant conditions attached. If you are applying for a licence which would be in variance with a planning condition or planning obligation, for example, a change in opening hours, you should contact the planning department with a view to obtaining planning permission to vary or remove the original condition or to seek a variation in a planning obligation.

Licensable Activities

The following information provides guidance on what is licensable under the Act. If you have any questions concerning what is licensable, please contact licensing.team@colchester.gov.uk before submitting your application.

Alcohol

- Any retail sale of alcohol requires a licence.
- Supply of alcohol at a qualifying private members club requires a Club Premises Certificate (information about private members clubs is provided on page 19).

Entertainment

Regulated entertainment is the provision of entertainment and includes any of the following:

- Plays
- Films
- Indoor sporting events
- Boxing or wrestling
- Performance of live music
- Any playing of recorded music (other than background music played at low volume)
- A performance of dance
- Entertainment of a similar description to live music, recorded music or dance.

Entertainment for an audience and/or for profit

For the entertainment to be licensable they must be provided for the public or for members of a club (*and their guests*) or for payment and with a view to profit (including raising money for charity). This means that the provision of music or the performance of a play to either the public, members of a qualifying club (e.g. Working Men's Club etc.), or members of an association, (e.g. a Parent Teacher Association) where an entrance fee is paid to raise funds, are all licensable activities.

Exemptions

Plays: performances between 08.00 and 23.00 on any day, provided that the audience does not exceed 500.

Dance: performances between 08.00 and 23.00 on any day, provided that the audience does not exceed 500.

Films: Not for profit film exhibition held in community premises between 08.00 and 23.00 on any day, provided that the audience does not exceed 500 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.

Indoor sporting events: an event between 08.00 and 23.00 on any day, provided that those present do not exceed 1000.

Boxing or wrestling entertainment: a contest, exhibition or display of Greco-Roman wrestling, or freestyle wrestling between 08.00 and 23.00 on any day, provided that the audience does not exceed 1000.

Live music

- A performance of unamplified live music between 08.00 and 23.00 on any day, on any premises.

- A performance of amplified live music between 08.00 and 23.00 on any day on premises authorised to sell alcohol for consumption on those premises, provided that the audience does not exceed 500.
- A performance of amplified live music between 08.00 and 23.00 on any day, in a workplace that is not licensed to sell alcohol on those premises, provided that the audience does not exceed 500.
- A performance of amplified live music between 08.00 and 23.00 on any day, 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, and (b) the organiser gets consent for the performance from a person who is responsible for the premises.
- A performance of amplified live music between 08.00 and 23.00 on any day, 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, 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.

Recorded Music

- Any playing of recorded music between 08.00 and 23.00 on any day on premises authorised to sell alcohol for consumption on those premises, provided that the audience does not exceed 500.
- Any playing of recorded music between 08.00 and 23.00 on any day, 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, and (b) the organiser gets consent for the performance from a person who is responsible for the premises.
- Any playing of recorded music between 08.00 and 23.00 on any day, 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, 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.

General Exemptions:

- Activities which involve participation as acts of worship in a religious context.
- Activities in places of public religious worship.
- Education – teaching students to perform music or to dance.
- The demonstration of a product – for example, a guitar – in a music shop.
- 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 etc. (e.g. pool, darts and table tennis).
- Stand-up comedy.
- Provision of entertainment facilities (e.g. dance floors).

Cross activity exemptions: no licence is required between 08.00 and 23.00 on any day, with no limit on audience size for:

- Any entertainment taking place on the premises of the local authority where the entertainment is provided by or on behalf of the local authority.
- any entertainment taking place on the hospital premises of the health care provider where the entertainment is provided by or on behalf of the health care provider.
- Any entertainment taking place on the premises of the school where the entertainment is provided by or on behalf of the school proprietor.
- Any entertainment (excluding films, boxing or wrestling) 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.

Late Night Refreshment

The provision of late-night refreshment means the supply of hot food or hot drink between 11.00pm and 5.00am to members of the public, either on or from any premises for consumption either on or off the premises.

(“Hot” means that the food or drink has been heated to above ambient temperature, or that after it has been sold it can be heated on the premises.)

This means that any restaurant, pub, snack bar, chip shop, 24-hour supermarket, etc. supplying hot food or hot drink after 11.00pm will require a premises licence.

Exemptions

- Where hot food or hot drink is supplied to members of a private members club
- Someone staying at a hotel or guest house, etc. (either by an employer to employees or to guests)
- Drinks (not food) from vending machines; free food or drink; food or drink supplied by registered charities.

Supplementary Information

Village halls, church halls, community halls and similar will require a licence for regulated entertainment but are exempt from having to pay the fee unless the supply of alcohol or late-night refreshment is involved.

Where the public are not invited to an entertainment, but a charge is made to a **private audience** (e.g. family and friends) just to cover costs – and not to make a profit – then a licence will not be required. The same would apply where anyone invited to a private performance was not charged for attending the event but was free to make a voluntary donation to a charity.

The playing of [recorded music that is incidental](#) to other activities, that are not themselves the provision of regulated entertainment, will be exempt. A jukebox in a pub will not necessarily have to be authorised unless, for instance, a dance floor is also provided, or it is not incidental. A Disc Jockey playing to a public audience would be regulated entertainment and would therefore need to be authorised.

[Games commonly played in pubs](#) like pool or darts would not need to be licensed if they are not played for the entertainment of spectators. However, a darts exhibition match or championship staged for spectators would be regulated entertainment

[Schools and sixth form colleges](#) will require a licence to stage regulated entertainment to which the public is invited or where a fee is charged with a view to profit. However, they will be exempt from the fees where the entertainment is provided by and at the school or college and for the purposes of the school or college.

If a [circus or pleasure fair](#) provides regulated entertainment, a premises licence or a temporary event notice will be required.

[The Operating Schedule and Conditions](#)

The application form requires you to list the measures you will take at the premises to promote the licensing objectives. It must contain all the information necessary to enable the responsible authorities to understand how you intend to operate your premises to ensure that the licensing objectives are promoted.

The operating plan should be appropriate and proportionate to the type of business concerned, and you must be confident that you are able to deliver the measures on a permanent basis.

If the licence is granted the steps to promote the licensing objectives will be converted into conditions on the licence and failure to comply with the conditions is an offence under the Act. Please ensure that any measures included are therefore realistic and within your control.

Remember that:

- Responsible authorities will examine your proposed operating plan and that they can make representations if they feel that it is inadequate.
- The operating plan does not need to duplicate requirements in other legislation. It may be that no steps are required to promote parts of the licensing objectives if they are covered by other primary legislation such as the Health and Safety at Work Act 1974 or the Regulatory Reform (Fire Safety) Order 2005.
- You can contact the responsible authorities including the licensing authority to obtain their views on your proposed operating plan before submitting your application form.

If relevant representations are made about the application, it is likely that a hearing will be held, and this may result in the operating plan being amended. Therefore, except for mandatory conditions, the conditions attached to a premises licence will be individual to the premises concerned.

Further information on possible conditions can be found here [Supporting Guidance - Pools of Conditions](#)

Mandatory Conditions

Mandatory conditions are the only standard conditions permitted under the Licensing Act 2003. They will only apply to licences in appropriate cases:

All supplies of alcohol

1. No sale/supply of alcohol shall be made under the premises licence-
 - a. At a time when there is no designated premises supervisor in respect of the premises licence; or
 - b. At a time when the designated premises supervisor does not hold a personal licence or his personal licence is suspended.
2. Every supply of alcohol under the premises licence must be made or authorised by a person who holds a personal licence.

Drinks promotions

3(1) The responsible person must ensure that staff on relevant premises do not carry out, arrange or participate in any irresponsible promotions in relation to the premises.

3(2) In this paragraph, an irresponsible promotion means one or more of the following activities, or substantially similar activities, carried on for the purpose of encouraging the sale or supply of alcohol for consumption on the premises.

- a. games or other activities which require or encourage, or are designed to require or encourage, individuals to –
 - (i) drink a quantity of alcohol within a time limit (other than to drink alcohol sold or supplied on the premises before the cessation of the period in which the responsible person is authorised to sell or supply alcohol), or
 - (ii) drink as much alcohol as possible (whether within a time limit or otherwise);
- b. provision of unlimited or unspecified quantities of alcohol free or for a fixed or discounted fee to the public or to a group defined by a particular characteristic in a manner which carries a significant risk of undermining a licensing objective;
- c. provision of free or discounted alcohol or any other thing as a prize to encourage or reward the purchase and consumption of alcohol over a period of 24 hours or less in a manner which carries a significant risk of undermining a licensing objective;

- d. selling or supplying alcohol in association with promotional posters or flyers on, or in the vicinity of, the premises which can reasonably be considered to condone, encourage or glamorise anti-social behaviour or to refer to the effects of drunkenness in any favourable manner;
- e. dispensing alcohol directly by one person into the mouth of another (other than where that person is unable to drink without assistance by reason of a disability).

Provision of water

4. The responsible person must ensure that free portable water is provided on request to customers where it is reasonably available.

Age verification policy

5(1) The premises licence holder or club premises certificate holder must ensure that an age verification policy is adopted in respect of the premises in relation to the sale or supply of alcohol.

5(2) The designated premises supervisor in relation to the premises licence must ensure that the supply of alcohol at the premises is carried out in accordance with the age verification policy.

5(3) The policy must require individuals who appear to the responsible person to be under 18 years of age (or such older age as may be specified in the policy) to produce on request, before being served alcohol, identification bearing their photograph, date of birth and either-

- a. a holographic mark; or
- b. an ultraviolet feature.

Alcoholic drink measures

6. The responsible person must ensure that-

- a. where any of the following alcoholic drinks is sold or supplied for consumption on the premises (other than alcoholic drinks sold or supplied having been made up in advance ready for sale or supply in a securely closed container) it is available to customers in the following measures-
 - (i) beer or cider: ½ pint;
 - (ii) gin, rum, vodka or whisky: 25 ml or 35 ml; and
 - (iii) still wine in a glass: 125 ml; and
- b. these measures are displayed in a menu, price list or other printed material which is available to customers on the premises; and
- c. where a customer does not in relation to the sale of alcohol specify the quantity of alcohol to be sold, the customer is made aware that these measures are available

Minimum Drinks Pricing

7(1). A relevant person shall ensure that no alcohol is sold or supplied for consumption on or off the premises for a price which is less than the permitted price.

7(2) For the purposes of the condition set out in paragraph (1)-

- a. “duty” is to be construed in accordance with the Alcoholic Liquor Duties Act 1979
- b. “permitted price” is the price found by applying the formula-

$$P = D + (D \times V)$$
Where –
 - (i) P is the permitted price
 - (ii) D is the amount of duty chargeable in relation to the alcohol as if the duty were charged on the date of the sale or supply of alcohol, and
 - (iii) V is the rate of value added tax chargeable in relation to the alcohol as if the value added tax were charged on the date of the sale or supply of alcohol;
- c. “relevant person” means, in relation to premises in respect of which there is in force a premises licence –
 - (i) The holder of the premises licence
 - (ii) The designated premises supervisor (if any) in respect of such a licence, or
 - (iii) The personal licence holder who makes or authorises a supply of alcohol under such a licence;
- d. “relevant person” means, in relation to premises in respect of which there is in force a club premises certificate, any member or officer of the club present on the premises in a capacity which enables the members or officer to prevent the supply in question; and
- e. “value added tax” means value added tax charged in accordance with the Value Added Tax Act 1994.

7(3) Where the permitted price given by Paragraph (b) of paragraph 2 would (apart from the paragraph) not be a whole number of pennies, the price given by that sub-paragraph shall be taken to be the price actually given by that sub-paragraph rounded up to the nearest penny.

7(4)(1) Sub-paragraph (2) applies where the permitted price given by Paragraph (b) or paragraph 2 on a day (“the first day”) would be different from the permitted price on the next day (2the second day”) as a result of a change to the rate of duty or value added tax.

7(4)(2) The permitted price which would apply on the first day applied to sales or supplies of alcohol which take place before the expiry of the period of 14 days beginning on the second day.

Door supervision

8. Where a premises licence includes a condition that at specified times one or more individuals must be present at the premises to carry out security activity, they must be licensed by the Security Industry Authority.

Exhibition of films

9(1). Any exhibition of films must be screened in accordance with the category issued by the British Board of Film Classification (BBFC) certification.

9(2). Admission of persons under the age of 18 shall be restricted in accordance with any recommendation made by the above film classification body and any guidance issued under the licensing authority's Statement of Licensing Policy.

How to apply for a new premises licence

1. Fully complete the appropriate application form online.
2. Pay the correct fee. You will need to check www.voa.gov.uk to calculate your fee using the Fee Table on page 24.
3. If the sale of alcohol is proposed, submit the form of consent completed by the proposed Designated Premises Supervisor. See page 8 for further information.
4. Supply a plan of the premises, indicating the prescribed information. Guidance is provided on page 22.
5. Advertise the application by means of a Notice displayed on the Premises and published in a local newspaper.

You must publish your notice within 10 working days of submitting your completed application to the Licensing authority. It is important to time the submission of your application accordingly. Please check that your application is complete and valid before placing your advertisement, otherwise you may need to re-advertise at a later date.

The Public Notice must be completed and printed on pale blue paper. It is important that the font size is equal to or larger than 16 (as shown on the example). The notice must be displayed prominently at the premises so that it can be read from outside, for a continuous period of not less than 28 consecutive days starting on the day following the day on which the application is accepted by the licensing authority. You must send us a copy of your site notice and a copy of the newspaper containing the press notice, to the licensing authority as soon as you have obtained a copy of the latter.

The onus is on you as the applicant to ensure that any application is completed correctly. Incorrect or incomplete applications may be returned by the licensing authority unprocessed.

If representations are not received the application will be granted automatically.

Representations

If representations are received opposing the grant of a premises licence, the licensing authority will consider whether they are relevant representations. To be relevant they must: -

- Be about the likely effect of the grant of the Premises Licence or Club Premises Certificate on the promotion of the licensing objectives.
- Made within the prescribed period and have not been withdrawn.
- Not be frivolous, repetitious or vexatious (This decision will be made by the Council's Licensing Manager).
- Relate to the identity of the proposed premises supervisor and are made by the Chief Officer of Police for the Colchester Borough and include a statement that the proposed premises supervisor would undermine the crime prevention objective.

In the case of a review of a premises licence or certificate, a representation will be repetitious if it is identical or substantially similar to: -

- Grounds in an earlier application for review made in respect of the same premises and already determined, or
- Representations considered by the Licensing authority in granting the premises licence or certificate, or
- Representations which would have been considered except they were excluded representations following a provisional statement, and

a reasonable interval has not elapsed since the earlier application for review or grant of the licence or certificate.

We will let you know at the end of the objection period if representations have been received and will send you copies of the representations.

You are requested not to contact the public or businesses who have objected but to pass any information you wish to communicate to them, through the licensing authority who will act as an intermediary.

Where objections are made by the responsible authorities such as the Police or Environmental Protection, we encourage you to contact them to see you can address their concerns.

Hearings

Where relevant representations are received and not withdrawn, a Licensing Sub-Committee Hearing must be held within 20 working days of the end of the objection period.

You will be invited to attend this meeting along with those who have made representations. You will be sent a notice of hearing at least 10 working days before the day of the hearing.

The hearings are usually held in public. The Licensing Sub-Committee, comprising 3 members of the Licensing Committee, will consider the application and the representations made and will determine whether to grant the licence.

The Licensing Sub-Committee can –

- Grant the application as requested
- Grant the application whilst imposing additional conditions
- Exclude or reduce the hours of operation of any licensable activities included within the application
- Reject the whole or part of the application

The applicant and all those who made a valid representation accepted by the Licensing Authority will be notified of the outcome of the hearing, which will include the details of the licence if granted and any conditions that have been attached to the licence.

The Licensing Sub-Committee's decision can be appealed by all parties to the Magistrates' Court.

After the licence is granted

Once granted, a Premises Licence or Club Premises Certificate lasts indefinitely unless under certain circumstances it is surrendered, lapses or is revoked or was only granted for a limited duration.

You must pay the annual fee which is due on the anniversary of the grant of your licence. You will receive an invoice in advance of this date. The licence will be suspended if this fee is not paid. The annual fees can be found on page xx

You must keep the licence at the premises so that it is available for inspection and you must also display a summary of the licence on the premises in a place where it is visible to members of the public.

Changes to a Premises Licence

Applications to change the licence can be made to: -

- Change the layout of the premises
- Provide additional licensable activities at the premises
- Increase the hours that licensable activities are provided
- Add, remove or change the conditions on the licence

Minor changes that will not have an adverse impact on the licensing objectives can be made using the minor variation process.

Larger changes, including any change to increase the sale of alcohol, and those that may impact the promotion of the licensing objectives will require a full variation.

If the changes are such that the nature of the business would be completely altered by the variation, you will be asked to apply for a new licence.

Minor variations

Minor variations can be used: -

- To make minor changes to the structure or layout of a premises
- Make small adjustments to licensing hours
- Remove out of date, irrelevant or unenforceable conditions, or add volunteered conditions.
- Add certain licensable activities, including live music

An application cannot be made under to: -

- Vary substantially the premises to which it relates
- Extend the period for which a licence or certificate has effect
- Transfer the licence or certificate
- Specify an individual as the premises supervisor,
- Add the supply of alcohol
- Authorise the supply of alcohol at any time between 23.00 and 07.00 hrs, or
- Authorise an increase in the amount of time on any day during which alcohol may be sold by retail or supplied, or •
- Include the alternative licence condition referred to in Section 41D(3) - Community Premises

How to apply for a minor variation to a premises licence

1. Complete the appropriate application form and send it to eps.support@colchester.gov.uk. You will then be asked to pay the fee of £89.
2. If the change involves the layout of the premises, you must supply a plan indicating the prescribed information. Guidance is provided on page 22.
3. Display a notice on the premises for 10 working days.
The Public Notice must be completed and printed on white paper. It is important that the font size is equal to or larger than 16. The notice must be displayed prominently at the premises so that it can be read from outside, for a continuous period of not less than 10 working days starting on the day following the day on which the application is accepted by the licensing authority. You must also complete the certificate of posting to confirm that this has/will be done and return the certificate to the licensing authority as soon as you have obtained a copy of the latter.

If representations are made to the application, the licensing manager will consider if they are relevant and if they are the application will be refused. You will be given the option of applying for a full variation and the fee already paid may be offset against the full variation fee. If the representations are determined not to be relevant, the application will be granted. There is no committee hearing for objections made to minor variations.

Full Variation

If you want to make substantial changes to your licence you need to make a full variation application. The full variation process is very similar to the application process for a new licence in terms of the operating schedule considerations, plan, payment, advertisement and determination. Please refer to the information in this document on applying for a new licence.

Please note however that variation application cannot be made online and must be submitted by email to eps.support@colchester.gov.uk

How to apply for a full variation to a premises licence

1. Fully complete the application form and attach a plan if the layout of the premises is changing or being extended. Send the completed documents to eps.support@colchester.gov.uk.
2. You will then be asked to pay the correct fee. You can check www.voa.gov.uk to calculate your fee using the Fee Table on page 22.

3. Advertise the application by means of a Notice displayed on the premises and published in a local newspaper. Please refer to the guidance on advertising a new application.

Transfer of a premises licence

If you wish to transfer the premises licence into another name, you can apply for the transfer of the licence.

The transfer can take immediate effect once it has been served on the Local Authority and Essex Police. This allows licensable activities to be carried on at the premises without interruption, pending the determination of the transfer application. If the application to transfer is rejected, you would cease to be treated as the premises licence holder and the licence would revert to the person holding it before the application was made.

Transfers generally require the consent of the holder of the premises licence, although no consent is required if you can demonstrate that you have taken all reasonable steps to obtain consent and that you are able to use the premises straight away for licensable activities authorised by the licence.

You must notify the DPS specified on the premises licence of the application to transfer the licence, and if successful the details of the transferred licence. Failure to do so is an offence.

How to apply for a transfer

- You, as the proposed licensee, must complete the transfer application form
- The current licence holder must complete consent form to transfer licence to you. If you have not been able to obtain consent, please provide evidence of your attempts to obtain consent and proof of your ability to occupy the building.
- The transfer application form, consent to transfer(or relevant evidence) and premises licence must be sent to eps.support@colchester.gov.uk You will then be requested to pay £23.00.
- The application has a 14 day consultation period to allow Essex Police to object if the application undermines the crime prevention objective.
- The application can have immediate effect and if no objections are received from Essex Police the application is granted.

Death, insolvency, and mental incapacity

If a premises licence holder has died, become insolvent, or mentally incapacitated a transfer application must be made within 28 days to prevent the licence from lapsing.

Alternatively, persons with an interest in the premises or connected to the licence holder can give an Interim Authority notice within the 28 day period which gives a further 3 months from the date of the notice for a buyer for the business to be found. A transfer must be made in this period to fully reinstate the licence.

Please contact licensing.team@colchester.gov.uk for more advice on these matters.

Variation of Designated Premises Supervisor

Every premises that sells alcohol must specify an individual to take responsibility for the day-to-day control of the premises and to authorise other staff to sell alcohol. To vary the named Designated Premises Supervisor (DPS) you need to follow the process below: -

- Complete the variation of DPS application form and send this together with the signed DPS consent form to eps.support@colchester.gov.uk You will then be requested to pay £23
- The application has a 14 day consultation period to allow Essex Police to object if the application undermines the crime prevention objective.
- Application can have immediate effect and if no objections are received from Essex Police the application is granted.

Guidance on Designated Premises Supervisors

The Designated Premises Supervisor (DPS) is the person responsible for supervising/authorising the supply of alcohol at a premises and will normally be the person charged with the day to day running of the premises. They are the first point of contact for the Licensing Authority and Responsible Authorities.

A DPS must be a personal licence holder and must be named on any premises licence where alcohol is supplied. Only one person can be named for each licensed premises. A DPS is not required where alcohol is supplied under a club premises certificate.

Any application for a Premises Licence where alcohol is supplied must include a form of consent completed by the person specified as the DPS.

Only the Police can object to the designation of the person specified, and only on the grounds that the crime prevention objective could be undermined.

It is expected that the DPS will spend a significant amount of time on the premises and that it will be possible to contact them at times when they are absent from the premises. This is particularly important should problems arise at the premises. When the DPS is not present they are expected to make proper arrangements to authorise the sale or supply of alcohol in their absence. We recommend that the DPS gives written authorisation to those selling alcohol in their absence.

What happens if the DPS Leaves?

When a DPS leaves their employment the Premises Licence holder must notify the Licensing authority of any change in the name or address of the DPS. The premises licence holder commits an offence if this requirement is not complied with.

Alternatively, the DPS may give notice to the Licensing authority that they wish to be removed from the Premises Licence. They must provide a copy of the notice to the Premises Licence holder, requiring that the Premises Licence be sent to the relevant Licensing authority within 14 days of receipt of the notice. In these circumstances, sale of alcohol must cease until the Premises License holder nominates a replacement DPS.

If the DPS does not give notice that they wish to be removed from the licence as described above, they remain responsible for the sale of alcohol.

Community Premises and Disapplication of the DPS requirement

The only exception to the above requirement is for a community premises which has successfully made an application to disapply the mandatory condition relating to the DPS. In this case the sale of alcohol can be authorised by a management committee. Please contact licensing.team@colchester.gov.uk for more details on this process

Club Premises Certificates

A club premises certificate is exclusively for licensed members clubs and authorises it to carry out: -

- The supply of alcohol by or on behalf of the club to, or to the order of, members of the club
- The sale by retail of alcohol by or on behalf of the club to a guest of a member of the club for consumption on the premises where the sale takes place; and
- The provision of 'regulated entertainment' (by or for members of the club or members and their guests).

A club premises certificate removes the need for a member or employee to hold a personal licence, and for the club to specify a designated premises supervisor. A club premises certificate cannot be used for events open to the public, nor can the club facilities be hired out to non-members for private functions. Clubs wishing to run public events can give a temporary event notice for a one-off event or apply for a premises licence. A qualifying club may admit associate members and guests.

Clubs run commercially for profit are not regarded a qualifying club and require a premises licence.

To be classified as a qualifying club, several general conditions must be met:

- There must be an interval of at least two days between a member's nomination/application for membership and their admission
- There must be at least 25 members
- The club must be established and conducted in 'good faith' (this involves consideration of details such as club finances)
- That alcohol is not supplied to members on the premises otherwise than by or on behalf of the club.

There are other conditions that relate to the supply of alcohol. These are:

- The purchase and supply of alcohol is managed by a committee of elected members
- No arrangements may be made for any person to receive any commission, percentage or similar payment at the expense of the club with reference to purchases of alcohol by the club.
- No arrangements may be made for any person to derive any monetary benefit from the supply of alcohol to members or guests apart from to benefit the club as a whole.

How to apply for a club premises certificate

The guidance given above in relation to applying for a premises licence is also broadly relevant in respect of club premises certificates; an operating schedule is required showing the steps the club intends to take to promote the licensing objectives and the notice requirements are the same.

Temporary Event Notice (TEN)

A temporary event notice (TEN) allows you to provide a small-scale event involving the sale or supply of alcohol, regulated entertainment, or the provision of late-night refreshment. They can either be used at unlicensed premises, or at licensed premises to extend the normal licence.

A TEN must be submitted a minimum of 10 clear working days before the event takes place. These 10 working days do not include the day you send us the notice nor the day of the event.

Event limitations

- events covered by a temporary event notice can last up to 168 hours
- events must involve no more than 499 people including staff
- anyone over 18 can apply for a maximum of 5 temporary event notices a year

You can apply for more temporary events if you are a licence holder or venue:

- personal licence holders can apply for a maximum of 50 temporary event notices a year
- both licensed and unlicensed venues can hold up to 15 temporary events notices a year or 21 days, whichever is the greater

If you are organising separate but consecutive events there must be at least a 24-hour gap between them.

Only the Police and Environmental Health may object to an event taking place and their objections must relate to one or more of the licensing objectives.

If an objection is received a Licensing Sub-Committee hearing will take place no later than 24 hours before the event. At the hearing the Sub-Committee will either approve, add conditions, or reject the notice.

If you disagree with the decision, you have the right to appeal to the Magistrates' Court. You must do this within 21 days and at least 5 working days before the date of your event.

Late temporary event notices

If you have less time before your event, you can give a late temporary event notice.

You can submit a late temporary event notice up to 5 working days before the event but not earlier than 9 clear working days. These timings do not include the day the notice is received nor the day the event is due to take place.

You can submit a late temporary event notice:

- up to 2 times a year for non-personal licence holders
- up to 10 times a year for personal licence holders

For a late TEN, you submit the same temporary event notice, but you must tell us that it is late.

If the Police or Environmental Protection object to a late TEN, the notice will be invalid, and you cannot hold the event. There is no right to a hearing in the event of an objection.

Displaying the Notice

You must keep your TEN in a safe place where the event is held. You must also display a copy of the notice where it can be easily seen.

Large-scale events

Most large outdoor events which include licensable activities will need to be authorised by a premises licence. As part of the event planning process, we also advise event organisers to consider contacting Colchester's **Safety Advisory Group**, which is a multi-agency body that can obtain advice from many of the statutory bodies with responsibility for public safety, including the police, fire and ambulance services, the highways authority, and the Council.

Guidance on the Submission of Plans

You are required to submit a plan of the premises with your application. Plans enable the licensing authority, responsible authorities and the public to understand clearly the proposals being made.

The scale of the plan and the information required to be shown on it are set out in the [Licensing Act 2003 \(Premises licences and club premises certificates\) Regulations 2005](#).

To meet the requirements of the Licensing Act 2003:

- Plans must be drawn to a scale of 1:100 (i.e. 1 mm equals 100 mm) unless an alternative scale has previously been agreed in writing by the Licensing authority.
- Plans should indicate each area of the premises which is required to be licensed, including all areas which may be accessed by the public during a licensed event.

The plan must show:

1. The extent of the boundary of the building, if relevant, and any external and internal walls and, if different, the perimeter of the premises
2. The location of access and egress points to and from the premises
3. The location of escape routes from the premises (if different from exits)
4. The location of each licensable activity for which the premises is to be used
5. Where alcohol is currently served on the premises, the location(s) on the premises which are used for the consumption of alcohol (include any outside areas)
6. Fixed structures (including furniture) or similar objects temporarily in a fixed location (for example, stage lighting towers, harris fencing, generators, portaloos, dance platforms and poles) which may impede the use of exits or escape routes
7. The location and height of any stage or raised area relative to the floor
8. The location of any steps, stairs, elevators or lifts
9. The location of any room or rooms containing public conveniences
10. The location of any kitchen on the premises
11. The location and type of any fire safety and any other safety equipment.

You may use symbols on the plan with a key or legend to explain them.

Table of Fees

Non Domestic Rateable Value (NDRV) (see note 1)	Band	Fee for new licence or variation of existing licence (See Note for exemptions)	The use of the premises exclusively or primarily for the supply of alcohol for consumption on the premises	Annual Charge (See Note for exemptions)
No Rateable Value to £4,300	A	£100		£70
£4,300 - £33,000	B	£190		£180
£33,001 - £87,000	C	£315		£295
£87,001 - £125,000	D	£450	X 2 Of the fee	£320
£125,001 and above	E	£635	X 3 Of the fee	£350

1. Where NDRV does not apply, the charge will be as for Band A, other than where a premises has not yet been constructed, in which case Band C will apply.
2. If the premises forms only part of the property in the local non-domestic rating list, the premises will be treated as having a rateable value equal to the property of which it forms part (*i.e. a clubhouse cannot be split from the land that surrounds it in order to reduce the fee*).
3. If a premises comprises two or more properties which have separate rateable values in the local non-domestic rating list, the premises shall be treated as having a rateable value equal to the value for the property with the highest rateable value.
4. If the maximum number of persons a licensee may allow on a premises is 5,000 or more, then an additional fee is payable:

Additional Fee for exceptionally large premises or events of a temporary nature requiring a premises licence:	Application Fee	Annual Charge
Attendance 5000 – 9999	£1000	£500
Attendance 10000 – 14999	£2000	£1000
Attendance 15000 – 19999	£4000	£2000
Attendance 20000 – 29999	£8000	£4000
Attendance 30000 – 39999	£16000	£8000
Attendance 40000 – 49999	£24000	£12000
Attendance 50000 – 59999	£32000	£16000
Attendance 60000 – 69999	£40000	£20000
Attendance 70000 – 79999	£48000	£24000
Attendance 80000 – 89999	£56000	£28000
Attendance 90000 and over	£64000	£32000

Exemptions

Where an application for a premises licence or club premises certificate is restricted to regulated entertainment only, then no fee shall be payable for the following:

- For an educational institution, that it is a school or a college and the entertainment is carried on by the institution for and on behalf of the institution; or
- The application is for a premises that is, or forms part of a church hall, chapel hall or similar building or a village hall, parish hall, community hall or other similar building.