



**Horsham  
District  
Council**

## **Horsham Licensing Authority Applicant Guidance**

### **A Practical guide to the Licensing Act 2003**

#### **Introduction**

By reading our Statement of Licensing Policy, applicants can get a better understanding of how the arrangements will be handled in the Horsham District. The Statement can be downloaded from [www.horsham.gov.uk](http://www.horsham.gov.uk) The easiest way to access this is to type 'licensing policy' into the search box.

#### **Personal Licences**

##### **You must apply to the Council in whose area you reside**

Under the Licensing Act 2003, persons authorising the sale or supply of alcohol from a business holding a Premises Licence will also need to hold a Personal Licence. If you are named as a Designated Premises Supervisor (DPS) on a Premises Licence, you must have obtained a Personal Licence before any alcohol can be sold.

To obtain a Personal Licence, you will need to apply to the local authority for the area in which you are resident. We are only able to accept applications from persons who live within the Horsham District Council area.

You must have the legal right to work in the UK in order to hold a Personal Licence, proof of which will be required. From the 6th April 2017, applicants for personal licences must prove that they have the legal right to work in the UK, by providing copies of official documents showing that they are either a British or UK citizen, a national of an EEA country or Switzerland, have been granted indefinite leave to remain and work in the UK, or have another immigration permission allowing them to lawfully work in a field relevant to the sale of alcohol. Official guidance notes on what documents are acceptable and which pages must be photocopied are included after the application form. Please do not send original documents through the post, but send good quality photocopies of all relevant pages. We will request further documentation or carry out further checks with the Home Office if an applicant's immigration status is unclear.

Personal licences cannot legally be granted to any person who does not have the right to work in the UK.

Personal Licences are issued directly to the person applying for them, and are not transferrable. Once you have obtained one, you are able to work at any premise which is subject to a Premises Licence authorising the sale / supply of alcohol, anywhere in England or Wales. You may only hold one Personal Licence at any time, which will be valid for the whole of your lifetime, but may be revoked if you are convicted of a relevant criminal offence, have to pay an immigration penalty, or are found to have given incorrect or misleading information in your application. Licences will also lapse automatically if your right to work in the UK expires or is revoked.

### **Applying for a Personal Licence**

To apply for a Personal Licence, you will need to complete the application form. The application should be accompanied by:

- The application fee
- Two recent passport style photographs. (Applicants must supply two identical photographs of themselves with their application. We would generally expect these photographs to be of a similar standard to that required for applications for passports, and photos must, as a minimum, meet the following requirements:
  - A. They must be taken against a light background so that the applicant's features are distinguishable and contrast against the background
  - B. They must measure 45 millimetres by 35 millimetres
  - C. The applicant's face must be fully uncovered in the photo, without sunglasses or any head covering
  - D. They must be printed on photographic paper
  - E. One of the photos must be endorsed by a solicitor, notary, a person of standing with the community or an individual with a professional qualification, with a statement verifying the likeness of the photograph to the applicant, such as: *'I certify that this is a true likeness of [applicant's name]'* They must then sign and date the statement. It is not enough just to sign and date the photograph.
- The certificate from an accredited personal licence qualification. One of the prerequisites to obtaining a Personal Licence is the completion of a training course which has been accredited by the Home Office. These usually consist of a one-day course, with a multiple choice exam at the end. A list of all accredited qualifications can be found at [www.gov.uk/government/publications/accredited-personal-licence-qualification-providers](http://www.gov.uk/government/publications/accredited-personal-licence-qualification-providers).
- A completed Disclosure of Convictions and Civil Immigration Penalties & Declaration form, signed and dated no more than one month earlier.
- A criminal record check, issued within the last month, from the Disclosure and Barring Service (DBS). You can either apply for the check on the [www.gov.uk](http://www.gov.uk) website or from a Responsible Organisation (RO) – a third party registered with DBS – to submit checks on your behalf. A list of Responsible Organizations can be found at <https://www.gov.uk/guidance/responsible-organisations>.

- Copies of documents which prove your legal right to work in the UK

We will consult the following bodies about your application:

- Sussex Police, if you have any unspent convictions for relevant or foreign offences
- The Home Office, if you have been required to pay a civil immigration penalty or if your right to work in the UK is not clear. Either body may object to your application, or if they do, your application will be decided at a hearing by our Licensing Sub-Committee.

**All Criminal Record searches are only valid for One Month from the date of their issue, if they are not submitted within that timeframe they cannot be accepted and you will be asked to obtain another.**

If you have relevant convictions the Police have to be informed of them and they have the right under the act to make a formal objection to you being granted a personal licence. If this happens then the Licensing Committee of the Council will determine your application.

Conviction records are only relevant if the police use them to object to your application. The Licensing Authority must ignore even the most serious conviction if the police do not object to your personal licence application.

**If you have completed a valid application, submitted the correct fee, have no convictions, are suitable trained and are over 18 your Personal Licence will be granted.**

A Personal Licence is granted for life or till such times it may be surrendered or revoked. Where alcohol is sold using a Premises licence, a Designated Premises Supervisor must be nominated for the licence. That person does not have to hold a personal licence in order to be accepted but if they do not, alcohol sales are forbidden until they get one.

Personal licences are **not** required at all when alcohol is supplied under the authority of a Club Premises Certificate, when using a Temporary Event Notice or the Mandatory Condition requiring a DPS has been dis-applied (This only applies to community premises in certain circumstances). It is also not necessary to have a Personal licence holder available where a Premises licence does not cover the sale of alcohol. Nevertheless, Personal licence holders can still use Temporary Event Notices if they want to – in fact they are allowed to use far more of them than other people.

## **Premises Licence**

A Premises licence permits licensable activities at any “place”, including any “vehicle, vessel or moveable structure”. An application can be made by an individual or by an organisation. Not everyone is able to apply but anyone who is running a business that involves licensable activities there or who plans to do so in the future can do so. The business might be that of providing rock bands or disco facilities. It does not have to be the business that runs the premises. There is a list in the Act that explains who can apply.

The freeholder, leaseholder, occupier etc. of a building will not normally be told what is going on but if they register an interest in the premises (for which a small fee is payable) they will become entitled to notifications about licensing matters related directly to their property. They will still have no right to express a view on applications, even if they have registered (unless they qualify because they are e.g. a local resident).

**Our licensing policy states that the Licensing Authority will not normally determine an application “unless the applicant can demonstrate that the premises have either an appropriate (in terms of activity and hours of use sought) planning consent, or that it is otherwise lawful. Exceptions may be made where the applicant can demonstrate compelling reasons why the application should be considered although the planning status of the premises has not been finalised”.**

**This means that before submitting an application, you should ensure that the premises has planning permission for the use you intend and for the hours you intend operating the business. If you do not, then your application could be rejected by the licensing department and the fee lost.**

## **Club Premises Certificates**

A Club Premises Certificate permits licensable activities to take place at the premises of a “qualifying club”. Committee members must be 18 or over. A qualifying club which relies solely on a Club Premises Certificate or on Temporary Event Notices does not need any Personal licence holders and does not have a Designated Premises Supervisor. Having said that, there is nothing to prevent the club from applying for a Premises licence as well as a Club Premises Certificate, to give themselves more flexibility. If the club chooses to organise itself in that way, the Premises licence rules apply as normal. Some larger clubs might want to have a Club Premises Certificate for the regular bar but have a Premises licence for their function room. In theory that is possible but doing it without compromising club status could be quite complicated.

It would be foolish to take that approach without taking expert advice first. . Any rule changes must be notified to the licensing authority.

## **New Licences and variations of an existing licence**

Before completing the application form the authority advises prospective applicants to contact the relevant responsible authorities to discuss the application to ensure that the application will not be rejected for lack of planning permission and to ensure that the operating schedule is relevant to the application.

When an application is made, provided that there are no relevant representations, the licence or certificate will be produced showing the licensable activities asked for with the hours wanted.

The authority may amend your application only in so far as to ensure that any "conditions" offered do not breach the "Wednesbury Principle". This states that any condition must be reasonable, responsible, enforceable and is not covered by any other primary legislation. We will also remove any additional extraneous information which has no bearing on the licensable activities or the promotion of the Licensing Objectives.

Where a relevant representation or comment is made by an organisation or a person eligible to comment there are two ways of dealing with the situation. If the licensing authority, the 'objector(s)' and the applicant are all agreed, the issue may be resolved "round the table". There is some debate as to the legality of this process but as it has yet to be tested by the courts we accept that this is a practical method of dealing with disputes during the consultation process.

Any agreements reached will be reflected on the licence as part of an amended operating schedule.

The Licensing Officer can veto a 'deal' even if the applicant and the person/body making a representation have agreed something if it is believed to be in the public interest for the matter to be deferred to a Licensing Sub Committee to determine the application.

If there are valid representations and no agreement can be reached then the issue must be put to a formal hearing, so that a decision can be made. Applicants have a right to insist on this. If the 'objector' is asking for a condition to be imposed, operating times restricted etc., the committee or panel will decide whether to back the restriction or not.

The 'Responsible Authorities' such as Planning, Child Protection and the Police are quite entitled to produce notes that will give applicants an understanding of how they intend to approach licensing applications. These notes are helpful as a guide to their intentions but it is important to understand that they only represent a point of view. They have no legal status at all. Every decision that is made will follow the Licensing Act 2003, the regulations and the relevant statutory guidance.

The only other document that has any legal status is the Licensing Policy written by the licensing authority for Horsham and adopted by Horsham District Council. If something is requested that is not in line with the Licensing Policy, it must be rejected by the committee or panel. The views expressed by the responsible authorities should not be seen as 'rules' that you must follow. They are just an

indication of where they will draw the line when deciding whether or not to comment on your application.

**Failure to do so will make your application invalid and your fee will be lost.**

Words such as “must” or “will be expected to” should be understood as recommendations, not as instructions. There are some conditions that we must attach to all licences but otherwise the committee or panel is only able to look at the issues that have been raised by others. Having said that, if there are other points that are connected or relevant, they may look at a combination of issues. As an example, they might reject opposition to your plan to sell alcohol after ten at night but only agree to it with a condition that outdoor furniture must be removed at night and/or that you install better outdoor lighting.

## **The Application Forms**

The application form is a Statutory Form and must be used to submit your application together with a plan showing the area(s) where the licensable activities are to be conducted outlined in red ink and the appropriate fee.

You will be expected to produce an Operating Schedule, when you apply for a Premises licence and the authority has produced its own guidance to assist you in completing this part of the application form.

We would also suggest that you speak to the Sussex Police Licensing Team, The local West Sussex Fire and Safety Team and our own Environmental Health Officers who may be able to suggest suitable “conditions” which you may wish to include in your application.

Remember this is your application and it is for you to decide what you include in it. If there are any issues that can't be agreed then a Licensing Sub Committee will act as the final arbiter.

**WARNING: Whatever you write in an application box to show your 'intention' will be turned automatically into a legally binding condition. Any of these conditions could form the basis for legal action against you in the future, possibly resulting in the loss of your licence. You must think very carefully before volunteering to be bound by any such condition. The form is not a survey. In effect, you are being invited to write your own rules and will then be bound by them. We advise that you seek legal advice if you are uncertain what to do.**

## **When does an Application go 'live'?**

If you have ignored the checklist supplied with the application form and something has been left out, then as far as we are concerned, no application has been made. We will contact you to let you know that there is a problem but otherwise we will put your paperwork to one side and do nothing with it. Your application does not exist until all of the documents have been given to us.

If the form is unreadable or a lot of the information we need is missing, we will send the whole thing back to you and ask you to fill it out again. It will not count as an application until it has been filled out properly.

If the form and the fee come in this week and the plan is delivered separately next week, there will be no live application until next week.

Please note that any application fee is non-refundable and if you fail to comply with any of the Statutory Requirements the application will fail and if you wish to pursue the matter you will have to resubmit the whole application together with a new application fee.

Common mistakes which have led to applications being invalid are failing to send copies of the application to the responsible authorities, failing to post or removing the statutory notice on the premises before the end of the statutory consultation period and/or failing to advertise the application in a local newspaper for the area (the West Sussex County Times). See below:

**You must also submit a copy of your application with the required enclosures to all of the “Responsible Authorities” on the same day as you submit it to us. (see Appendix 1)**

**We do not do this for you!**

**If the full paperwork has not been sent to everybody, then no application exists and your application will be treated as invalid. Your application fee will not be refunded.**

## **What needs to be done next?**

When you apply for a licence, club certificate or a variation to an existing licence or certificate then you have a duty to advertise what you have asked for. For information on minor variations see below.

There are two different things that you must do. The first is to put up a **pale blue, A4 or larger**, notice outside your premises, so that people living nearby can see it. If you have a window next to the pavement you can put the notice in the window but if there is a path up to the premises, you will need to fix the notice next to the pavement. The required wording is quite specific. A sample of the official notice and an explanation of how to produce one appears at the end of this document.

The notice should be on A4 paper and be **printed in Ariel, Times Roman or Lucida using font size 16**. The notice must be prominently displayed at eye level and easily read so any notice put at the bottom of a glass door near ground level would not be acceptable.

If your building is more than 50 metres long on each side (which is very unlikely!) or if the area of land you are licensing is that size or greater, there is a special requirement to repeat the notice every 50 metres along the boundary, where it is next to a road.

The pale blue notice or notices must be displayed for not less than **28** consecutive days commencing the day after your application is submitted to the licensing authority.

**Failure to do so will make your application invalid and your fee will be lost.**

The other thing that applicants must do is to advertise their application in a local newspaper circulating in the area. The newspaper notice must appear at least once,

no more than 10 working days after the application becomes live. The wording of the newspaper notice will be exactly the same as that for the blue notice but it will be in the ordinary size of print used by that newspaper for official notices.

**Failure to advertise in the newspaper will make your application invalid.**

See Appendix (2) for a copy of the draft notice and associated guidance

If no-one makes a valid representation on an application within 20 working days to the Licensing Department, the Premises licence will be granted on the exact conditions that you have suggested.

However if a representation has been received the Licensing Officer will decide whether the representation is relevant.

For a representation to be relevant it must be one that addresses the likely effect of the application on the promotion of one or more of the four licensing objectives. The 2003 Act and the associated guidance are very specific in that any representation must address the application therefore anything which does not relate to either the venue and/or the proposed licensable activities must be disregarded.

Guidance, backed by a decision of the High Court indicates that any representations received by the Licensing Authority, in order to be valid under the 2003 Act, must not be based on speculation but rather on evidence. That said, a recent decision in the court means that a reasonable degree of speculation could be considered relevant where a new application is concerned.

Any representation which fails to address the four licensing objectives, as they relate to the application and/or have failed to supply any relevant evidence in support, will be rejected as will any representation which in the opinion of the Licensing Officer are either malicious or vexatious.

Where there is a disagreement between the applicant and others, the application will be referred to a Licensing Sub Committee to determine the application. This is done in public and all interested are invited to attend the hearing and make their representation in person. How these hearings are conducted will mainly be of interest to those who are invited to take part in them, so they are not covered in this guide. A hearings guide is sent out to all parties when a hearing is due to be held.

The applicant has a right to appeal against the decision of a hearing and the first stage is via Mid-Sussex Magistrates Court.

Anyone whose comments or objections have not been built into the conditions of the licence or who finds that a licence has been issued despite their opposition to it being issued at all can take their case to the local Magistrates.

**Minor variations**

There is a provision in the Act for a Minor Variation to an existing licence to be dealt with under a much simplified system and if you are considering changing your plans, adding regulated entertainment or amending your operating schedule then you may be able to apply for a minor variation. In that case you should contact the local



council licensing team for advice before submitting any application to vary your premises licence or club premises certificate.

You must advertise an application for a minor variation by putting up a white A4 or larger, notice outside your premises, so that people living nearby can see it. If you have a window next to the pavement you can put the notice in the window but if there is a path up to the premises, you will need to fix the notice next to the pavement. The required wording is quite specific. A sample of the official notice and an explanation of how to produce one appears at the end of this document.

The notice should be on A4 paper and be printed in Ariel, Times Roman or Lucida using font size 16 using. The notice must be prominently displayed at eye level and easily read so any notice put at the bottom of a glass door near ground level would not be acceptable.

## **Need Help?**

The Licensing Department wants to help you as much as possible, however because of issues of impartiality, we can only offer advice of a general nature concerning applications; If you wish such advice please contact:

**The Licensing Team on 01403 – 215578/215525 or email  
[licensing@horsham.gov.uk](mailto:licensing@horsham.gov.uk)**

For complicated applications you may feel that the job is better left to a reputable licensing professional such as a solicitor or a licensing consultant.

## **Fees**

Fees for all Licensing Act 2003 applications have been set by central government. The fees are based on the non-domestic rateable value of the premises and the relevant band is the one that applies when the application is made.

The fees tables are available on online.

There is also an annual fee which must be paid on the anniversary of the grant of the licence. There is no statutory obligation on the authority that requires us to send out an invoice or reminder although we usually do so.

On 25 April 2012 the 2003 Act was amended instructing Local Licensing Authorities to suspend Premises Licences where the annual fee has not been paid.

To find out how much the non-domestic rateable value of your premises is, the easiest way is to enter your postcode into the Valuation Office's Web site, [www.voa.gov.uk](http://www.voa.gov.uk)

The idea is that no premises licence fees or top up fees are payable for community premises e.g. village halls and church halls but you lose your exemption if alcohol is ever sold on the premises, under the authority of a Premises licence. There is a provision within the Act that allows Parish Halls to apply to have the Mandatory Condition requiring a Designated Premises Supervisor to be nominated on the licence to be disapplied, providing a management committee undertakes to take the role of the DPS.

For schools, the exemption from fees is even more restricted. Even if alcohol is not sold, activities which are not part of the educational establishment remit will make your exemption from fees invalid. A school play is fine but allowing a local drama group to put on a pantomime falls outside the main purpose of the school and the full fee has to be paid. Whether or not you actually have a liability to pay business rates is not relevant. The rateable value will be used anyway.

Clubs are not exempt from paying fees.

Provisional Statements are the promise of a licence for buildings that are not constructed yet or those which are being extended. The exemption for village halls etc. has been left out of the regulations, so you will pay a standard £315 even if your new hall or church is within band A. In this case, whether or not you plan to sell alcohol is irrelevant, as there is no exemption under any circumstances at all.

There is the added complication that some premises (e.g. mobile food traders or a street or field) may not have a rateable value at all. In all of those cases, band A will be applied. There are fees payable for lots of other items. In these cases, the rules are not quite the same because the village hall and church etc. exemption does not apply. As above all payments should be to Horsham District Council.

For outdoor events there are three systems of charging. For up to 499 people, the obvious approach is to use Temporary Event Notices. They cost £21 with further details and forms available from the licensing department.

The introduction of the Live Music Act 2012 and The Licensing Act (Descriptions of Entertainment) Amendment Order 2013 means that certain activities are no longer classed as a licensable activity, the main ones being the playing of Live and/or Recorded Music between 8am and 11pm, the performance of a play and of Dance and certain Indoor Sporting events in certain circumstances, see appendix 3 for full details.

A larger outdoor event in an area that is not associated with a particular building (a street or a field for example) will be allocated a 'rateable value' in band A, so the fee will be £100.

Larger outdoor events of a temporary nature attract additional fees and details of these are available from the licensing department.

The range of additional fees starts at £1,000 for 5,000 to 9,000 people with incremental increases with a fee of £64,000 for 90,000 people and over.

## **Operating Schedule**

The Operating Schedule forms an integral part of the application for Premises Licences and Club Premises Certificates. It is intended to show steps which the applicant proposes to take to promote the licensing objectives and who will be responsible for ensuring that those steps identified are complied with, e.g. "The Premises Licence Holder; and/or The Designated Premises Supervisor; and/or a nominated or named member of staff will ensure that, ....."

Horsham District Council has prepared a separate guidance document which is primarily concerned with helping applicants to complete a relevant operating schedule. Horsham District Council's licensing policy places significant emphasis on

the need for the operation of licensed premises to promote the four licensing objectives.

### **Licensing Objectives:**

- The Prevention of Crime and Disorder
- Public Safety
- The Prevention of Public Nuisance
- The Protection of Children from Harm

For administrative convenience, the large leisure chains are likely to take a very similar approach, no matter which licensing authority they are dealing with. A fairly standard approach may therefore develop but their style may be rather too bureaucratic to suit small businesses. For simple village halls, takeaway food venues and off licences, the basics of an Operating Schedule are not difficult to put together and we have prepared a list of the most common agreed conditions, see appendix (1).

You are advised to read the Horsham Licensing Policy carefully before you fill out any licensing application form. It will tell you where a Licensing hearing is likely to be very keen to impose conditions suggested by the responsible authorities and when it will almost certainly reject them as being excessive and unreasonable.

### **Mandatory Conditions**

#### **All Premises Licence authorising supply of alcohol**

The licence is granted subject to the Mandatory conditions for sale of alcohol as set out in the Licensing Act 2003 as amended by the Licensing Act 2003 (Mandatory Licensing Conditions) Order 2010 and Order 2014.

1. No supply of alcohol may 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.
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.
  - (2) In this paragraph, an irresponsible promotion means any 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 other person is unable to drink without assistance by reason of disability).
4. The responsible person must ensure that free potable water is provided on request to customers where it is reasonably available.
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.
- (2) The designated premises supervisor in relation to the premises licences must ensure that the supply of alcohol at the premises is carried on in accordance with the age verification policy.
- (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.

6. The responsible person shall 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 a sale of alcohol specify the quantity of alcohol to be sold, the customer is made aware that these measures are available.

### **Minimum Drinks Pricing**

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.

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 the 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 the 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 member 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.
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.
4. (1) Sub-paragraph (2) applies where the permitted price given by Paragraph (b) of paragraph 2 on a day (“the first day”) would be different from the permitted price on the next day (“the second day”) as a result of a change to the rate of duty or value added tax.
- (2) The permitted price which would apply on the first day applies to sales or supplies of alcohol which take place before the expiry of the period of 14 days beginning on the second day.

### **If the Premises Licence allows Exhibition of Films**

1. Where a premises licence authorises the exhibition of films, the licence must include a condition requiring the admission of children to the exhibition of any film to be restricted in accordance with this section.

2. Where the film classification body is specified in the licence, unless subsection (3)(b) applies, admission of children must be restricted in accordance with any recommendation by that body.

3. Where

- (a) The film classification body is not specified in the licence, or
- (b) The relevant licensing authority has notified the holder of the licence that this subsection applies to the film in question,

admission of children must be restricted in accordance with any recommendation made by that licensing authority.

4. In this section “children” means any person aged under 18; and “film classification body” means the person or persons designated as the authority under Section 4 of

the Video Recordings Act 1984(c39) (authority to determine suitability of video works for classification).

**If the Premises Licence has conditions in respect of Door Supervision except theatres, cinemas, bingo halls and casinos**

1. Where a premises licence includes a condition that at specified times one or more individuals must be at the premises to carry out a security activity, each such individual must:

(a) be authorised to carry out that activity by a licence granted under the Private Security Industry Act 2001; or

(b) be entitled to carry out that activity by virtue of section 4 of the Act.

2. But nothing in subsection (1) requires such a condition to be imposed:

(a) in respect of premises within paragraph 8(3)(a) of Schedule 2 to the Private Security Industry Act 2001 (c12) (premises with premises licences authorising plays or films); or

(b) in respect of premises in relation to:

(i) any occasion mentioned in paragraph 8(3)(b) or (c) of that Schedule (premises being used exclusively by club with club premises certificate, under a temporary event notice authorising plays or films or under a gaming licence), or

(ii) any occasion within paragraph 8(3)(d) of that Schedule (occasions prescribed by regulations under that Act).

3. For the purposes of this section:

(a) "security activity" means an activity to which paragraph 2(1)(a) of that Schedule applies, and, which is licensable conduct for the purposes of that Act, (see Section 3(2) of that Act) and

(b) paragraph 8(5) of that Schedule (interpretation of references to an occasion) applies as it applies in relation to paragraph 8 of that Schedule.

## **Offences under the Licensing Act 2003**

- To carry on or attempt to carry on a licensable activity on or from any premises other than under or in accordance with the authorisation provided by a premises licence, a club premises certificate or temporary event notice meeting the required conditions.
- To knowingly allow such an activity to be carried on.
- Where an unauthorised activity has taken place, any performer or participant does not commit an offence unless they are involved in the organisation or arrangement of the unauthorised activity.
- It is an offence to expose alcohol for sale when not an authorised activity.
- To keep alcohol with the intention of selling it by retail or supplying it by or on behalf of a club or to the order of a member of a club where the sale of supply would be an unauthorised licensable activity.

### **Offences concerning children are as follows:**

- Unaccompanied children under 16 are prohibited from certain premises such as premises at a time open for the purposes of being used for the supply of alcohol for consumption there and all relevant premises used for the supply of alcohol for the consumption there between the hours of midnight and 5am.
- Sale of alcohol by retail to an individual under the age of 18 is illegal.
- Clubs commit an offence if alcohol is supplied to a member or guest who is under the age of 18.
- It is an offence to allow the supply of alcohol to children from your premises.
- It is an offence for an individual aged under the age of 18 to buy or attempt to buy alcohol.
- It is an offence to buy or attempt to buy alcohol on behalf of an individual who is under 18.
- An individual under the age of 18 commits an offence if he knowingly consumes alcohol on relevant premises.
- A person who works on relevant premises in any capacity, whether paid or unpaid commits an offence if he knowingly delivers to an individual aged under 18 alcohol sold on the premises, or alcohol supplied on the premises by or on behalf of a club to or to the order of a member of a club.
- A person commits an offence if he knowingly allows anyone else to deliver to an individual aged under 18 alcohol sold on relevant premises.
- Sending a child to obtain alcohol sold from licensed premises
- However, no offence is committed if a person over the age of 18 buys beer, wine or cider for an individual aged 16 or 17 if the purchase, or supply, is for consumption at a table meal on relevant premises and that the individual is accompanied at the meal by an individual aged 18 or over.



**Appendix 1**

**RESPONSIBLE AUTHORITIES**

**Licensing Act 2003**

<p><b>Environmental Health and Licensing, Horsham District Council, Parkside Chart Way, Horsham, West Sussex, RH12 1RL Tel:01403 215578</b></p>	<p><b>Home Office Alcohol Licensing Team Lunar House 40 Wellesley Road Croydon CR9 2BY</b></p>
<p><b>Chief Officer of Police Licensing Officer Worthing Durrington Police Station Centenary House Durrington Lane Worthing BN13 2PQ 01273 404030</b></p>	<p><b>West Sussex Local Safeguarding Children Board c/o Children's Safeguarding Unit Room 24, Durban House Durban Road Bognor Regis West Sussex PO22 9RE</b></p>
<p><b>Fire Safety Officer West Sussex Fire and Rescue Service Horsham Fire Station Hurst Road Horsham West Sussex RH12 2DN Tel: 01403 213280</b></p>	<p><b>Planning Division-Licensing Applications Horsham District Council Parkside Chart Way Horsham West Sussex RH12 1RL Tel:01403 215453</b></p>
<p><b>WSSC Trading Standards Service 4th Floor, Parkside, Chart Way, Horsham, West Sussex, RH12 1XH. Tel: 01243 642124</b></p>	<p><b>Director of Public Health Public Health Licensing, West Sussex County Council, 1st Floor, The Grange, County Hall Campus, Chichester PO19 1QT</b></p>
<p><b>Health &amp; Safety Public Health &amp; Licensing Horsham District Council Parkside Chart Way Horsham West Sussex RH12 1RL Tel: 01403 215100</b></p>	<p><b>Pollution Team Horsham District Council Parkside Chart Way Horsham West Sussex RH12 1RL Tel: 01403 215609</b></p>

**PUBLIC NOTICE**  
**LICENSING APPLICATION**  
**LICENSING ACT 2003**

An application has been made by ***AN Other pup co ltd<sup>(1)</sup>*** to Horsham District Council Licensing Authority for the grant of a Premises License/Club Premises for ***name and address of premises.***

The application includes proposals to ***supply alcohol by or on behalf of members of a club, to sell alcohol by retail, and/or to provide regulated entertainment and/or to provide Late Night Refreshment.***

The application can be viewed by contacting the Licensing Department at the offices of Horsham District Council at Parkside, Chart Way, Horsham, RH12 1RL.

Representations can be made at any time between ***dates of consultation period.***

All representations must be in writing (including email or fax) addressed to the Public Health and Licensing department at Horsham District Council.

**It is an offence for anyone to recklessly or knowingly make a false statement in connection with a licensing application. The maximum fine on conviction is £5000.00.**

## **Notice Notes**

- 1) This is the full name of the applicant. This can be either the name of an individual or in the case of a partnership the names of both partners or the name of a limited company.
- 2) This is the application you are making, e.g. “the grant of a new Premises Licence” or an “application to vary an existing Premises Licence.”
- 3) The full postal address of the premises to be licensed goes here including the post code. If there is no postal address then a description of the site involved including a valid Map Reference.
- 4) You need to identify what licensable activity you are applying for and the times you are requesting. Delete any of the four activities listed that is not relevant to your application. If anyone wishes further information they are entitled to view the application by writing or emailing the Licensing Department at the council offices.
- 5) The time limits for consultation begin the day after the application is submitted to the authority, provided that it is a valid application. You should always contact the local licensing team to ensure that the application has been validated. The news paper advertisement **MUST** be published on or before the tenth working day following validation of the application. If you get this wrong it can compromise your application. The last day for receipt of any comments is twenty working days following submission of a valid application.
- 6) The notice should be on A4 paper and be printed in Ariel, Times Roman or Lucida using font size 16 using. The notice must be prominently displayed at eye level and easily read so any notice put at the bottom of a glass door near ground level would not be acceptable.

## Premises Age Verification Policy

### Staff Confirmation

**Name and Address of Premises:**

**Premises Licence Number:**

**Name of Staff Member**

**Personal Licence Number and Issuing authority if relevant:**

The sale of alcohol to a child or young person, that is to say a person under 18 years of age, is an offence which, upon conviction may lead to a fine of up to £5,000 and/or a term of imprisonment not exceeding three months. Such a sale could lead to a review of the Premises Licence which could result in the licence being suspended or revoked.

The above premises operates an "age verification policy" which states that any staff employed in the sale or supply of alcohol MUST require an acceptable proof of age document if you are in any doubt as to whether or not a person seeking to purchase alcohol is under 18/21/25\* years of age.

Only the following documents are acceptable for proof of age purposes:

- A current valid passport,
- A current valid European Union photocard driving licence,
- A proof of age card bearing a PASS Hologram.

If no such document is produced or if you have any suspicion that the document presented is not genuine, has been tampered with or has been altered, then you MUST refuse the sale or refuse to authorise the sale.

All such refusals MUST be recorded at the time, or as soon as is reasonably practicable shortly thereafter, in the refusals book kept for that purpose.

Failure to do so may lead to disciplinary action on the part of the management.

Declaration:

*I have read the above document. I understand what is required of me and I understand that a failure to comply with its terms will be treated by the management as gross misconduct on my part and may lead to dismissal from my employment.*

Signed: ..... Date .....

Witness: ..... Date .....

(\* ) Delete as appropriate

## **Deregulated Entertainment:**

### **The Live Music Act 2012 and The Licensing Act (Descriptions of Entertainment) Amendment Order 2013.**

These have brought changes as to what is not now licensable provided the following conditions apply:-

#### **Live music in licensed venues**

Live music ceases to be regulated entertainment in venues licensed for the sale of alcohol for consumption on the premises in the following situations:

- when it is unamplified and takes place between 8am and 11pm; and
- when it is amplified and takes place in the presence of an audience of 200 persons or less and is provided between 8am and 11pm. (LMA2012)

The premises must be open for the sale of alcohol during the time that the live music is provided for the exemption/s to take effect.

Additionally, any condition attached to the Premises Licence relating to live music ceases to have effect in respect of the live music unless the Licensing Authority states otherwise on the licence pursuant to a Review hearing.

#### **Live music in venues which are not licensed**

For those premises which are not licensed for alcohol sales, the Act states that live music is not

regulated entertainment when it is unamplified and takes place between 8am and 11pm. Amplified live music in non-licensed venues will still require formal authorisation from the Licensing Authority, such as a Premises Licence or Temporary Event Notice. (LMA2012)

**A Performance of a Play and of Dance** are deregulated provided that they take place between 8am and 11pm in the presence of an audience of no more than 500 people, (LADEAO2013)

**Indoor Sporting Events** are deregulated if they take place in the presence of an audience of no more than 1000 people. (LADEAO2013)

#### **Provision of facilities for making music and dancing**

In addition the Live Music Act removes the provision of facilities for making music and dancing as forms of regulated entertainment.

***This document summarises the Licensing Act 2003 and its regulations but it is not a definitive statement of the law and applicants should seek independent advice.***

***For a full description of the Licensing Act 2003 visit the web site at [www.culture.gov.uk](http://www.culture.gov.uk).***