



The 2003 Licensing Act

Guidance notes for

Premises serving alcohol

The Licensing Act of 2003 transfers the administration of justices' licences to the Local Authority in 2005. The transition period will start in February 2005, and must be completed within nine months. The government will announce the precise date that the new licences will take effect, and the old justices' licences cease to be valid.

If you currently hold a justices licence you can convert it to the new licence during that period. Providing you do not wish to change any of the activities or times of trading, this transfer should through without challenge. If you do wish to change your activities e.g. later opening, then a full consultation process will have to take place.

To apply to transfer your licence you will need to complete an application form, which will be available from us, or can be downloaded from our website www.torfaen.gov.uk This form must be submitted to the Licensing Authority with; an operating schedule, a premises plan and the appropriate fee. (As described overleaf).

To supply alcohol on the premises there will need to be a designated premises supervisor specified on the licence, and this person will need to hold a personal licence. They will be responsible for the supply of alcohol although they may not be supplying it themselves, if something goes wrong they will be held responsible by the enforcement agencies.

Separate leaflets are available for personal licences, regulated entertainment and if you wish to serve food after 11:00 pm.

The Act specifies that applications have to comply with four licensing objectives:

- **Prevention of crime and disorder**
- **Prevention of public nuisance**
- **Public safety**
- **Prevention of children from harm**

The authorities' Licensing Policy promotes these objectives, and its contents must be considered by every applicant for a premises licence.



The information on this leaflet will give some specific guidance on your application. The authority will do all that it can to assist with applications. However, specific guidance on every application may not be possible due to the numbers that have to be processed in a short time.

This leaflet is produced as a guide and should not be considered authoritative. For further information regarding your application you should refer to the act itself and Torfaen's Licensing Policy. These documents will give you specific and detailed information as to what is expected. The act can be viewed on the HMSO website www.hmso.gov.uk/acts2003/20030017 Professional advice should be sought if you have any doubt and for complicated applications.

Applying for your premises licence

The applicant must be over 18. The application form will guide you through the information that you need to supply in order to transfer your existing justices licence to the new authority licence.

The question you need to ask yourself is: Do I want to operate as I have been for the last year, or do I want to do

new things?

If you wish to operate as you are now then your operating schedule must match the permitted activities on your current justice's licence. If they match, you should automatically get your licence.

Remember you have licences that cover your current activities, sale of alcohol and entertainment for example. These will be viewed as your current activities within the current licensing hours. If you wish to vary those activities this will not be transferred automatically,

To vary your activities in any way e.g. later opening, live entertainment or late night food, you will need to specify this on the operating schedule, advertise the application in the local press and display a notice near to your premises.

This will enable persons in the vicinity that may be affected by your proposals to object. Other statutory consultees will also have the right to object on the grounds that it would be contrary to the licensing objectives. These include the Police, Fire, Environmental Protection, Health & Safety, and child welfare representatives. For example, the Fire service may object if there is not a current fire safety certificate in force for the premises. The police may object if there have been disorder and or criminal activities recorded at your premises.

If there is an objection by any of the above your application will have to be heard by the licensing sub committee. They will determine whether your application is acceptable, or if necessary amend or impose conditions on your activities. You have the right to appeal against any decision they make.

If there are no objections and the application conforms to the licensing objectives you will get your licence, which will state what you are allowed to do on your premises. It will be an offence to do anything else that is not specified on the licence. The licence will have to be displayed on the premises.

If you wish to change your operating schedule at a future date this can be done by applying to the licensing authority to vary your licence.

Designated Premises Supervisor

The designated premises supervisor (DPS) is a person who has day to day responsibility for the premises. In the case of premises supplying alcohol they also have to be personal licence holder (PLH).

The DPS is responsible for the running of the premises. They do not have to be present at all times and do not have to be the exclusive PLH, and the premises can employ more than one PLH to take responsibility at varying times. But they will be answerable to the DPS who takes

the full responsibility for activities specified in the act, even if they are not present at the time. The DPS must be specified on the licence, and if there is a change in DPS this must be notified to the licensing authority by way of an application to vary the licence.
(See separate leaflet for guidance on PLH)

Operating schedule

The operating schedule is potentially the most complicated part of the application process. Once you have decided what you want to do on your premises it will have to be detailed in the operating schedule application.

You will need to specify your opening hours, what licensable activities you intend to conduct during those opening hours, any special occasions or events that you may wish to hold regularly, and if you intend serving food after 11:00 pm and before 5:00 am.
(See separate guidance leaflet for late night refreshments).

This could mean that you could specify certain activities on certain days and at certain times. For example you may wish to have an extension to your hours of opening on Friday and Saturday nights when you have a karaoke evening. Or you may wish to hold a dancing contest on Thursday afternoons. This is possible in the new licence; one licence will cover all activities.

Plans

The plans of your premises must be submitted with your application, they have to be in a format specified by the act. E.g. They must be at a scale of 1:100, clearly show the boundary, the area where the licensable activities are to take place, fire escapes and all other detail as specified in regulation 23 of the act.

Fees

These are based on the non domestic rateable value of your premises. For full details of all of the various charges please see our website.