

**INTRODUCTION TO MAKING AN
APPLICATION UNDER THE
LICENSING ACT 2003**

This leaflet is intended for members of the entertainment and leisure industry considering making any kind of application to the Licensing Authority under the Licensing Act 2003 (the Act).

It is the first in a series of leaflets about the application process for different types of licence, certificate, permission or authorization under the Act. The leaflets are presented in plain English and are intended to assist applicants to navigate their way through the licensing process.

This leaflet only applies to applications to Oldham Metropolitan Borough Council as Licensing Authority. Processes will be similar in other areas, but may differ in detail.

Status of this Leaflet

This is not statutory guidance and does not form any part of the Licensing Authority's Policy (which is available separately). The leaflet does not replace the Act or any statutory guidance issued under it, so reference should always be made to that before submitting applications.

Some General Questions

What do I need to do first?

First, you need to decide whether you need to make any application at all. Is the activity you intend to be engaged in licensable? This leaflet will help you to determine whether you need to make an application. You will then be directed to another leaflet in this series to take you through the detail of the application process. All of these leaflets are available free of charge from the Licensing Authority.

Is the activity or activities that I intend to be engaged in licensable?

You need to know whether it involves any of the following activities. If it does, then it will be a licensable activity and you will need to make some kind of application to the Licensing Authority.

1. Retail sales of alcohol (including for consumption on or off the premises, with or without food)
2. Supply of alcohol to club members
3. Provision of regulated entertainment to the public, club members or with a view to profit
4. A performance of a play
5. Exhibition of a film
6. Indoor sporting event
7. A boxing or wrestling entertainment
8. Performance of live music; playing of recorded music
9. Performance of dance
10. Provision of facilities for dancing
11. Provision of facilities for making music
12. The supply of hot food and/or drink from any premises between 11.00pm and 5.00am.

How do I know if the entertainment activity I propose to hold is regulated entertainment?

In general, regulated entertainment is any making or playing of music, theatre, dance, cinema, indoor sporting event, boxing or wrestling or other similar entertainment provided for the benefit of the public or club members or for profit. However, the Act specifically exempts certain types of entertainment from being licensable activities, these include:

1. Product demonstrations, advertisements or education/instructional films
2. Any films in exhibits at a museum or art gallery
3. Incidental music (such as background music, jukeboxes, etc)
4. Any televisions that are broadcasting a television signal (although televisions used to play pre-recorded films or DVD's would be regulated entertainment)
5. Any religious services
6. Most garden fetes, functions and events
7. Morris dancing and similar activities
8. Floats and moving vehicles at carnivals

Do I need a solicitor?

Not necessarily. The Licensing Authority intends to make the application process as simple as possible so that the need for specialist legal advice is minimized. However, if you intend to write your own conditions rather than drawing on the pool of preset conditions, we would suggest you seek legal advice. A solicitor may also help you to avoid unnecessary conditions or deal with difficult objections to your licence being granted.

How much will it cost?

Once you formally submit your application to us, you will be required to pay a fee. Central government and not the Licensing Authority fix this fee. You can find out exactly how much the fee will be by checking Leaflet A99 – Application Fees.

If you engage a solicitor, you will need to pay their fees and you will also need to pay the fees of any other specialist services that you engage, such as architects, risk assessors, etc. However, you may not need to engage any specialist services, this will depend on your own circumstances.

Can I simply copy somebody else's application?

Yes, although you will need to tailor it to your own circumstances. You must bear in mind that the Licensing Authority will consider each application on its own merits and just because someone else has submitted a successful application, it is no guarantee that the application can be copied elsewhere.

How do I get started?

You need to contact the Licensing Authority – our contact details are on the back of this leaflet. We will provide you with an application pack that is tailored to the type of application that you wish to make. The pack will include, if relevant:

- The right type of application form
- A copy of the Authority's Statement of Licensing Policy
- A guidance leaflet on the process for that type of application
- An application fees leaflet
- A questionnaire to help you through completing the application form
- Such other materials as may assist with your application

Application packs are provided free-of-charge. There are twenty one different application packs and you will not need all of them. Please check in the list below the relevant pack you require and make sure that you have received the correct pack before you proceed with completing the forms.

How do I decide what type of application pack I need?

If the activity you propose to engage in is licensable, you then need to consider the following options:

Application Packs for All types of Premises except Private Members Clubs

1. I wish to commence a permanent licensable activity at a trading premise that is built, but is not currently licensed – You need APPLICATION PACK A2 – Application for a new premises licence.
2. I wish to commence a permanent licensable activity at a trading premise that has not yet been built – You need APPLICATION PACK A3 – Application for a provisional statement.
3. I hold a licence or licences under the old licensing regime, which will be or were valid on 6th February 2005 and I wish to convert these without changing my method of operation or licensable activity to a new premises licence – You need APPLICATION PACK A4 – Conversion of an Old Licence to a Premises Licence without Variation of Terms.

4. I hold a licence or licences under the old licensing regime, which will be or were valid on 6th February 2005 and I wish to convert these to a new premises license, but I wish to change my method of operation (including hours of opening) and/or my licensable activity – You need APPLICATION PACK A5 – Conversion of an Old Licence to a Premises Licence with Variation of Terms.
5. I currently hold a new premises license issued after the 7th February 2005, but wish to permanently change the licensable activity at a trading premise – You need APPLICATION PACK A6 – Application to vary a premises licence.
6. I currently hold a new premises license issued after the 7th February 2005, but wish to change the details of the designated premises supervisor – You need APPLICATION PACK A7 – Application to change the Designated Premises Supervisor.
7. I am currently named as the Designated Premises Supervisor on a new premises licence issued after the 7th February 2005 and I wish to be removed from the licence – You need APPLICATION PACK A8 – Application to be removed as the Designated Premises Supervisor.
8. I wish to apply for the transfer of a new premises licence issued after the 7th February 2005, to my name (including as a result of the death, incapacity or bankruptcy of the current holder) – You need APPLICATION PACK A9 – Application for the Transfer of a Premises Licence or Interim Authority Notice.

Application Packs for Clubs

9. I wish to commence a permanent licensable activity at a premises that is occupied by and habitually used by a club, but is not currently licensed – You need APPLICATION PACK A10 – Application for a new club premises certificate.
10. I hold a licence or licences under the old licensing regime, which will be or were valid on 6th February 2005 and I wish to convert these without changing my method of operation or licensable activity to a new club premises certificate – You need APPLICATION PACK A11 – Conversion of an Old Licence to a Club Premises Certificate without Variation of Terms.
11. I hold a licence or licences under the old licensing regime, which will be or were valid on 6th February 2005 and I wish to convert these to a new club premises certificate, but I wish to change my method of operation (including hours of opening) and/or my licensable activity – You need APPLICATION PACK A12 – Conversion of an Old Licence to a Club Premises Certificate with Variation of Terms.
12. I currently hold a new club premises certificate issued after the 7th February 2005, but wish to permanently change the method of operation or licensable

activity at the club – You need APPLICATION PACK A13 – Application to vary a club premises certificate.

13. I currently hold a new club premises certificate issued after the 7th February 2005, but wish to change the name or registered address of the club or alter the rules of the club – You need APPLICATION PACK A14 – Application to change the registered details on a Club Premises Certificate.

Temporary Events

14. I am the holder of a new premises licence or club premises certificate issued after 7th February 2005 and I wish to temporarily change my method of operation (including hours of opening) or licensable activities for a period not exceeding 96 hours – You need APPLICATION PACK A15 – Application for a Temporary Event at a Licensed Premises or Club Premises by the Licence Holder.
15. I wish to commence a licensable activity for a period not exceeding 96 hours at a location that is not a licensed premises or club premises – You need APPLICATION PACK A16 – Application for a Temporary Event at an Unlicensed Premises.
16. I wish to commence a licensable activity for a period not exceeding 96 hours at a location that is a licensed premises or club premises, but I am not the licence holder. This will include applications for events in parks and open spaces where the local authority is the licence holder – You need APPLICATION PACK A17 – Application for a Temporary Event at a Licensed Premises by someone other than the Licence Holder.

Personal Licences

17. I am to be engaged in the supply of alcohol and I wish to apply for a new personal licence – You need APPLICATION PACK A18 – Application for a new personal licence.
18. I am the holder of a Justices Licence under the old licensing regime, which will be or was valid on 6th February 2005 and I wish to convert this to a personal licence – You will need APPLICATION PACK A19 – Application for conversion of a Justices Licence to a Personal Licence.
19. I am the holder of a new personal licence issued after 7th February 2005 and I wish to renew that licence prior to expiry – You will need APPLICATION PACK A20 – Application for renewal of a Personal Licence.

General

20. I wish to apply for the review of a premises licence or a club premises certificate. You will need APPLICATION PACK A22 - Applying for a review of a Premises or Club Premises Certificate.

What are “Old Licences”?

If you hold any of the following licences for your premises at the moment, these can be converted to the new premises licence or club premises certificate:

- A justices licence issued under the Licensing Act 1964
- A canteen licence issued under s. 148 of the Licensing Act 1964
- A licence under the Private Places of Entertainment (Licensing) Act 1967
- A licence under the Theatres Act 1968
- A licence under the Late Night Refreshment Houses Act 1969
- A licence under Schedule 1 of the Local Government (Miscellaneous Provisions) Act 1982 – a ‘public entertainment licence’
- A licence under s.1 of the Cinemas Act 1985

Can I get help with completing my application?

Yes, the Licensing Officers will help you to complete your application. However, you must bear in mind that you are responsible for the information you submit in your application and you must make the final decision about what to include.

The Licensing Officers will provide you with a ‘pre application check’. This will help you to identify issues that you may have missed before you formally submit your application and pay the fee. Rectifying errors later or dealing with unnecessary relevant representations can be costly, so this check will help you to avoid those problems.

What happens once I formally submit my application?

Each application is put through a statutory process, which commences on the day that you submit your application. The process differs depending upon the type of application, but is explained in the leaflet provided in your application pack.

How many copies of the application do I need to send?

The leaflet with your application pack will state how many copies of the application need to be submitted and who to. Some types of application require you to send copies of your application to certain ‘responsible bodies’ on the same day as you send it to the Licensing Authority. You should not send these copies directly to the responsible body concerned in case they are lost. Instead, all of the responsible bodies accept service of their copy of the application at the Licensing Office. You should, therefore, send all of the required number of copies for your type of application to the Licensing Office shown on the back of this leaflet.

Will I need to advertise my application in the local press?

This depends on the type of application you are making and is explained in the leaflet you receive with the application pack.

What happens if somebody objects to my application?

The leaflet you receive with your application pack will explain what happens in the event of an objection to your application.

In general, however, the Licensing Authority will arrange a mediation meeting. The purpose of this meeting is to explore whether you can agree to make changes to your application to meet the objections put forward.

What happens if we cannot reach agreement with an objector to my application?

The matter will be passed to a Panel of the Licensing Authority, who will determine the merits of the objection. If they feel amendments are required to your application, they can impose these amendments on you, but only if permitted by the Act. Before making such a decision, the Panel must consider guidance issued by the Secretary of State and the Authority's Statement of Licensing Policy.

What happens if I, or the objector, disagree with the decision of the Panel?

Provisions exist in the Act for decisions of the Panel to be challenged in the Courts. This is explained in leaflet A21 – Challenging a Decision of the Licensing Authority in the Courts.

For further information contact Oldham Council's Licensing Section

In person or in writing to:	Licensing Section Oldham MBC North House, 130 Rochdale Road, Oldham, OL1 2JA.
By phone:	0161 911 4730 or 4731
Fax:	0161 911 3481
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