



## **APPLICATION FOR A PREMISES LICENCE**

### **GUIDANCE NOTES**

Pendle Borough Council is a Licensing Authority under the Licensing Act 2003.

**This document has been produced to assist you when applying for a new Premises Licence under the Licensing Act 2003.**

**Please note that these guidance notes should not be used for a new Club Premises Certificate. Separate guidance notes exist for that application.**

### **What do I need a Premises Licence for?**

If you wish to carry out any of the following activities you need a Premises Licence:

- The sale of alcohol by retail anywhere whether for consumption on or off the premises no matter what the quantities are,
- The provision of regulated entertainment, namely;
  - The performance of a play
  - The exhibition of a film
  - An indoor sporting event
  - Boxing or wrestling entertainment outdoors
  - The performance of live music
  - The playing of recorded music (excluding incidental background music)
  - The performance of dance
  - Entertainment of a similar description to live music, recorded music or dance

where the entertainment takes place in the presence of the public or a section of the public.

- The provision of hot food or hot drink at any time between 11.00 pm and 5.00 am for consumption on or off the premises.

### **Who can apply for a Premises Licence?**

Only the person who carries on, or proposes to carry on, a business which involves the use of the premises for the licensable activities can apply for the licence. Therefore, an employee of a company cannot apply for a licence in their own name. A tenant may apply for a licence in his/her own name. A landlord of a property cannot apply in his/her name if he/she is not concerned in the carrying on of a licensable activity.

## Applying for a Premises Licence

To make an application you need to:

- Complete the **application form** which includes an Operating Schedule
- Enclose the **correct fee**. Cheques or postal orders are payable to 'Borough of Pendle'. Cash should not be sent through the post but will be accepted if paid at the Council Offices
- Enclose a **plan** of the premises to which the application relates (see separate guidance in respect of requirements for plans)
- If the licence is to include the sale of alcohol, state the identity and enclose the consent of the **Designated Premises Supervisor** (separate form)
- **Entitlement to work/immigration status** for individual applicants and applications from partnerships which are not limited liability partnerships.

The complete application should be sent to **Planning, Building Control and Licensing Services Manager, Pendle Borough Council, Town Hall, Market Street, Nelson, Lancs. BB9 7LG.**

**A copy of the application and accompanying documents must also be given to all of the Responsible Authorities, on the same day as the application is submitted to the Licensing Authority.** If you do not send full copies to the Responsible Authorities, any one of them can declare your application to be invalid. A list of responsible authorities is available separately.

The provision of a certificate of service would be of assistance to the Council.

### **The application for a Premises Licence must be advertised in two ways.**

Firstly, by prominently displaying a notice at or on the premises for not less than 28 consecutive days, starting on the day following the day on which the application was given to the Council.

The notice should be displayed where it can be conveniently read from the exterior of the premises to which it relates and, in the case of a premises covering an area of more than 50 square metres, a further notice in the same form should be displayed every 50 metres along the exterior perimeter of the premises abutting any highway. If the notice is to be displayed outside, consideration should be given to placing the notice in a plastic cover.

The notice should be A4 or larger, of a pale blue colour and be printed or typed legibly in black ink in a font equal to or larger than 16.

Secondly, in a **local newspaper** circulating in the area where the premises is situated on at least one occasion within 10 working days of the application being submitted to the

Licensing Authority (the 10 working days start on the day following the day on which the application was given to the Licensing Authority).

A list of local newspapers circulating in the area is available separately.

The format for both notices is available separately.

Responsible Authorities and interested parties, for example local residents, are able to make representations in respect of new applications.

These must be made in writing and submitted to the Council at any time during the period of 28 consecutive days, starting on the day after the day on which the application to which it relates is given to the Council.

If there is a representation, the application will be heard before the Council's Licensing Committee or Sub-Committee. If there are no representations, the application will be granted.

## **What is an Operating Schedule?**

The enclosed application form details the information you need to provide.

In the Operating Schedule part of the application form you are asked to provide details of the steps you intend to take to promote the four licensing objectives:

- the prevention of crime and disorder
- public safety
- the prevention of public nuisance
- the protection of children from harm

Guidance about this is available from some of the Responsible Authorities. The Responsible Authorities may object to your application. It is therefore strongly recommended that you carefully consider the information they have provided. You should also refer to our Statement of Licensing Policy.

The information you provide in the Operating Schedule will be used to formulate the conditions which will be attached to your Premises Licence. For example, in the Prevention of Crime and Disorder section of the Operating Schedule you might say you will employ two door supervisors to control people entering the premises. A condition will be attached to your licence stating that two door supervisors will be present at the entrance to the premises. You will then have to make sure you have the two door supervisors present, because it is a legal requirement that you comply with all the conditions attached to your licence.

## **What is a Designated Premises Supervisor (DPS)?**

A DPS is required if the Premises Licence includes the sale of alcohol. He/she must hold a Personal Licence. The main purpose of the DPS is to ensure that there is always one specified individual who can be readily identified as the supervisor for the premises.

## Entitlement to work / immigration status

A licence may not be held by an individual or an individual in a partnership who is resident in the UK who:

- does not have the right to live and work in the UK; or
- is subject to a condition preventing him or her from doing work relating to the carrying on of a licensable activity.

Any premises licence issued in respect of an application made on or after 6 April 2017 will become invalid if the holder ceases to be entitled to work in the UK.

Applicants must demonstrate that they have an entitlement to work in the UK and are not subject to a condition preventing them from doing work relating to the carrying on of a licensable activity. They do this by providing with this application copies or scanned copies of the following documents (which do not need to be certified).

### Documents which demonstrate entitlement to work in the UK

- An expired or current passport showing the holder, or a person named in the passport as the child of the holder, is a British citizen or a citizen of the UK and Colonies having the right of abode in the UK [please see note below about which sections of the passport to copy].
- An expired or current passport or national identity card showing the holder, or a person named in the passport as the child of the holder, is a national of a European Economic Area country or Switzerland.
- A Registration Certificate or document certifying permanent residence issued by the Home Office to a national of a European Economic Area country or Switzerland.
- A Permanent Residence Card issued by the Home Office to the family member of a national of a European Economic Area country or Switzerland.
- A **current** Biometric Immigration Document (Biometric Residence Permit) issued by the Home Office to the holder indicating that the person named is allowed to stay indefinitely in the UK, or has no time limit on their stay in the UK.
- A **current** passport endorsed to show that the holder is exempt from immigration control, is allowed to stay indefinitely in the UK, has the right of abode in the UK, or has no time limit on their stay in the UK.
- A **current** Immigration Status Document issued by the Home Office to the holder with an endorsement indicating that the named person is allowed to stay indefinitely in the UK or has no time limit on their stay in the UK, **when produced in combination with** an official document giving the person's permanent National Insurance number and their name issued by a Government agency or a previous employer.
- A **full** birth or adoption certificate issued in the UK which includes the name(s) of at least one of the holder's parents or adoptive parents, **when produced in combination with** an official document giving the person's permanent National Insurance number and their name issued by a Government agency or a previous employer.
- A birth or adoption certificate issued in the Channel Islands, the Isle of Man or Ireland **when produced in combination with** an official document giving the person's permanent National Insurance number and their name issued by a Government agency or a previous employer.

- A certificate of registration or naturalisation as a British citizen, **when produced in combination with** an official document giving the person's permanent National Insurance number and their name issued by a Government agency or a previous employer.
- A **current** passport endorsed to show that the holder is allowed to stay in the UK and is currently allowed to work and is not subject to a condition preventing the holder from doing work relating to the carrying on of a licensable activity.
- A **current** Biometric Immigration Document (Biometric Residence Permit) issued by the Home Office to the holder which indicates that the named person can currently stay in the UK and is allowed to work relation to the carrying on of a licensable activity.
- A **current** Residence Card issued by the Home Office to a person who is not a national of a European Economic Area state or Switzerland but who is a family member of such a national or who has derivative rights of residence.
- A **current** Immigration Status Document containing a photograph issued by the Home Office to the holder with an endorsement indicating that the named person may stay in the UK, and is allowed to work and is not subject to a condition preventing the holder from doing work relating to the carrying on of a licensable activity **when produced in combination with** an official document giving the person's permanent National Insurance number and their name issued by a Government agency or a previous employer.
- A Certificate of Application, **less than 6 months old**, issued by the Home Office under regulation 17(3) or 18A (2) of the Immigration (European Economic Area) Regulations 2006, to a person who is not a national of a European Economic Area state or Switzerland but who is a family member of such a national or who has derivative rights of residence.
- Reasonable evidence that the person has an outstanding application to vary their permission to be in the UK with the Home Office such as the Home Office acknowledgement letter or proof of postage evidence, or reasonable evidence that the person has an appeal or administrative review pending on an immigration decision, such as an appeal or administrative review reference number.
- Reasonable evidence that a person who is not a national of a European Economic Area state or Switzerland but who is a family member of such a national or who has derivative rights of residence in exercising treaty rights in the UK including:-
  - evidence of the applicant's own identity – such as a passport,
  - evidence of their relationship with the European Economic Area family member – e.g. a marriage certificate, civil partnership certificate or birth certificate, and
  - evidence that the European Economic Area national has a right of permanent residence in the UK or is one of the following if they have been in the UK for more than 3 months:
    - (i) working e.g. employment contract, wage slips, letter from the employer,
    - (ii) self-employed e.g. contracts, invoices, or audited accounts with a bank,
    - (iii) studying e.g. letter from the school, college or university and evidence of sufficient funds; or
    - (iv) self-sufficient e.g. bank statements.

Family members of European Economic Area nationals who are studying or financially independent must also provide evidence that the European Economic Area national and

any family members hold comprehensive sickness insurance in the UK. This can include a private medical insurance policy, an EHIC card or an S1, S2 or S3 form.

**Original documents must not be sent to licensing authorities.** If the document copied is a passport, a copy of the following pages should be provided:-

- (i) any page containing the holder's personal details including nationality;
- (ii) any page containing the holder's photograph;
- (iii) any page containing the holder's signature;
- (iv) any page containing the date of expiry; and
- (v) any page containing information indicating the holder has permission to enter or remain in the UK and is permitted to work.

If the document is not a passport, a copy of the whole document should be provided.

Your right to work will be checked as part of your licensing application and this could involve us checking your immigration status with the Home Office. We may otherwise share information with the Home Office. Your licence application will not be determined until you have complied with this guidance.

Please contact the Licensing Office on 01282 661987 or at [licensing@pendle.gov.uk](mailto:licensing@pendle.gov.uk) if you need further information.