

# **THE LICENSING ACT 2003**

## **A Guidance to Applicants for: Premises Licences Personal Licences Temporary Events Notices**

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## **Introduction**

Under the provisions of The Licensing Act 2003, regulated entertainment, the sale or supply of alcohol and the provision of late night refreshment require authorisation from the Local Authority. In Middlesbrough, the department responsible for this legislation is the Neighbourhood and Communities Service, Licensing Section.

The Licensing Act 2003, which came into force on 24 November 2005, abolished many types of licence (such as Justices On/Off Licences, Restaurant and Public Entertainment Licences, Cinema and Theatre Licences and Club Registration Certificates) and replaced them with new licences: Premises Licences, Personal Licences, Club Premises Certificates and Temporary Event Notices.

The Licensing Act 2003 focuses on the promotion of four statutory objectives which must be addressed when licensing functions are undertaken i.e.

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

The Act requires Local Authorities to produce a Licensing Policy. This Policy sets out how the Local Authority expects the four licensing objectives to be promoted in the local area and provides guidance on the matters that will normally be taken into account when making decisions on licensing applications.

## **Premises Licence**

A Premise Licence is required to authorise the use of a premise for any of the following licensable activities:-

- The sale by retail of alcohol
- The supply of alcohol by a club
- The provision of regulated entertainment
- The provision of late night refreshment

Regulated entertainment has been defined as:-

- A performance of a play
- An exhibition of a film
- An indoor sporting event
- A boxing or wrestling entertainment (indoor or outdoor)
- A performance of live music
- Any playing of recorded music
- A performance of a dance
- Entertainment of a similar description to that falling within the performance of live music, the playing of recorded music and the performance of dance

Late night refreshment has been defined as:-

The provision of hot food or hot drink to Members of the Public, between the hours of 11 p.m. and 5 a.m. on or from any premises, for consumption on or of the premises.

### **Personal Licence**

A Personal Licence is required to enable an individual to make or authorise the sale of alcohol.

### **Club Premises Certificate**

A Club Premises Certificate is required by a 'qualifying club' to supply alcohol to Members and Guests without the need for a Personal Licence, and/or provide regulated entertainment.

For further information in relation to a 'qualifying club' please contact the Council's Licensing Office.

### **Temporary Event Notice**

A Temporary Event Notice must be given to the Local Authority and the Local Police, the Council's Environmental Protection Team and the Council's Health and Safety Team for the temporary carrying on of one or more of the licensable activities which is not authorised by a Premises Licence or a Club Premises Certificate.

There are, however, limits on the number of temporary events permitted:

- The duration of the event must not exceed 168 hours (7 days)
- No more than 499 people, including staff, may attend the event at any one time.
- The same premises cannot be used on more than 12 occasions in any calendar year.
- Each premises is subject to an overall aggregate of 21 days use, irrespective of the number of individual occasions on which they have been used.
- There must be a minimum of 24 hours between events at the same premises.
- A Personal Licence holder may give a maximum of 50 standard notices which may include up to 10 late notices in one calendar year throughout England and Wales.
- Any other person may give a maximum of 5 standard notices which may include up to 2 late notices over the same period.

**To ensure that your business can operate in accordance with the law it is important that you apply to the Council for the appropriate licence. Guidance on how you can do this can be found in this booklet and the Council's Licensing Policy or you may wish to contact the Licensing office on 01642 7278011 or email [licensing@middlesbrough.gov.uk](mailto:licensing@middlesbrough.gov.uk) where staff will assist you. However, you should consult your own professional or legal advisors for legal advice.**

**Advice and guidance can also be found at [www.homeoffice.gov.uk](http://www.homeoffice.gov.uk)**

# PREMISES LICENCES

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## **Premises Licence**

**This licence is required to authorise the use of a premise for any of the licensable activities. Once granted, the licence is valid for a lifetime, unless suspended or revoked by the licensing authority.**

**If you wish to make an application for a new licence you must:**

1. Complete the application form '*Application for a premises licence to be granted under the Licensing Act 2003*'. This can be obtained from the Council's Website or from the Licensing Office. You may also make this application on line at [www.businesslink.gov.uk](http://www.businesslink.gov.uk)
2. Pay the relevant fee.
3. Provide a plan of the premises.
4. If alcohol is supplied nominate a Designated premises Supervisor i.e. a Personal Licence holder responsible for the day to day running of the premises.
5. Advertise the application.
6. Send a copy of the application to all of the Responsible Authorities.

**When making any application for a Premises Licence you must have regard to the Council's Licensing Policy. For assistance in completing your application form you may wish to contact one or more of the Responsible Authorities for guidance in addressing the licensing objectives, prior to making an application.**

The licence will be granted unless there has been a Representation from a Responsibility Authority or other person(s). In this case a hearing will be arranged and Middlesbrough Council's Licensing Committee will consider the application and representations.

**If you wish to make an application to vary a current licence (in circumstances not permitted by a minor variation application – see below) you must:**

1. Complete the application form '*Application to vary a premises licence under the Licensing Act 2003*'. This can be obtained from the Council's Website or from the Licensing Office. You may also make this application on line at [www.businesslink.gov.uk](http://www.businesslink.gov.uk)
2. Pay the relevant fee.
3. Provide a plan of the premises. (if applicable)
4. Provide the original premises licence or if this is not possible a statement giving reasons why it cannot be provided.
5. Advertise the application.
6. Send a copy of the application to all of the Responsible Authorities.

**When making any application to vary a Premises Licence you must have regard to the Council's Licensing Policy. For assistance in completing your application form you may wish to contact one or more of the Responsible Authorities for guidance in addressing the licensing objectives, prior to making an application.**

The licence will be granted unless there has been a Representation from a Responsible Authority or other person(s). In this case a hearing will be arranged and Middlesbrough Council's Licensing Committee will consider the application and representations.

### **Minor Variations to Premises Licences**

On 29 July 2009 the Licensing Act 2003 was amended to include a simplified process for minor variations to premises licences and to remove the requirement for a Designated Premises Supervisor and Personal Licence holder at community premises.

Such variations include those that will not impact adversely on the licensing objectives e.g.

- Minor changes to the structure or layout of a premises which does not increase the capacity for drinking on the premises
- Small adjustments to licensing hours.
- The removal of out of date, irrelevant or unenforceable conditions.
- The addition of voluntary conditions.
- The addition of certain licensable activities, excluding the sale or supply of alcohol.

This process can not be used to:

- Extend the licensing hours for the sale or supply of alcohol on or off the premises between 11 p.m. and 7 a.m.
- Increase the amount of time on any day during which alcohol may be sold or supplied for consumption on or off the premises.

For such applications a full variation application should be made. See page 6 for further details.



**If you wish to make an application for the minor variation to a current licence you must:**

1. Complete the application form '*Application for a minor variation to a premises licence or club premises certificate under the Licensing Act 2003*'. This can be obtained from the Council's Website or from the Licensing Office. You may also make this application on line at [www.businesslink.gov.uk](http://www.businesslink.gov.uk)
2. Pay the relevant fee.
3. Provide a plan of the premises (if appropriate).
4. Provide the original premises licence or if this is not possible a statement giving reasons why it cannot be provided.
5. Advertise the application on the premises – see page 18 for details.

**The Licensing Office will consult with the appropriate Responsible Authorities on your behalf. If no representations are received your application will be granted 10 working days after submission. If representations are received your application will be refused. In this case you may wish to consider making a full application to vary your premises licence.**

**If you wish to make an application to transfer a current licence you must:**

1. Complete the application form '*Application to transfer a premises licence under the Licensing Act 2003*'. This can be obtained from the Council's Website or from the Licensing Office. You may also make this application on line at [www.businesslink.gov.uk](http://www.businesslink.gov.uk)
2. Provide the form '*Consent of Premises Licence Holder to Transfer*'. This can also be obtained from the Council's Website or from the Licensing Office.
3. Pay the relevant fee.
4. Provide the original premises licence or if this is not possible a statement giving the reasons why it cannot be provided.
5. Send a copy of the application to the Police.
6. If there is a Designated Premises Supervisor, notify him/her of the application.

**In some instances it may be necessary to make an application to transfer a licence with immediate effect. In this case the application will be effect during the application period.**

**This type of application can only be made with the consent of the holder of the premises licence or if this is not possible, evidence that all reasonable steps have been taken to obtain this consent. You must also be in a position to use the premises during the application period for the authorised activities.**

The licence will be granted unless there has been a representation from the Police. In this case a hearing will be arranged and Middlesbrough Council's Licensing committee will consider the application and representations from the Police.

If the application is granted and there is a Designated Premises Supervisor, you must notify him/her of the transfer. *A person commits an offence if he/she fails to comply with this requirement.*

When the holder of a Premises Licence dies suddenly or becomes bankrupt or mentally incapable, the Premises Licence will lapse. However, the Licensing Act has provided for a licence to be reinstated, in certain circumstances, for a period of time.

If no application is made to transfer the licence a person with a 'prescribed interest' in the premises or was connected to the former holder of the premises licence immediately before it lapsed, may during the initial 28 day period give the Council an '*Interim Authority Notice*'.

This will reinstate the licence from the time the notice was received to the person who gave the notice. You must within this period, also give notice of the application to the Police. If you do not give this notice the licence will again lapse at the end of the initial 28 day period. The notice will take effect unless it is cancelled by the Police, in this case a hearing will be arranged and Middlesbrough Council's Licensing Committee will consider the notice and representations from the Police.

**The licence will lapse at the end of the interim authority period, which is a maximum of 3 months, unless a relevant transfer application is made.**

If you become the holder of a Premises Licence under an Interim Authority Notice the Council will send you a copy of the Premises Licence. If there is a Designated Premises Supervisor you must notify him/her of the notice. *A person commits an offence if he/she fails to comply with this requirement.*

## Designated Premises Supervisor

The Designated Premises Supervisor is a Personal Licence Holder responsible for the day-to-day running of the premises and is specified on the Premises Licence.

In circumstances where there is to be a change to the Designated Premises Supervisor, eg through redeployment, death etc the Premises Licence Holder must make an application to vary the Designated Premises Supervisor

### **If you wish to make an application to vary the Designated Premises Supervisor you must:-**

1. Complete the application form '*Application to vary a Premises Licence to specify an individual as Designated Premises Supervisor under the Licensing Act 2003*'. This can be obtained from the Council's Website or from the Licensing Office. You may also make this application on line at [www.businesslink.gov.uk](http://www.businesslink.gov.uk)
2. Provide a '*form of consent from the proposed Designated Premises Supervisor*'. This can also be obtained from the Council's Website or from the Licensing Office.
3. Pay the relevant fee.
4. Provide the original Premises Licence (or relevant part) or if this is not possible, a statement giving the reasons why it cannot be provided.
5. Send a copy of the application to the Police.
6. If there is an existing Designated Premises Supervisor, notify him/her of the application.

The Licence will be granted unless there has been a Representation from the Police. In this case, a hearing will be arranged and Middlesbrough Council's Licensing Committee will consider the application and representations from the Police.

Following the determination of the application you must:-

1. If the application is granted – notify the person who has been replaced.
2. If the application is rejected – notify the Designated Premises Supervisor accordingly.

*A person commits an offence if he/she fails to comply with this requirement.*

**In some instances it may be necessary to make an application to vary the Designated Premises Supervisor with immediate effect. In this case, the application will have effect during the application period.**

### **Notification of Change of Name or Address**

You must notify the Council and the holder of the Premises Licence of any change in name or address. *A person commits an offence if he/she fails, without reasonable excuse, to comply with this requirement.*

### **If you wish to be removed from a Licence as the Designated Premises Supervisor you must:-**

1. Give written notice to the Council.
2. If you are also the holder of the Premises Licence you must also provide the original Premises Licence (or relevant part) or if this is not possible a statement giving the reasons why it cannot be provided.
3. If you are not the holder of the Premises Licence, within 48 hours of the Notice to the Council, give the holder of the Premises Licence;
  - (i) a copy of the Notice
  - (ii) a Notice directing him/her to send to the Council, within 14 days, the Premises Licence (or relevant part) or if this is not possible a statement giving the reasons why it cannot be provided. *A person commits an offence if he/she fails to comply with this requirement.*

**Following this Notice, you will be treated as not being the Designated Premises Supervisor for the premises.**

## **Community premises**

Community premises such as church and village halls may make an application to remove the usual requirements in respect of the authorisation of alcohol sales by a Personal Licence Holder and for a Designated Premises Supervisor who holds a Personal Licence.

This application can only be made if the Premises Licence Holder is a committee or a board of individuals with responsibility for the management of the premises.

Where the committee of a community premises is applying for the authorisation for the sale of alcohol for the first time, either a new application for a Premises Licence, or a Variation Application for a Premises Licence will be required together with the form *'Application for the mandatory alcohol condition under the Licensing Act 2003 requiring a Designated Premises Supervisor in respect of a Premises Licence to be dis-applied'*. See page 6 for further details.

Where a community premises already has a licence to sell alcohol but wishes to remove the requirement for a Designated Premises Supervisor it must:-

1. Complete the application form *'Application for the mandatory alcohol condition under the Licensing Act 2003 requiring a Designated Premises Supervisor in respect of a Premises Licence to be dis-applied'*. This can be obtained from the Council's Website or from the Licensing Office. You may also make this application on line at [www.businesslink.gov.uk](http://www.businesslink.gov.uk)
2. Pay the relevant fee.
3. Provide the relevant part of the original Premises Licence or if this is not possible a statement giving the reasons why it cannot be provided.
4. Send a copy of the application to the Police.

The licence will be granted unless there has been a Representation from the Police. In this case, a hearing will be arranged and Middlesbrough Council's Licensing Committee will consider the application and representations from the Police.

## **Responsibilities of the Premises Licence Holder**

### The Premises Licence

The holder of the Premises Licence must ensure that the licence is kept at the premises in his/her custody or control, or that of a person, nominated in writing, who works at the premises.

The holder of the Premises Licence must ensure that the Summary of the licence is prominently displayed at the premises.

*The holder of the Premises Licence commits an offence if he/she fails to comply with these requirements.*

### Theft, loss etc of Premises Licence or Summary

Where a Premises Licence or Summary is lost, stolen, damaged or destroyed the holder of the licence may apply, in writing, to the Council for a copy.

If the licence has been lost or stolen must be reported to the Police.

You will be issued with a copy of the licence upon receipt of the relevant fee.

### Notification of Change of Name or Address

The holder of the Premises Licence must as soon as practicable notify the Council, in writing, of any change in:-

1. His/her name or address.
2. The name or address of the Designated Premises Supervisor (unless already done so by the DPS).
3. Must produce the original Premises Licence (or relevant part) or a statement giving the reasons why it cannot be produced.

# PERSONAL LICENCES

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## Personal Licence

**This licence authorises the holder to supply or authorise the supply of alcohol, in conjunction with a Premises Licence. The licence, if granted, will be valid for 10 years, unless suspended or revoked by the Licensing Authority and is 'portable' between premises.**

**If you wish to make application for a new Licence you must:-**

1. Complete the application form '*Application for a Personal Licence*'. This form can be obtained from the Council's Website or from the Licensing Office.
2. Be over 18 years.
3. Possess an approved licensing qualification.
4. Not have forfeited a Personal Licence within the last 5 years.
5. Produce a basic criminal record disclosure from the Disclosure and Barring Service or Disclosure Scotland.
6. Complete a form '*Disclosure of convictions and declaration*'. This form can be obtained from the Council's Website or from the Licensing Office.
7. Provide 2 photographs, one endorsed.
8. Pay the relevant fee.

The Council will inform the Police of any unspent convictions.

The Licence will be granted unless there has been a Representation from the Police. In this case a Hearing will be arranged and Middlesbrough Council's Licensing Committee will consider the application and representations from the Police.



## TEMPORARY EVENT NOTICE

**Under the Licensing Act 2003, a procedure is provided whereby small-scale events, involving licensable activities can take place without the need for a Premises Licence or a Club Premises Certificate providing that certain criteria are met.**

**There are 2 types of Temporary Event Notices – 'standard' or 'late'. Late Notices are intended to be used by premises users who are required for reasons outside their control to, for example, change the venue at short notice. They should not be used unless in exceptional circumstances.**

The criteria to be met before submitting a Temporary Event Notice, is the same for a 'standard' or a 'late' notice:-

- The duration of the event must not exceed 168 hours (7 days)
- No more than 499 people, including staff, may attend the event at any one time
- The same premises cannot be used on more than 12 occasions in any calendar year
- Each premises is subject to an overall aggregate of 21 days use, irrespective of the number of individual occasions on which they have been used
- There must be a minimum of 24 hours between events at the same premises
- A Personal Licence Holder may give a maximum of 50 standard notices which may include up to 10 late notices in one calendar year throughout England and Wales
- Any other person may give a maximum of 5 standard notices which may include up to 2 late notices over the same period

If you wish to submit a 'standard' notice you must:-

1. Send the notice, which can be obtained from the Council's Website or from the Licensing Office, to the Council no later than 10 working days before the day on which the event period begins. You may also make this application on line at [www.businesslink.gov.uk](http://www.businesslink.gov.uk)
2. Pay the relevant fee.

3. Send a copy of the notice to:-
  - (i) Police
  - (ii) The Council's Environmental Protection Team
  - (iii) The Council's Health and Safety Team

no later than 10 working days before the date of the event.

The event will be authorised providing the above criteria are met and there are no objections from the Council or the Police. If there is an objection a hearing will be arranged and Middlesbrough Council's Licensing Committee will consider the notice and representations. If the notice is granted, conditions can be attached, in certain circumstances.

If you wish to submit a 'late' notice you must:-

1. Send the notice, which can be obtained from the Council's Website or from the Licensing Office, to the Council not before 9 or no later than 5 working days before the day on which the event period begins. You may also make this application on line at [www.businesslink.gov.uk](http://www.businesslink.gov.uk)
2. Pay the relevant fee.
3. Send a copy of the Notice to:-
  - (i) Police
  - (ii) The Council's Environmental Protection Team
  - (iii) The Council's Health and Safety Team

not before 9 and no later than 5 working days before the date of the event.

**If there is an objection from the Council or the Police, the event will not be authorised. In these circumstances, there is no scope for a hearing or the application of conditions.**

### **Responsibilities during the event**

The Premises User must ensure that a copy of the notice and the statement of conditions (if applicable) are prominently displayed at the premises and that the original documents are kept in his/her custody or the custody of a nominated person who is present and working at the premises.

*The Premises User commits an offence if he/she fails, without reasonable excuse, to comply with this requirement.*

## ADVERTISING APPLICATIONS

You are required to advertise all applications for new licences and variations to existing licences as follows:-

The notice must be displayed for a period of no less than 28 consecutive days, 10 days for minor variation applications, starting on the day after the day on which the application was given to the relevant Licensing Authority.

The notice must be in the following format:-

1. Of a size equal to or larger than A4.
2. Pale blue in colour, white for minor variation applications.
3. Printed legibly in black ink or typed in black in a font of a size equal to or larger than 16.

The notice must be displayed prominently at or on the premises to which the application relates where it can be conveniently read from the exterior of the premises and in the case of a premises covering an area of more than fifty metres square, a further notice in the same form and subject to the same requirements every fifty metres along the external perimeter of the premises abutting any highway.

For new applications and variation applications, other than a minor variation, a notice must also be published in a local newspaper or, if there are none, in a local newspaper, circular or similar document, circulating in the vicinity of the premises. The notice must be published on at least one occasion during the period of ten working days starting on the day after the day on which the application was given to the relevant Licensing Authority. The Council will also publish notice of the application on its website.

In the case of an application for a Premises Licence or a Club Premises Certificate, the notice shall contain a statement of the relevant licensable activities or relevant qualifying club activities as the case may require which it is proposed will be carried on, on or from the premises.

In the case of an application for a Provisional Statement the notice shall state:-

1. That representations are restricted after the issue of a Provisional Statement.
2. Where known, may state the relevant licensable activities which it is proposed will be carried on or from the premises.

In the case of an application to vary a Premises Licence or a Club Premises Certificate, the Notice shall briefly describe the proposed variation.

In all cases, the notices shall state:-

- a) The name of the applicant or club.
- b) The postal address of the premises or club premises, if any, or if there is no postal address for the premises a description of those premises sufficient to enable the location and extent of the premises or club premises to be identified.
- c) The postal address and, where applicable, the world-wide web address where the register of the relevant Licensing Authority is kept and where and when the record of the application may be inspected.
- d) The date by which an interested party or responsible authority may make representations to the relevant Licensing Authority.
- e) That representations shall be made in writing and,
- f) That it is an offence knowingly or recklessly to make a false statement in connection with an application and the maximum fine for which a person is liable on summary conviction for the offence.

## PHOTOGRAPHS

The photograph to accompany the application for a grant of a Personal Licence shall be:

- a) Taken against a light background so that the applicant's features are distinguishable and contrast against the background.
- b) 45 millimetres by 35 millimetres.
- c) Full face uncovered and without sunglasses and unless the applicant wears a head covering due to his/her religious beliefs, without a head covering.
- d) On photographic paper, and
- e) Endorsed by:
  - (i) The Chief Executive of the Licensing Justices for the relevant licensing authority.
  - (ii) A Solicitor or Notary.
  - (iii) A person of standing in the community, or
  - (iv) An individual with a professional qualification

## PLANS

### **A New Application for a Premises Licence or a Club Premises Certificate.**

All applications must be accompanied by a set of plans as follows:-

1. The plan shall be to a scale of 1:100 mm.
2. Unless the relevant licensing authority has previously agreed in writing with the applicant/club following a request by the applicant/club that an alternative scale plan is acceptable, in which case the plan shall be drawn to that alternative scale, the plan shall be drawn in standard scale.
3. The plan shall show:-
  - (a) The extent of the boundary of the building, if relevant, and any external and internal walls of the building and if different, the perimeter of the premises.
  - (b) The location of points of access to and egress from the premises.
  - (c) If different from paragraph (b), the location of escape routes from the premises.
  - (d) In a case where the premises is used for more than one existing licensable activity, the area within the premises used for each activity.
  - (e) Fixed structures (including furniture) or similar objects temporarily in a fixed location (but not furniture) which may impact on the ability of individuals on the premises to use exit or escape routes without impediment.
  - (f) In a case where the premises includes a stage or raised area, the location and height of each stage or area relative to the floor.
  - (g) In a case where the premises includes any steps, stairs, elevators or lifts, the location of the steps, stairs, elevators or lifts.
  - (h) In a case where the premises include any room or rooms containing public conveniences, the location of the room or rooms.
  - (i) The location and type of any fire safety and any other safety equipment, including if applicable, marine safety equipment and
  - (j) The location of a kitchen, if any, on the premises.

4. The plan may include a legend through which the matters mentioned or referred to in paragraph 3 are sufficiently illustrated by the use of symbols on the plan.

It would assist the Council if you could mark the plan as follows:

Outline the boundary of the premises, including outdoor areas, in green.

Outline the area(s) to be used for the provision of regulated entertainment in blue.

Outline the area(s) to be used for the sale and consumption of alcohol in red.

## RESPONSIBLE AUTHORITIES

Sgt Paul Higgins, Cleveland Police, Middlesbrough District, Licensing Unit, Middlesbrough Headquarters, Bridge Street West, Middlesbrough, TS2 1AB (Tel. 303176)

Fire Safety Advisor, Steve Mulholland, Cleveland Fire Brigade, Endeavour House, Stockton Road, Hartlepool, TS25 5TB (Tel. 01429 874109)

Wayne Flowers, Principal Environmental Health Officer, Health and Safety Team, Middlesbrough Council, Neighbourhood and Communities Service, PO Box 502, Vancouver House, Gurney Street, Middlesbrough, TS1 9FW (Tel. 728294) (Judith Hedgley, Environmental Health Manager – 2<sup>nd</sup> Contact Officer Tel. 728215)

May Chilton, Planning Technician, Development Control (Planning), Middlesbrough Council, Regeneration, PO Box 99A, Civic Centre, Middlesbrough, TS1 2QQ (Tel. 729470)

Paul Robertson, Environmental Protection Manager (Noise), Middlesbrough Council, Neighbourhood and Communities Service, PO Box 502, Vancouver House, Gurney Street, Middlesbrough, TS1 9FW (Tel. 728212)

Sinead Upton, Principal Trading Standards Officer, Trading Standards, Middlesbrough Council, Neighbourhood and Communities Service, PO Box 502, Vancouver House, Gurney Street, Middlesbrough TS1 9FW (Tel. 728231)

Mr Jeff Watson, Young Peoples Substance Misuse Strategy Co-ordinator, Children, Families and Learning Department, Middlesbrough Council, PO Box 69, Vancouver House, Gurney Street, Middlesbrough, TS1 1EL (Tel 728237) (E-mail: [jeff\\_watson@middlesbrough.gov.uk](mailto:jeff_watson@middlesbrough.gov.uk)).

Edward Kunonga, Director of Public Health, NHS Middlesbrough and Middlesbrough Council, 1<sup>st</sup> Floor, Vancouver House, Gurney Street, Middlesbrough TS1 1QP (Tel 729312)  
(Judith Hedgley, Environmental Health Manager – 2<sup>nd</sup> Contact Officer Tel. 728215)

Licensing:

Middlesbrough Council, Economic Development and Communities, Licensing, PO Box 505, Civic Centre, Middlesbrough TS1 9FZ (Tel. 01642 728011)



## FEES

The Licensing Act 2003 (Fees) Regulations 2005 specify the fees and charges that are applicable in relation to the application and grant of licences under the Licensing Act 2003.

### Premises Licences and Club Premises Certificates

The fees for premises and club premises certificates are based on the rateable value of the premises as detailed in the table below.

<b>Band</b>	<b>Rateable Value (£)</b>	<b>Application Fee (£)</b>	<b>Variation Fee (£)</b>	<b>Annual Fee (£)</b>
A	No Rateable Value to 4,300	100	100	70
B	4,301 to 33,000	190	190	180
C	33,001 to 87,000	315	315	295
D	87,01 TO 125,000	450	450	320
D*	See Note 2 Below	900	900	640
E	125,001 and above	635	635	350
E*	See Note 3 Below	1905	1905	1050

Note 1. This fee only applies where a variation relates in some way to the supply of alcohol for consumption on the premises.

Note 2. For premises that have a band D rateable value (as detailed above) and which are used exclusively or primarily for the supply of alcohol for consumption on the premises, the licence fee is doubled.

Note 3. For premises that have a band E rateable value (as detailed above) and which are used exclusively or primarily for the supply of alcohol for consumption on the premises, the licence fee is multiplied by a factor of three.

Where the maximum number of persons allowed on the premises exceeds 5,000 the following additional fee must accompany the application.

Number In Attendance At Any One Time	Additional Fee	Annual Fee
5,000 to 9,999	£1,000	£500
10,000 to 14,999	£2,000	£1000
15,000 to 19,999	£4,000	£2,000
20,000 to 29,999	£8,000	£4,000
30,000 to 39,999	£16,000	£8,000
40,000 to 49,999	£24,000	£12,000
50,000 to 59,999	£32,000	£16,000
60,000 to 69,999	£40,000	£20,000
70,000 to 79,999	£48,000	£24,000
80,000 to 89,999	£56,000	£28,000
90,000 and over	£64,000	£32,000

## Exemptions

Applications for Premises Licences/Club Premises Certificates, which relate to the provision of regulated entertainment only – **NO FEE** is payable where:

1. The application is by a proprietor of an educational institution in respect of premises that are or form part of an educational establishment;
  - (a) The establishment is a school or college;
  - (b) The provision of regulated entertainment on the premises is carried on by the establishment for and on behalf of that establishment; or
2. The application is in respect of premises that are or form part of a church hall, chapel hall or similar building or a village hall, parish hall or other similar building.

Additionally, no annual fee is payable under the above exemption.

## Personal Licences, Temporary Events and Other Fees

Application for a Grant or Renewal of Personal Licence	£37.00
Temporary Event Notice	£21.00
Theft, Loss, Etc. of Premises Licence or Summary	£10.50
Application for a Provision Statement where Premises being built, etc	£195.00
Notification of Change of Name or Address	£10.50
Application to Vary Licence to Specify Individual as Premises Supervisor	£23.00
Application for Transfer of Premises Licence	£23.00
Application for Minor Variation of a Premises Licence/Club Premises Certificate	£89.00
Application to Remove the Mandatory Condition requiring a DPS	£23.00
Interim Authority Notice following death etc. of Licence Holder	£23.00
Theft, Loss Etc. of Certificate or Summary	£10.50
Notification of Change of Name or Alteration of Rules of Club	£10.50
Change of Relevant Registered Address of Club	£10.50
Theft, Loss, Etc. of Temporary Event Notice	£10.50
Theft, Loss Etc. of Personal Licence	£10.50
Duty to notify change of name or address	£10.50
Right of Freeholder Etc. to be Notified of Licensing Matters	£21.00

## GLOSSARY OF TERMS

<b>Authorised Officer</b>	An Officer of the Licensing Authority who is authorised to carry out duties in relation to the Licensing Act 2003.
<b>Designated Premises Supervisor</b>	A person identified on the premises licence as being the supervisor of the premises, (can be the holder of the premises licence).
<b>Other persons</b>	This includes any individual, body or business entitled to make representations to licensing authorities in relation to applications for the grant, variation, minor variation or review of premises licences and club premises certificates, regardless of their geographic proximity to the premises. In addition, these persons may themselves seek a review of a premises licence. Any representations made by these persons must be 'relevant' in that the representation relates to one or more of the licensing objectives. It must also not be considered by the licensing authority to be frivolous or vexatious
<b>Interim Authority Notice</b>	A notice to reinstate a premises licence which has lapsed because of the death, incapacity or insolvency of the holder and for which no transfer application has been made.
<b>Operating Schedule</b>	A document which includes a statement of the relevant licensable activities, times and days which they are to take place, any other opening times, the licence period (if appropriate), the name of the designed premises supervisor (sale of alcohol only), whether alcohol to be sold for consumption on/off the premises, the steps proposed to be taken to promote the 4 licensing objectives and any other information required in law.

<b>Personal Licence</b>	A licence granted to an individual for a maximum 10 year period. Enables that person to supply or authorise the supply of alcohol in accommodated accordance with a premises licence.
<b>Premises Licence</b>	A licence granted for an indefinite period in respect of a premise to permit one or more licensable activities to take place
<b>Club Premises Certificate</b>	Similar to premises licence, specific to a qualifying club
<b>Provisional Statement</b>	A statement issued in relation to a premises which is being or about to be constructed or extended for the purpose of being used for one or more licensable activities
<b>Relevant Representations</b>	Comments about the likely effect of the grant of a premises licence on the promotion of the 4 licensing objectives. These can only be made by a Responsible Authority or other person(s). In the case of other person(s) they must not be frivolous or vexatious.
<b>Responsible Authority</b>	The Chief Police Officer; Fire Authority; health and Safety Executive/Enforcing Authority for Health and Safety' Planning Authority; Council Environmental Health Section; Trading Standards Service; Area Child Protection Group, Primary Care Trust Licensing Authority
<b>Review of a Licence</b>	An application by a Responsible Authority or other person for a premises licence to be reviewed based on concerns relating to the 4 licensing objectives
<b>Supply of alcohol</b>	The retail sale of alcohol or the supply of alcohol by or on behalf of a club to the members of the club
<b>Temporary Event Notice</b>	A notice to cover the use of premises for one or more licensable activities during a period not exceeding 168 hours (7 days) and for less than 500 patrons

