

Introduction

On behalf of Gravesham Borough Council we welcome you to the Licensing Act 2003. (LA03)

In this document we are going to talk you through the application process for some of the licences permitted and enforced under this Act.

We are here to help you through the application process and are happy to advise you on the best course of action. Please contact us should you require any further information, have any questions or require any general advice.

Email: licensing@gravesham.gov.uk

Licensing Act 2003

The LA03 had four clear statutory objectives, which are of equal importance, and they must be addressed when licensing functions are undertaken. They are as follows:

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

There are no other statutory licensing objectives so the promotion of these four is of paramount consideration at all times.

Licensable Activities

- * Sale by retail of alcohol
- * Supply of alcohol by or on behalf of a club, or to the order of a member of a club.
- * Provision of late night refreshment (between 23:00 and 05:00)
- * Provision of regulated entertainment

What is regulated entertainment?

- A performance of a play
- An exhibition of a film
- An indoors sporting event
- A boxing or wrestling entertainment
- A contest, exhibition or display which combines boxing or wrestling with one or more martial arts (“combined fighting sports”)
- A performance of live music
- Any playing of recorded music
- A performance of dance

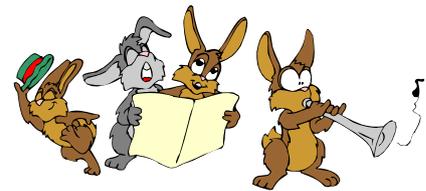
- Entertainment of a similar description to a performance of live music, any playing of recorded music or a performance of dance

'Regulated Entertainment' under the LA03 has been amended by the Live Music Act 2012, The Licensing Act 2003 (descriptions of Entertainment) (Amendment Order 2013) and The Deregulation Act 2015.

Key terms used in Live Music Act 2012

Under the 'live music' provisions, 'music' includes vocal or instrumental music or any combination of the two. 'Live music' is a performance of live music in the presence of an audience which it is intended to entertain.

While a performance of live music can include the playing of some recorded music, 'live' music requires that the performance does not consist entirely of the playing of recorded music without any additional (substantial and continual) creative contribution being made. So, for example, a drum machine or backing track being used to accompany a vocalist or a band would be part of the performance of amplified live music.



The performance of a DJ who is merely playing tracks would not be classified as live music, but it might if he or she was performing a set which largely consisted of mixing recorded music to create new sounds. There will inevitably be a degree of judgement as to whether a performance is live music or not and organisers should check with their licensing authority if in any doubt. In the event of a dispute about whether a performance is live music or not, it will ultimately be for the courts to decide in the individual circumstances of any case.

Where no licence is required

As a result of these amendments to the LA03, no licence is required for the following activities during the hours of **08:00hrs and 23:00hrs** on any day:

- **A performance of a play** in the presence of any audience of no more than 500 people;
- **An indoor sporting event** in the presence of any audience of no more than 1000 people;
- Most **performances of dance** in the presence of any audience of no more than 500 people;
- A not-for-profit **film exhibition** in the presence of any audience of no more than 500 people
- A **Boxing, Greco-roman or freestyle wrestling** in the presence of any audience of no more than 1000 people.
- **Live music**, where music comprises:
 - A performance of **unamplified music**
 - A performance of **live amplified music in a workplace** with an audience of no more than 500 people;
 - A performance of **live amplified music on licensed premises** with an audience of no more than 500 people,

- A performance of **live amplified music in a church, village or community hall** with an audience of no more than 500 people as long as the organiser obtains the permission of person responsible for the premises.
- A performance of **live amplified music at the non-residential premises of a local authority, a school or a hospital** with an audience of no more than 500 as long as the organiser obtains the permission from the relevant premises.
- **Recorded music**, where music comprises:
 - Playing of **Recorded music on licensed premises** with an audience of no more than 500;
 - Playing of **recorded music in a church, village or community hall** with an audience of not more than 500 people as long as the organiser obtains the permission of person responsible for the premises.
 - Playing of **recorded music at the non-residential premises of a local authority, a school or a hospital** with an audience of no more than 500 as long as the organiser obtains the permission from the relevant premises.
- **Any entertainment** carried out by a **local authority, hospital or school**, on their own premises with no limit on audience size.

Morris Dancing Exemption

The Act widens the licensing exemption for live music integral to a performance of Morris dancing or dancing of a similar type, so that the exemption applies to live or recorded music instead of unamplified live music.

Other circumstances in which entertainment activities are not licensable

The following activities are examples of entertainment which are not licensable:

- Education – teaching students to perform music or to dance;
- Activities which involve participation of acts of worship in a religious context
- Activities that take place in places of public religious worship;
- The demonstration of a product – for example, a guitar – in a music shop
- The rehearsal of a play or performance of music for a private audience where no charge is made with a view to making profit (including raising money for charity);
- Games played in pubs, youth clubs etc. (e.g. pool, darts, table tennis, billiards)
- Stand-up comedy
- The provision of entertainment facilities (such as dance floors, which were previously licensable under the 2003 Act before its amendment by the 2012 Act).

On the next page you will find a chart which will hopefully make all the above clearer.

What is a Club Premises Certificate?

A club premises certificate authorises the club to be used for one or more licensable activities. It is illegal to carry out a licensable activity without a licence unless the planned event qualifies as a Temporary Events Notice or is covered by a premises licence.

Submitting a Club Premises Certificate application

1. Application form

If you have opened up a new club you will need to complete this form.

‘Application for a club premises certificate to be granted under the Licensing Act 2003’.

A new club will also have to submit a declaration to state they are a ‘qualifying club’ under the Licensing Act 2003.

‘Declaration for a club premises certificate to be granted under the Licensing Act 2003’

If the club already has a certificate on it, but you wish to change the details of the certificate such as opening hours or licensable activities, you will need to complete this form.

‘Application to vary a club premises certificate under the Licensing Act 2003’

2. Plans of premises

You must enclose a set of plans of the club set out in accordance with the regulations as follows:

Plan requirements

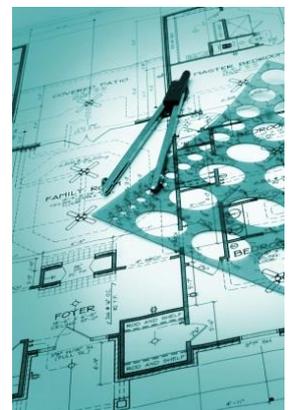
Unless an alternative scale plan has been authorised by Gravesham Borough Council in writing, plans shall be drawn to the standard scale of 1:100 (millimetres). Any requests to sanction the use of an alternative scale shall be made to Licensing Office, Civic Centre, Windmill Street, Gravesend, Kent DA12 1AU.

Please note:

Failure to comply with the requirements as specified will render the application incomplete and will result in the whole application being rejected and returned to you. The plans may include a legend through which the matters mentioned or referred to in “a – k” are sufficiently illustrated by use of the symbol on the plan.

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 building.
- b) The location points of access and egress from the premises.
- c) If different from b), the locations of escape routes from the premises.
- d) In a case where the premises are to be used for more than one licensable activity, the area within the premises used for each activity.



- e) In a case where the premises are to be used for more than one licensable activity, the area within the premises used for each activity.
- f) 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 exits or escape routes without impediment.
- g) In a case where a premises includes a stage or raised area, the location and height of each stage or area relative to the floor.
- h) In a case where the premises includes any steps, stairs, elevators or lifts, the location of the steps, stairs, elevators, or lifts.
- i) In a case where the premises include any room or rooms containing public conveniences, the location of the room or rooms.
- j) The location and type of any fire safety equipment including, if applicable, marine safety equipment
- k) The location of the kitchen, if any, on the premises.

3a. Operating Schedule

Part 3 of the application form is called the 'Operating Schedule' whereby you have to state to following details

- the licensable activities to be held at your club,
- the times they will be held,
- other times the premises are open to the public,
- where alcohol is to be supplied,
- whether consumption of alcohol is on or off the premises,

All of the above will become part of your certificate when we produce it. Make sure that you put in the correct details. Should anything require changing after the certificate has been granted you will need to make an application to change it, which would cost you time and money.

When you are completing your operating schedule you are expected to have regard to the Gravesham Borough Council's Statement of Licensing Policy, which can be found on our website.

3b. Steps to promote the four licensing objectives

Within the 'Operating Schedule' there is a section where you need to document the steps you, as the licensee, will take to promote the four licensing objectives.

Below is a table of suggested areas to look at whilst completing this part of the form. Anything that you state in this section will be converted into enforceable conditions on your certificate, so think carefully. –

The prevention of crime and disorder	Protection of Public Safety
Factors that impact on crime and disorder	Factors that impact on the standards of public safety
<ul style="list-style-type: none"> - Underage drinking - Drunkenness on premises - Public drunkenness - Drugs - Violent behaviour - Anti-social behaviour 	<ul style="list-style-type: none"> - The occupancy capacity of the club - The age/design/layout of the club - The nature of the licensable activities to be provided - The hours of the operation - Customer profile

Examples of control measures	Examples of control measures
<ul style="list-style-type: none"> - Effective and responsible management of club - Training and supervision of staff - Adoption of best practice guidance - Provision and monitoring of CCTV - Employment of Security Industry Authority licensed door staff - Provision of toughened or plastic glasses - Provision of secure deposit boxes for confiscated items ('sin bins') - Provision of litter bins and other security measures, such as outside lighting 	<ul style="list-style-type: none"> - Suitable risk assessments - Provision of a sufficient number of people employed or engaged to secure the safety of the club and patrons - Appropriate instruction, training and supervision of those employed - Adoption of best practice guidance - Provision of effective CCTV - Provision of toughened or plastic glasses - Implementation of crowd management measures - Regular testing (and certification) of procedures, appliances etc.

The prevention of public nuisance	The protection of children from harm
Factors that impact on the likelihood of public nuisance	Factors that impact the protection of children from harm
<ul style="list-style-type: none"> - Noise emanating from club - The location of club - The hours of operation - The nature of activities to be provided - The Design and layout of club - The occupancy capacity - The availability of public transport - Disbursement from club - Local residential club s - Parking by patrons - The likelihood of any violence - The position of external lighting - Problems of litter in the vicinity 	<ul style="list-style-type: none"> - Purchase, acquire or consume alcohol - Be exposed to drugs, drug taking or drug dealing - Be exposed to gambling - Be exposed to activities of an adult or sexual nature - Be exposed to incidents of violence or disorder - Be exposed to environmental pollution - Be exposed to special hazards such as falls from a height - Selling to underage individuals
Examples of control measures	Examples of control measures
<ul style="list-style-type: none"> - CCTV / registered door supervisors - Appropriate instruction, training and supervision to prevent incidents of public nuisance - Control of operating hours - Adoption of best practice guidance - Installation of soundproofing, air conditioning, sound limitation devices - Liaison with public transport providers - Position of external lighting - Collection and disposal of litter - Effective ventilation systems 	<ul style="list-style-type: none"> - Sufficient number of staff to secure the protection of children from harm - Appropriate instruction, training and supervision of staff in respect to determining the age of a customer - Adoption of best practice guidance - Limitations on the hours when children may in the club - Limitations or exclusions by age when certain activities are taking place - Imposition of requirements for children to be accompanied by an adult - Acceptance of accredited 'proof of age' cards and/or 'photo' driving licences

4. Fees

The application fee is based on the Non Domestic Rateable Value of your club, and they have been set nationally

Non-domestic rateable value of the club (NDRV)

If you do not know the Non-domestic Rateable Value of the club you can always check on the Valuation Office Agency website: <http://www.2010.voa.gov.uk/rli/>

Rateable Value	Band	Fees	Annual Fee
No rateable value to £4300	A	£100	£70
£4300 to £33,000	B	£190	£180
£33,001 to £87,000	C	£315	£295
£87,001 to £125,000	D	£450	£320
£125,001 and above	E	£635	£350

A multiplier is applied to premises in Bands D and E where they are exclusively or primarily in the business of selling alcohol (mainly large town centre and city centre pubs)

Band	D (x2)	E (x3)
City / town centre pub application fee	£900	£1,905
City / town centre pub annual charge	£640	£1,050

Church, chapel, village, parish and community halls

No fee or annual charge is payable by church halls, chapel halls, village halls, parish halls and community halls or other premises of a similar nature for a premises licence authorising the provision of regulated entertainment only. The costs associated with these licences will be met by Central Government.

Schools and colleges

No annual fee or annual charge is payable by a school providing education for pupils up to year 13 (or a sixth form college) for a premises licence authorising the provision of regulated entertainment only. The regulated entertainment must be carried out by the educational establishment at the premises for the purposes of the educational establishment. Again the costs of these licences will be met by Central Government.

Annual fee

A fee is due annually. It is very important that you are aware that the licensing legislation means that should you fail to pay the retainer fee within a set time limit your Club Premises Certificate will be

suspended until such times as payment is received. This would mean that you would not be able to carry out any licensable activities i.e: sell alcohol, provide regulated entertainment or supply late night refreshment.

5. Advertising of applications

New applications and variations must be advertised in two ways. The applicant is responsible for this and regular checks will be made by the Licensing Authority.

- a) For a period of no less than 28 consecutive days starting on the day after the application was given to the Licensing Authority displaying a notice which is of a size equal to or larger than A4 on pale blue paper and printed legibly in black ink or typed in black in a font of size 16 or larger. The notice must be displayed prominently at the club to which the application relates and where it can be read from the exterior of the building. In the case of the club covering more than **50 metres square**, further notices must be posted every 50 metres along the perimeter of the building abutting the highway.

- b) A notice must be placed in a local newspaper circulating in the vicinity of the club on at least one occasion during the period of 10 working days starting on the day after the application or which the application was given to the Licensing Authority. Where there is no such newspaper, a local newsletter or circular circulating in the vicinity may be used.

The content of the notice and the advertisement is laid down in the regulations. Therefore the prescribed notice for display can be obtained from Gravesham Borough Council.

The applicant must forward a copy of the whole newspaper page containing the advertisement to the Licensing Office, Civic Centre, Windmill Street, Gravesend, Kent DA12 1AU

Failure to submit the newspaper advert will lead to an extension of the Consultation Period.

Wording for newspaper advert:

Notice is hereby given that

*(a).....
has applied to Gravesham Borough Council for the GRANT/VARIATION/PROVISIONAL
STATEMENT of Premises Licence / Club Premises Certificate (delete as applicable)
for (b)
for the premises (c).....
situated at (d)*

A register of licensing applications can be inspected at:

*www.gravesham.gov.uk/licensing or at Licensing Section, Regulatory Services, Civic
Centre, Windmill Street, Gravesend Kent DA12 1AU Tel.01474 33 72 52*

*Any person wishing to submit representations to my/our application must give notice in
writing to the address shown above, giving in detail the grounds of objection by*

(f)...../...../20.....

The Council will not entertain representations where the writer requests that his identity remains anonymous. Copies of all representations will be included in the papers presented to the Licensing Panel and will therefore pass into the public domain. Representations must relate to one of the four Licensing Objectives: THE PREVENTION OF CRIME AND DISORDER, PUBLIC SAFETY, THE PREVENTION OF PUBLIC NUISANCE AND THE PROTECTION OF CHILDREN FROM HARM. In the case of an application for a provisional statement, please note that representations will be restricted once a statement has been issued.

6. Responsible Authorities

As well as submission to Gravesham Borough Council Licensing Section, copies of the application must be sent to all responsible authorities as follows:

❖ Police:

North Kent Police Licensing
Medway Police Station
Purser Way
Gillingham
Kent
ME7 1NE

Email: licensing.north.division@kent.police.uk
Telephone: 01634 79 27 33

❖ Fire and Rescue:

West Kent Fire Safety Office
Thames-side Station
Coldharbour Road
Northfleet
Kent
DA11 8NT

Email: licensing@kent.fire-uk.org
Telephone: 01622 69 21 21

❖ Public Health:

Kent Public Health Department
Room 3.45 Sessions House
County Hall
County Road
Maidstone
Kent, ME14 1XQ

Email: Gillian.Montgomery@kent.gov.uk
Telephone: 03003 33 63 79

❖ Health and Safety:

For premises where H&S is enforced by the council (e.g. shops, pubs, clubs, restaurants, hotels):

Commercial Section (Health & Safety)

Gravesham Borough Council
Regulatory Services
Windmill Street
Gravesend
Kent, DA12 1AU

Email: commercialhealth.admin@gravesham.gov.uk
Telephone: 01474 33 73 34 Civic Centre

For premises where H&S is enforced by the Health Safety Executive (e.g. hospitals and schools):

Health & Safety Executive
Phoenix House
23-25 Cantelope Road
East Grinstead
West Sussex
RH19 3BE

Email: eselicensing@hse.gsi.gov.uk
Telephone: 01342 33 42 00

❖ **Planning:**

Planning and Regeneration Services
Gravesham Borough Council
Civic Centre
Windmill Street
Gravesend
Kent, DA12 1AU

Email: planning.admin@gravesham.gov.uk
Telephone: 01474 33 73 91

❖ **Environmental Health**

Environmental Protection
Gravesham Borough Council
Regulatory Services
Civic Centre
Windmill Street
Gravesend
Kent, DA12 1AU

Email: ep@gravesham.gov.uk
Telephone: 01474 33 73 34

❖ **Child Protection:**

Rodica Cobarzan
Integrated Family Services Manager
Specialist Children's Services
Kent County Council
Joynes House
New Road
Gravesend
Kent
DA11 0AT

Email: Rodica.Cobarzan@kent.gov.uk
Office: 03000 411515

❖ **Trading standards**

K.C.C Trading Standards
Invicta House
County Hall
Maidstone
Kent
ME14 1XX

Email: trading.standards@kent.gov.uk
Telephone: 01622 67 14 11

❖ **Home Office**

For premises that already carry out or are applying to carry out the licensable activities of the sale of alcohol and late night refreshment

Alcohol Licensing Team
Lunar House
40 Wellesley Road
Croydon
CR9 2BY

Email: alcohol@homeoffice.gsi.gov.uk

Additional notifications will be required if the “premises” is a moving vessel (e.g. a boat that is not permanently moored on the River Thames). These are listed below:-

❖ **Maritime & Coastguard Agency:**

Maritime and Coastguard Agency
Central Court
1b Knoll Rise
Orpington
Kent
BR6 0JA
Tel: 01689 89 04 00

7. Applicant’s checklist

The application form contains a checklist for you to tick to be sure that you have included all the relevant documents, the required application fee and the copies of the application have been sent to all the relevant responsible authorities.

8. Consideration of Applications

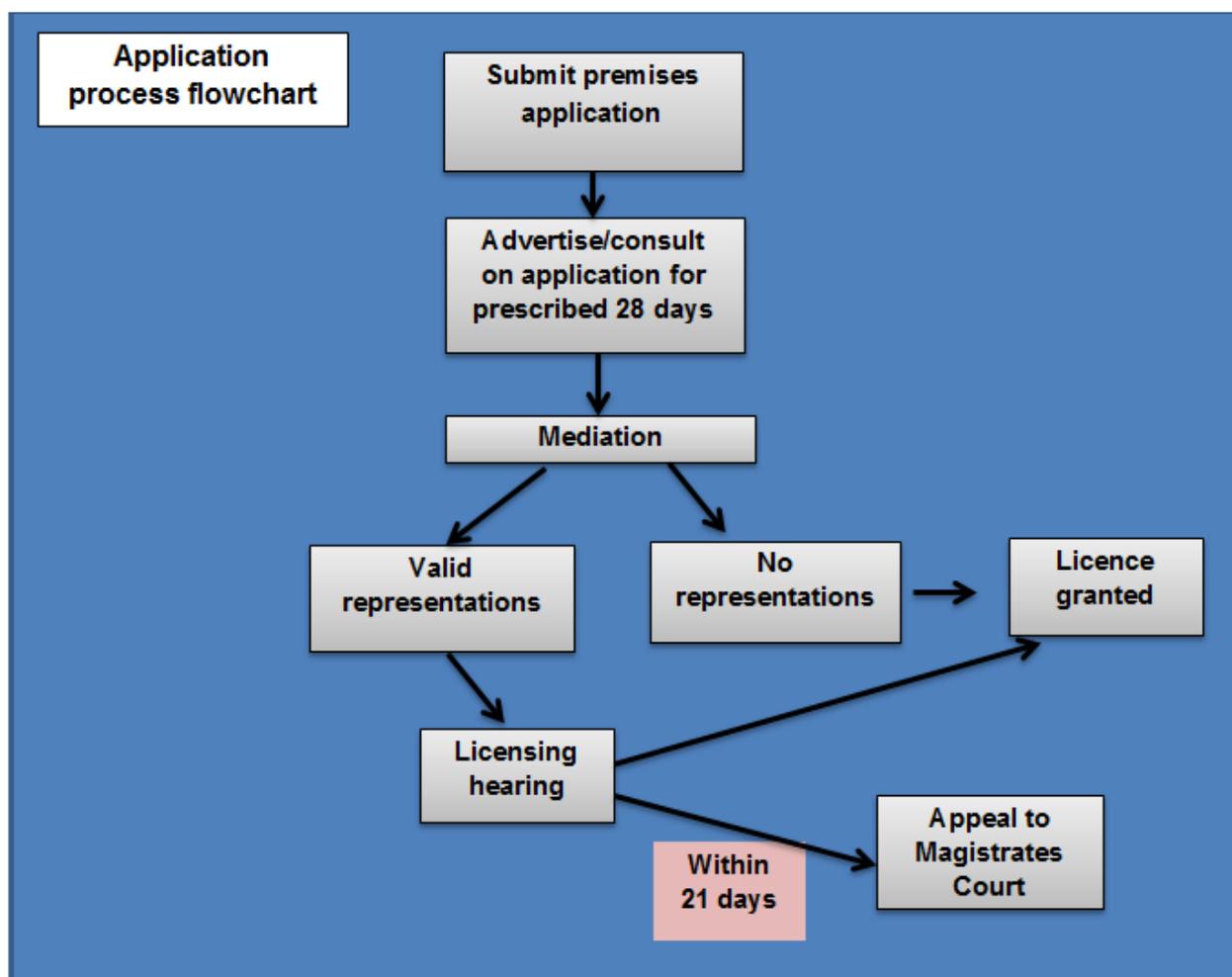
Applications are subject to objection by any of the responsible authorities or to representation by local residents and businesses.

Any such objection or representation must be based on one of the 4 Licensing objectives

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

Unless such objections are withdrawn e.g. following mediation, then the Licensing authority will hold a hearing to determine the application.

Application cycle



Grant of licence and enforcement

When your licence is granted it will consist of two parts. Part A is made up as follows:

- General licence details
- Mandatory conditions
- Conditions consistent with the Operating Schedule
- Conditions attached after a hearing by the licensing authority
- Plan of licensable area

Part B is a Summary of the details on your Part A. It will not show the address of the DPS and it will not show the conditions of the licence.

Once the certificate is granted the Licence holder must ensure that they familiarise themselves with the conditions on the licence and that they are implemented immediately.

Pro-active visits will be carried out to all premises/clubs. Non-compliance of the law and/or the conditions on the Club Premises Certificate can lead to action being taken against the Licence holder which could involve either a review of the Licence and/or prosecution.

Gravesham Licensing officers and Kent Police expect all staff to know about the granted permissions under the Licensing Act 2003 and the conditions of the licence.

Once the licence is granted....



Q. Do I display the granted club premises certificate?

A. Yes, when you receive your licence you must display Part B (the Summary) and you must keep either the original or a certified copy of Part A on the premises.

The licence holder must arrange for a notice to be displayed specifying the position held at the club by any person nominated to keep the Licence or certified copy under their control. This must be prominently displayed at the club.

Q. Do I have to renew my licence?

A. No, But there is a retainer fee due on a yearly basis. This fee is also based on the Non Domestic Rateable Value of your premises, and they have been set nationally.

Q. What happens if I don't pay it?

A. The Council must suspend your licence if you do not pay your retainer fee when it is due.
(Section 120 of the Police Reform and Social Responsibility Act 2011).

However, this does not apply immediately if the payment was not made before or at the time of the due date because of an

- administrative error, or
- the holder disputed liability for the fee before or at the time of the due date.

In either of these cases, there is a grace period of 21 days. This period is intended to allow the licensing authority and the licence or certificate holder an opportunity to resolve the dispute or error. If the dispute or error is not resolved during this 21 day period, the licence will be suspended.

Q. What does it mean to have your licence suspended?

A. Suspension means you are not able to carry out or authorise any licensable activity until your licence is reinstated.