

Please note that the information provided within this frequently asked questions (FAQ) document relates to licensed premises under the Licensing Act 2003 licensed by Luton Council.

It is not intended to supersede legislation or provide legal advice, nor is it intended to form part of our policy and procedural matters and is merely an initial information document. Further information can be found within our policy on the information provided below.

# **Luton**

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## **Luton Borough Council's Licensing Act 2003 FAQ's**

### **What are the licensing objectives?**

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

### **What are the licensable activities?**

- The sale by retail of alcohol
- The supply of alcohol by or on behalf of a club to, or to the order of, a member of the club
- The provision of regulated entertainment
- The provision of late night refreshment

### **What is regulated entertainment?**

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

### **Are there any exemptions that do not require a licence?**

Yes:

- Film exhibitions for advertising, information or education
- Film as an exhibit in a museum or art gallery
- Incidental music
- Live TV or radio
- Incidental to a religious service or at a place of religious worship

- Entertainment at a fete, function or similar provided that an event is not held for private gain
- Morris dancing or dancing of a similar nature or music which accompanies such dancing
- Entertainment in a moving vehicle
- Spontaneous music, singing and dancing
- Private event where there is no intention to make a profit
- Darts matches etc played indoors that are not played to entertain spectators
- Stand-up comedy even if music is involved in the act

### **Do I need a premises licence?**

You will need a Premises licence if you intend to provide any licensable activities.

### **Do I need a designated premises supervisor?**

If one of your licensable activities is the sale of alcohol, you are required to name a designated premises supervisor on your premises licence.

### **I want to be a designated premises supervisor, do I need a personal licence?**

Yes. You are required to pass an accredited qualification, obtain a basic disclosure and barring service (DBS) check, your proof of right to work in the UK and apply to the licensing authority where you live for the personal licence.

### **How do I apply for a premises licence?**

You have to apply to the licensing authority for the area where your premises is situated. You will need to submit:

- A completed application form
- Consent form for the proposed designated premises supervisor (if alcohol sales required)
- A plan of the premises
- The fee (based on the non-domestic rateable value of your premises)
- Your proof of right to work in the UK

You must submit a copy of the application to each of the responsible authorities (copy of list on LBC licensing webpage) and you must advertise by way of a notice on A4 blue paper, displayed prominently on the premises for a period 28 consecutive days starting on the day after the application has been submitted and in a local newspaper at least once during the 10 working days after your application has been submitted.

Failure to advertise your notice within those 10 working days would deem any application void.

If no relevant representations are received, the licensing authority must grant the licence. Where relevant representations are made, a hearing will usually be held.

You are strongly advised to speak with the responsible authorities before applying for a licence as they may be able to assist you with the consideration to the licensing objectives. We would also advise you to read and become familiar with the councils licensing policy and all other relevant material on this matter before applying for such a licence.

## **What happens if a hearing is held?**

If there is an objection or representation, a hearing of the licensing committee will be held.

They will consider all representations with regard to the licensing objectives and may decide to grant, reject, add or alter the conditions on the licence.

## **If I do not agree with the decision of the committee, what can I do?**

If you do not agree with the decision, you have the right to appeal to the Magistrates Court within 21 days of being notified of the decision and the grounds for that decision.

## **If I already hold a licence but want to change my licensable activities or hours what do I do?**

If you have a premises licence you can apply to change it by way of applying for a variation to that licence. This also applies if you make any significant structural or layout alterations.

## **I only want to make a small change to the licence eg. to the layout, the hours, or revise a condition?**

You can apply for a minor variation but this can only be used if the request does not impact adversely on the four licensing objectives. (There are restrictions to what can be applied for, please see guidance on Gov.uk)

## **I have a premises licence but want to extend my hours or add a licensable activity but only a few times a year, can I do this?**

Yes, you will need to submit a temporary event notice (TEN) on the prescribed form in the prescribed timescales and requirements.

## **I haven't got a premises licence but I want to sell alcohol on a few different occasions throughout the year, can I do this?**

Yes, you will need to submit a temporary event notice (TEN) on the prescribed form in the prescribed timescales and requirements.

## **What do I do if my licence is lost or stolen?**

You must inform the licensing authority in writing as soon as possible and also include the relevant fee for a copy of the licence to be issued.

## **What do I do if I change my name or address?**

The holder of a premises licence must inform the licensing authority in writing as soon as possible in writing. You must include the relevant fee and the existing licence for a new licence to be issued.

## **My designated premises supervisor is leaving, what do I do next?**

Where this situation comes to your attention make contact with the licensing service and put this in writing / email as soon as you can. We can then advise you to prevent any loss of trading. You must submit a vary DPS application with a written consent form, your proof of right to work in the UK, the relevant fee and the current licence to the licensing authority and a copy to the police.

### **How do I transfer a licence?**

You must submit a transfer application form, consent form of the current licence, your proof of right to work in the UK and the relevant fee to the licensing authority and a copy to the Police.

It is important to note, where there may be some difficulty obtaining the completed consent form, you will be required to evidence you have taken all reasonable steps and endeavours (above and beyond) to obtain the consent form.

### **Can my licence be reviewed?**

Yes, any local resident or local business can ask the licensing authority to review your premises licence at any time. A responsible authority such as the police or fire authority can also ask for a review of your licence where they believe that problems at the premises are undermining one of the licensing objectives. The application must be relevant to the licensing objectives.

### **The premises licence holder has died / has become mentally incapacitated / insolvent, what do I do?**

A premises licence lapses on the death, mental incapacity or insolvency of the premises licence holder and, if the holder of the licence ceases to be entitled to work in the UK, in any of these circumstances, a person may give the licensing authority an interim notice, with a copy to the Chief Officer of Police, within 28 days if he/she is:

- is an individual with a legal interest in the premises as a freeholder or leaseholder
- is a limited company, partnership, unincorporated association or other organisation with a legal interest in the premises as a freeholder or leaseholder
- is a personal representative for the former premises licence holder where the licence holder has died
- has power of attorney for the former premises licence holder
- is the insolvency practitioner for the former premises licence holder

On receipt of the interim authority notice, the licence authority will issue the person giving the notice a copy of the licence and summary in his name. As soon as the interim authority notice is given to the licensing authority, the business may continue to operate as before. The premises licence lapses unless and until such a notice is given and continued trading in those circumstances would constitute a criminal offence. The maximum period for which an interim authority notice may have effect is 3 months, during which time an application for transfer of the licence needs to be made otherwise the licence lapses and an application for a new premises licence would have to be made.

It is important to note, this can be a two part process and you will also be required to submit a premises transfer application as mentioned.

Please note you will be required to demonstrate you have taken all reasonable steps and endeavours (above and beyond) to obtain the consent form where this is required.

### **I want a licence for a building which is under construction / being altered / extended, can I apply for a licence?**

You can apply for a provisional statement. A provisional statement is an assurance that a premises licence will be issued once a premises has been constructed, altered or extended. A provisional statement does not have limited duration. You only need to apply for a provisional statement if you are unable to supply all the required information for the grant of a premises licence (i.e. name of designated premises supervisor, the times when licensable activities are to take place, etc.). Applying for a provisional statement is the same process as applying for a new premises licence but uses a different application form

### **What is a club premises certificate?**

This is a certificate that is issued to premises that are operated as a club. Being a club means public access is restricted and alcohol is supplied other than for profit. These clubs are organisations where members have joined together for particular social, sporting and political purposes. Some examples of these are Labour, Conservative and Liberal Clubs, the Royal British Legion, other ex-services clubs, working men's clubs, miners welfare institutions and social and sports clubs.