

# The simple guide to licensing for circuses and street arts

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## Foreword from Richard Caborn



I know there is some apprehension within the circus and street arts communities about how they will be affected when the Licensing Act 2003 comes into force in England and Wales later this year. Circus and street arts are both vibrant art forms and play a valuable part in our cultural heritage. It is important that they are able to make a smooth transition to the new licensing regime and I therefore very much welcome the publication of the simple guide to licensing for circuses and street arts. It is a valuable introduction to the new arrangements and, as an evolving document, can be amended in the light of experience and to reflect good practice. Of course, each event and individual circumstances will differ and it is important to make contact with the relevant local licensing officer at an early stage.

The Guide should also assist local authorities who, I hope, are considering seeking their own premises licences for public spaces to allow the provision of cultural and arts events such as music, theatre, street art and circuses.

I congratulate Arts Council England, Equity, the Independent Street Arts Network and the Circus Arts Forum in putting together this initiative. I hope that street arts and circus will continue to flourish and take the opportunity of licensing reform to work with local authorities to ensure clear, consistent and proportionate regulation.

A handwritten signature in blue ink on a white background. The signature reads "Yours ever" on the first line and "Richard Caborn." on the second line.

**Rt Hon Richard Caborn MP**  
**Minister for Sport and Tourism**

## Foreword from Sir Christopher Frayling



Arts Council England welcomes the opportunity to be involved in the publication of this guide to licensing for circus and street arts. We have been working hard over the last few years to encourage these vibrant and innovative sectors of the arts, and to provide them with advice and information about what the changes in the licensing system will mean for them. We hope that they will continue to grow.

This guide offers a practical, plain English reference for those groups and individuals wanting to promote non-building based arts activity in England and Wales. Whilst new legislation is reasonably clear on how it applies to buildings there are degrees of uncertainty about how the Act will apply to temporary structures e.g. circus tents, or to areas of land on which regulated entertainment might take place e.g. a street arts festival or a site specific performance. This guide helps to clarify the Act for promoters and producers working in these priority art forms and show how they can work with it.

This guide will inevitably change as the law is tested, and we intend to keep this guide as a living document that will reflect any developments. We would therefore welcome feedback about your experiences, and whether the guide is as useful as it could be. Contact details for all the organisations involved in the production of this guide can be found in the back.

**Sir Christopher Frayling**  
**Chair, Arts Council England**

## Introduction

In February 2005 a new system of licensing for public entertainments and alcohol starts to come into force in England and Wales. The Licensing Act 2003 reforms more than six existing separate schemes of licensing with the aim of reducing bureaucracy and encouraging tourism and cultural development. By November 2005 it is expected that the new law will be fully in force.

As a result of the changes, some forms of public entertainment now need licenses that may not have needed licensing before. Those involved with circuses and street art entertainments may find there is now a need to apply for licences, and this guide is written with those in mind. It is also written with the aim of providing some advice to local authority licensing officers, whose job it is to implement the new legislation.

Within this guide, terms in **bold print** are explained in more detail in the Glossary.

### **The legal bit**

The **Licensing Act 2003** was passed by Parliament in June 2003, and this is now the main law relating to licensing entertainments, alcohol and late night refreshments. The government has also published detailed **regulations**. These set out matters such as the types of application forms that have to be used; the fees that licensing authorities can charge; and time limits by which various stages of applications must be made.

To help **licensing authorities** (local councils) apply the Act in a consistent and proportionate way across the country, the government has published **statutory guidance** under section 182 of the Act. Local authorities are required to 'have regard' to this guidance. This does not mean that they have to follow it to the letter, but they must have good reasons for not following its advice in any particular case.

Where there is any discrepancy over the meaning of the new legislation, the Act takes precedence over the regulations, which would overrule the **statutory guidance**. However, only a court is able to provide a definitive interpretation of the law.

## **How it affects street arts and circuses**

The Licensing Act sets out a list of activities – called **regulated entertainment** – that will require a licence before they can be provided. Some of these are activities that may not have been licensed in the past, either because of the type of performance or because of where they were performed.

When licences are needed

Licences are needed if any **regulated entertainment** is performed in front of an audience or spectators. **Regulated entertainment** includes:

- performances and rehearsals of plays (including improvisations)
- live and recorded music (unless it is incidental)
- dance performances
- any entertainment similar to live music, recorded music, or dance
- films
- indoor sporting events
- boxing matches and wrestling

## **Exemptions**

A licence is not needed for:

- terrestrial, satellite and cable radio or television
- entertainment at places of religious public worship
- entertainment at religious meetings or services, or incidental to religious meetings or services
- entertainment being held at charitable or non-profit making garden fetes
- Morris dancing or any similar dancing
- entertainment on moving vehicles – mobile stages that are parked will need a licence

More information on when licences are needed is at Appendix 1.

**Does the entertainment consist of:**

- a performance of a play?
- a film exhibition?
- an indoor sporting event?
- a boxing or wrestling entertainment?
- a performance of live music?
- any playing of recorded music?
- a performance of dance?
- entertainment similar to the above?

**No:**

No licence needed

**Yes:**

**Do any of the exemptions apply?**

- Films for advertisement, information, education or in museums or art galleries
- Music incidental to other activities that are not regulated entertainment
- Television or radio broadcasts (not videos)
- Part of or incidental to a religious service or at a place of public religious worship
- At a garden fete or similar event not promoted for private profit
- Morris dancing or similar with accompanying unamplified music
- On a moving vehicle

**Yes:**

No licence needed

**No:**

**Is the entertainment provided for any of the following:**

- For members of the public or a section of the public?
- Exclusively to members of a club licensed under the Act or for club members and their guests?
- For money (or equivalent) and for profit?

**No:**

No licence needed

**Yes:**

**A licence is needed**

## Types of licences and permissions

The new law brings in three types of licence or permission that will be of interest to circuses and street arts events organizers:

### 1 Premises licences

A premises licence is needed to provide **regulated entertainment** or **entertainment facilities**. The 'premises' can be any building or space, from a nightclub to a village hall, a circus tent to a town square, or from a theatre to a car park. Premises licences may be either granted for an indefinite period of time (generally for fixed entertainment venues) or for a specific period time (to cover a performing arts festival for example).

**Licensing authorities** must grant premises licences if there are no valid **representations** (objections) against the licence application. They may only impose conditions that are consistent with the operating schedule (a type of risk assessment) and which relate to the **licensing objectives** (see section 'Licence conditions').

An application for a **premises licence** might ask for two or more licensable activities – for example, to allow the sale of alcohol, the performance of plays and the performance of dancing. If relevant **representations** are made, the **licensing authority** could allow one of those activities but refuse permission for the others if the **representations** cannot be dealt with by imposing conditions on the licence.

A **premises licence** will generally say what sort of **regulated entertainment** may be provided, and the days and times on which it may take place. Once the licence is granted, it is possible to apply to vary the licence, or even to have more than one premises licence for a one place at a time.

### 2 Temporary event notices

The law relating to **temporary event notices (TENS)** will not come into force until the **second appointed day** which is expected to be in November 2005.

As the name suggests, TENS replace the former system of occasional public entertainment licences to:

- temporarily extend or vary a **premises licence**
- notify the **licensing authority** and the police about any **licensable activity** where a **premises licence** (or a **personal licence** to sell alcohol) is not needed

### 3 Personal licences

**Personal licences** are essential for anyone who wants to sell alcohol by retail under the Licensing Act. **Personal licences** are granted by the **licensing authority** for the area where the applicant normally lives to someone who is:

- over 18
- possesses a relevant licensing qualification (either approved by the government or, until 6 August 2005, already holds a justices' licence to sell alcohol)
- has not been convicted of specific criminal offences set out in the Licensing Act
- has not had a **personal licence** forfeited within the past five years

All sales of alcohol must be made under the authority of a personal licence-holder on premises where a **premises licence** is in force. Where premises are authorized to sell alcohol, a **premises supervisor** must also be designated and notified to the **licensing authority**. They must hold a **personal licence** themselves and will normally be the house manager or duty manager, and will be the person responsible for the premises.

The police may object to someone being granted a **personal licence** if they have been convicted of particular criminal offences; they may also apply for it to be revoked if criminal offences come to light after the licence is granted.

Checklist for getting a premises licence  
(see section 'Applying for a premises licence')

<b>Action</b>	<b>Check when completed</b>
Obtain a plan of the premises in a scale acceptable to the <b>licensing authority</b> , showing all the relevant features	
Complete the relevant application form (see sections 'Sample premises licence application for street arts festival' and 'Sample premises licence application for circus')	
Complete the relevant details of the <b>operating schedule</b>	
Specify a <b>premises supervisor</b> on the application form if alcohol is to be sold	
Send the application form, plan, any relevant current licences, and fees to the relevant <b>licensing authority</b>	
If required, liaise with any <b>responsible authorities</b> that may want to inspect the premises	
On the same day as applying to the <b>licensing authority</b> , send copies of the complete application form and plan to the relevant <b>responsible authorities</b>	
Advertise the application in a newspaper or other similar local publication at least once within the next eleven days	
Place a public notice on the premises for at least 29 days after applying to the <b>licensing authority</b>	
Consider any <b>representations</b> received via the <b>licensing authority</b>	
If necessary, attend a meeting of the <b>licensing committee</b> (see Appendix 2) normally 39 working days after the application has been made	

### **How long will it take?**

If there are no **representations**, a **premises licence** could be granted in as little as twenty nine days from the date that the application is made: **licensing authorities** are under a duty to produce licences 'forthwith'.

Any objections to be considered by the local **licensing committee** must be considered within 20 working days of the last day on which objections can be made: effectively, 49 working days (seven weeks) later. Few committee hearings would last more than a few hours, and so a decision would normally be made there and then, although committees do have up to a further five working days to make their decision: the maximum possible time is likely to be 54 working days.

Checklist for getting a provisional statement  
(see section 'Provisional statements')

<b>Action</b>	<b>Check when completed</b>
Obtain a plan of the premises to a scale acceptable to the <b>licensing authority</b> , showing all the relevant features	
Complete the relevant application form (see sections 'Sample premises licence application for street arts festival' and 'Sample premises licence application for circus')	
Send the application form, plan, any relevant current licences, and fees to the relevant <b>licensing authority</b>	
On the same day as applying to the <b>licensing authority</b> , send copies of the complete application form and plan to the relevant <b>responsible authorities</b>	
Advertise the application in a newspaper or other similar local publication at least once within the next eleven days	
Place a public notice on the premises for at least 29 days after applying to the <b>licensing authority</b>	
Consider any <b>representations</b> received via the <b>licensing authority</b>	
If necessary, attend a meeting of the <b>licensing committee</b> (see Appendix 2) normally thirty-nine working days after the application has been made	
Apply for a <b>premises licence</b> (see section 'Applying for a premises licence') when the premises are substantially built according to the plan	

**How long will it take?**

If there are no **representations**, a **provisional statement** could be granted in as little as twenty-nine days from the date that the application is made: **licensing authorities** are under a duty to produce the relevant documents 'forthwith'.

Once the premises are substantially completed according to the plan, a **premises licence** must be applied for, which can take around 54 working days (8 weeks) if the matter has to go to the **licensing committee**. The total time for obtaining a **provisional statement** can therefore be eighty-three working days (eleven weeks). The total time here depends on whether there are separate hearings before the **provisional statement** is issued and before the **premises licence** is granted.

Checklist for getting a personal licence to sell alcohol  
(see section 'Getting a personal licence')

<b>Action</b>	<b>Check when completed</b>
Must be over 18	
Not been convicted of any relevant criminal convictions (consult local police licensing officer if in doubt)	
Obtain the National Certificate for Personal Licence Holders: for more information see <a href="http://www.culture.gov.uk">www.culture.gov.uk</a>	
Complete application form; send a copy to the <b>licensing authority</b> and another to the police	
Consider any <b>representations</b> (objections) received via the <b>licensing authority</b> from the police	
If necessary, attend a meeting of the <b>licensing committee</b> (see Appendix 2)	

**How long will it take?**

The police have fourteen days (not working days) from the time they are notified by the **licensing authority** in which to make any observations about a **personal licence**. This time depends on how soon after applying to the **licensing authority** it then notifies the police. Hearings before a **licensing committee** as a result of those observations must be held within a further twenty working days (four weeks).

The quickest that a **personal licence** can be granted could be fifteen days, as the **licensing authority** must produce the licence 'forthwith' if there are no objections. If the matter has to go the **licensing committee**, the application could take about six weeks.

Checklist for giving temporary event notices  
(see section 'Temporary event notices')

<b>Action</b>	<b>Check when completed</b>
Two copies of the <b>temporary event notice</b> are sent to the licensing authority and a third sent to the police at least ten working days' before the temporary event	
Police and <b>licensing authority</b> have been consulted in plenty of time where possible	
Person giving notice is over 18	
Temporary event relates to alcohol sales; <b>regulated entertainment</b> ; or late night refreshment	
Temporary event will not last for more than 96 hours	
No more than 500 people at a time (including staff and performers) will attend	
At least 24 hours has elapsed since a previous temporary event has ended	
No more than twelve temporary events have been held in the same calendar year on the premises, or for more than fifteen days during the current calendar year	
If the person giving the <b>temporary event notice</b> does <i>not</i> have a <b>personal licence</b> they have not given more than five <b>temporary event notices</b> in the current calendar year	
If the person giving the <b>temporary event notice</b> does have a <b>personal licence</b> they have not given more than fifty <b>temporary event notices</b> in the current calendar year	
No counter-notice has been raised by the police within 48 hours of receiving the <b>temporary event notice</b>	
A <b>licensing authority</b> hearing has been held at least 24 hours' before the temporary event if a police counter-notice has been issued	
No <b>temporary event notice</b> has been issued by an associate for the same premises	
No <b>licensing authority</b> counter-notice has been issued in relation to the number of temporary events that have been held on the premises	
The <b>temporary event notice</b> is prominently displayed on the premises or is kept securely by the person who gave it or by a nominated person present and working at the premises	

## How long will it take?

The shortest time for giving a **temporary event notice** is ten days; the minimum amount required under the Licensing Act.

## Objectives behind the law

At the heart of the new regime are four **licensing objectives**. All licensing decisions must relate to these four objectives, which are:

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

## The role of local councils

Local councils will remain responsible for licensing public entertainments, and will do this through several means:

- the **licensing authority** is the full Council, which is responsible for setting out the council's statement of licensing policy on its approach to the Act for the next three years
- the **licensing committee**, made of local councillors, consider applications where there are representations or objections (see applying for a premises licence)
- **licensing officers** will give impartial advice on applying for a licence, grant licences where there are no **representations** and conduct inspections and enforcement activities

## Statements of licensing policy

These set out how the **licensing authority** will carry out their functions under the Licensing Act. A policy cannot overrule something contained in the Act or **regulations**, but may differ from the **statutory guidance** where justified by the **licensing authority**.

Most policies will be available from the **licensing authority's** websites, and may say how the council intends to approach certain matters, such as:

- whether any particular standards, such as for temporary electrical installations, will be required, should **representations** be received
- whether occupancy limits will be imposed for certain types of activities or in certain types of premises in the light of **representations** being received
- whether the local authority will be applying for **premises licences** in its own name for public land (see below)

### Street art festivals, fairs and circuses

In keeping with the current position, organizers and promoters of major events – whether or not a licence is needed – should contact the **licensing authority** at the earliest opportunity to discuss the proposals.

For some events, organizers may decide to seek a single **premises licence** to cover a wide variety of activities at a number of locations within the 'premises' – which could encompass a whole town centre, a showground or a park. This would involve preparing a substantial **operating schedule** (risk assessment) and licensing officers would be happy to give professional advice. Many local authorities now have multi-agency safety advisory groups who can act as an 'one-stop shop' in providing professional advice from the range of specialist statutory (and voluntary) organizations necessary to ensure that a major event runs smoothly, and licensing officers would be happy to liaise with event organizers and the safety advisory groups.

The **statutory guidance** says that for other events, applications for many connected premises may be made which when combined form a single festival. The **licensing authority** and the **responsible authorities** should be aware that the applications relate to a single festival and the organizers should appoint a co-ordinating committee to ensure a strategic approach is taken.

The **statutory guidance** also says that in the case of circuses and fairgrounds, much will depend on the content of any entertainment that is presented: at fairs, the main attraction will normally be the rides, which are not licensable; at circuses, the main attraction may be forms of **regulated entertainment** and so licensable.

## **Local authorities obtaining licences**

It has been suggested in the **statutory guidance** that local authorities might decide to apply themselves to hold the **premises licence** for open spaces and community premises where regular arts and other performances may be held.

This will have the attraction of avoiding the need for organizers of street arts events, carnivals and the like – particular those only held occasionally or for charity – of having to go through the additional financial and administrative burden of applying for a **premises licence**.

In these instances, it may be that the leisure, arts or tourism sections of the local authority will apply for the licence on behalf of the council. Any future uses of the premises in question may then be regulated by way of a contract signed between the relevant council section and the event organizer.

LACORS – the Local Authorities' Co-ordinators of Regulatory Services – provide a central advice and liaison service for **licensing authorities**. It has published guidance on licensing public land under the **Licensing Act 2003**, and suggests that local authorities should conduct surveys of public land within their areas and assess their suitability for **licensable activities** with a view to obtaining **premises licences** in their own name.

However, this view may not be universally adopted for several reasons:

- councils may be reluctant to place their own officers at risk of criminal prosecutions for licence breaches committed by third party organizations outside of their direct control
- it may be difficult to draw up an open-ended **operating schedule** for premises that may see a wide variety of different activities being held, without constantly having to apply to amend or vary the licence
- it may be that the system of **temporary event notices** may be more appropriate and suitable if given by the event organizer themselves, providing the time and occupancy limits are not breached

It is important to realize that event organizers/promoters can still be held criminally responsible for breaches of licensing law even if they themselves do not hold the **premises licence** or **temporary event notice**. Section 136 of the Act says that anyone who carries or attempts to carry on a **licensable activity** without a licence or contrary to a licence condition commits a criminal offence, which is punishable by a sentence of up to £20,000 and/or six months' imprisonment.

It is advisable to check at the earliest stage of event-planning what approach the local authority has taken in relation to the place that the performance is due to be held.

### Applying for a premises licence

It is important to appreciate that where any of the **licensable activities** – such as non-incident live music – do not currently require a licence, no licence will be needed until the **second appointed day**. However, it will be illegal from midnight on the **second appointed day** to provide those licensable activities without the appropriate permission and so it will be necessary to apply in plenty of time before that date.

A **premises licence** can be held by any 'person', which means an individual, a business, or a group of individuals acting together (such as a collective or a partnership).

### Converting existing licences

In the unlikely event that street arts promoters, circuses or similar already possess an annual public entertainment, theatre, cinema, late night refreshment house or even a justices' alcohol licence, there will be a need to convert them to the new system during the transitional period that starts on 7 February 2005. In this unlikely circumstance, further advice should be sought from one of the contacts listed section 'Contact details'.

### Applying for a new premises licence

New licences under the Licensing Act will not come into force until the **second appointed day**, but applications must be made in plenty of time to ensure they are processed in time for that date – particularly for events after November 2005. It will be illegal to provide **licensable activities** after that date without the appropriate authorisation under the Act.

When applying for a new premises licence, applications will be required to submit an **operating schedule** that shows how the **licensing objectives** will be addressed. This will be available for public consultation in a licensing register kept by the **licensing authority**. Copies of application forms and other the public notices can be obtained from the relevant **licensing authority** (and might be on their website), or from the Department of Culture, Media and Sport website at [www.culture.gov.uk](http://www.culture.gov.uk)

There are several stages in applying for a premises licence:

- getting a plan of the premises (or circus tent or outdoor space), in a scale of 1:100 unless the **licensing authority** agrees another scale is acceptable. The plan must show the extent of the building boundary and any external and internal walls; exits and escape routes; where existing licensable activities takes place; fixed structures (including furniture); the location and height of each stage or area relative to the floor; the location and type of any fire safety and any other safety equipment; and the location of any kitchens, toilets, stairs and lifts
- completing the relevant application form
- sending the application form, plan, licences (or copies) and fees to the relevant **licensing authority**
- sending a copy of the complete application form and plan to the relevant **responsible authorities** (other local statutory agencies such as the police and fire service) on the same day as sending the application to the **licensing authority**
- advertising the application in a newspaper, circular, newsletter or similar circulating in the vicinity of the premises. This advertisement must be published at least once within the eleven days after the application form has been sent to the **licensing authority**
- placing a public notice of the application on the premises so that it can be clearly seen by passing members of the public for at least 29 days after notice of the application has been given to the **licensing authority**

If there are **representations** from **responsible authorities** or from interested parties (local residents or businesses), the **licensing authority** has twenty working days in which to hold a committee hearing (see section 'Performing before the committee').

If no **representations** have been received (or if they are received but then withdrawn), the **premises licence** must be granted. In those circumstances the **licensing authority** has no discretion to refuse to grant the licence. The licence will be granted subject to any conditions volunteered in the **operating schedule** and which are consistent with the **licensing objectives** (see section 'Licence conditions').

If a particular site is going to be used regularly, even if only for a few days each year, it may be possible to apply for a **premises licence** for that site in advance. This will be granted for an indefinite period. If circumstances change to affect the way **licensable activities** are to be performed on that site, or the manner in which it is laid out, then a variation application may be needed at a later date (see section 'Making changes to premises licences').

## Provisional statements

Occasionally there may be a proposal for either a new **premises licence** or for a variation or alteration. An applicant may not want to go to the time and expense of committing themselves to developing licensed premises that would satisfy the responsible **authorities** or **interested parties** unless they were certain that the licence would be granted.

In this case, an application can be made for a provisional statement. Applications are dealt with in exactly the same way as for new **premises licences** with the following key differences:

- the provisional statement is granted on the basis of the plans that are submitted by the applicant, rather than on a physical inspection of the premises or place to be licensed. The **premises licence** itself is then granted once the premises have been satisfactorily completed according to a schedule of works submitted with the application. **Representations** may be dealt with at this stage
- once the works have been satisfactorily completed in a way that substantially complies with the schedule of works lodged with the **licensing authority**, an application is then needed for a new **premises licence**. Further **representations** can only be considered if the person making them at that time could have made them at the time of the original application and had a reasonable excuse why they did not at that time and there had been a material change of circumstances relating to either the relevant premises or to the area in the vicinity of the premises since the **provisional statement** was made

Dialogue with the **licensing authority** may demonstrate the importance of applying for **provisional statements** for circus and street art entertainments. Provisional statements will allow applicants to apply in advance without having to physically erect marquees, temporary staging or other structures. They may also allow advance applications to be made to cater for the possibility of contingency plans caused by bad weather, unsuitable sites or other factors that may mean a last-minute relocation of a touring show.

## Making changes to premises licences

The **Licensing Act 2003** allows holders of premises licences to apply for those licences to be changed. Licences must be changed if there is a 'major variation'.

A 'major variation' to allow a **premises licence** to be changed is anything apart from a change in the name of the licence-holder (or a change of designated **premises supervisor** if alcohol is being sold).

The reason applications must be made for any other variation is to promote the **licensing objectives**, allow a thorough risk assessment to be conducted in relation to those objectives, and to allow proposals in **operating schedules** to be considered by the relevant **responsible authorities** or **interested parties**.

A need for a variation application may be needed to change any of the features lodged with the **licensing authority** as part of the initial application, or to change any of the **licence conditions** on which it is held. Variation applications will be needed in circumstances such as:

- changes to operating hours
- changes to safety or emergency equipment (such as fire extinguishers or fire alarms)
- structural alterations such as to seating lay-outs, fire exits or escape routes
- the inclusion of new special effects, such as the use of lasers or pyrotechnics which were not used previously

### Transferring a premises licence

**Premises licences** may be transferred from one person to another. Where a **premises supervisor** is named on a licence to supervise the sale of alcohol, a specific application must be made to vary the licence in order to change that individual.

In both of these cases, only the police can make a representation within 14 days of receiving the application on the exceptional ground that in granting the application the crime prevention **licensing objective** would be undermined. In these circumstances the **licensing authority** must hold a hearing and can reject the application to promote the crime prevention objective.

## Licence conditions

Unlike the law prior to the **Licensing Act 2003**, the **licensing authorities** have a more restricted power to impose conditions on licences. Conditions can now only be included on **premises licences** in two circumstances:

- applicants volunteer the conditions in their operating schedules, and/or
- valid **representations** are made which the licensing authority accepts

**Licensing authorities** will want to work in partnership with applicants to reach agreement where possible on developing conditions.

The **statutory guidance** advises **licensing authorities** that they should not impose standard conditions on every licence. They may have 'pools' of conditions on which to draw from. Conditions must relate to one of the four **licensing objectives**, and must be consistent with the **operating schedule**. Conditions should not replicate anything in existing laws, such as duties in the Health and Safety at Work etc Act 1974.

Conditions must be clear, concise and proportionate. They must also be within the ability of the licence-holder to perform: for example, a condition requiring all spectators at an event to travel by public transport would be invalid as that is beyond the licence-holder's control.

A condition may not be imposed for ulterior purposes either. A condition that deals with animal welfare for example would be invalid as it would fall outside of the **licensing objectives**.

Conditions that may be imposed on **premises licences** for circuses, carnivals or street arts might include for example:

- |                                  |   |
|----------------------------------|---|
| Prevention of crime and disorder | <ul style="list-style-type: none"><li>• CCTV must be installed</li><li>• Secure cloakrooms should be provided in open-air sites to prevent personal belongings being stolen</li></ul>   |
| Public safety                    | <ul style="list-style-type: none"><li>• Appropriately trained stewards must be on duty</li><li>• Fire extinguishers must be available</li><li>• Occupancy limits may be imposed</li><li>• First Aiders must be on duty during performances</li></ul>  |
| Prevention of public nuisance    | <ul style="list-style-type: none"><li>• Amplified music may not be used during certain hours</li><li>• Signs must to be provided asking spectators to leave the premises quietly</li><li>• Litter bins must be provided at an open-air site</li></ul> |
| Protection of children from harm | <ul style="list-style-type: none"><li>• An appropriate system for dealing with lost children must be implemented</li><li>• Age restrictions could apply to prevent some children attending unsuitable performances, events or premises</li></ul>      |

There is no power to impose conditions when a **temporary event notice** has been given.

### **Mandatory and prohibited conditions**

Two conditions must be included on any **premises licence** that also allows the sale of alcohol:

- no alcohol supplies may be made unless there is a **premises supervisor** in respect of the **premises licence**, and they hold a **personal licence**
- every supply of alcohol must be made under or authorized by a person who holds a **personal licence**

If a condition requires door supervisors to be employed on the premises (apart from where film or plays are performed), a mandatory condition will require that the national Security Industry Authority must license them.

Premises licences that authorize film exhibitions must also include a condition requiring the admission of children under 18 to be restricted in accordance with recommendations made by the **licensing authority** or the British Board of Film Classification. This ensures that the current system of age-related film classifications is maintained.

Finally, no condition may be included on a licence relating to plays as to the nature of the plays that may be performed or the manner of performing the plays under the licence. This does not however prevent conditions being imposed on the grounds of public safety.

### Temporary event notices

**TENS** – or **temporary event notices** – are a flexible system of notifying the licensing authority and the police where a small, short-term event is taking place but where a formal licence may not be needed. It is not a licence to be applied for, but a notice that must be given. **Temporary event notices** will not be available until after the **second appointed day**.

**TENS** may be used in one of two ways:

- as a short-term variation to an existing **premises licence** (or a club premises certificate for private members' clubs)
- by themselves for small, short-term events.

The specific conditions that apply to the use of a **TEN** are:

- the person giving the **TEN** is over 18
- that it covers one or more of the licensable activities
- the event to which it relates is no longer than 96 hours
- that no more than 500 people will be present at the premises at the same time
- that at least 24 hours elapses between two events covered by a **TEN** on the same premises

A **TEN** must be given using the appropriate form in duplicate at least ten working days' before the day on which the event is held to the **licensing authority**. A copy must also be sent to the chief officer of police for the area.

The **licensing authority** has no discretion to waive this requirement if less than 10 working days' notice is given, and it is strongly recommended to liaise as far as possible in advance with the **licensing authority** and the police if the **TEN** is to cover any special or unusual circumstances. This will reduce the risk of the police objecting to the notice.

On receiving the notice, the **licensing authority** will acknowledge it by returning a copy within two working days. Unlike other applications, **representations** from other **responsible authorities** or **interested parties** are not possible. However, the police may issue a counter-notice to the **TEN** no later than 48 hours after they have received their copy. The counter-notice can only be given if the police are satisfied that using the premises under the **TEN** would undermine the crime prevention **licensing objective**.

If the police give a counter-notice, the **licensing authority** must hold a hearing to consider it. This must be held within 7 days, and no later than 24 hours before the proposed event is due to begin. It is possible for the police to modify the **TEN** (for example, by restricting the number of people or the hours that the event may be held).

A hearing need not be held if the police objection notice has been withdrawn or all the parties agree a hearing is unnecessary.

The police or an authorized officer of the **licensing authority** may visit at any reasonable time premises where a **temporary event notice** has been given to assess the likely affects on the promotion of the crime prevention objective.

The temporary event notice must be kept and displayed at the premises.

Unlike **premises licences**, no conditions may be imposed on the use of a **temporary event notice**.

## Limits on TENs

There are limits on the number of **temporary event notices** that can be given for any one premises within any 12 month period:

- someone who already holds a **personal licence** cannot give more than 50 **temporary event notices** in one calendar year
- a person who does not hold a **personal licence** cannot give more than 5 **temporary event notices** in one calendar year
- a premises cannot be the subject of more than 12 **temporary event notices** in one calendar year, or more than fifteen days in a year

Where those limits have been exceeded the **licensing authority** must automatically issue a counter-notice without a hearing, and send a copy to the police. It is important to be specific about the location of where a **temporary event notice** applies, as this can potentially maximize the use of the land.

Restrictions also apply on 'associates' of individuals who give **temporary event notices**. This is to stop notices from being given which contravene the rules about a 24-hour break between events, or the number of events that may be held in a year. An 'associate' would be:

- anyone who is in business with the individual (and the business relates to one of more **licensable activities**)
- a spouse (including a person living with another as man or wife)
- a child, parent, grandchild, grandparent, brother or sister (or their spouses)
- an agent or employee (or their spouses)

### Getting a personal licence

**Personal licences** are portable licences, allowing the holder to sell alcohol anywhere throughout England and Wales. They last for ten years unless otherwise suspended or revoked by a court. Applications are made to the **licensing authority** where the applicant normally lives, or to any other suitable **licensing authority**. The **licensing authority** that grants the licence remains the authority responsible for its administration and enforcement whilst it is valid, no matter where in the country that person later lives or works.

Anyone who holds a justices' licence to sell alcohol before the **first appointed day** will be able to apply before 6 August 2005 to convert the licence to a **personal licence**. Only the police can object, if there has been a conviction for particular criminal offences set out in the Act.

After the **second appointed day**, **personal licences** can be granted to anyone who is:

- over 18
- possesses an approved licensing qualification. Details of accredited qualifications are available on [www.culture.gov.uk](http://www.culture.gov.uk)
- has not been convicted of a relevant criminal offence at home or abroad (as set out in the **Licensing Act**)
- has not had a **personal licence** revoked within the previous five years

A **premises licence** that authorizes the sale of alcohol must have a **premises supervisor** named on it. That individual must hold a **personal licence** and is responsible for exercising control and management over the premises, and acts as the main point of contact for the **licensing authority** and other enforcement bodies.

The **premises supervisor** need not be on the premises all the times that the premises are actually open, but it would be extremely rare for them to be named on more than one premises licence due to the need to maintain effective control of that licensed establishment.

Individuals must give their written consent before being named as a **premises supervisor** and can be removed at the request of the police, who can also object to someone applying to become a **premises supervisor** on the ground that it would undermine the crime prevention **licensing objective**.

## Performing before the committee

If a valid **representation** (objection) is made, applications will be referred to the **licensing committee**. (If there are no **representations**, licensing officers will deal with the application without a committee hearing). A **representation** is only valid if it relates to the **licensing objectives** and is not frivolous, vexatious or irrelevant.

Licensing committees must follow government regulations that set out how quickly they must hear applications; normally within 39 working days for **premises licences** applications. The licensing committee must write to the applicant and any objectors, giving details of where it will be meeting. Applicants are allowed to attend the meeting (either alone or with others) to present their case to the licensing committee and to question any of the objectors. Decisions must normally be given within five working days.

More information on committee procedures is at Appendix 2.

## Enforcement

There are a number of criminal offences in the Licensing Act 2003 that any of the **licensing authorities** or **responsible authorities** may enforce. Initially, they will usually try to advise and guide people in order to prevent them breaking the law.

The most serious offence under the Licensing Act 2003 is carrying on an activity without the appropriate licence – the maximum penalty is a £20,000 fine and/or six months' imprisonment. Not complying with a licence condition can also have the same result.

Other offences range from selling alcohol to under-age children to failing to display the correct licence. It is important to remember that employers and licence-holders may also have responsibilities under other laws, such as the Health and Safety at Work etc Act 1974.

In addition, any **interested party** or any **responsible authority** may ask for a **premises licence** to be reviewed at any time. The reason for a review must relate to the **licensing objectives** and – after a hearing – the licensing committee can decide that it is necessary to change the licence. This may lead to:

- additional conditions being imposed for up to three months;
- to stop a **licensable activity** (such as alcohol sales) for up to three months;
- to remove the premises supervisor;
- to suspend the **premises licence** for up to three months; or
- to revoke the licence

In the event of actual or potential disorder likely to affect licensed premises, the police may ask the magistrates court<sup>1</sup> to order every licensed premises in the area to close for up to 24 hours. If there is likely to be disorder or disturbance from excessive noise from specific licensed premises, the police may order it to shut for 24 hours.

For more information see Appendix 3.

## Appeals

If a licensing authority turns down a licence application, it is possible to appeal within 21 days to the magistrates' court for the local area. Appeals may also be made about licence conditions. The court will hear the application again as if it is a new application.

Anyone else who was involved in the original application (perhaps as an objector making **representations**) may also appeal. For example, if a licence is granted and the police had made representations on crime prevention grounds that the **licensing committee** rejects, the police could also appeal within 21 days to the magistrates' court.

More information on appeals is at Appendix 5.

## Table of fees

Fees are set centrally by the government, and are paid direct to the **licensing authority**. Fees must be paid at the time of submitting the relevant application or notice; there is also an annual fee that must be paid for **premises licences**.

Fees for most **premises licences** will have two components: an application fee, and an annual fee. Both are based on the rateable value of the premises, according to the table below:

<b>Rateable value</b>	£0 to £4300	£4301 to £33,000	£33,001 to £87,000	£87,001 to £125,000	£125,001 and above
<b>Application fee</b>	£100	£190	£315	£450	£635
<b>Annual fee</b>	£70	£180	£295	£320	£350

Where 5000 or more people are authorized under the licence to be admitted, an additional application fee and an additional annual fee is also payable, depending on how many people are present at any one time (see table below). Some buildings however that have been constructed or structurally altered for **licensable activities** do not have to pay the additional fees

<b>Number of people</b>	<b>Additional application fee</b>	<b>Additional annual fee</b>
5000 to 9999	£1000	£500
10,000 to 14,999	£2000	£1000
15,000 to 19,999	£4000	£2000
20,000 to 29,999	£8000	£4000
30,000 to 39,999	£16,000	£8000
40,000 to 49,000	£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

Advice should be sought from the **licensing authority's** officers, particularly as to how the numbers of spectators at open-air street arts events are likely to be calculated.

It should be noted that fees are not payable if **regulated entertainment** is provided by:

- schools or colleges. The **regulated entertainment** must be carried on for and on behalf of the school or college (that is, a fee is payable if the school or college is letting out its premises to outside bodies)
- church halls, chapel halls, village halls, parish halls, community halls or similar buildings

Fees are payable by schools, colleges, church and community halls if the **premises licence** authorizes the sale of alcohol.

The other main fees that may be payable are:

Application for a provisional statement	£315
Variation of licence to change designated premises supervisor	£23
Temporary event notice	£21
Application for grant or renewal of a personal licence to sell alcohol	£37
Application for transfer of premises licence	£23
Duplicate premises licence, personal licence or temporary event notice after a theft or loss	£10.50
Notifying change of name or address to the licensing authority	£10.50
Interim authority notice following death etc of premises licence holder	£23

## Contact details

### ***Department of Culture, Media and Sport***

2–4 Cockspur Street

London

SW1Y 5DH

Telephone: 020 7211 6200

Email: [enquiries@culture.gov.uk](mailto:enquiries@culture.gov.uk)

Web: [www.culture.gov.uk](http://www.culture.gov.uk)

### ***Arts Council England***

14 Great Peter Street

London

SW1P 3NQ

Telephone: 0845 300 6200

Email: [enquiries@artscouncil.org.uk](mailto:enquiries@artscouncil.org.uk)

Web: [www.artscouncil.org.uk](http://www.artscouncil.org.uk)

### ***Equity***

Guild House

Upper St Martins Lane

London

WC2H 9EG

Telephone: 020 7379 6000

email: [info@equity.org.uk](mailto:info@equity.org.uk)

Web: [www.equity.org.uk](http://www.equity.org.uk)

### ***Independent Street Arts Network***

19 Great Guildford Street

London

SE1 9EZ

Telephone: 020 7633 9330

Email: [info@streetartsnetwork.org.uk](mailto:info@streetartsnetwork.org.uk)

Web: [www.streetartsnetwork.org.uk](http://www.streetartsnetwork.org.uk)

***Circus Arts Forum***

Ali Forbes  
c/o The Power Station  
Coronet Street  
London  
N1 6HD  
Telephone: 020 7739 1188  
Email: [ali@circusarts.org.uk](mailto:ali@circusarts.org.uk)  
Web: [www.circusarts.org.uk](http://www.circusarts.org.uk)

***Institute of Licensing***

Prab Sohata  
c/o School of Law  
University of Birmingham  
Edgbaston  
Birmingham  
B15 2TT  
Telephone: 0121 414 3637  
Email: [licensing\\_circles@hotmail.com](mailto:licensing_circles@hotmail.com)  
Web: [www.instituteoflicensing.org](http://www.instituteoflicensing.org)

***Local Authorities Co-Ordinators of Regulatory Services***

10 Albert Embankment  
London  
SE1 7SP  
Telephone: 020 7840 7219  
Web: [www.lacors.gov.uk](http://www.lacors.gov.uk)

Sample premises licence application for street arts festival

**Schedule 1 to the Licensing (Premises Licences and Club Premises Certificates)  
Regulations 2005**

**APPLICATION FOR A PREMISES LICENCE TO BE GRANTED  
UNDER THE LICENSING ACT 2003**

PLEASE READ THE FOLLOWING INSTRUCTIONS FIRST

Before completing this form please read the guidance notes on page 16.

If you are completing this form by hand please write legibly inside the boxes in black ink and stay within the box provided.

Once completed please send your application to {name and address of Licensing Authority}. You may wish to keep a copy of the completed form for your records.

I/We ANYTOWN STREET ARTS ASSOCIATION  
*(Insert name of applicant)*

apply for a premises licence under section 17 of the Licensing Act 2003 for the premises described in Part 1 below

Where the premises to which this application relates is situated in two or more licensing authorities equally the applicant nominates

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*(Insert name of licensing authority to which application is made)*  
licensing authority as the relevant licensing authority in accordance with section 12(4) of the Licensing Act 2004

**Part 1 – Premises Details**

<b>Postal address of premises if any or if none ordinance survey map reference or description</b> THE TOWN SQUARE HIGH STREET	
<b>Post town</b> ANYTOWN	<b>Post code</b> THE TOWN SQUARE

Non-domestic rateable value of premises

## Part 2 - Applicant Details

In what capacity are you applying for a premises licence  
See section 16 of Licensing Act 2003

Please  
tick ✓

- |  |                                     |                                    |
|--|-------------------------------------|------------------------------------|
| a) An individual or individuals who carries on, or proposes to carry on, a business which involves the use of the premises for the licensable activities to which the application relates      | <input type="checkbox"/>            | please complete section (A)        |
| b) A person other than an individual who carries on, or proposes to carry on, a business which involves the use of the premises for the licensable activities to which the application relates |                                     |                                    |
| i. as a limited company  | <input type="checkbox"/>            | please complete section (B)        |
| ii. as a partnership   | <input type="checkbox"/>            | please complete section (C)        |
| iii. as an unincorporated association or   | <input checked="" type="checkbox"/> | please complete section (D)        |
| iv. other  | <input type="checkbox"/>            | please complete section (E)        |
| c) An individual or individuals who makes an application pursuant to   |                                     |                                    |
| i. any statutory function discharged by that person which relates to those licensable activities, or   | <input type="checkbox"/>            | please complete sections (A) & (F) |
| ii. any function discharged by that person by virtue of Her Majesty's prerogative  | <input type="checkbox"/>            | please complete section (A) & (F)  |
| d) a person other than an individual who makes an application pursuant to  |                                     |                                    |
| i. any statutory function discharged by that person who relates to those licensable activities, or   |                                     |                                    |
| a. as a limited company  | <input type="checkbox"/>            | please complete sections (B) & (F) |
| b. as a partnership  | <input type="checkbox"/>            | please complete sections (C) & (F) |
| c. as an unincorporated association or   | <input type="checkbox"/>            | please complete sections (D) & (F) |
| d. other   | <input type="checkbox"/>            | please complete sections (E) & (F) |

- ii. any function discharged by that person by virtue of Her Majesty's prerogative
- a. as a limited company  please complete sections (B) &(F)
  - b. as a partnership  please complete sections (C) &(F)
  - c. as an unincorporated association or  please complete sections (D) & (F)
  - d. other  please complete sections (E) & (F)
- e) A recognised club  please complete section (G)
- f) A charity  please complete section (H)
- g) The proprietor of an educational establishment  please complete section (I)
- h) A Health Service Body  please complete section (J)
- i) An individual who is registered under Part 2 of the Care Standards Act 2000 (c14) respect of an independent hospital  please complete section (K)
- j) A person other than an individual who is registered under Part 2 of the Care Standards Act 2000 (c14) in respect of an independent hospital
- i. as a limited company  please complete sections (B) & (K)
  - ii. as a partnership  please complete sections (C) & (K)
  - iii. as an unincorporated association  please complete sections (D) & (K)
  - iv. other  please complete sections (E) & (K)
- k) The chief officer of police of a police force in England and Wales  please complete section (L)

**(A) INDIVIDUAL APPLICANTS** (fill in as applicable)

Mr  Mrs  Miss  Ms  Other title   
(for example, Rev)

**Surname**

**First names**

Are you over 18?

**Yes**

Current address  
if different from premises address

Post Town

Postcode

Contact phone number in working hours

E-mail address (optional)

SECOND INDIVIDUAL APPLICANT (IF APPLICABLE)

Mr  Mrs  Miss  Ms  Other title   
(for example, Rev)

**Surname**

**First names**

Are you over 18?  **Yes**

Current address  
if different from premises address

Post Town  Postcode

Contact phone number in working hours

E-mail address (optional)

**(B) LIMITED COMPANY APPLICANT**

Limited company's registered office address

Limited company registered number

**(C) PARTNERSHIP APPLICANT**

Partnership name	Partnership address	Registered number of partnership, if any
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**(D) UNINCORPORATED ASSOCIATION**

Name Anytown Street Arts Association	Address of unincorporated association C/o 77A Long Parade Uphill Anytown Blankshire B12 7AA
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**(E) OTHER**

Name	Description of applicant
Address	

**(F) PURSUANT TO STATUTORY FUNCTION**

Name and address	<div style="border: 1px solid black; width: 550px; height: 50px;"></div>
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Now go to ..... Part 3

**(G) RECOGNISED CLUB**

Name and address of club

Now go to ..... Part 3

**(H) CHARITY**

Name and address and registered number of charity

Now go to ..... Part 3

**(I) PROPRIETOR OF EDUCATIONAL INSTITUTION**

Name and address of institution

Now go to ..... Part 3

**(J) HEALTH SERVICE BODY**

Name and address of health service body

Now go to ..... Part 3

**(K) INDEPENDENT HOSPITAL**

Name and address of hospital

Now go to ..... Part 3

**(L) CHIEF OFFICER OF POLICE**

Name and address of  
chief officer of police

--

Now go to ..... Part 3

**Part 3 - Operating Schedule**

When do you want the premises licence to start?

Day		Month		Year			
0	1	1	2	2	0	0	5

If you wish the licence to be valid only for a limited period, when do you want it to end?

Day		Month		Year			
0	2	1	2	2	0	0	5

If 6,000 or more people are expected to attend the premises at any one time and the licence will be time limited, please state the number expected to attend.

--

**What licensable activities do you intend to conduct on the premises** (please see section 1 of the Licensing Act 2003 and Schedule 1 to the Licensing Act 2003)

**Provision of regulated entertainment**

- Please tick ✓
- a) a performance of a play (if ticking yes, fill in box A)
  - b) an exhibition of a film (if ticking yes, fill in box B)
  - c) an indoor sporting event (if ticking yes, fill in box C)
  - d) a boxing or wrestling entertainment (if ticking yes, fill in box D)
  - e) a performance of live music (if ticking yes, fill in box E)
  - f) any playing of recorded music (if ticking yes, fill in box F)
  - g) a performance of dance (if ticking yes, fill in box G)
  - h) entertainment of a similar description to that falling within (e), (f) or (g) (if ticking yes, fill in box H)

**Provision of entertainment facilities:**

j) making music (if ticking yes, fill in box I)

Please tick ✓

k) dancing (if ticking yes, fill in box J)

l) entertainment of a similar description to that falling within (j) or (k)  
(if ticking yes, fill in box K)

**Provision of late night refreshment** (if ticking yes, fill in box L)

**Sale by retail of alcohol** (if ticking yes, fill in box M)

**A**

<b>Performance of a play</b> Standard timings (please read guidance note 1)			<b>Will the performance of a play take place indoors or outdoors or both</b> – please tick [Y] (please read guidance note 2).	Indoors	
Day	Start	Finish		Outdoors	✓
				Both	
Mon			<b><u>Please give further details here</u></b> (please read guidance note 3)  Range of professional street theatre performances including use of scenery, props, costumes and music		
Tue					
Wed			<b><u>State any seasonal variations for performing plays</u></b> (please read guidance note 4)		
Thur	20:00	23:00			
Fri	16:00	01:00	<b><u>Non standard timings. Where you intend to use the premises for the performance of plays at different times to those listed in the column on the left, please list</u></b> (please read guidance note 5)		
Sat					
Sun					

**B**

<i>Exhibition of films</i> Standard timings (please read guidance note 1)			<u>Will the exhibition of films take place indoors or outdoors or both</u> – please tick [Y] (please read guidance note 2).	Indoors	
Day	Start	Finish		Outdoors	
Mon			<b><u>Please give further details here</u></b> (please read guidance note 3)	Both	
Tue					
Wed			<b><u>State any seasonal variations for the exhibition of films</u></b> (please read guidance note 4)		
Thur					
Fri			<b><u>Non standard timings. Where you intend to use the premises for the exhibition of films at different times to those listed in the column on the left, please list</u></b> (please read guidance note 5)		
Sat					
Sun					

**C**

<i>Indoor sporting events</i> Standard timings (please read guidance note 1)			<b><u>Please give further details</u></b> (please read guidance note 3)	
Day	Start	Finish		
Mon				
Tue				<b><u>State any seasonal variations for indoor sporting events</u></b> (please read guidance note 4)
Wed				
Thur				
Fri				
Sat				
Sun				

**D**

<b><i>A boxing or wrestling entertainment</i></b> Standard timings (please read guidance note 1)			<b><u>Will the boxing or wrestling entertainment take place indoors or outdoors or both</u></b> – please tick [Y] (please read guidance note 2).	Indoors	
				Outdoors	
				Both	
Day	Start	Finish	<b><u>Please give further details here</u></b> (please read guidance note 3)		
Mon					
Tue			<b><u>State any seasonal variations for boxing or wrestling entertainment</u></b> (please read guidance note 4)		
Wed					
Thur			<b><u>Non standard timings. Where you intend to use the premises for boxing or wrestling entertainment at different times to those listed in the column on the left, please list</u></b> (please read guidance note 5)		
Fri					
Sat					
Sun					

# E

<b>Performance of live music</b> Standard timings (please read guidance note 1)			<b>Will the performance of live music take place indoors or outdoors or both</b> – please tick [Y](please read guidance note 2).	Indoors	
Day	Start	Finish		Outdoors	✓
Mon			<b>Please give further details here</b> (please read guidance note 3)  3 live music stages as part of the Anytown “Winter Streets” Festival 2005	Both	
Tue					
Wed			<b>State any seasonal variations for the performance of live music</b> (please read guidance note 4)		
Thur	20:00	23:00			
Fri	16:00	01:00	<b>Non standard timings. Where you intend to use the premises for the performance of live music at different times to those listed in the column on the left, please list</b> (please read guidance note 5)  Friday night performance to finish at 1 am on Saturday morning		
Sat					
Sun					

**F**

<b>Playing of recorded music</b> Standard timings(please read guidance note 1)			<b>Will the playing of recorded music take place indoors or outdoors or both</b> – please tick [Y] (please read guidance note 2).	Indoors	
Day	Start	Finish		Outdoors	✓
Mon			<b>Please give further details here</b> (please read guidance note 3)  Music to accompany DJs during breaks in live performances	Both	
Tue					
Wed					
Thur	20:00	23:00	<b>State any seasonal variations for playing recorded music</b> (please read guidance note 4)		
Fri	16:00	01:00			
Sat			<b>Non standard timings. Where you intend to use the premises for the playing of recorded music entertainment at different times to those listed in the column on the left, please list</b> (please read guidance note 5)		
Sun					

# G

<b>Performance of dance</b> Standard timings (please read guidance note 1)			<b>Will the performance of dance take place</b> <b>indoors or outdoors or both</b> – please tick [Y] (please read guidance note 2).	Indoors	
Day	Start	Finish		Outdoors	✓
Mon			<b>Please give further details here</b> (please read guidance note 3)  Dances from all around the world will be performed by a troupe of 30 dancers from local schools	Both	
Tue					
Wed			<b>State any seasonal variations for the performance of dance</b> (please read guidance note 4)		
Thur	20:00	23:00			
Fri	16:00	01:00	<b>Non standard timings. Where you intend to use the premises for the performance of dance entertainment at different times to those listed in the column on the left, please list</b> (please read guidance note 5)		
Sat					
Sun					

# H

<p><b><i>Entertainment of a similar description to that falling within (e), (f) or (g)</i></b> Standard timings (please read guidance note 1)</p>			<p><b><u>Please give a description of the type of entertainment you will be providing</u></b> Clowns, jugglers, stilt-walkers and high wire artistes will be performing to music throughout the event on both days</p>	
Day	Start	Finish	<p><b><u>Will this entertainment take place indoors or outdoors or both</u></b> – please tick [Y] (please read guidance note 2).</p>	Indoors
Mon				Outdoors <input checked="" type="checkbox"/>
			Both	
Tue			<p><b><u>Please give further details here</u></b> (please read guidance note 3)</p>	
Wed				
Thur			<p><b><u>State any seasonal variations for entertainment of a similar description to that falling within (e), (f) or (g)</u></b> (please read guidance note 4)</p>	
Fri	16:00	01:00		
Sat	20:00	23:00		
Sun				

# I

<b>Provision of facilities for making music</b> Standard timings (please read guidance note 1)			<b><u>Please give a description of the facilities for making music you will be providing</u></b>		
			<b><u>Will the facilities for making music be indoors or outdoors or both</u></b> – please tick [Y] (please read guidance note 2).	Indoors	
				Outdoors	
Day	Start	Finish	<b><u>Please give further details here</u></b> (please read guidance note 3)		
Mon					
Tue			<b><u>State any seasonal variations for the provision of facilities for making music</u></b> (please read guidance note 4)		
Wed					
Thur			<b><u>Non standard timings. Where you intend to use the premises for provision of facilities for making music entertainment at different times to those listed in the column on the left, please list</u></b> (please read guidance note 5)		
Fri					
Sat					
Sun					

**J**

<b>Provision of facilities for dancing</b> Standard timings (please read guidance note 1)			<u><b>Please give a description of the facilities for making music you will be providing</b></u>		
			<u><b>Will the facilities for making music be indoors or outdoors or both</b></u> – please tick [Y] (please read guidance note 2).		Indoors
Day	Start	Finish			Outdoors
					Both
Mon			<u><b>Please give further details here</b></u> (please read guidance note 3)		
Tue					
Wed			<u><b>State any seasonal variations for the provision of facilities for making music</b></u> (please read guidance note 4)		
Thur					
Fri			<u><b>Non standard timings. Where you intend to use the premises for provision of facilities for making music entertainment at different times to those listed in the column on the left, please list</b></u> (please read guidance note 5)		
Sat					
Sun					

# K

<b><i>Provision of facilities for entertainment of a similar description to that falling within j or k</i></b> Standard timings (please read guidance note 1)			<b><u>Please give a description of the type of entertainment facility you will be providing</u></b>	
Day	Start	Finish	<b><u>Will the entertainment facility be indoors or outdoors or both</u></b> – please tick [Y] (please read guidance note 2).	Indoors
				Outdoors
Mon				Both
Tue			<b><u>Please give further details here</u></b> (please read guidance note 3)	
Wed				
Thur			<b><u>State any seasonal variations for the provision of facilities for entertainment of a similar description to that falling within j or k</u></b> (please read guidance note 4)	
Fri				
Sat			<b><u>Non standard timings. Where you intend to use the premises for the provision of facilities for entertainment of a similar description to that falling within j or k at different times to those listed in the column on the left, please list</u></b> (please read guidance note 5)	
Sun				

# L

<b>Late night refreshment</b> Standard timings (please read guidance note 1)			<b>Will the provision of late night refreshment take place indoors or outdoors or both</b> – please tick [Y] (please read guidance note 2).	Indoors	
Day	Start	Finish		Outdoors	✓
				Both	
Mon			<b>Please give further details here</b> (please read guidance note 3)  Two hot-dog and beef-burger stalls at either end of the High Street		
Tue					
Wed			<b>State any seasonal variations for the provision of late night refreshment</b> (please read guidance note 4)		
Thur					
Fri			<b>Non standard timings. Where you intend to use the premises for the provision of late night entertainment at different times, to those listed in the column on the left, please list</b> (please read guidance note 5)		
	23:00	01:00			
Sat					
Sun					

# M

<b>Supply of alcohol</b> Standard timings (please read guidance note 1)			<b>Will the sale of alcohol be for consumption</b> (Please tick box Y) (please read guidance note 6)	On the premises	
				Off the premises	
				Both	
Day	Start	Finish	<b>State any seasonal variations for the supply of alcohol</b> (please read guidance note 4)		
Mon					
Tue					
Wed					
Thur					
Fri					
Sat					
Sun					
			<b>Non-standard timings. Where you intend to use the premises for the supply of alcohol at different times to those listed in the column on the left, please list</b> (please read guidance note 5)		

State the name and details of the personal license holder whom you wish to specify on the licence as designated premises supervisor (DPS)	
Name	
Address	
Postcode	
Personal Licence number	
Issuing licensing authority	

**Please highlight any services, activities, entertainment or matters ancillary to the use of the premises that may give rise to concern in respect of children** (please read guidance note 7)

Friday afternoon between 16:00 and 19:00 is designated as the Anytown “Kid’s Club” time

***Hours premises are open to the public***

***Standard timings*** (please read guidance note 1)

Day	Start	Finish
Mon		
Tue		
Wed		
Thur	20:00	23:00
Fri	16:00	01:00
Sat		
Sun		

**State any seasonal variation** (please read guidance note 4)

**Non standard timings.** Where you intend to use the premises to be open to the public at different times from those listed in the column on the left, please list. (please read guidance note 5)

**General description of premises** (see guidance note 8)

The Town Square is a large open arena, approximately 50 metres square, bordered by Anytown Park on the north side and Anytown High Street on the south side. The Ancient Drinker Public House abuts the west side, and a residential block of flats on the other. The Square is largely block paving with small patches of grass area.

<b><u>Describe the steps you intend to take to promote the four licensing objectives:</u></b>
<b>a) General – all four licensing objectives (b,c,d,e) (see guidance note 9)</b>
The Anytown Carnival Association has an organizing committee which consists of a senior safety steward and a Kid’s Club organizer to ensure all relevant safety requirements are met.
<b>b) The prevention of crime and disorder</b>
The Association meets with the police at least four times before the Carnival to discuss crime prevention issues. The police have suggested we relocate the stage to the west side this year, to allow better coverage of the crowd by the town centre CCTV cameras.
<b>c) Public safety</b>
Ten safety stewards will be on duty throughout the day, reporting to the senior safety steward. They will be trained in fire prevention and crowd safety. St John Ambulance will be providing an ambulance for the duration of the event, parked on the High Street.
<b>d) The prevention of public nuisance</b>
All local residents and business will be written to in advance and given a ‘hotline’ phone number to the Carnival organizer. Regular sound checks will be conducted along the High Street and noise turned down if too loud. No amplified music will be played after 22:30. Additional litter bins have been arranged to be provided by the Council.
<b>e) The protection of children from harm</b>
All acts are suitable for children, and all staff working on the “Kids Club” zone will be checked with the Criminal Records Bureau via the Council’s Leisure department. A system for dealing with lost children will be set up so that at least two staff are also looking after lost children, and Polaroid photos are kept and retained of all lost children. Parents or relatives will be required to show proof of identity before being reunited with lost children.

**CHECKLIST:-**

- Have you enclosed the Licensing authority payment form/leaflet? [this will show fee structure how to pay etc]
- Have you enclosed the plans of the premises in scale 1cm to 100cm, unless otherwise agreed by the licensing authority?
- Have you sent copies of this application to responsible authorities and others where applicable?
- Have you enclosed the consent form completed by the proposed designated premises supervisor?

**IT IS AN OFFENCE, LIABLE ON CONVICTION TO A FINE UP TO LEVEL 5 ON THE STANDARD SCALE [£5000], UNDER SECTION 158 OF THE LICENSING ACT 2003 TO MAKE A FALSE STATEMENT IN OR IN CONNECTION WITH THIS APPLICATION**

**Part 5 - Signatures** (please read guidance note 9)

**Signature of applicant or applicant’s solicitor or other duly authorized agent.** (See guidance note 10) If signing on behalf of the applicant please state in what capacity.

Signature	<i>Joe Organizer</i>
Date	11 November 2004
Capacity	Secretary of Organising Committee

For joint applications signature of 2<sup>nd</sup> applicant or 2<sup>nd</sup> applicant’s solicitor or other authorized agent. (please read guidance note 11.) If signing on behalf of the applicant please state in what capacity.

Signature	
Date	
Capacity	

Contact name (where not previously given) and address for correspondence associated with this application (please read guidance note 12)

**Joe Organizer**  
**77A Long Parade**  
**Uphill**

Post Town

**Blanktown**

Postcode

**B12 7AA**

### **Notes for Guidance**

1. Please give timings in 24 hour clock.
2. Where taking place in a building or other structure please tick indoors or outdoors. Indoors may include a tent.
3. Please state type of activity to be authorized, if not already stated, and give relevant further details, for example (but not exclusively) whether or not music will be amplified or unamplified.
4. For example (but not exclusively), where the activity will go on for an extra hour during the summer months.
5. For example (but not exclusively), where you wish the activity to go on longer on a particular day 0ie Christmas Eve.
6. If you wish people to be able to consume alcohol on the premises please tick on, if you wish people to be able to purchase alcohol to consume away from the premises please tick off. If you wish people to be able to do both please tick both.
7. Please give information about anything to occur at the premises or ancilliary to the use of the premises which may give rise to concern in respect of children, for example (but not exclusively) nudity or semi-nudity, films for restricted age groups, the presence of gambling machines.
8. Describe the premises. For example the type of premises it is, its general situation and layout and any other information which would be relevant to the licensing objectives.
9. Please list here steps you will take to promote all four licensing objectives together.
10. The application form must be signed.
11. A applicant's agent (for example solicitor) may sign the form on their behalf provided that they have actual authority to do so.
12. Where there is more than one applicant, both applicants or their respective agents must sign the application form.
13. This is the address which we shall use to correspond with you about this application.

Sample premises licence application for circus

**Schedule 1 to the Licensing (Premises Licences and Club Premises Certificates)  
Regulations 2005**

**APPLICATION FOR A PREMISES LICENCE TO BE GRANTED  
UNDER THE LICENSING ACT 2003**

PLEASE READ THE FOLLOWING INSTRUCTIONS FIRST

Before completing this form please read the guidance notes on page 16.

If you are completing this form by hand please write legibly inside the boxes in black ink and stay within the box provided.

Once completed please send your application to {name and address of Licensing Authority}. You may wish to keep a copy of the completed form for your records.

I/We John's SteamTime Circus Ltd  
*(Insert name of applicant)*

apply for a premises licence under section 17 of the Licensing Act 2003 for the premises described in Part 1 below

Where the premises to which this application relates is situated in two or more licensing authorities equally the applicant nominates

---

*(Insert name of licensing authority to which application is made)*

licensing authority as the relevant licensing authority in accordance with section 12(4) of the Licensing Act 2004

## Part 1 – Premises Details

<b>Postal address of premises if any or if none ordinance survey map reference or description</b> High Field c/o Jonah's Farms Ltd 16 The Byeways	
<b>Post town</b> ANYTOWN	<b>Post code</b> NE1 8TE

Non-domestic rateable value of premises

£ 4000

## Part 2 – Applicant Details

In what capacity are you applying for a premises licence  
See section 16 of Licensing Act 2003

Please  
tick ✓

a) An individual or individuals who carries on, or proposes to carry on, a business which involves the use of the premises for the licensable activities to which the application relates

please complete section (A)

b) A person other than an individual who carries on, or proposes to carry on, a business which involves the use of the premises for the licensable activities to which the application relates

i. as a limited company

please complete section (B)

ii. as a partnership

please complete section (C)

iii. as an unincorporated association or

please complete section (D)

iv. other

please complete section (E)

- c) An individual or individuals who makes an application pursuant to
- i. any statutory function discharged by that person which relates to those licensable activities, or  please complete sections (A) & (F)
  - ii. any function discharged by that person by virtue of Her Majesty's prerogative  please complete section (A) & (F)
- d) a person other than an individual who makes an application pursuant to
- i. any statutory function discharged by that person who relates to those licensable activities, or
    - a. as a limited company  please complete sections (B) & (F)
    - b. as a partnership  please complete sections (C) & (F)
    - c. as an unincorporated association or  please complete sections (D) & (F)
    - d. other  please complete sections (E) & (F)
  - ii. any function discharged by that person by virtue of Her Majesty's prerogative
    - a. as a limited company  please complete sections (B) & (F)
    - b. as a partnership  please complete sections (C) & (F)
    - c. as an unincorporated association or  please complete sections (D) & (F)
    - d. other  please complete sections (E) & (F)
- e) A recognised club  please complete section (G)
- f) A charity  please complete section (H)
- g) The proprietor of an educational establishment  please complete section (I)
- h) A Health Service Body  please complete section (J)
- i) An individual who is registered under Part 2 of the Care Standards Act 2000 (c14) respect of an independent hospital  please complete section (K)

j) A person other than an individual who is registered under Part 2 of the Care Standards Act 2000 (c14) in respect of an independent hospital

- i. as a limited company  please complete sections (B) & (K)
- ii. as a partnership  please complete sections (C) & (K)
- iii. as an unincorporated association  please complete sections (D) & (K)
- iv. other  please complete sections (E) & (K)

k) The chief officer of police of a police force in England and Wales  please complete section (L)

**(A) INDIVIDUAL APPLICANTS** (fill in as applicable)

Mr  Mrs  Miss  Ms  Other title   
(for example, Rev)

**Surname**

**First names**

Are you over 18?

**Yes**

Current address  
if different from premises address

Post Town

Postcode

Contact phone number in working hours

E-mail address (optional)

SECOND INDIVIDUAL APPLICANT (IF APPLICABLE)

Mr  Mrs  Miss  Ms  Other title   
(for example, Rev)

**Surname**

**First names**

Are you over 18?  **Yes**

Current address  
if different from premises address

Post Town  Postcode

Contact phone number in working hours

E-mail address (optional)

**(B) LIMITED COMPANY APPLICANT**

Limited company's registered office address  <b>JOHN'S STEAMTIME CIRCUS LTD</b> <b>194A THE BURROUGHS</b> <b>LITTLETON</b> <b>HANTS</b> <b>NE14 8ET</b>
Limited company registered number <b>9967851</b>

**(C) PARTNERSHIP APPLICANT**

Partnership name	Partnership address	Registered number of partnership, if any
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**(D) UNINCORPORATED ASSOCIATION**

Name	Address of unincorporated association
------	---------------------------------------

**(E) OTHER**

Name	Description of applicant
Address	

**(F) PURSUANT TO STATUTORY FUNCTION**

Name and address

Now go to ..... Part 3

**(G) RECOGNISED CLUB**

Name and address of club

Now go to ..... Part 3

**(H) CHARITY**

Name and address and registered number of charity

Now go to ..... Part 3

**(I) PROPRIETOR OF EDUCATIONAL INSTITUTION**

Name and address of institution

Now go to ..... Part 3

**(J) HEALTH SERVICE BODY**

Name and address of health service body

--

Now go to ..... Part 3

**(K) INDEPENDENT HOSPITAL**

Name and address of hospital

--

Now go to ..... Part 3

**(L) CHIEF OFFICER OF POLICE**

Name and address of chief officer of police

--

Now go to ..... Part 3

**Part 3 - Operating Schedule**

When do you want the premises licence to start?

Day		Month		Year			
0	1	1	2	2	0	0	5

If you wish the licence to be valid only for a limited period, when do you want it to end?

Day		Month		Year			

If 6,000 or more people are expected to attend the premises at any one time and the licence will be time limited, please state the number expected to attend.

--

**What licensable activities do you intend to conduct on the premises** (please see section 1 of the Licensing Act 2003 and Schedule 1 to the Licensing Act 2003)

**Provision of regulated entertainment**

- Please tick ✓
- a) a performance of a play (if ticking yes, fill in box A)
  - b) an exhibition of a film (if ticking yes, fill in box B)
  - c) an indoor sporting event (if ticking yes, fill in box C)
  - d) a boxing or wrestling entertainment (if ticking yes, fill in box D)
  - e) a performance of live music (if ticking yes, fill in box E)
  - f) any playing of recorded music (if ticking yes, fill in box F)
  - g) a performance of dance (if ticking yes, fill in box G)
  - h) entertainment of a similar description to that falling within (e), (f) or (g) (if ticking yes, fill in box H)

**Provision of entertainment facilities:**

- Please tick ✓
- j) making music (if ticking yes, fill in box I)
  - k) dancing (if ticking yes, fill in box J)
  - l) entertainment of a similar description to that falling within (j) or (k) (if ticking yes, fill in box K)

**Provision of late night refreshment** (if ticking yes, fill in box L)

**Sale by retail of alcohol** (if ticking yes, fill in box M)

**A**

<b>Performance of a play</b> Standard timings (please read guidance note 1)			<b>Will the performance of a play take place indoors or outdoors or both</b> – please tick [Y] (please read guidance note 2).	Indoors	✓
Day	Start	Finish		Outdoors	
				Both	
Mon			<b>Please give further details here</b> (please read guidance note 3)  Performing clowns and mime artistes in a circus tent		
Tue					
Wed			<b>State any seasonal variations for performing plays</b> (please read guidance note 4)  Performances only on Easter Monday Bank Holiday and August Bank Holiday weekends each year		
Thur	20:00	23:00			
Fri	20:00	23:00	<b>Non standard timings. Where you intend to use the premises for the performance of plays at different times to those listed in the column on the left, please list</b> (please read guidance note 5)  Weekends may alter by a week either way depending on weather conditions		
Sat	20:00	23:00			
Sun	20:00	23:00			

**B**

<i>Exhibition of films</i> Standard timings (please read guidance note 1)			<b><u>Will the exhibition of films take place indoors or outdoors or both</u></b> – please tick [Y] (please read guidance note 2).	Indoors	
Day	Start	Finish		Outdoors	
Mon			<b><u>Please give further details here</u></b> (please read guidance note 3)	Both	
Tue					
Wed			<b><u>State any seasonal variations for the exhibition of films</u></b> (please read guidance note 4)		
Thur					
Fri			<b><u>Non standard timings. Where you intend to use the premises for the exhibition of films at different times to those listed in the column on the left, please list</u></b> (please read guidance note 5)		
Sat					
Sun					

**C**

<b>Indoor sporting events</b> Standard timings (please read guidance note 1)			<b><u>Please give further details</u></b> (please read guidance note 3)
Day	Start	Finish	
Mon			<b>Trapeze artistes, high-wire acts, knife-throwing and juggling in a circus tent</b>
Tue			<b><u>State any seasonal variations for indoor sporting events</u></b> (please read guidance note 4)  <b>Performances only on Easter Monday Bank Holiday and August Bank Holiday weekends each year</b>
Wed			
Thur	<b>20:00</b>	<b>23:00</b>	<b><u>Non standard timings. Where you intend to use the premises for indoor sporting events at different times to those listed in the column on the left, please list</u></b> (please read guidance note 5)
Fri	<b>20:00</b>	<b>23:00</b>	<b>Weekends may alter by a week either way depending on weather conditions</b>
Sat	<b>20:00</b>	<b>23:00</b>	
Sun	<b>20:00</b>	<b>23:00</b>	

# D

<b>A boxing or wrestling entertainment</b> Standard timings (please read guidance note 1)			<b><u>Will the boxing or wrestling entertainment take place indoors or outdoors or both</u></b> – please tick [Y] (please read guidance note 2).	Indoors	
				Outdoors	
Day	Start	Finish		Both	
Mon			<b><u>Please give further details here</u></b> (please read guidance note 3)		
Tue			<b><u>State any seasonal variations for boxing or wrestling entertainment</u></b> (please read guidance note 4)		
Wed			<b><u>Non standard timings. Where you intend to use the premises for boxing or wrestling entertainment at different times to those listed in the column on the left, please list</u></b> (please read guidance note 5)		
Thur					
Fri					
Sat					
Sun					

# E

<b>Performance of live music</b> Standard timings (please read guidance note 1)			<b>Will the performance of live music take place indoors or outdoors or both</b> – please tick [Y](please read guidance note 2).	Indoors	✓
Day	Start	Finish		Outdoors	
Mon			<b>Please give further details here</b> (please read guidance note 3)  Live jazz and/or brass bands playing a selection of songs for the audience to sing to as part of a circus performance	Both	
Tue					
Wed			<b>State any seasonal variations for the performance of live music</b> (please read guidance note 4)		
Thur	20:00	23:00	Performances only on Easter Monday Bank Holiday and August Bank Holiday weekends each year		
Fri	20:00	23:00	<b>Non standard timings. Where you intend to use the premises for the performance of live music at different times to those listed in the column on the left, please list</b> (please read guidance note 5)		
Sat	20:00	23:00	Weekends may alter by a week either way depending on weather conditions		
Sun	20:00	23:00			

**F**

<b>Playing of recorded music</b> Standard timings (please read guidance note 1)			<b>Will the playing of recorded music take place indoors or outdoors or both</b> – please tick [Y] (please read guidance note 2).	Indoors	✓
Day	Start	Finish		Outdoors	
Mon			<b>Please give further details here</b> (please read guidance note 3)  Various songs over PA depending on performance requirements	Both	
Tue					
Wed			<b>State any seasonal variations for playing recorded music</b> (please read guidance note 4)  Performances only on Easter Monday Bank Holiday and August Bank Holiday weekends each year		
Thur	20:00	23:00			
Fri	20:00	23:00	<b>Non standard timings. Where you intend to use the premises for the playing of recorded music entertainment at different times to those listed in the column on the left, please list</b> (please read guidance note 5)  Weekends may alter by a week either way depending on weather conditions		
Sat	20:00	23:00			
Sun	20:00	23:00			

# G

<b>Performance of dance</b> Standard timings (please read guidance note 1)			<b>Will the performance of dance take place</b> <b><u>indoors or outdoors or both</u></b> – please tick [Y] (please read guidance note 2).	Indoors	
Day	Start	Finish		Outdoors	
Mon			<b><u>Please give further details here</u></b> (please read guidance note 3)	Both	
Tue					
Wed			<b><u>State any seasonal variations for the performance of dance</u></b> (please read guidance note 4)		
Thur					
Fri			<b><u>Non standard timings. Where you intend to use the premises for the performance of dance entertainment at different times to those listed in the column on the left, please list</u></b> (please read guidance note 5)		
Sat					
Sun					

# H

<p><i>Entertainment of a similar description to that falling within (e), (f) or (g)</i> Standard timings (please read guidance note 1)</p>			<p><b><u>Please give a description of the type of entertainment you will be providing</u></b> To be notified to the licensing authority in advance of each performance</p>	
Day	Start	Finish	<p><b><u>Will this entertainment take place indoors or outdoors or both</u></b> – please tick [Y] (please read guidance note 2).</p>	Indoors <input checked="" type="checkbox"/>
Mon				Outdoors
				Both
Tue			<p><b><u>Please give further details here</u></b> (please read guidance note 3)</p>	
Wed				
Thur	20:00	23:00	<p><b><u>State any seasonal variations for entertainment of a similar description to that falling within (e), (f) or (g)</u></b> (please read guidance note 4)</p>	
Fri	20:00	23:00	<p>Performances only on Easter Monday Bank Holiday and August Bank Holiday weekends each year</p>	
Sat	20:00	23:00	<p><b><u>Non standard timings. Where you intend to use the premises for the performance of dance entertainment at different times to those listed in the column on the left, please list</u></b> (please read guidance note 5)</p>	
Sun	20:00	23:00	<p>Weekends may alter by a week either way depending on weather conditions</p>	

# I

<b>Provision of facilities for making music</b> Standard timings (please read guidance note 1)			<b><u>Please give a description of the facilities for making music you will be providing</u></b>		
			<b><u>Will the facilities for making music be indoors or outdoors or both</u></b> – please tick [Y] (please read guidance note 2).	Indoors	
				Outdoors	
Day	Start	Finish	<b><u>Please give further details here</u></b> (please read guidance note 3)		
Mon					
Tue			<b><u>State any seasonal variations for the provision of facilities for making music</u></b> (please read guidance note 4)		
Wed					
Thur			<b><u>Non standard timings. Where you intend to use the premises for provision of facilities for making music entertainment at different times to those listed in the column on the left, please list</u></b> (please read guidance note 5)		
Fri					
Sat					
Sun					

**J**

<p><b><i>Provision of facilities for dancing</i></b> Standard timings (please read guidance note 1)</p>			<p><b><u>Please give a description of the facilities for making music you will be providing</u></b></p>		
			<p><b><u>Will the facilities for making music be indoors or outdoors or both</u></b> – please tick [Y] (please read guidance note 2).</p>	Indoors	
				Outdoors	
Day	Start	Finish			
Mon			<p><b><u>Please give further details here</u></b> (please read guidance note 3)</p>		
Tue					
Wed			<p><b><u>State any seasonal variations for the provision of facilities for making music</u></b> (please read guidance note 4)</p>		
Thur					
Fri			<p><b><u>Non standard timings. Where you intend to use the premises for provision of facilities for making music entertainment at different times to those listed in the column on the left, please list</u></b> (please read guidance note 5)</p>		
Sat					
Sun					

# K

<p><b><i>Provision of facilities for entertainment of a similar description to that falling within j or k</i></b> Standard timings (please read guidance note 1)</p>			<p><b><u>Please give a description of the type of entertainment facility you will be providing</u></b></p>	
Day	Start	Finish	<p><b><u>Will the entertainment facility be indoors or outdoors or both</u></b> – please tick [Y] (please read guidance note 2).</p>	Indoors
				Outdoors
Mon				Both
Tue			<p><b><u>Please give further details here</u></b> (please read guidance note 3)</p>	
Wed				
Thur			<p><b><u>State any seasonal variations for the provision of facilities for entertainment of a similar description to that falling within j or k</u></b> (please read guidance note 4)</p>	
Fri				
Sat			<p><b><u>Non standard timings. Where you intend to use the premises for the provision of facilities for entertainment of a similar description to that falling within j or k at different times to those listed in the column on the left, please list</u></b> (please read guidance note 5)</p>	
Sun				

# L

<b>Late night refreshment</b> Standard timings (please read guidance note 1)			<b><u>Will the provision of late night refreshment take place indoors or outdoors or both</u></b> – please tick [Y] (please read guidance note 2).	Indoors	
Day	Start	Finish		Outdoors	
				Both	
Mon			<b><u>Please give further details here</u></b> (please read guidance note 3)		
Tue					
Wed			<b><u>State any seasonal variations for the provision of late night refreshment</u></b> (please read guidance note 4)		
Thur					
Fri			<b><u>Non standard timings. Where you intend to use the premises for the provision of late night entertainment at different times, to those listed in the column on the left, please list</u></b> (please read guidance note 5)		
Sat					
Sun					

# M

<b>Supply of alcohol</b> Standard timings (please read guidance note 1)			<b>Will the sale of alcohol be for consumption</b> (Please tick box Y) (please read guidance note 6)	On the premises	✓
				Off the premises	
				Both	
Day	Start	Finish	<b>State any seasonal variations for the supply of alcohol</b> (please read guidance note 4) <b>Sales only on Easter Bank Holiday Monday and August Bank Holiday weekends each year</b>  <b>Non-standard timings. Where you intend to use the premises for the supply of alcohol at different times to those listed in the column on the left, please list</b> (please read guidance note 5)  <b>Weekends may alter by a week either way depending on weather conditions</b>		
Mon					
Tue					
Wed					
Thur	20:00	23:00			
Fri	20:00	23:00			
Sat	20:00	23:00			
Sun	20:00	23:00			

State the name and details of the personal license holder whom you wish to specify on the licence as designated premises supervisor (DPS)	
Name	Jim Beam
Address	Flat 17, Cocoa House, Church Street, Hightown, Bucks
Postcode	NE13 0MG
Personal Licence number	7789/05/HDC
Issuing licensing authority	Hightown District Council

**Please highlight any services, activities, entertainment or matters ancillary to the use of the premises that may give rise to concern in respect of children** (please read guidance note 7)

The circus performance is devised as purely family entertainment, with nothing likely to cause harm, distress or insult to any customer.

Alcohol sales are limited to cans of lager and glasses of wine during intervals only, which are decanted into plastic glasses at the point of sale.

***Hours premises are open to the public***

***Standard timings*** (please read guidance note 1)

Day	Start	Finish
Mon		
Tue		
Wed		
Thur	20:00	23:00
Fri	20:00	23:00
Sat	20:00	23:00
Sun	20:00	23:00

**State any seasonal variation** (please read guidance note 4)

Circus tent erected on Easter Bank Holiday and August Bank Holiday weekends each year

**Non standard timings.** Where you intend to use the premises to be open to the public at different times from those listed in the column on the left, please list. (please read guidance note 5)

Weekends may alter by a week either way depending on weather conditions

**General description of premises** (see guidance note 8)

The circus tent is a 70 metre square Big Top imported from the United States in 2003. It has been flame-proofed by ourselves and tested by an independent laboratory. All supporting structures are tested annually by a structural engineer and only the tent is only erected by an experienced and trained crew. The tent is erected in a triangular-shaped open, level field, surrounded by woods on two sides and a minor road (B4569) on the other. The nearest residential property is the farm house, approximately 600 yards away.

**Describe the steps you intend to take to promote the four licensing objectives:**

**a) General – all four licensing objectives (b,c,d,e)** (see guidance note 9)

Jim Beam, a company director, is nominated to ensure overall compliance with licensing and health and safety at work

**b) The prevention of crime and disorder**

None of the performances is likely to give rise to crime and disorder issues, but we place notices in the car park area reminding customers to lock their cars and hide valuables out of sight. Only limited alcohol sales are made at each performance.

**c) Public safety**

The tent is fully inspected each year for flammability and structural integrity, and only erected by qualified and experienced staff. It is completely inspected before each performance and a log-book maintained.

We employ a company fireman, and advise audiences of the fire drill at the start of each performance: the fireman conducts fire drills with our staff every six months. We provide fire extinguishers, sand, emergency lighting and a back-up generator. All steps, grandstands and handrails are tested monthly, and 25% are tested each year by a independent structural engineer. He also tests lifting equipment and equipment such as trapeze harnesses, high-wires and gantries.

All electrical equipment is tested annually by our qualified electrician, who is the only person authorized to connect and disconnect equipment. We employ ten stewards (eight for each performance), whom we train in company procedures and First Aid. They also conduct pre-performance checks for hazards that could cause slips, trips or falls.

<b>d) The prevention of public nuisance</b>
None – the nearest residential property apart from the farm house are a quarter of a mile away and our performances end at 23:00.
<b>e) The protection of children from harm</b>
All acts are suitable for children and they are not involved in any hazardous activities whilst on our site.

**CHECKLIST:-**

- Have you enclosed the Licensing authority payment form/leaflet? [this will show fee structure how to pay etc]
- Have you enclosed the plans of the premises in scale 1cm to 100cm, unless otherwise agreed by the licensing authority?
- Have you sent copies of this application to responsible authorities and others where applicable?
- Have you enclosed the consent form completed by the proposed designated premises supervisor?

**IT IS AN OFFENCE, LIABLE ON CONVICTION TO A FINE UP TO LEVEL 5 ON THE STANDARD SCALE [£5000], UNDER SECTION 158 OF THE LICENSING ACT 2003 TO MAKE A FALSE STATEMENT IN OR IN CONNECTION WITH THIS APPLICATION**

**Part 5 - Signatures** (please read guidance note 9)

**Signature of applicant or applicant's solicitor or other duly authorized agent.** (See guidance note 10) If signing on behalf of the applicant please state in what capacity.

Signature	<i>Jim Beam</i>
Date	11 November 2004
Capacity	Director

For joint applications signature of 2<sup>nd</sup> applicant or 2<sup>nd</sup> applicant's solicitor or other authorized agent. (please read guidance note 11.) If signing on behalf of the applicant please state in what capacity.

Signature	
Date	
Capacity	

Contact name (where not previously given) and address for correspondence associated with this application (please read guidance note 12)

--

Post Town  Postcode

### **Notes for Guidance**

1. Please give timings in 24 hour clock.
2. Where taking place in a building or other structure please tick indoors or outdoors. Indoors may include a tent.
3. Please state type of activity to be authorized, if not already stated, and give relevant further details, for example (but not exclusively) whether or not music will be amplified or unamplified.
4. For example (but not exclusively), where the activity will go on for an extra hour during the summer months.
5. For example (but not exclusively), where you wish the activity to go on longer on a particular day like Christmas Eve.
6. If you wish people to be able to consume alcohol on the premises please tick on, if you wish people to be able to purchase alcohol to consume away from the premises please tick off. If you wish people to be able to do both please tick both.
7. Please give information about anything to occur at the premises or ancillary to the use of the premises which may give rise to concern in respect of children, for example (but not exclusively) nudity or semi-nudity, films for restricted age groups, the presence of gambling machines.
8. Describe the premises. For example the type of premises it is, its general situation and layout and any other information which would be relevant to the licensing objectives.
9. Please list here steps you will take to promote all four licensing objectives together.
10. The application form must be signed.
11. A applicant's agent (for example solicitor) may sign the form on their behalf provided that they have actual authority to do so.
12. Where there is more than one applicant, both applicants or their respective agents must sign the application form.
13. This is the address which we shall use to correspond with you about this application.

## Appendix 1: When licences are needed

Licences will be needed whenever **regulated entertainment** is performed in front of a live audience or spectators for the purpose of entertaining that audience. It includes:

### 1 Plays

Any performance or rehearsal of any dramatic piece, whether scripted or improvised, will need a licence if it is:

- given wholly or in part by one or more actor actually present and performing; and
- the whole or a major proportion of the performance involves the playing of a role whether by way or speech, singing or acting

### 2 Live and recorded music or dance performances

Vocal or instrumental music, or both of them together, require a licence. This applies to amplified and unamplified music. Live or recorded music that is simply incidental to another activity (which is not **regulated entertainment**) does not need a licence.

There is no definition of 'incidental' live or recorded music, and the ultimate judge would be a court. The **statutory guidance** issued to **licensing authorities** suggests that in most cases it will be a matter of common sense, and one factor that may be taken into account is the volume.

If music, singing or dancing is spontaneous, no licence would be needed. This is because the place where the music, singing or dancing takes place must be provided for them to take place in the first case. The **guidance** says that where spontaneous music, singing and dancing take place, the venue where the entertainment takes place will not have been made available to those taking part.

### **3 Entertainment of a similar description to live music, recorded music or dance.**

Activities that may be similar to live or recorded music, or to dance, may also be regarded as **regulated entertainment**. An example of this may be music that is entirely synthesized by electronic instruments – it may not be ‘live’ or recorded, but would still come within the licensing requirements.

### **4 Films**

Any exhibition of moving pictures (apart from live television) requires a licence, so even video footage used as a backdrop to other entertainment would need a licence.

A licence to show films would not be needed where films are used to advertise goods or services, to provide information or instruction, or as part of a museum or art gallery exhibition.

### **5 Any indoor sporting event**

This must take place completely inside a building, and so could include sporting events inside marquees, big tops and other temporary structures. It applies to any contest, exhibition or display of sport where physical skill is the predominant factor (such as athletic displays), or any physical recreation is also engaged in for purposes of competition or display.

### **6 A boxing match or a wrestling entertainment**

Indoor or outside boxing or wrestling matches requires licensing.

### **Entertaining the audience**

Any **regulated entertainment** must take place:

- in the presence of an audience; and
- for the purpose of entertaining that audience

Rehearsals in front of an audience would require a licence, but auditions or teaching students (such as at a circus skills workshop), would not.

## **A word of warning**

Regulated entertainment also includes providing **entertainment facilities** for members of the public, or members of a club and their guests, or in any other way for consideration and with a view to profit. Any facilities provided for people to take part in making music, dancing or activities similar to those are entertainment facilities and require a licence.

This is intended to cover nightclubs or karaoke bars, for instance, where the 'audience' provides the 'entertainment' but the premises owner provides the facilities for them to do so. If a restaurant owner provides a small dance-floor – even if it is not used – a licence would be required for those **entertainment facilities**.

In some cases, performers who organize or manage regulated entertainment on premises where no licence is in force may themselves be breaking the law. However, this will not happen where they are only involved in performing live or recorded music because:

- they chose the music to be performed or played
- chose the manner in which it is performed or played
- or provides any facilities for the performance

The government has powers to change the descriptions of **regulated entertainment** by **regulation** if circumstances require over time.

## **Exemptions**

Some forms of entertainment will not need a licence, such as:

- programmes broadcast on terrestrial, satellite or cable radio and television
- entertainment or **entertainment facilities** for religious meetings or services, or at a place of public religious worship. The entertainment does not necessarily have to be a part of the religious service or meeting to be exempt, as incidental purposes are also exempt – a dance performance before the start of a religious meeting would not be licensable
- holding a garden fete for charitable and non-profit-making purposes. Providing the fete or function is not being run for private gain, any entertainment provided at that event will not require licensing. It is possible that any **regulated entertainment** held at a car boot fairs however may require licensing because the Act specifically refers to 'garden fetes'

- the performance of Morris dancing or any dancing of a similar nature. Any live unamplified music accompanying Morris dancing is also exempt as long as it is an integral part of the performance. It is also legal to provide facilities for Morris and similar dancing to take place without first obtaining a licence
- providing entertainment facilities on a moving vehicle only needs a licence when the vehicle is temporarily or permanently parked. Mobile stages which are parked within a public space will therefore need a licence for one of the forms of **regulated entertainment** to be provided, but not if taking part in processions or carnivals.

### **Private Events**

Even private events where **regulated entertainment** is being provided may require licensing if the event is provided for consideration (money or money's worth) and with a view to profit.

### **Late night refreshment**

**Premises licences** are also needed when hot food or hot drink is sold to members of the public between 11 pm and 5 am, whether they then consume it on or off the premises.

Appendix 2: Procedures at licensing committees

The government has issued **regulations** governing how **licensing committee** hearings should be organized. Other than that, it is up to each **licensing committee** to decide how it wants to organize its hearings, and advice should be sought from the **licensing authority’s** officers.

Committee hearings must be heard within certain specified time limits, as indicated below, and the **licensing authority** has to give advance warning in writing of the date, time and place at which the hearing will be held.

<b>Type of application</b>	<b>Hearing to be held within</b>	<b>Amount of advance warning before the hearing</b>	<b>Minimum time for reply to a ‘regulation 7’ notice (see below)</b>
Applying for new <b>premises licences</b> or a <b>personal licence</b> ; a provisional statement; varying or transferring a <b>premises licence</b> ;	20 working days from the last day on which <b>representations</b> may be received (which is 28 working days from the date of application)	10 working days	5 working days before the hearing
Application to <b>review</b> a <b>premises licence</b>	20 working days from the last day on which <b>representations</b> may be received	10 working days	5 working days
<b>Review</b> a <b>premises licence</b> after a closure order; application for conversion of an existing licence	10 working days	5 working days	2 working days
Consider a counter-notice of a police objection to a <b>temporary event notice</b>	7 working days from the last day on which the police may issue a counter-notice	2 working days	1 working day

The **licensing authority** can extend the time limits in this table if it is necessary to do so in the public interest.

At the same time as issuing notification of the hearing, the **licensing authority** must send the applicant a copy of any of the **representations** that have been received, and a 'regulation 7' notice that sets out:

- the right to be represented at the hearing by a solicitor, barrister or another person
- the right to give further information and call witnesses at the hearing if needed. The **licensing committee** can take into account documentary and other evidence presented before the hearing. If a party wants to introduce new evidence at the hearing itself, the agreement of all of the other parties to the hearing must be given, to ensure that a fair hearing is given and no party is 'ambushed' at the last minute by material that they have not had the chance to consider. Any evidence must be relevant to the application or the **representations** and relate to the **licensing objectives**.
- the right to address the **licensing authority**
- what happens if a party does not attend or is not represented at the hearing
- the procedure to be followed at the hearing. It is up to each **licensing committee** how it regulates its hearings
- any particular points that the **licensing authority** will want clarification of from any party at the hearing. For example, it may seek clarification on the proposed number of spectators at a licensed event, or how far away from premises a person making **representations** actually lives

On receiving a 'regulation 7' notice it is important that the applicant (or anyone making **representations**), informs the **licensing authority** in writing whether:

- they intend to attend or be represented at the hearing
- the names of any witnesses that may be called
- whether they consider a hearing to be unnecessary. If all the parties agree that a hearing is not necessary the **licensing authority** can dispense with the need to hold one

The members of the **licensing committee** may question any party or witness themselves, and each party must be given an equal maximum period of time in which to present their case. Hearings must normally be held in public, (although the public and any party to the hearing can be excluded if necessary in the public interest), and they can adjourn the hearing as necessary.

Hearings may be heard in the absence of anyone who has notified the **licensing authority** that they do not intend to attend or be represented. If a party fails to attend without informing the **licensing authority**, it may adjourn the hearing if it considers it necessary in the public interest or it may hold the hearing in the absence of that party.

The **licensing committee** must reach a decision – and will normally give reasons – immediately when dealing with **temporary event notices**, conversions of existing licences, or reviews of **premises licences** after a **closure order**. In all other cases they have up to five working days from the end of the hearing in which to reach a decision. Any relevant licences should be issued as soon as possible after the decision has been made.

If a party to a hearing fails to comply with the requirements before the **licensing committee** reaches its decision, the **committee** may still make a proper decision, providing the **licensing committee** does not think anyone has been prejudiced as a result. The **licensing authority** can also correct any clerical mistakes in any documents recording its decisions without the need for another hearing.

The **licensing authority** must maintain a register of the licences it issues and the **operating schedules** that apply to them. It must also keep a record of all of its hearings for six years from the date of its decision (or the date of any appeal from a decision if that is later).

### **Dealing with representations**

Representations may be made by **interested parties** or by **responsible authorities**. Any representations must be made:

- within the specified time period for lodging them
- must relate to the **licensing objectives**
- may not be frivolous, vexatious or irrelevant

The **licensing authority** can reject them if they do not meet these criteria. If they are accepted, a hearing will be arranged before the **licensing committee** to hear the application and consider the **representations**.

Any notices required to be given in connection with hearings may be given electronically (for example by fax or e-mail), providing that the party receiving them has agreed to accept them electronically. A notice sent by fax or e-mail would not be treated as having been properly sent until it has been actually received by the person it was intended for.

## Appendix 3: Enforcement

The new Act brings into play a number of new criminal offences or updates existing ones. Most **licensing authorities** and **responsible authorities** that have a role to play in enforcement will initially seek to advise or guide people in order to prevent breaches of the law. In these cases, prosecution would normally be the last resort. However, in serious cases – perhaps where public safety is seriously at risk or where there has been a deliberate disregard of legal requirements – the authorities may decide to bring immediate prosecutions.

Many of the regulatory bodies with powers under the Licensing Act will have signed the government's Enforcement Concordat. This is an agreement setting out key principles of how their enforcement powers will be used in an open, consistent and proportionate manner. Many agencies also have an enforcement policy that guides them as to what action should be taken in certain circumstances. Both of these documents will be freely available from the relevant organizations.

Although in this chapter we discuss offences under the Licensing Act, it is essential to remember that licence-holders and others responsible for organizing or managing licensed events also owe duties under other legislation such as the Health and Safety at Work etc Act 1974, or the Environmental Protection Act 1990.

### Offences under the Act

Carrying on an activity without the required licence or authorization is an offence. Carrying on a **licensable activity** in breach of a condition in a licence or an authorization is also an offence. Conviction before the magistrates' court can lead to six months imprisonment and/or a maximum fine of £20,000.

Offences include the following:

- failing without reasonable excuse to notify the change of name or address of a **premises licence-holder**
- failing to notify a designated **premises supervisor** of a transfer of a **premises licence**
- failing to display without reasonable excuse the summary of the **premises licence** or produce a copy of it to an authorized officer or constable
- intentionally obstruct an authorized officer inspecting premises in relation to a grant, variation, review of a licence or a provisional statement
- intentionally obstructing an authorized officer from entering premises where a **TEN** is in force

- failing to display without reasonable excuse a **TEN** or produce a copy of it to an authorized officer or constable
- failing to notify a change of name or address in relation to a **personal licence**
- failure to notify a court when charged with a relevant offence that the defendant is a **personal licence-holder**, or to produce the licence to the court
- failure of **personal licence-holder** to notify licensing authority of conviction for a relevant or foreign offence
- failure to produce a **personal licence** for inspection by an authorized officer or constable on licensed premises
- conducting licensable activities without authorization or in breach of an authorization
- putting alcohol on display for sale without a licence
- keeping alcohol on a premises for unauthorized sale
- allowing disorderly conduct on any licensed premises (not just those where alcohol is sold)
- selling alcohol to someone who is drunk or obtaining alcohol for someone who is drunk
- failing to leave any licensed premises without reasonable excuse when drunk and disorderly and when requested to do so by a constable, a licence-holder or their authorized agents
- entering or attempting to enter any licensed premises without reasonable excuse if drunk and disorderly after a constable, a licence-holder or authorized agent has requested him not to enter
- allowing children under 16 years of age on the premises when alcohol is being sold, without being accompanied by a person of over 18 years old
- allowing the sale of alcohol to children under the age of 18
- buying or attempting to buy alcohol whilst under the age of 18
- buying or attempting to buy alcohol for children under 18 unless the child is over 16, accompanied by a person over 18, and beer, wine or cider has been purchased with a table meal
- consuming alcohol by children under 18 on licensed premises unless the same exceptions as above apply
- knowingly allow a person under the age of 18 to sell alcohol unless the licence-holder or another responsible person has specifically approved the sale

Most offences are punishable by a fine of up to level 1 or level 2 on the standard scale (£200 and £500) respectively, although offences relating to disorder on licensed premises or children can attract maximum penalties of up to level 5 (£5000).

Both **licensing authorities** and the police have the authority to bring prosecutions under the Act. Trading standards officers and the police have powers to conduct 'test-purchases' using children, and to prosecute for those offences involving the sale of alcohol to children under age.

### **Powers of entry**

Constables and authorized officers have the right to enter licensed premises to ensure that activities are being conducted in accordance with an authorization or licence, and may use reasonable force to gain entrance if need be.

It is illegal to intentionally obstruct an authorized officer exercising this power. Constables may also enter and search (with reasonable force if necessary) any premises in which they believe that an offence under the Act has been, is being or is about to be committed.

## Appendix 4: Reviewing premises licences

An **interested party** or **responsible authority** may apply at any time for a **premises licence** or to be reviewed, on the grounds that any of the four **licensing objectives** are being undermined. The **licensing authority** itself may not initiate a review unless it is also a **responsible authority**.

On receipt of the application, the **licensing authority** must advertise the fact by way of public notices at, on or near the site of the premises in question and at its' principal offices, and by writing to other **responsible authorities**, giving them 28 days to make **representations**.

**Representations** may be rejected if they do not relate to the **licensing objectives**, or (where made by an interested party) are frivolous, vexatious or repetitive (that is, identical or substantial similar to previous representations made in connection with a licence application or licence review) within a reasonable time beforehand. The licensing authority must notify anyone of the reasons for rejecting their representations on these grounds.

The **licensing authority** must hold a hearing to hear any relevant representations. It may decide to:

- modify the **premises licence** conditions for up to three months
- exclude a **licensable activity** from the **premises licence** (such as to prevent alcohol from being sold) for up to three months
- to remove the designated premises supervisor (where the review was caused due to weak or ineffective management)
- to suspend the licence or club premises certificate for up to three months
- to revoke the licence

The licence-holder, the chief officer of police, people making representations and the people making the application for the review must all be notified of the outcome. Any decision does not take effect until either the time for making an appeal has expired, or until such appeal has been dealt with.

### **Closure Orders**

Licensed premises can be closed in the event of actual or potential disorder. A magistrates' court may make an order if asked by a police superintendent or above for every licensed premise in the area to close for up to 24 hours. The police can use force to ensure that premises are closed under the order and it illegal to knowingly keep any premises open whilst an order is in force.

If a senior police officer reasonably believes there is – or is likely to be – disorder in or in the vicinity of and related to specific premises or disturbance from excessive noise from licensed premises and there is a need to prevent a disturbance, he may order the premises to be closed for up to 24 hours.

Closure orders must be then considered as soon as reasonably practicable afterwards by local licensing justices or magistrates, who may either revoke the order; continue the order until it can be dealt with at the next meeting of the **licensing authority**; or make any other order they think fit.

The police can extend the order for a further 24 hours if a court will not be consider the application within that time, although they may also cancel either the original order or any extension if the grounds for making it no longer exist.

After a closure order has been served the **licensing authority** must review the licence within 28 days. A similar procedure is then followed as if for a licence review, including dismissing any frivolous, vexatious or repetitive representations.

Premises must remain closed until any appeal has been heard, but the **licensing authority** may suspend any conditions if they think fit pending the appeal.

Failing to comply with an order to keep the premises closed by either made by the police or the court can result in a maximum penalty of £20,000 and/or three months imprisonment. There is a maximum fine up to level 1 (£200) on the standard scale for failing without reasonable excuse to leave licensed premises in contravention of a closure order or extension to it, when requested by the licence-holder or their employees.

The police are exempt from any civil liability for damages as a result of closing a business using these powers, except where their actions were taken in bad faith.

## Appendix 5: Appeals procedures

In most circumstances, there is a right to appeal against a **licensing authority** decision so that their decision can be looked at again. This right can usually be exercised by the person applying for a licence, but can also be used by people making **representations** too.

Appeals against **licensing authority** decisions are to the magistrates' court within 21 days of the decision having been made. The court may dismiss an appeal; substitute the decision for one that could have been made by the **licensing authority**; or return the case to the licensing authority for it to dispose of in accordance with the court's directions. It may make such order as to costs as it thinks fit. No further automatic right of appeal exists, although an application may be made for judicial review to the Administrative Court where appropriate.

Appeals can be brought in the circumstances shown in the table on the following page.

In some circumstances (such as the transfer of a licence, grant of a **personal licence** or **temporary event notice** or change of a **premises supervisor**) only the police may appeal.

If a person other than the applicant or licence-holder brings the appeal, the applicant or licence-holder as well as the **licensing authority** are then parties to the appeal.

<b>Decision appealed against</b>	<b>Applicant</b>	<b>Police</b>	<b>Interested party that made valid representations</b>	<b>Other responsible authorities that made representations</b>
Grant of a <b>premises licence</b>	N/A	Yes	Yes	Yes
Refusal of a <b>premises licence</b>	Yes	N/A	N/A	N/A
<b>Conditions</b> imposed on a <b>premises licence</b>	Yes	Yes	Yes	Yes
Variation of a <b>premises licence</b>	N/A	Yes	Yes	Yes
Refusal to vary a <b>premises licence</b>	Yes	N/A	N/A	N/A
Granting a <b>personal licence</b>	N/A	Yes	N/A	N/A
Refusing to grant a <b>personal licence</b>	Yes	N/A	N/A	N/A
Revoking a <b>personal licence</b> if convictions come to light after being granted	Yes	N/A	N/A	N/A
Refusing to revoke a <b>personal licence</b> after convictions come to light after being granted	N/A	Yes	N/A	N/A
Transfer of a <b>premises licence</b>	Yes	Yes	N/A	N/A
Identity of a designated <b>premises supervisor</b>	Yes	Yes	N/A	N/A
Issue of a counter-notice to stop events being held under a <b>temporary event notice</b> following police objections	Yes	N/A	N/A	N/A
Failing to issue a counter-notice to stop events being held under a <b>temporary event notice</b> following police objections	N/A	Yes	N/A	N/A

## Glossary

### ***Audience***

**Regulated entertainment** must take place in the presence of an audience for the purpose of entertaining them

### ***Councils***

District, borough, metropolitan borough, London borough and unitary councils (and county boroughs in Wales)

### ***Entertainment facilities***

Premises made available for **regulated entertainment** to take place

### ***First appointed day***

7 February 2005, when **licensing authorities** will begin to start accepting applications to convert existing licences into **premises licences** and **personal licences**, or applications for the grant of those licences for the first time.

### ***Interested parties***

Any person or organization (commercial or non-commercial premises) within the vicinity of premises that are licensed under the Act. The term includes organizations that may represent these groups, such as residents' organizations or trade associations.

The term 'vicinity' is not defined and is given a common-sense definition in each case.

Interested parties may make **representations** about applications for new premises licences, variations to existing licences, or call for licences to be reviewed.

### ***Licensable activities***

The sale of alcohol; providing **regulated entertainment**; or providing late night refreshment

### ***Licensing Act 2003***

The law regulating public entertainments; alcohol sales; private members' clubs; and the sale of hot food and drink between 11 pm and 5 am. It was passed by Parliament in June 2003 and will become fully operational on the **second appointed day**.

### ***Licensing authority***

The local authority for an area responsible for issuing licences under the Licensing Act 2003.

### ***Licensing committee***

A committee of the **licensing authority** which will hear applications where **representations** have been made.

It will consist of between ten and fifteen councillors and may sit in sub-committees of three.

### ***Licensing objectives***

The four objectives of preventing crime and disorder; public safety; preventing public nuisance; and preventing harm to children that underpin the Licensing Act

### ***Operating schedule***

Operating schedules are an important part of the application process for a **premises licence**. It allows the applicant to explain in detail how they will meet the **licensing conditions**. These may be turned in to licence conditions by the **licensing authority**.

### ***Personal Licence***

Apart from the limited exceptions allowed with **temporary event notices**, personal licences are needed in order to sell alcohol where a **premises licence** is in force

### ***Premises licences***

This licence is needed for providing any form **regulated entertainment**, selling alcohol or at night providing hot food and drink.

The equivalent for private members' club is a club premises certificate.

### ***Premises supervisor***

Someone who holds a personal licence to sell alcohol designated as the person responsible for the conduct of premises where alcohol may be sold

### ***Regulated Entertainment***

Activities listed in Schedule 1 of the Licensing Act 2003 that requires a **premises licence** or a **temporary event notice**

### ***Regulations***

The government has made detailed regulations how part of the Act should be implemented. These relate to personal licences; premises licences and club premises certificates; temporary event notices; fees; hearings; licensing registers; fees and transition

### ***Representations***

Written representations (or comments) may be made against new applications, variations to existing licences, or for licences to be reviewed.

They may be made by either **responsible authorities** or **interested parties**.

Representations must relate to the **licensing objectives**.

**Licensing authorities** can reject representations from **interested parties** if they are irrelevant, frivolous or vexatious.

Representations may also be withdrawn at any time before a licensing committee hearing.

### ***Responsible authorities***

The statutory authorities who are notified of applications for **premises licences** that can make representations about them, and can take **enforcement action**.

Responsible authorities are the police; fire service; local planning authority; the local environmental health department; Health and Safety Executive (in certain circumstances); the body responsible for child safety (normally social services); and the local weights and measures authority (trading standards).

They also include navigation authorities, the Environment Agency, or the British Waterways Board in relation to any vessels

### ***Second appointed day***

The day, expected to be in November 2005, when the Licensing Act fully comes into force and the new licences become operative

### ***Statutory guidance***

Guidance issued to **licensing authorities** to help in applying the Licensing Act in a consistent way. The guidance does not over-rule anything in the Act itself. **Licensing authorities** need not follow the guidance if there is good reason not to.

### ***Temporary Event Notice***

This allows any **regulated entertainment**, selling alcohol or at night providing hot food or drink, within strict specified limits

### ***Transitional period***

The time between the **first appointed day** and the **second appointed day**

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