

# Tonbridge & Malling Borough Council

## Briefing notes for the Licensing Act 2003



### Licensing Services

Email: [licensing.services@tmbc.gov.uk](mailto:licensing.services@tmbc.gov.uk)

Tel: 01732 876368

This booklet is a guide and does not constitute legal advice – please always seek legal advice prior to submitting a premises or club premises certificate application  
Last updated January 2016

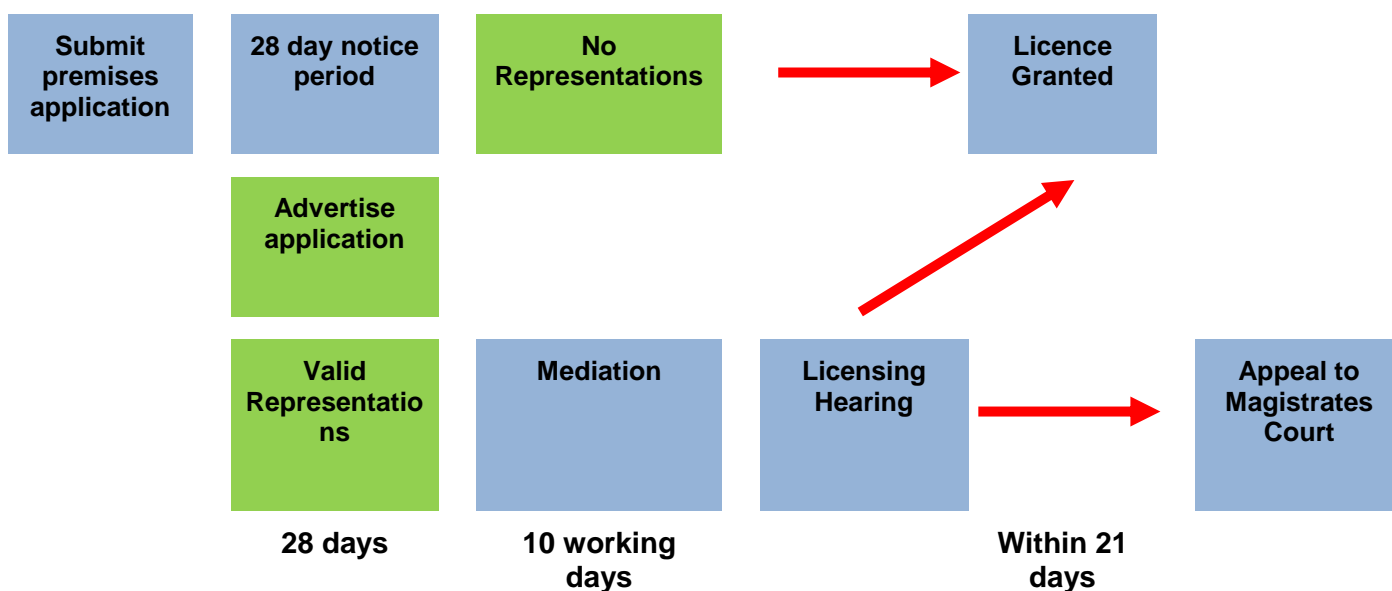
## Introduction

On behalf of Tonbridge & Malling Borough Council we welcome you to the Licensing Act 2003.

In this document we have detailed the steps you will need to go through in considering which licence will be best for you.

We are here to help you through the application process, and are very happy to advise you on the best course of action. Please do not hesitate to contact us if you require any further information, have any questions or require any general advice.

## Premises cycle



## Guidance for applicants

### Premises Licence

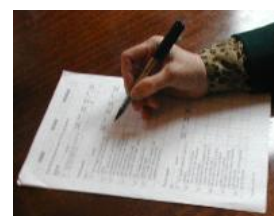
A premises licence authorises the premises to be used for one or more licensable activities. It is illegal to carry out a licensable activity without a premises licence, unless the planned event qualifies as a Temporary Event Notice or it is a qualifying club activity authorised by a club premises certificate

## Submitting a premises application documentation

### 1. Application form

To apply for a new premises licence or to vary an existing licence please work through the following:

- Complete and sign the form entitled " Application for a premises licence to be granted under the Licensing Act 2003".



## **Licensable Activities**

Sale by retail of alcohol.

Supply of alcohol by or on behalf of a club, or to the order of a member of a club.

Provision of regulated entertainment.

The types of entertainment regulated by the 2003 Act (as amended by the Live Music Act 2012 and the Licensing Act 2003 (Descriptions of Entertainment) (Amendment) Order 2013) are:

- a performance of a play;
- an exhibition of a film;
- an indoor sporting event;
- a boxing or wrestling entertainment;
- a contest, exhibition or display which combines boxing or wrestling with one or more martial arts (“combined fighting sports”);
- a performance of live music ;
- any playing of recorded music;
- a performance of dance;
- entertainment of a similar description to a performance of live music, any playing of recorded music or a performance of dance.

Provision of late night refreshment.

## **Where no licence is required**

Please see the Licensing activity summary sheets on pages 4 to 8

## **Morris Dancing Exemption**

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

## Licensable activity summary – Deregulated Entertainment

	00:00 01:00	01:00 02:00	02:00 03:00	03:00 04:00	04:00 06:00	06:00 07:00	07:00 08:00	08:00 09:00	09:00 10:00	10:00 11:00	11:00 12:00	12:00 13:00	13:00 14:00	14:00 15:00	15:00 16:00	16:00 17:00	17:00 18:00	18:00 19:00	19:00 20:00	20:00 21:00	21:00 22:00	22:00 23:00	23:00 24:00	
Sale of Alcohol																								
Play								<b>Not Licensable</b> - if a performance of a play in the presence of any audience of no more than 500 people (Implemented from 27 June 2013).																
Exhibition Of a Film								<b>Not Licensable</b> – Incidental film – an exhibition or moving pictures if it is incidental to some other entertainment activity (Implemented from 6 April 2015)																
Indoor Sporting event								<b>Not Licensable</b> – if an indoor sporting event in the presence of any audience of no more than 1,000 people (Implemented from 27 June 2013).																
Boxing or wrestling								<b>Not Licensable</b> – a contest, exhibition or display of <b>Greco-Roman wrestling, or freestyle wrestling</b> in the presence of any audience of no more than 1000 people (Implemented from 6 April 2015).																
Live unamplified Music								<b>Not Licensable</b> – a performance of <b>live unamplified music</b> (updated and Implemented from 6 April 2015)																
Live amplified Music								<b>Not Licensable</b> – a performance of <b>live amplified music</b> with an audience of no more than 500 people (updated and Implemented from 6 April 2015)																
Recorded music								<b>Not Licensable</b> – a performance of <b>recorded music in on-licensed premises</b> with an audience of no more than 500 people (Implemented from 6 April 2015) Deregulation of recorded music does <b>not</b> apply to workplaces																
Performance Dance								<b>Not Licensable</b> – most <b>performances of dance</b> in the presence of any audience of no more than 500 people (Implemented from 27 June 2013)																
Entertainment of a similar description to live, recorded or dance																								
Late Night refresh																								

**Note:** Recorded and live music can become licensable if the licensing authority removes the effect of the deregulation following a licence review.

## Licensable activity summary – New exemptions from 06 April 2015

	00:00 01:00	01:00 02:00	02:00 03:00	03:00 04:00	04:00 06:00	06:00 07:00	07:00 08:00	08:00 09:00	09:00 10:00	10:00 11:00	11:00 12:00	12:00 13:00	13:00 14:00	14:00 15:00	15:00 16:00	16:00 17:00	17:00 18:00	18:00 19:00	19:00 20:00	20:00 21:00	21:00 22:00	22:00 23:00	23:00 24:00	
Sale of Alcohol																								
Play								<p><b>Local Authorities</b></p> <p><b>Live music or recorded music</b> between 08:00 hours and 23:00 hours at the non-residential premises of a local authority provided that:</p> <ul style="list-style-type: none"> <li>a) the audience does not exceed 500, and</li> <li>b) the organiser gets consent for the performance on the relevant premises from the local authority concerned</li> </ul> <p><b>Any entertainment</b> provided by or on behalf of a local authority on their own premises between 08:00 hours and 23:00 hours.</p> <p><b>Schools</b></p> <p><b>Live music or recorded music</b> between 08:00 hours and 23:00 hours school premises provided that:</p> <ul style="list-style-type: none"> <li>a) the audience does not exceed 500, and</li> <li>b) the organiser gets consent for the performance on the premises from the school proprietor concerned</li> </ul> <p><b>Any entertainment</b> provided by or on behalf of a school proprietor on their own school premises between 08:00 hours and 23:00 hours.</p>																
Exhibition Of a Film																								
Indoor Sporting event																								
Boxing or wrestling																								
Live Music																								
Recorded music																								
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Sale of Alcohol																								
Play								<p><b>Community premises</b>  <b>Live music or recorded music</b> between 08:00 hours and 23:00 hours in a:</p> <ul style="list-style-type: none"> <li>• Church Hall</li> <li>• Village Hall</li> <li>• Community Hall or other similar community premises</li> </ul> <p>that is not licensed to sell alcohol provided that:</p> <ol style="list-style-type: none"> <li>a) the audience does not exceed 500, and</li> <li>b) the organiser gets consent for the performance from a person who is responsible for the premises.</li> </ol> <p><b>Exhibition of films</b> - No licence required for “<b>not-for-profit</b>” film exhibition held in <b>community premises</b> between 08:00 hours and 23:00 hours provided that the audience does not exceed 500 and the organiser:</p> <ol style="list-style-type: none"> <li>a) gets consent to the screening from a person who is responsible for the premises; and</li> <li>b) ensures that such screening abides by <b>age classification ratings</b></li> </ol>																
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Sale of Alcohol																								
Play																								
Exhibition Of a Film																								
Indoor Sporting event																								
Boxing or wrestling																								
Live Music								<p><b>Travelling Circuses</b>            Any entertainment (excluding films and a boxing or wrestling entertainment) taking place at a travelling circus, provided:</p> <p>a) it takes place within a moveable structure that accommodates the audience, and</p> <p>b) that the travelling circus has not been located on the same site for more than 28 consecutive days</p>																
Recorded music																								
Performance Dance																								
Entertainment of a similar description to live, recorded or dance																								
Late Night refresh																								

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Sale of Alcohol																								
Play								<p><b>Hospitals</b>  <b>Live music or recorded music</b> between 08:00 hours and 23:00 hours on hospital premises provided that:</p> <ul style="list-style-type: none"> <li>a) the audience does not exceed 500, and</li> <li>b) the organiser gets consent for the performance on the hospital premises from the healthcare provider concerned</li> </ul> <p><b>Any entertainment</b> provided by or on behalf of a health care provider on their own hospital premises between 08:00 hours and 23:00 hours.</p>																
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## 2. Plans of premises

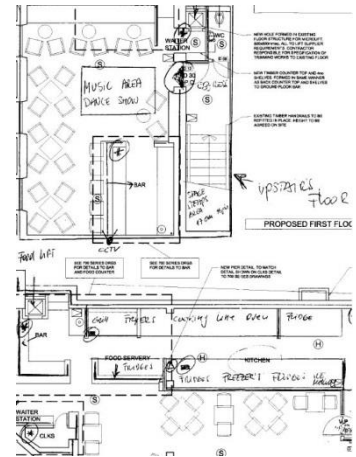
Enclose a set of plans of the premises set out in accordance with the regulations as follows:

### Plan Requirements

Unless an alternative scale plan has been authorised by the Tonbridge & Malling Borough Council in writing, plans shall be drawn to the standard scale of 1:100 (Millimetres). Any requests to sanction the use of an alternative scale shall be made to the Licensing Services, Gibson Drive, Kings Hill, West Malling, Kent ME19 4LZ

### Please note:

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



The plan shall show:

- a) The extent of the boundary of the building if relevant and any external and internal walls of the building and if different, the perimeter of the building.
- b) The location of points of access to and egress from the premises.
- c) If different from (b), the locations of escape routes from the premises.
- d) In a case where the premises are to be used for more than one licensable activity, the area within the premises used for each activity.
- e) In a case where an existing licensable activity relates to the supply of alcohol, the location or locations on the premises which is or are used for consumption of alcohol.
- f) Fixed structures (including furniture) or similar objects temporarily in a fixed location (but not furniture), which may impact on the ability of individuals on the premises to use exits or escape routes without impediment.
- g) In a case where a premises includes a stage or raised area, the location and height of each stage or area relative to the floor.
- h) In a case where the premises includes any steps, stairs, elevators or lifts, the location of the steps, stairs, elevators or lifts.
- i) In a case where the premises include any room or rooms containing public conveniences, the location of the room or rooms.
- j) The location and type of any fire safety equipment including, if applicable, marine safety equipment.
- k) The location of the kitchen, if any, on the premises.

### **3. Consent form**

If you currently supply (or intend to supply) alcohol on the premises then you must also return the form entitled 'Form of consent given by the person whom the applicant wishes to be Premises Supervisor'.

### **4. Operating Schedule**

You need to fill in Part 3 of the application form – Operating Schedule whereby you have to state the licensable activities to be held at your premises, the times they will be held, other times the premises are open to the public, where alcohol is to be supplied the name of the designated premises supervisor, consumption of alcohol whether on or off the premises and the steps to promote the licensing objectives.

### **5. Steps to promote the four licensing objectives**

Within the application is a section where you need to document the steps as licensee will take to promote the four Licensing Objectives should be filled in accordingly –

# Licensing Objectives

## The prevention of crime and disorder

### factors that impact on crime and disorder

- Underage drinking
- Drunkenness on premises
- Public drunkenness
- Drugs
- Violent behaviour
- Anti-social behaviour

### examples of control measures

- Effective and responsible management of premises
- Training and supervision of staff
- Adoption of best practice guidance (e.g. Safer Clubbing)
- Provision and monitoring of CCTV
- Employment of security industry Authority licensed door staff.
- Provision of toughened or plastic glasses
- Provision of secure deposit boxes for confiscated items ('sin bins')
- Provision of litterbins and other security measures, such as outside lighting
- Membership of a *pub watch scheme*

## Public safety

### factors that impact on the standards of public safety

- The occupancy capacity of the premises
- The age / design / layout of the premises
- The nature of the licensable activities to be provided
- The hours of operation
- Customer profile
- The use of special effects such as lasers, pyrotechnics, smoke machines, etc.

### examples of control measures

- Suitable risk assessments
- Provision of a sufficient number of people employed or engaged to secure the safety of the premises and patrons
- Appropriate instruction, training and supervision of those employed
- Adoption of best practice guidance
- Provision of effective CCTV
- Provision of toughened or plastic glasses
- Implementation of crowd management measures
- Regular testing (and certification) of procedures, appliances, etc.

## The prevention of public nuisance

### factors that impact on the likelihood of public nuisance

- Noise emanating from premises
- The location of premises
- The hours of operation
- The nature of activities to be provided
- The design and layout of premises
- The occupancy capacity
- The availability of public transport
- Disbursement from premises
- Local residential premises
- Parking by patrons
- The likelihood of any violence
- The position of external lighting
- Problems of litter in the vicinity

### examples of control measure

- CCTV / registered door supervisors
- Appropriate instruction, training and supervision to prevent incidents of public nuisance
- Control of operating hours
- Adoption of best practice guidance
- Installation of soundproofing, air conditioning, sound limitation devices
- Liaison with public transport providers
- Position of external lighting
- Collection and disposal of litter
- Effective ventilation systems

## The protection of children from harm

### factors that impact the protection of children from harm

- Purchase, acquire or consume alcohol
- Be exposed to drugs, drug taking or drug dealing
- Be exposed to gambling
- Be exposed to activities of an adult or sexual nature
- Be exposed to incidents of violence or disorder
- Be exposed to environmental pollution
- Be exposed to special hazards such as falls from a height
- Selling to underage individuals

### examples of control measures

- Sufficient number of staff to secure the protection of children from harm
- Appropriate instruction, training and supervision of staff in respect to determining the age of a customer.
- Adoption of best practice guidance
- Limitations on the hours when children may in the premises
- Limitations or exclusions by age when certain activities are taking place
- Imposition of requirements for children to be accompanied by an adult
- Acceptance of accredited 'proof of age' cards and/or 'photo' driving licences

## 6. Fees

These fees are based on the Non Domestic Rateable Value of your premises and have been set nationally.

### Non – domestic rateable value of the premises (NDRV)

If you don't know the Non Domestic Rateable Value of the premises you can always contact the Business Rates department in the Finance Section of Tonbridge & Malling Borough Council on 01732 87 49 27

For more information about rateable values visit the Valuation Office Agency. The website address is [www.voa.gov.uk/corporate/index.html](http://www.voa.gov.uk/corporate/index.html)

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

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

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

## Additional fee

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

## Church, chapel, village, parish and community halls

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

## Schools and colleges

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

## Please note

The fees published here are the fees that will cover the majority of premises within the Licensing Partnership, however there are special differences to premises in category “D” and “E” in a town centre and where the premises is exclusively for the sale of alcohol.

Please look at the fee schedules on the Department of Culture Media and Sport web site – [www.culture.gov.uk](http://www.culture.gov.uk) for further detailed information, or contact us at the licensing team.

## Other fee

Application for the grant or renewal of a personal licence	£37.00
Temporary Event Notice	£21.00
Replacement of licence following theft, loss, etc of premises licence or summary	£10.50
Application for a provisional statement where premises being built	£315.00
Notification of change of name or address on a Premises Licence	£10.50
Application to transfer the licence	£23.00
Application to vary licence to specify individual as premises supervisor	£23.00
Interim authority notice following death or insolvency of licence holder	£23.00
Replacement of licence following theft, loss et of certificate or summary	£10.50
Notification of change of name or alteration of rules of club	£10.50
Change of relevant registered address of club	£10.50
Replacement of licence following theft, loss etc of temporary event notice	£10.50
Replacement of licence following theft, loss etc of personal licence	£10.50
Notification of change of name or address on a Personal Licence	£10.50
Right of freeholder etc to be notified of licensing matters	£21.00
Application for a minor variation to a premise licence or club premises certificate	£89.00

## 7. Advertising of applications

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

- a) For a period of not less than 28 consecutive days starting on the day after the application was given to the Licensing Authority, by displaying a notice which is of a size equal or longer than A4, pale blue colour and printed legibly in black ink or typed in black in a font of size 16 or larger. The notice must be displayed prominently at the premises to which the applicant relates and where it can be read from the exterior of the premises. In the case of premises covering an area of more than **50 metres square** further notices must be posted every 50 metres along the perimeter of the premises abutting the highway.
- b) By publishing a notice in a local newspaper circulating in the vicinity of the premises on at least one occasion during the period of 10 working days starting on the day after the application or which the application was given to the Licensing Authority. Where there is no such newspaper a local newsletter or circular circulating in the vicinity may be used.

The content of the notice and the advertisement is laid down in the regulations. Suitable draft templates are available from the Licensing Section on request.

The applicant shall forward a copy of the whole newspaper page containing the advertisement to the Licensing Services Gibson Drive West Malling Kent ME19 4LZ

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

## Example of a public notice

# PUBLIC NOTICE

## LICENSING ACT 2003

An application has been validated for the premises: \_\_\_\_\_  
trading as \_\_\_\_\_

On the date of: \_\_\_\_\_

**Summary of the proposed licensable activities and the proposed hours of opening:**

To allow live music, recorded music, performances of dance, facilities for making music, facilities for dancing, sale of alcohol and late night refreshment.

Any person wishing to view details of an application can contact the licensing team on 01732 876368

Any person wishing to make representation about the proposals should make them in writing to:

**Licensing Services, Tonbridge & Malling Borough Council, Gibson Building, Gibson Drive, Kings Kill, West Malling, Kent ME19 4LZ**

**Licensing.services@tmbc.gov.uk**

**Notice to be displayed for 28 days from — to —**

It is an offence knowingly or recklessly to make a false statement in connection with an application. The maximum fine for which a person is liable on summary of conviction for the offence is £5000.



## Newspaper Advert

On at least one occasion during the period of **10 working days**, starting on the day after the day on which the application was submitted to the Council, you must publish a notice in a local newspaper circulating in the Tonbridge & Malling area. The applicant shall forward a copy of the newspaper page containing the advertisement to the Council.

Notice is hereby given that

(a).....

of (b).....

has applied to Tonbridge & Malling Borough Council for the GRANT/VARIATION/PROVISIONAL STATEMENT (delete as appropriate) of

(c).....  
.....  
.....  
.....  
.....  
.....  
.....  
.....  
.....  
.....

for the premises (d).....

situated at (e).....  
.....

Any person wishing to submit representations about the proposals should make them in writing to: Licensing Services, Gibson Drive, Kings Hill, West Malling, Kent ME19 4LZ giving in detail the grounds of objection by

(f)...../...../201.....

It is an offence knowingly or recklessly to make a false statement in connection with an application. The maximum fine for which a person is liable on summary of conviction for the offence is £5000.

### Key What details need to be filled in?

- (a) Name of applicant
- (b) Address of applicant
- (c) Licensable activities
- (d) Name of premises
- (e) Address of premises
- (f) Closing date for the 28 day notice period

## 8. Responsible Authorities

As well as submitting a copy of the application to Tonbridge & Malling Borough Council Licensing Services, copies of the application must be sent to all responsible authorities as follows:

<p><b>Kent Police</b> Licensing Coordinator Community Safety Unit Tonbridge &amp; Malling Borough Council Gibson Drive Kings Hill West Malling Kent ME19 4LZ <a href="mailto:west.division.licensing@kent.pnn.police.uk">west.division.licensing@kent.pnn.police.uk</a>  Tel: 01732 379255</p>	<p><b>Kent Fire &amp; Rescue</b> Maidstone Fire Station Loose Road Maidstone Kent ME15 9QB  <a href="mailto:TFS.midgroup@kent.fire-uk.org">TFS.midgroup@kent.fire-uk.org</a>  Tel: 01622 212430</p>
<p><b>Social Services</b> Kent Safeguarding Children's Board Sessions House County Hall Maidstone Kent ME14 1XQ <a href="mailto:social.services@kent.gov.uk">social.services@kent.gov.uk</a>  Tel: 03000 411111</p>	<p><b>Trading Standards</b> Kent County Council Invicta House County Hall Maidstone Kent ME14 1XX <a href="mailto:trading.standardswest@gov.uk">trading.standardswest@gov.uk</a>  Tel: 03000 412000</p>
<p><b>Director of Planning, Housing and Environmental Health</b> Tonbridge &amp; Malling Borough Council Gibson Building Gibson Drive Kings Hill West Malling Kent ME19 4LZ  <a href="mailto:planning.applications@tmbc.gov.uk">planning.applications@tmbc.gov.uk</a>  <a href="mailto:environmental.protection@tmbc.gov.uk">environmental.protection@tmbc.gov.uk</a>  <a href="mailto:foodandsafety@tmbc.gov.uk">foodandsafety@tmbc.gov.uk</a>  Tel: 01732 844522</p>	<p><b>Kent Public Health Department</b> Room 3.45, Sessions House, County Hall, County Road Maidstone, Kent ME14 1XQ  Tel: 0300 333 6379</p> <p><b>Health &amp; Safety</b> Health &amp; Safety Executive Kent County Council 2nd Floor; International House Dover Place ASHFORD Kent TN23 1HU  Tel: 01233 653900</p>

## 9. Applicant's checklist

The application form contains a checklist for you to tick to be sure that you have included all relevant documents and sent all relevant copies.

### Consideration of Applications

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

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

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

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

### Grant of Licence & Enforcement

Applicants are reminded that the measures put forward in the Operating Schedule within the application form will become enforceable conditions.

Once the Premises Licence is granted the Premises Licence holder should ensure that the conditions on the licence are implemented as soon as possible.

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

It is therefore of utmost importance that the Designated Premises Supervisor is familiar with the conditions on the Premises Licence.

#### Can we help you to answer your questions or provide additional information?

Please contact the Licensing Team:

**Address:** Tonbridge & Malling Borough Council, Gibson Building, Gibson Drive, Kings Hill, West Malling, Kent ME19 4LZ

**Phone:** 01732 876368

**Email:** [licensing.services@tmbc.gov.uk](mailto:licensing.services@tmbc.gov.uk)

## 10. Display of granted licence

Do I display the granted premises licence or club premises certificate?

When Tonbridge and Malling issue your licence you will be issued with Part A and Part B.



### Part A of the licence

The holder of the premises licence must ensure that the original licence or a certified copy it is kept at the premises in the custody or under the control of the holder of the licence, or a person who works at the premises and whom the holder of the licence has nominated in writing.

Part A is not to be displayed but must be available for inspection by a police constable or (Licensing Officer)

The licence is made up as follows:

- General licence details
- Annex 1 – Mandatory conditions
- Annex 2 – Conditions consistent with the Operating Schedule
- Annex 3 – Conditions attached after a hearing by the licensing authority
- Annex 4 – Plan of licensable area

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

### Part B of the licence

Part B is the Summary Licence and shows the licensable activities, times, holder of the licence, name of the designated premises supervisor etc.

Part B (Summary Licence) or a certified copy **must be prominently displayed at the premises.**

### Notice specifying the position held at the premises by any person nominated

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

## Community premises

Every premises licence that authorises the sale of alcohol must specify a Designated Premises Supervisor (DPS). This will normally be the person who has been given day to day responsibility for running the premises by the premises licence holder. The only exception is for community premises which have successfully made an application to remove the usual mandatory conditions set out in the 2003 Act.



The 2003 Act was amended in 2009 to allow certain community premises which have, or are applying for a premises licence that authorises alcohol sales, to be the responsibility of a committee or board of individuals with responsibility for the management of the premises (Management Committee).

Community premises are defined as premises that are or form part of a church hall, chapel hall or other similar building; or a village hall, parish hall or community hall or other similar building.

Scernio	Option 1	Option 2
<p><b>Exisitng licensed premises</b> A community premises has a premises licence to sell alcohol with a designated premises supervisor (DPS).</p>	Stay as your are	<p>Remove the need for a DPS and move the responsibility for the sale of alcohol to a Management Comittee.</p> <p>(This replaces the usual mandatory conditions in sections 19(2) and 19(3) of the Act with an alternative licence condition).</p> <ul style="list-style-type: none"> <li>• Complete form</li> <li>• Fee of £23</li> </ul> <p>And submit to Tonbridge and Malling Licensing Team and Kent Police.</p>
<p><b>New application</b></p>	Apply for a premises licence and have a designated premises supervisor (DPS) to authorise the sale of alcohol.	<p>No extra payment is required</p> <ul style="list-style-type: none"> <li>• Complete a prescribed form and submit with the premises licence application form</li> </ul>

# Premises Licence Annual Fee payments

Please ensure your annual fee payments are up-to-date. With the changes to the Licensing Act 2003 that came into force on the 25 April 2012 Tonbridge and Malling Borough Council will be able to suspend premises licences due to non-payment of annual fees (Section 120 of the Police Reform and Social Responsibility Act 2011). A licensing authority must suspend a premises licence if the holder of the licence has failed to pay the authority an annual fee that has become due under Section 55(2).

**The following is an extract from the amended Guidance issued under section 182 of the Licensing Act 2003 (June 2013).**

## 14. Suspension for non-payment of fees

14.1 The 2003 Act requires a licensing authority to suspend a premises licence or club premises certificate if the annual fee is not paid when it is due. However, this does not apply immediately if the payment was not made before or at the time of the due date because of an administrative error, or because the holder disputed liability for the fee before or at the time of the due date. In either of these cases, there is a grace period of 21 days. This period is intended to allow the licensing authority and the licence or certificate holder an opportunity to resolve the dispute or error. If the dispute or error is not resolved during this 21- day period, the licence will be suspended.

### **DISPUTE**

14.2 The 2003 Act describes a dispute as one relating to liability to pay the fee at all or relating to its amount. In either case, the licence or certificate holder must notify the licensing authority of the dispute on or before the date on which the fee to which it relates becomes due.

### **ADMINISTRATIVE ERROR**

14.3 There is no definition of “administrative error” in the 2003 Act, but it can include an error on the part of the licensing authority, the licence or certificate holder, or any other person. Therefore, “administrative error” will be given its plain, ordinary meaning. An example might be where post has been misdirected.

### **SUSPENSION**

14.4 If a licensing authority suspends a licence or certificate, it must notify the holder in writing and specify the date on which the suspension takes effect; this date must be at least two working days after the day the authority gives the notice. It should be noted that this is the minimum period only, and licensing authorities should consider applying longer periods. The authority may wish to inform the police and other responsible authorities that the licence or certificate has been suspended.

14.5 A suspension ceases to have effect on the day on which the licensing authority receives payment of the outstanding fee from the licence or certificate holder. To enable the licence holder to demonstrate that the licence has been reinstated, the licensing authority is required to give the holder written acknowledgment of receipt as soon as practicable following receipt, and:

- a) If payment was received on a working day, no later than the end of the next working day, or;
- b) If payment was received on a day when the authority is not working, no later than the end of the second working day after the day on which the fee was received.

Licensing authorities may wish to consider requesting, in the notice of suspension mentioned above, that subsequent payment of the outstanding fee may be made in such manner as would most expeditiously bring it to the attention of the authority. The licensing authority may also wish to inform the police and other responsible authorities that the licence or certificate has been reinstated.

## **EFFECTS OF SUSPENSION**

14.7 A premises licence or club premises certificate that has been suspended does not have effect to authorise licensable activities. However, it can for example be subject to a hearing or, in the case of a premises licence, an application for transfer. The licence will nevertheless only be reinstated when the outstanding fee has been paid. Formally, the debt is owed by the holder who held the licence at the time it was suspended. However, it may be more likely in practice that the new holder will actually make the payment. In the case of a licence or certificate where more than one payment year has been missed (since the coming into force of sections 55A and 92A of the 2003 Act) payment of the outstanding fee in relation to each year will be required to reinstate the licence.

## Temporary Event Notice procedure

If you are organising a temporary event and want to serve or sell alcohol, provide late night refreshment, or put on regulated entertainment in the Tonbridge and Malling Borough, you will need to complete a temporary event notice (TEN).

You must give a temporary event notice to:

- Licensing Services, Tonbridge and Malling Borough Council
- Environmental Health at Tonbridge and Malling Borough Council
- Kent Police

Send to the following address:

<p><b>Licensing Services</b></p> <p>Tonbridge &amp; Malling Borough Council Gibson Building Gibson Drive Kings Hill West Malling Kent ME19 4LZ</p> <p><a href="mailto:licensing.services@tmbc.gov.uk">licensing.services@tmbc.gov.uk</a></p> <p>Tel: 01732 876368</p>	<p><b>Kent Police</b></p> <p>Licensing Coordinator Community Safety Unit Tonbridge &amp; Malling Borough Council Gibson Drive Kings Hill West Malling Kent ME19 4LZ</p> <p><a href="mailto:west.division.licensing@kent.pnn.police.uk">west.division.licensing@kent.pnn.police.uk</a></p> <p>Tel: 01732 379255</p>	<p><b>Director of Planning, Housing and Environmental Health</b></p> <p>Tonbridge &amp; Malling Borough Council Gibson Building Gibson Drive Kings Hill West Malling Kent ME19 4LZ <a href="mailto:environmental.protection@tmbc.gov.uk">environmental.protection@tmbc.gov.uk</a></p> <p>Tel: 01732 844522</p>
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### Cost of a TEN

The cost of a Temporary Event Notice is £21 - **Cheques** to be made payable to "Tonbridge and Malling Borough Council" or "TMBC"; at **Payment machine** in the front Reception, or **online** when making an on-line application at:

<http://www.tmbc.gov.uk/services/business/licences-and-street-trading/licence-temporary-event-notice>

### Submitting a TEN

Send a TEN in no later than **ten working days** before the day, on which the event period begins,

Monday	Tuesday	Wednesday	Thursday	Friday	Saturday	Sunday
		1 August	2 August	3 August TEN received	4 August	5 August
6 August Working day 1	7 August Working day 2	8 August Working day 3	9 August Working day 4	10 August Working day 5	11 August	12 August
13 August Working day 6	14 August Working day 7	15 August Working day 8	16 August Working day 9	17 August Working day 10	18 August – Day of Event	19 August



### Why may the Police or Environmental Health intervene?

The police and local authority exercising environmental health functions may intervene on the grounds of any of the four licensing objectives:

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

To agree with the “premises user” any measures which may be required to ensure the event complies with the licensing objectives.

### The number of times a “premises user” may give a TEN

- 50 times per year for a personal licence holder; and
- 5 times per year for non personal licence holder;

### The number of times a premises can hold a TEN

- the number of times a temporary event notice may be given in respect of any particular premises is 15 times in a calendar year

### The length of a TEN

- the length of time a temporary event may last for these purposes 168 hours (7 days);
- the maximum aggregate duration of the periods covered by temporary event notices at any individual premises (21 days per calendar year); and

### The number of people attending at any one time

- the scale of the event in terms of the maximum number of people attending at any one time (a maximum of 499). The maximum figure of 499 does not just include the audience spectators or consumers and includes, for example, staff, organisers, stewards and performers who will be present on the premises.

### Late TEN's

The number of times the “premises user” may give a late temporary event notice is:

- 10 times per year for a personal licence holder; and
- 2 times per year for non personal licence holder.
- **A late TEN no later than five working days but no earlier than 9 working days before the day on which the event period begins,**

Monday	Tuesday	Wednesday	Thursday	Friday	Saturday	Sunday
6 August Working day 1	7 August Working day 2	8 August Working day 3	9 August Working day 4	10 August Working day 5	11 August	12 August
13 August Working day 6	14 August Working day 7	15 August Working day 8	16 August Working day 9	17 August Working day 10	18 August – Day of Event	19 August

### Conditions may be placed on a TEN

Where an existing premises licence or club premises certificate has conditions, these may be applied to the TEN, to ensure certain pre-conditions are met.

### What area can a TEN cover?

A temporary event notice can be given for part of a building, such as a single room or a plot within a larger area of land.