



GUIDANCE NOTES FOR APPLICATIONS MADE UNDER THE LICENSING ACT 2003

Premises Licence

Club Premises Certificate

Personal Licence

If you are making an application for a Licence under the Licensing Act 2003, please note the following points:

1. Before completing the application paperwork, please ensure you have read and fully understood this guidance document, as well as the notes which come with your application documents. You can help us to help you by ensuring that when we first receive your application, everything is in order. This will allow us to progress your application to the next step. Where applicable, please ensure you have enclosed any checklists provided as part of the guidance documentation and included the necessary application fee.
2. Please ensure that your application where applicable is also copied to the other relevant responsible authorities that must be informed of your licence application to the Council. A list of responsible authorities is provided below to help you with this requirement. The copies should be served on the Responsible Authorities at the same time as you serve the Council with your application.
3. The Council will answer specific enquiries from applicants regarding the requirements of the Act in relation to the application process. An applicant seeking specific Legal advice or help with putting their application together is recommended to seek independent advice. This may be via a Legal Practice or a Licensing Consultant. (The Council is unable to recommend.)

List of Responsible Authorities

Police

The Chief Officer of Police
Divisional Police H.Q.
Bodhyfryd
Wrexham
LL12 7BW

Tel.: 01978 290222

Fire

The Chief Fire Officer
North Wales Fire & Rescue Service
Wrexham County Office
Fire Station
Bradley Road
Wrexham
LL13 7SU

Tel.: 01978 353876

Health & Safety

The Chief Housing
and Public Protection Officer
Wrexham County Borough Council
Ruabon Offices
High Street
Ruabon
Wrexham, LL14 6NH

or HSE

HSE
Unit 7 & 8
Edison Court
Ellice Way
Wrexham Technology Park
Wrexham
LL13 7YJ

Tel.: 01978 813714

Tel.: 01978 316000

Environmental Protection

The Chief Housing and Public Protection Officer
Wrexham County Borough Council
Ruabon Offices
High Street Street
Ruabon
Wrexham LL14 6NH

Tel.: 01978 813721

Planning

The Chief Planning Officer
Wrexham County Borough Council
Lambpit Street Offices
Wrexham
LL11 1AR

Tel.: 01978 292500

Social Services

The Chief Safeguarding and Support Officer
Wrexham County Borough Council
Ty Henblas
Queens Square
Wrexham
LL13 8AZ

Tel.: 01978 298010

Trading Standards

The Chief Housing and Public Protection Officer
Trading Standards Division
Wrexham County Borough Council
Ruabon Offices
High Street
Ruabon, Wrexham, LL14 6NH

Tel.: 01978

PREMISES LICENCE/CLUB PREMISES CERTIFICATE

Transitional Provisions – Application Requirements

As from the 7 February 2005, transitional provisions come into effect, whereby the holders of existing licences and club registration certificates may apply to “convert” their licences and certificates into new licences under the Licensing Act 2003.

The requirements for a **conversion** application are as follows:

1. A completed application form – premises licence/club premises certificate;
2. If the existing licence authorises the supply of alcohol, the consent of the individual personal licence holder who wishes to be the premises supervisor is required, if this is not to be the applicant (This does not apply to Club Premises Certificates);
3. Form of consent given by the person who holds the existing licence, if the applicant is not the existing licence-holder;
4. Payment of the correct fee;
5. Production of all currently held licences and certificates must be submitted – the originals or copies certified by a solicitor or other professional person;
6. A premises plan of the standard scale - 1mm = 100mm (unless previously agreed by the Council in another format). **The Council’s preference is also that plans should not be larger than A3 in size.**

The premises plan shall include the following:

- the location of the extent of the boundary of the building, if relevant, and any external and internal walls which comprise the premises, or in which the premises is comprised;
- the location of points of access to and egress from the premises;
- if different from the above, the location of escape routes from the premises;

- in cases where the premises is to be used for more than one licensable activity, the area within the premises used for each activity;
- 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;
- in a case where the premises includes a stage or raised area, the location and height of each stage or area relative to the floor;
- in a case where the premises includes any steps, stairs, elevators or lifts; the location of any of these;
- in the case where the premises includes any room or rooms containing public conveniences, the location of any of these;
- the location and type of any fire safety and any other safety equipment including, if applicable, marine safety equipment; and
- the location of a kitchen, if any, on the premises.

The plan may include a legend where indication of the above is by the use of symbols.

The police must receive a photocopy of the application at the same time as Wrexham County Borough Council receives the application.

The licence conditions attached to the existing licence (s) will usually be incorporated in the new licence, except in circumstances where there is a police objection to the application and this is upheld following a hearing.

Application requirements – **New:**

New Applications (non-transitional) and Variations

Those applicants in the following categories will need to comply with the requirements set out in this section:

- (i) Applicants who fail to convert their existing licence (s) before the “second appointed day” in November 2005, when the Licensing Act 2003 is expected to come fully into force;
- (ii) Applicants seeking new licences after the “second appointed day”;
- (iii) Applicants seeking variations of their existing licences. Variations could include alterations to the opening times of the premises or changes to the physical shape of the premises covered by the licence. More probably, it will relate to the licensable activities of the licence or conditions attached to the licence.

Applications must be made to Wrexham County Borough Council and must include the following:

- Relevant completed application form;
- If a club premises certificate application, a copy of the club rule book, and a declaration that the club is a “qualifying club” is required;
- Consent of individual to being specified as a Premises Supervisor, if this is a person other than the applicant;
- An operating schedule;
- A plan of the premises (see detail above regarding requirements);
- If alcohol is to be sold, the name of **Designated Premises Supervisor** must be supplied (unless it is a qualifying club, which is exempt);
- The prescribed fee.

The operating schedule must also include details of all licensable activities, which will, if the licence is granted, take place at the premises.

Applicants must send copies of applications to **responsible authorities** and advertise their application for the benefit of **interested parties**, as set out below.

Advertising Applications

To advertise the application, the applicant must clearly display a Notice of a size equal or larger than A4 (on pale blue paper) printed legibly in black ink or typed in black in a font size equal to or larger than size 16. This should be immediately on or outside the premises for a period of no less than twenty eight consecutive days starting on the day following the day on which the application was given to the Wrexham County Borough Council and during which time interested parties may make representations. (An example of the notice format is attached.)

For properties with a frontage onto a highway more than 50 metres long, the Notice should be displayed at 50 metre intervals.

Additionally, a Notice must be published in a local paper. This should be on at least one occasion during the period of 10 working days starting on the day following the day on which the application was given to Wrexham County Borough Council.

Content of Notice

The Notice should clearly contain a brief summary of the application setting out details as follows:

- Proposed relevant licensable activities to be carried on or from the premises;
- In the case of an application for a club premises certificate proposed details of the qualifying club activities to be carried on or from the premises;
- In the case of an application to vary a premises licence or a club premises certificate, the notices shall describe the proposed variation.
- In the case of an application for a provisional statement:

- (a) shall state that representations are restricted after the issue of a provisional statement; and
- (b) where known, may state the relevant licensable activities which it is proposed will be carried on or from the premises.

Provisional Statement Note – where premises are being or are about to be constructed/altered, the necessary investment may not be committed unless investors have some assurance not only that the project has appropriate planning permission, but that they have some degree of assurance that a Premises Licence covering the desired licensable activities would be granted for the premises when the building work is completed.

Applicants may apply therefore for a provisional statement, which acts as an indicator whether a premises licence is likely to be granted upon completion of the construction work or alterations in accordance with the plans.

In all cases, the notices shall contain:

- the name of the applicant or club;
- the postal address of the premises or club premises, if any, or if there is no postal address for the premises a description of those premises sufficient to enable the location and extent of the premises to be identified;
- the postal address and, where applicable, the world-wide web address where the Wrexham County Borough Council register is kept and where the record of the application may be inspected (see footer of this guidance document);
- the dates between which an interested party and responsible authorities may make representations to Wrexham County Borough Council (see advertising applications above);
- a statement that representations shall be made in writing; and
- a statement that it is an offence knowingly or recklessly to make a false statement in connection with an application and the maximum fine for which a person is liable on summary conviction for the offence - £5,000.

PERSONAL LICENCES

General

Granted to an individual and authorises that individual to supply alcohol, or authorise the supply of alcohol, in accordance with the premises licence.

The “Licensing Authority” is the licensing authority which granted the Licence. This relevant licensing authority is determined by the location of the applicant’s home address. This remains the same once the licence is granted, even if the licence-holder moves to work in another licensing authority’s area.

Two types of supply:

Selling alcohol by retail;

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

Applicant must be aged 18 or over.

An individual can only ever apply for/hold **ONE** personal licence at any time.

The holder can surrender his/her personal licence at any time subject to notice to Wrexham County Borough Council.

The Police are the only body that can object to a personal licence application. This takes the format of an objection notice following disclosure of an unspent “relevant” offence or a “foreign” offence. The objection must be on the grounds of crime prevention, otherwise Wrexham County Borough Council can not consider it reason to reject the application.

Any objection must be received within 14 days beginning with the day the Police received the notice.

A hearing must take place unless the applicant, Police and Wrexham County Borough Council agree it is unnecessary.

Application requirements - **Transitional**

Any applicant seeking a personal licence under the above arrangements must meet the following criteria:

1. The applicant is the holder of a justices’ licence issued under the provisions of the Licensing Act 1964 at the time of application;
2. The applicant has provided the justices’ licence or a certified copy and 2 passport type photographs (45mm x 35mm) of themselves, one of which is endorsed to the effect that it is a true likeness by a solicitor, notary, teacher, lecturer or other professional person;

(Photographs must be taken against a light background, full face uncovered unless religious belief and without sunglasses and be on photographic paper.)
3. The applicant must seek application within 6 months of the first appointed date, namely 7 February 2005;
4. The applicant must provide details of any “relevant” or “foreign” offence of which they have been convicted;

5. The police must have been given a copy of the application within 48 hours of the application being made;
6. The applicant has paid the appropriate fee and completed the relevant application form.

Application requirements - **New**

Any applicant seeking the grant of a new personal licence must meet the following criteria:

1. Must be aged 18 or over;
2. The applicant has provided 2 passport type photographs of themselves (45mm x 35 mm), one of which is endorsed to the effect that it is a true likeness by a solicitor, notary, teacher, lecturer or other professional person;

(Photographs must be taken against a light background, full face uncovered unless religious belief and without sunglasses and be on photographic paper.)
3. Possesses a licensing qualification accredited by the Secretary of State (or one which is certified as if it is such a qualification or is considered equivalent) or is a person of a description prescribed by the Secretary of State by regulations;
4. Must not have forfeited a personal licence within 5 years of application;
5. The police must have been given a copy of the application within 48 hours of the application being made;
6. The Police have not given any objection about the grant of a personal licence following notification of any unspent “relevant” or “foreign” offence;
7. The Police have given an objection notice because of a conviction for an unspent “relevant” or “foreign” offence, but Wrexham County Borough Council has not considered it necessary to reject the application on crime prevention grounds;
8. A declaration by the applicant (completion of a Disclosure of Convictions and Declaration form) that either he has not been convicted of a relevant offence or a foreign offence;
9. Production of one of the following:
 - (i) a criminal conviction certificate issued under section 112 of the Police Act 1997(a) – “basic” disclosure from the Criminal Records Bureau, inclusive of unspent convictions only;
 - (ii) a criminal record certificate issued under section 113A of the Police Act 1997 – “standard” disclosure from the Criminal Records Bureau, inclusive of details of spent and unspent convictions and cautions;

(iii) the results of a subject access search under the Data Protection Act 1998**(b)** of the Police National Computer by the National Identification Service, and

in any case such certificate or search results shall be issued no earlier than one calendar month before the giving of the application to Wrexham County Borough Council.

It is the responsibility of the applicant to obtain either of the Criminal Records Bureau Disclosures in points (i) and (ii) above. A fee will be charged by the Bureau for provision of the Disclosure to the applicant. The Criminal Records Bureau can be contacted on 0870 90 90 811.

10. The applicant has paid the appropriate fee and completed the relevant application form.
11. Any individual may apply for a personal licence whether or not they are currently employed or have business interests associated with the use of the licence.