



November 2005

Jargon Buster – Licensing Act 2003

Appellant

A person appealing to the Magistrates Court against a licensing authority's decision

Club Premises Certificate (section 60)

Club premises certificates are authorizations needed by clubs to carry on certain activities (e.g. selling alcohol to members and their guests). They may be granted to clubs which meet the special requirements set out in Part 4 of the 2003 Act (regarding membership, that the club is established and conducted in good faith and special conditions where the club supplies alcohol to its members). These commonly include ex-services clubs such as the Royal British Legion, Conservative, Labour and Liberal clubs, working men's clubs, miners' welfare institutions and sports and social clubs. The application process is similar to that for a premises licence. For example, there are similar provisions about advertising applications and making representations. However, a key difference is that, unlike a premises licence, there is no requirement to identify a designated premises supervisor to allow the supply of alcohol under a club premises certificate.

Designated Premises Supervisor (section 15)

The Designated Premises Supervisor (DPS) is a personal licence holder specified in the premises licence. All premises licensed to sell alcohol will have an identified "personal licence holder", known as the "DPS". The purpose of the DPS is to ensure there is always one specified individual who can be identified as a person in a position of authority at a premises.

Interested Parties (sections 13 and 69)

For any particular premises, interested parties are bodies or individuals who are entitled to make representations to licensing authorities on applications for the grant, variation or review of premises licences or club premises certificate. Interested parties can also ask for a review of a premises licence or club premises certificate. "Interested party" means:

- A person living in the vicinity of the premises
- A body representing persons who live in that vicinity
- A person involved in a business in the vicinity of the premises
- A body representing persons involved in these businesses

In the vicinity

Whether somebody lives or works “in the vicinity” of a premises is a matter that will be decided by the relevant licensing authority (and if there are disputes, by the courts). The word has no particular technical meaning and in licensing matters should be interpreted as an ordinary English word and in a common sense fashion. In doing this, licensing authorities might take into account whether the party is likely to be affected by any disorder or disturbance occurring or potentially occurring at those premises.

Late night refreshment (Schedule 2)

The provision of late night refreshment means the supply of hot food or hot drink to the public, for consumption on or off the premises, between 11pm and 5am, or the supply of hot food or hot drink to anyone between 11pm and 5am, on or from premises to which the public has access. However, there are a number exemptions in Schedule 2 (e.g. vending machines in certain circumstances; where the hot food or hot drink is supplied free of charge; or where it is supplied by a registered charity).

Licensable Activities (section 1)

Licensable activities are the sale of alcohol, the supply of alcohol by or on behalf of a club to, or to the order of, a member of the club, the provision of regulated entertainment and the provision of late night refreshment. If you carry on any of these activities, you are likely to need an authorisation (a premises licence, a club premises certificate or a temporary event notice).

Licensing Authorities (section 3)

Licensing authorities are usually local authorities, and are responsible for licensing functions under the Licensing Act 2003.

Licensing Committee (sections 6 and 9)

Licensing committees are appointed to carry out the functions of licensing authorities. They are generally made up of between 10-15 local authority councillors. The committees delegate a number of their functions to sub-committees and licensing authority officers.

Licensing Objectives (section 4)

Licensing authorities must carry out their functions with a view to promoting four licensing objectives. These are:

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

Licensing authorities must decide applications in connection with premises licences and club premises certificates on the basis of the steps it considers necessary to promote these objectives. Each objective is of equal importance.

Licensing Register (section 8)

Licensing authorities are required to keep a register containing a record of all premises licences; club premises certificates and personal licences issued by it and temporary event notices received by it, as well as various other matters set out in Schedule 3 to the 2003 Act. Full details of the information that must be contained in licensing authority register can be found on the DCMS website:

<https://www.gov.uk/government/organisations/department-for-culture-media-sport>

Licensing Sub-Committee (sections 9 and 10)

Full licensing committees delegate a number of their functions to one or more "licensing sub-committees". These are made up of at least three members of the full licensing committee.

Local statement of licensing policy (section 5)

Every licensing authority will publish a "statement of licensing policy" every 3 years. This will set out the general approach the licensing authority will take when making licensing decisions.

Operating Schedule (sections 17 and 71)

The operating schedule is the part of the application form for a premises licence or club premises certificate, where the applicant sets out various details about how they propose to operate the premises when carrying on licensable activities. Among other things, it must include a description of the proposed licensable activities; proposed opening hours and times for licensable activities; proposed duration of the licence or certificate; and a statement of the steps the applicant proposes to take to promote the licensing objectives (for example, arrangements for door security to prevent crime and disorder). The significance of the operating schedule is that if the application for the premises licence or club premises certificate is granted, it will be incorporated into the licence or certificate itself and will set out the permitted activities and the limitations on them.

Permitted Temporary Activities (Part 5 of the 2003 Act and section 98)

These are small-scale, temporary events of which licensable activities form part, that are allowed to take place without the need for a premises licence or club premises certificate. The event organiser (who must be over 18 years) has to notify the licensing authority, by giving a "temporary event notice" (TEN). There are certain limitations imposed on this system. These include:

- No more than 499 people (including staff/organisers) attending at any one time.
- An individual is limited to giving 5 TENs in a calendar year, unless they are a personal licence holder for the sale of alcohol, in which case they can give 50.
- A limit of 12 temporary event notices may be given in respect of any particular premises in a calendar year.
- An event may last for no more than 96 hours.
- The maximum aggregate duration of the periods covered by temporary event notices at

any individual premises of 15 days.

Personal Licence (Part 6 of the 2003 Act, section 111)

Personal licences authorise an individual to supply alcohol, or authorise the supply of alcohol in accordance with a premises licence or a temporary event notice. Not everybody that works in any licensed premises will need to hold a personal licence, however, all premises licensed to sell alcohol will have an identified personal licence holder, known as the "designated premises supervisor". In addition, all supplies of alcohol under a premises licence must be made or authorised by a person that holds a personal licence.

Premises licence (section 11)

A premises licence authorises the use of premises for "licensable activities".

Premises user (section 100)

This is the individual that gives the "temporary event notice" to the licensing authority in respect of "permitted temporary activities".

Provisional statements (section 29)

This "statement" can be applied for where premises are being, or about to be constructed for licensable activities. This will give the owner some reassurance about whether a licence would be granted if the premises were built as set out in the application for the provisional statement. However, a provisional statement is not an authorisation, so the relevant permission must still be obtained in order to carry on licensable activities.

Qualifying clubs (section 61)

Qualifying clubs are those clubs which meet the special requirements set out in Part 4 of the 2003 Act (regarding membership, that the club is established and conducted in good faith and special conditions where the club supplies alcohol to its members). These are clubs where members join together for a particular social, sporting or political purpose and then combine to purchase alcohol in bulk for its members (see examples under "club premises certificate" above). Such clubs carry on activities from premises to which public access is restricted and alcohol is supplied other than for profit.

Regulated Entertainment (Schedule 1)

Generally speaking, the provision of regulated entertainment means the commercial or public provision of entertainment facilities or the commercial or public provision of any of the following sorts of entertainment:

- The performance of a play
- An exhibition of a film
- An indoor sporting event
- Boxing or wrestling entertainment
- A performance of live music
- Any playing of recorded music

- A performance of dance
- Entertainment of a similar description to live music, recorded music or dance
- Facilities for allowing people to make music
- Facilities for allowing people to dance
- Facilities for allowing entertainment of a similar description to making music or dancing

Schedule 1 contains further specific rules about where the definition of “regulated entertainment” applies. These rules concern the intended audience and whether the regulated entertainment is for profit.

(Relevant) Representations (sections 18 and 72)

These are written representations (usually of complaint) about the likely effect of the grant of an application for, or variation to a premises licence or club premises certificate, on the promotion of the licensing objectives. “Interested parties” such as local residents and “responsible authorities” such as environmental health can make representations. The term “relevant” relates to representations made by interested parties, and refers to representations that are considered “valid” by the licensing authority. The representations must be made within 28 days after the day on which the application is given and must be made seriously (ie must not be frivolous or vexatious). Representations can also be made in relation to an application for the review of the premises licence or club premises certificate.

Responsible Authorities (sections 13 and 69)

Responsible authorities include public bodies that must be notified of applications and are entitled to make representations to the licensing authority in relation to the application for the grant, variation or review of a premises licence or club premises certificate. Any representations must be about the likely effect of granting the application on the promotion of the licensing objectives. Responsible authorities include the following for the area in which the premises are situated:

- The chief officer of police
- The fire authority
- The health and safety authority
- The area in which the premises are situated
- The environmental health authority
- The body recognised as being responsible for protection of children from harm
- Inspectors of Weights and Measures (trading standards officers)
- And in respect of vessels only - i) The Environment Agency; ii) The British Waterways Board; iii) The Maritime and Coastguard Agency and if different from these, iv) the relevant navigation authority / authorities for the place(s) where the vessel is usually moored or berthed or any waters where it is proposed to be navigated at a time when it is used for licensable activities.

Temporary Event Notice (section 100)

This is the notice that organisers of small-scale temporary events must give to the licensing authority and the police to make it a “permitted temporary activity”. This notice must be in a prescribed form, which is available on the DCMS website.