



## LICENSING ACT 2003 – GUIDANCE FACT SHEET

### VILLAGE SHOPS AND POST OFFICES

The Licensing Act 2003 is intended to provide a balanced package of freedoms. It introduces a new type of licence, the 'premises licence' for all premises engaged in the sale of alcohol and personal licences relating to the supply of alcohol. For the first time the sale of hot food or hot drink between 11.00pm and 5.00am for consumption either on premises or as a takeaway will become a licensable activity.

Persons engaged in the sale of alcohol under the authority of a 'Justices Off-Licence' and those businesses that sell hot food or drink for customers for consumption on or off the premises between 11.00pm and 5.00am or provide facilities for customers that enable food or drink to be heated above the ambient temperature should be considering the Acts implications on their business. If traders wish to continue to sell alcohol or provide hot food or drink to customers post the changes they should commence to prepare for its implementation.

#### Permitted hours

At present current legislation restricts the hours that shops and Post Offices trading under a 'Justices Off-licence' can sell alcohol. The Licensing Act 2003 removes 'permitted hours' and allows for the potential of 24 hour sales subject to any conditions that the Licensing Authority considers necessary to promote the objectives of the Act.

In promoting the objectives of the Act and seeking to encourage a growing economy the council through its licensing policy proposes that shops, stores, post offices and supermarkets are allowed to sell alcohol by retail sale during their normal trading hours.

***If you presently sell alcohol under the authority of a 'Justices Off-Licence' and want to continue to do so after the Act comes into force you will need to apply to the Council for a premises licence during the transition period.***

#### **Applying for a conversion of your existing licences to a premises licence during the transition period – grandfather rights**

If you wish to continue to run your business the same as was authorised under a justices licence then you may apply for a conversion of that licence to a premises licence under grandfather rights. The application must be made to the Council during the first 6 months of the transition period commencing 7 February 2005.

Requirements for an application to allow the sale of alcohol are:

- Completed application form
- Plans of premises in specified form
- Original licences or certified copies
- Consent of original licence holder
- Identity and consent of designated premises supervisor (if licence is to include sale of alcohol)
- Fee
- Copy of application to be sent to police

Only the police can make a representation against a conversion under grandfather rights and only on grounds of crime and disorder. If there is no representation by the police the licence will be granted. If the police make representations the Council's Licensing Committee will hold a hearing.

### **What is a designated premises supervisor?**

A designated premises supervisor is required for premises that sells or supplies alcohol. He/she must hold a personal licence and is the person specified on the premises licence who is responsible for authorising the supply of alcohol. This person must be readily identifiable and will normally be given day to day responsibility for running the premises.

### **Applying for a variation to existing licences to a premises licence during the transition period – grandfather rights with variation**

An applicant may wish to vary their current licences to extend the hours they can sell alcohol or provide other licensable activities (ie late night refreshment) by applying for a variation during the transition period. The requirements of an application for grandfather rights with variations are the same as for a new application (see below). While the Council will only accept representations from interested parties and responsible authorities on matters that are subject to the variation, representations may be made by the police on the whole application on crime and disorder grounds.

### **Applying for a new premises licence**

*Under the current licensing system, premises that provide hot food and drink refreshment between 11.00pm and 5.00am for consumption off the premises eg late night takeaways do not need to be licensed.*

If you do not sell alcohol now but wish to sell alcohol as 'off sales' as part of your business in the future or provide hot food or drink between 11.00pm and 5.00am after the 2<sup>nd</sup> appointed day (November 2005) you will need to hold a premises licence.

## Requirements for a new application are:

- Completed application form
- Plans of premises in specified form
- Fee
- Operating schedule
- Copies of application form to be sent to responsible authorities
- Advertisement for benefit of interested parties

## What is an operating schedule?

An operating schedule is a document that includes a statement of the following matters:-

- The relevant licensable activities
- The times during which it is proposed that the relevant licensable activities are to take place
- Any other times during which it is proposed that the premises are to be open to the public
- Where the applicant wishes the licence to have effect for a limited period, that period
- Where the relevant licensable activities include the supply of alcohol then a designated premises supervisor must be named
- Where the relevant licensable activities include the supply of alcohol, whether the supplies are proposed to be for consumption on the premises or off the premises, or both
- The steps which it is proposed to take to promote the licensing objectives which are
  - The prevention of crime and disorder
  - Public safety
  - The protection of children from harm
  - The prevention of public nuisance

## Preparing for the change

Existing licensees wishing to continue to sell alcohol after the implementation of the Act should apply to the Council for conversion of their existing licences (their grandfather rights) during the transition period and should prepare for their application by:

- Determining who will be the applicant for a premises licence
- Determining who will need to apply for personal licences
- Identify who will be the designated premises supervisor  
(There can only be one DPS per premises who must hold a personal licence)
- Make sure you have your current licence(s) for the premises or certified copies of them
- Have or have access to, plans of the premises. The plans should be on a scale of 1:100 and show specified areas. Plans drawn to different scale may be acceptable with the written agreement of the Licensing Authority.
- Ensure the plan shows the full area that is currently used for the licensing activity you wish to engage in
- Identify which licensable activities do you intend to provide
- Identify what hours of operation you propose to apply for
- Decide if you want to vary your existing activities (eg extend your hours of business or provide other licensing activities to those already licensed)

- If you are applying for a variation you will need to produce an operating schedule

**For further information contact the Council's Licensing Section**

<p><b>Personal visit to:</b>          North West Leicestershire District Council          Council Offices          Coalville          Leics          LE67 3FJ</p> <p>An appointment system is in operation.          Please make an appointment prior to attending</p>	<p><b>Writing to us at:</b>          The Licensing Section          North West Leicestershire District Council          Council Offices          Coalville          Leics          LE67 3FJ</p>
<p><b>Email: <a href="mailto:licensing@nwleicestershire.gov.uk">licensing@nwleicestershire.gov.uk</a></b></p>	<p><b>Phone: 01530 454775/844/838/528</b></p>
<p><b>Internet: <a href="http://www.nwleics.gov.uk">www.nwleics.gov.uk</a></b></p>	<p><b>Fax: 01530 454506</b></p>