

A photograph of two men sitting at a wooden bar, smiling and holding large mugs of beer. The man on the left is in profile, looking towards the right. The man on the right is looking directly at the camera. The background is blurred, showing a bright, indoor setting. A dark semi-transparent banner is overlaid across the middle of the image, containing the text.

PopplestonAllen

Your **guide** to applying
for a premises licence

Introduction

If you're looking to obtain a premises licence but don't know where to start, this guide is for you.

Most people obtain a premises licence (sometimes called liquor licence, alcohol licence, or even a pub licence) for the sales of alcohol either on or off a premises. Sometimes premises licences allow for both.

But these legal documents allow much more than that. Because a premises licence also allows a premises to provide entertainment, such as:

- recorded or live music (including karaoke)
- films
- performance of dance
- wrestling and boxing
- Indoor sporting events
- to sell hot food and drink between 11pm and 5am.

So, as you can see, a premises licence is not just vital for alcohol sales and different styles of leisure operations, but for food takeaways, too.

Something else you should know, contrary to popular belief, is it is the actual premises which is granted the licence, not you personally. This is one of the reasons why a premises licence can significantly increase the value of a property. And should a licence be revoked (permanently lost) it can significantly reduce its value.

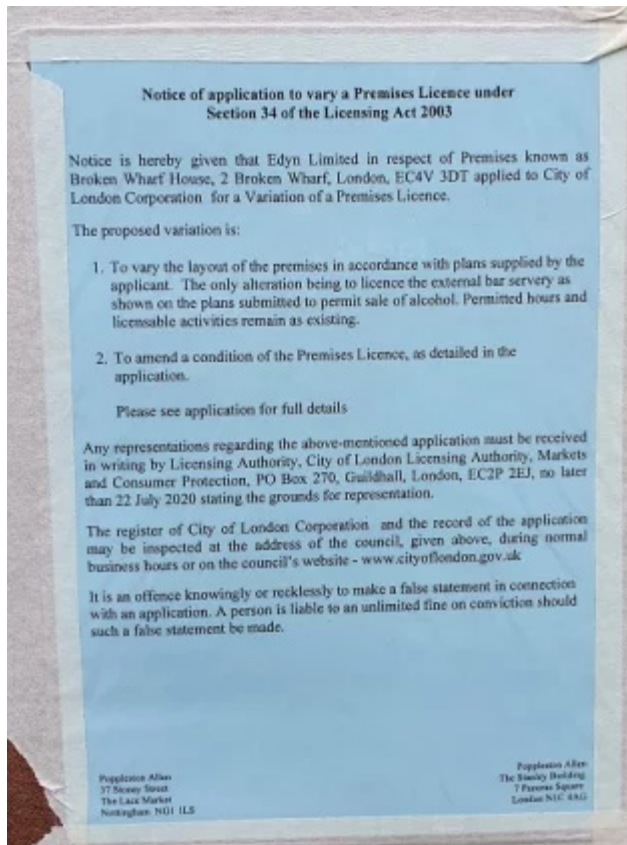
Premises licence application process

Here, in a nutshell, are the steps you need to take / items you need to consider to obtain your premises licence and start trading.

- **Hours and activities.** You need to decide what opening hours you require and the type of licensable activities you want, like selling alcohol for consumption on site or selling it for takeaway / delivery purposes. If you want entertainment this will need listing also, stating desired days and times.
- **Your operating schedule.** You will also need to explain how you plan to ensure your customers and employees adhere to the [licensing objectives](#).
- **A plan of your premises.** This should provide details of the boundaries, points of access, toilets, stair and steps, escape routes and locations of where you will be selling and consuming alcohol and / or food. Plus, areas where you might want entertainment such as DJs or karaoke (basically, the area where licensable activities will take place).
- **Proof:** Your proof of entitlement to work in the UK
- **Consent:** The consent of your [designated premises supervisor](#) – who must hold a [personal licence](#),
- **Application:** Once you have all of the above, you can complete your premises licence application which you can usually submit online via the Government website

What are representations and how can they ruin your business plans

When you apply for a premises licence, your application must be advertised to members of the local public. You will have no doubt seen these as you've been walking around city centres and high streets. To be legally compliant, they must be printed of at least A4 size, printed in black font of size 16 at least and on blue paper and displayed at head height for easy reading. Here is one of our examples.



Premises licence on blue paper

You will also need to place an advertisement in a locally circulating newspaper within 10 working day of applying.

These advertisements / notices give a number of people, such as members of the public, councillors, police, local businesses as well as responsible authorities (which includes local police, local councils bodies such as licensing and environmental health), a chance to submit an objection to your application. The legal term for these is 'representations', or sometimes known to colloquially as objections. The application runs for a 28 day consultation period in which objections can be raised.

Now, you might think that representations are unlikely. And that everyone will be as enthusiastic about your new licensed premises as you are. Unfortunately, experience says something very different.

In fact, post Covid-19, local residents seem to be more vocal than ever about the opening of new licensed premises. For example, a premises licence application (we were not involved) for a new, high end Italian restaurant in Nottingham, which was on a high street with 7 other bars / pubs / restaurants, received 23 objections from highly vocal residents; all concerned over possible noise problems and general disruption.

The result? The application ended up going to a licensing hearing, where the premises licence was granted, but with reduced operating hours and a condition banning the use of the large rear garden. And most operators know that using outdoors spaces, such as large rear gardens, can significantly increase your takings and profits. So, although the applicant obtained the premises licence and could start trading, this looks like a real missed business opportunity.

Other restrictive conditions you might get lumbered with as a result of representations include:

- Shorter trading hours
- A requirement for door staff
- A 'restaurant condition'. Simply put, this means you can only sell alcohol as part of a substantial meal, which is of no use to 1000s of bar and pub operators across the country.
- Noise limiters on music

And in the worst-case scenario, your application could be refused altogether, leaving your business plans in ruins.



Why location has a massive impact on premises licence applications

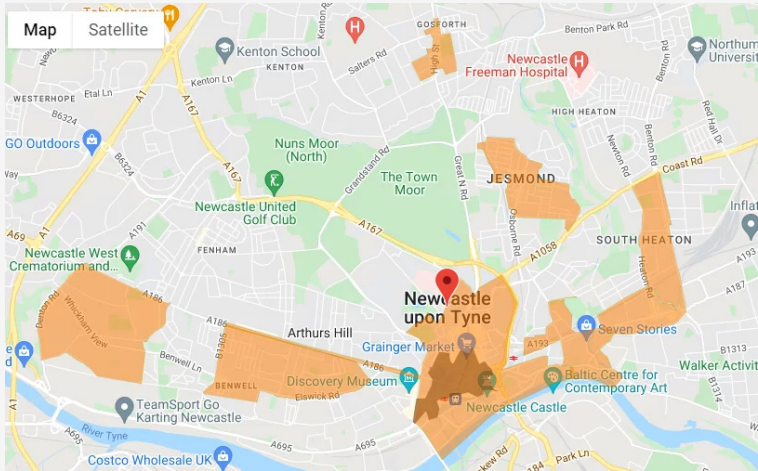
Another problem to solve when you apply for a premises licence is cumulative impact zones, (which are sometimes called special stress areas or something similar).

These zones are put in place by councils in locations where it has been identified that there is already a cumulation of too many licensed premises in an area, and the addition of any more could undermine the licensing objectives.

This means that any new premises licence applications or material variations which receive relevant representations are likely to be refused or granted with restrictive conditions, such as shorter opening hours than requested and restrictions on the use of outside spaces such as gardens or the high street in front. That is, unless you can show that your new business will not add to the cumulative impact in location.

And there are over 200 of these areas across England and Wales; and some cities, such as Newcastle have more than one!

Here is a snapshot of the cumulative impact zones in Newcastle:



Newcastle CIP zones

But it is not just alcohol that a premises licence allows you to provide

A premises licence allows you to provide:

- **Hot food and drink.** This might sound a little strange, but you need a premises licence to sell hot food and drink between the hours of 11pm and 5am. You can only sell hot food and drink without one during hours outside of these times. So, as you can imagine, premises licences are vital legal documents for takeaways. We have helped brands like Domino's, Five Guys, KFC, and 100s of independent takeaways obtain premises licences for their businesses.
- **Entertainment:** This covers items such as recorded and live music, plays, indoor sporting events and even entertainment facilities like karaoke machines.

You'll also need a personal licence to sell alcohol

There is another licence that you need before you can obtain your premises licence, and that is a personal licence.

As the name suggests, this is not a legal document for the premises itself, it is legal document that you, or someone else working at the premises, needs to authorise the sale of alcohol.

The criteria for obtaining a premises licence are that the person:

- must be over 18 years old
- must possess an accredited licensing qualification, such as the Award for Personal Licence Holders (APLH).
- must not have had a personal licence forfeited in the last five years
- must be entitled to work in the United Kingdom
- must pay the appropriate fee and complete an application form
- must supply two passport style photographs, signed by a solicitor or anyone else with standing in the community
- must not have a conviction for any "relevant" offence or foreign offences

And the last part of the application puzzle is for you to nominate someone to be your designated premises supervisor, commonly called a DPS. This person must have their personal licence. For clarity, this is an individual who is in day to day control of the business and responsible for the provision of the licensable activities at the premises.

How our licensing solicitors can help

We have made thousands of applications for premises licences over the years, covering every sector and type of operation you can imagine. And just as your business is unique, no one premises licence application is identical to another. We can help you draw up your detailed Operating Schedule which must accompany your application as well as advising on your layout plans to ensure that they comply with the legislation.

We can also put you and your team through the training and exams for the [personal licence](#), something that your [designated premises supervisor](#) must have.

And should your applications attract representations (objections), we can negotiate them away or, if the representations are persistent, represent you at a licensing hearing.

Our licensing solicitors are trusted by national brands such as: Young's, Fuller's, Mitchells & Butlers, REKOM, wagamama, PizzaExpress, Stonegate Pub Company, Honest Burger, Bill's, Cote many more besides.

But it is not just the 'big boy's which we act for, we also help one man bands, small independents and growing brands across the whole of the leisure sector.

What next:

If you have found a site that you would like to trade from, why not email to us for an opinion? We can let you know if the site sits in an area subject to a cumulative impact policy, and what that means for your plans. You can also do this yourself by using our cumulative impact finder tool, CizApp, available here: <https://www.cizapp.co.uk>

We can also give you an opinion – free of charge – on the types of issues that you are likely to face and the items you should consider to get the premises licence that best suits your business.

Plus, our [licensing solicitors](#) would be happy to give you an opinion – free of charge- on the types of issues that you are likely to face and the items you should consider to obtain the premises licence that best suits your business.

PopplestonAllen

From pubs, clubs and restaurants to arcades, casinos and online gaming; some of the biggest operators rely on our legal advice to run their businesses. As do fast growing start-ups and one-off brands.

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Licensing law. We get it.