



department for
**culture, media
and sport**

Online applications and notifications under the Licensing Act 2003

Guidance for applicants

28 December 2009

improving
the quality
of life for all

Our aim is to improve the quality of life for all through cultural and sporting activities, support the pursuit of excellence, and champion the tourism, creative and leisure industries.

New online application/notification process

General

1. The EU Services Directive is a flagship European Directive intended to develop the single market for services by breaking down barriers to cross border trade within the EU and making it easier for service providers within scope to set up business or offer their services in other EU countries. Amongst other things, the Directive requires that service ‘providers’ are able to apply, pay for and vary licences and permits online via a central information portal or Point of Single Contact (PSC). In the UK, the PSC is called the Electronic Application Facility (EAF) and it is available on the www.businesslink.gov.uk website (business link).

Applications/notifications under the Licensing Act 2003

2. Of the licensable activities under the 2003 Act, only regulated entertainment is a ‘service’ as defined by the Directive. However, the Government has taken the opportunity to extend the benefits of online application to most applications and notifications under the Licensing Act (for the purposes of this guidance, the word ‘applications’ is taken to include notifications). This means that you can apply online for all licensing processes except: applications for and renewals of personal licences; reviews; and representations (but see paragraph 13 below).

How to make online applications and notifications

3. You can apply online using forms available on the EAF (www.businesslink.gov.uk) or you will be re-directed to your licensing authority’s own electronic application facility, if one is available. You can also apply directly to your licensing authority without going through businesslink. In either case, you will find advice on the relevant website on how to complete and submit your application and how to pay the relevant fee. If you apply online (whether you apply via the EAF or directly to your licensing authority) you will also be required to make an online payment using the licensing authority’s payment facility. If you are applying online, you must submit **all** the relevant documents, including premises plans, etc. electronically.

Completing application forms

4. You should complete the application form in the same way that you would complete a written application, with reference to existing guidance for applicants published on this webpage.

Signatures

5. Where the form asks for signatures, you may either use an electronic signature if you have one, or if not, leave these sections of the form blank.

Premises plans

6. Premises plans do not have to be submitted in a specific scale, but they must be in a format which is accessible, legible and provides sufficient detail for the licensing authority to be able to determine the application, including the relative size of any features which are relevant to the application.

Enclosure of the licence

7. Applications for the variation, transfer or surrender of the licence require the applicant to 'enclose' the licence or, if that is not possible, explain why it has not been provided. If you are applying online, you should supply a scanned copy of the licence, but if you do not have access to a scanner, you can give that as the reason that you have not supplied it with your application.

Copying applications to responsible authorities

8. If you apply online, the licensing authority is responsible for copying your application to relevant responsible authorities, such as the police, on the first working day after you have submitted a valid application and paid the fee. However, if you submit any part of your application in writing, this will not be treated as an online application and you will remain responsible for copying your application to all of the responsible authorities. In such cases, your application will not be valid unless you do this in accordance with the Act and applicable Regulations.

Copying applications to Designated Premises Supervisors (DPS)/Personal Licence Holders (PLH).

9. If you are notifying a change of name and address of someone on the licence/club premises certificate, requesting to be removed as the DPS or applying for a transfer of the licence, you may be required to notify the DPS or PLH. This will remain your responsibility, even if you apply online. Again, if you fail to do this your application will not be valid.

Statutory timescales

10. Statutory timescales for processing and considering applications (such as the 28 day period during which you must advertise an application for a new premises licence outside the premises) will start as soon as you have submitted a complete application form and paid the fee. If you do not hear otherwise from the licensing authority by the end of the statutory timescale, you may assume that the application has been granted. However, if you have not submitted all the required information, the licensing authority may 'hold' the application, effectively resetting the statutory timescale. If you are applying for a new premises licence or club premises certificate, you may therefore wish to wait until you have received confirmation from the licensing authority that they are satisfied your application is complete before placing an advertisement in the local newspaper or circular. Applications may be held any number of times and the licensing authority may reject the application if applicants repeatedly fail to supply the required information. Licensing authorities may also defer statutory deadlines once if the application is particularly complex, for example if representations have been made and a hearing is required. If your application is held or deferred, the licensing authority must notify you promptly, explaining why they have taken this action and specifying what information is missing (if relevant) and whether there will be a hearing.

Commencing licensable activities

11. You can begin the licensable activity/ies once you have received notification from the licensing authority that your application has been granted (where relevant) without waiting for the licence to arrive. However, you do so at your own risk if you have not first ensured that you are aware of any conditions on the licence.

Duty to keep and produce licence for examination

12. The licensing authority may supply premises licences and club premises certificates in electronic or paper format – or both, but they must clarify which version is 'the licence' for the purposes of the Act, i.e. which version must be kept on the premises and produced for examination by the police, etc if requested. If you are in any doubt about this you should confirm with the authority which document is 'the licence', and have this document available for examination if required.

Online applications for review and representations

13. As stated previously, it is not possible to make online applications for review or representations through the formal online application process, i.e. via the EAF or the licensing authority's own online facility. However, you can apply for review or make representations by email in the normal manner (i.e. to the licensing authority's main email address) if the licensing authority agrees to this in advance. If the licensing authority may also indicate in advance that it does not require review applications or

representations submitted in this way to be followed up in writing. If the authority has done so, no written follow-up is required. But if it has not, you must send a written version of the application or representations once you have submitted the email version.

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