LICENSING ACT 2003

GUIDANCE TO APPLICANTS

REVISED October 2012

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South Kesteven District Council

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SOUTH KESTEVEN DISTRICT COUNCIL

Licensing Act 2003

Guidance to Applicants revised October 2012

Introduction

This document is intended to offer guidance to applicants for licences or certificates or those who may give notice of temporary events to the South Kesteven District Council (the licensing authority). It provides the basic information to help make an application.

The four cornerstones of the licensing regime are:

- The Licensing Act 2003 (the 2003 Act) and Regulations made under it;
- The Statutory Guidance issued by the Home Office;
- The four licensing objectives:
  - Prevention of Crime and Disorder,
  - The prevention of Public Nuisance;
  - The promotion of Public safety; and
  - The protection of Children from harm.

  And
- The Statement of Licensing policy issued by the licensing authority.

This guidance should be read in conjunction with the Statement of Licensing Policy issued by the licensing authority, which should assist, applicants understand how it will administer the licences and authorisations and what it considers as important.

Personal Licences

A personal licence is a licence held by a particular individual to permit that person to authorise the sale by retail of alcohol from a premises that is suitably licensed for the purposes of selling alcohol. A personal licence is not required for any other licensable activity including the supply of alcohol authorised under a Club Premises Certificate.

Applications for a personal licence should only be made to the licensing authority where the applicant normally resides. The applicant must be over 18 years of age.

Only one personal licence can be held. It is valid for a period of ten years, provided it has not been surrendered, revoked or forfeited and is renewable only with the issuing authority.

For further details, please see Section 2.

Premises Licence/Club Premises Certificate

A premises licence or club premises certificate authorises the use of any premises, (which not only includes a building or part of a building but also includes the open air, part of the highway, a vehicle, vessel, a moveable structure, a temporary structure or any place or a part of any premises), for licensable activities.

A **Premises Licence** permits the following licensable activities to take place on premises:

- The sale by retail of alcohol;
- The provision of regulated entertainment; and
- The provision of late night refreshment.

Regulated entertainment is:

- A 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; and
- Entertainment of a similar description to that falling within the performance of live music, the playing of recorded music and the performance of dance.

There are some exemptions to the playing of live music as listed below:

The Live Music Act 2012 disapplies live music related conditions if the following criteria are satisfied:

- There is a premises licence or club premises certificate in place permitting "on sales";

- The premises are open for the sale or supply of alcohol for consumption on the premises;

- Live music is taking place between 8am and 11pm;

- If the live music is amplified, the audience consists of no more than 200 people.

Live amplified music also ceases to be classed as regulated entertainment if the above criteria are satisfied.

The Act also creates a general exemption that live unamplified music provided anywhere shall not be regarded as the provision of regulated entertainment if it takes place between 8am and 11pm, regardless of the number of people in the audience.

Further details are available on request and on the council's website. www.southkesteven.gov.uk

An application for a premises licence can be made by a person who is at least 18 years of age, who is carrying on or proposes to carry on a business, which involves the use of the premises for licensable activities. The applicant need not be the holder of a personal licence. An application may be made by several persons and persons can include a business or partnership, or other prescribed persons such as individuals acting as representatives for a company or individual.

If the premises are leased, the freeholder has a right to inform the licensing authority that they own, part own, or occupy the premises and they have a right to know of any applications, notices and request other information.

If the licensable activities include the retail sale of alcohol, then the application must include details of a personal licence holder willing to undertake the role of DPS and that consent must be given in writing (see Section 2).

For further details, please see Section 3.

A Club premises certificate permits the following licensable activities to take place on "qualifying club" premises and club committee members should consider the changes to the Licensing Act 2003 that may affect their premises:

- The supply of alcohol by or on behalf of a club to, or to the order of, a member of the club;
- Sale by retail of alcohol by or on behalf of a club to a guest of a member of the club for consumption on the clubs' premises
- The provision of regulated entertainment; and
- The provision of late night refreshment – see above for the definition of regulated entertainment.

A full list of conditions a club has to meet to become a "qualifying club" can be found in Section 3.

A Club Premises Certificate does not need a personal licence holder or anyone identified as a Designated Premises supervisor as there is no supply of alcohol by retail taking place. Alcohol may be bought by the club for the members and the money being passed across the bar is to maintain equity between members. The club rule book should make clear the club's policy for guests.

Clubs should carefully consider whether they should apply for a club premises certificate or a premises licence. Many existing registered clubs have rules that allow them to hire out function rooms to members and the member's own guests or to persons other than members. Clubs are therefore recommended to look to their rules and take legal advice as to what permission to apply for.

Please note that the secretary of a club can commit various offences if changes are not notified to the licensing authority in respect of club rules or registered address of club premises.

You may not apply for either a premises licence or a club premises certificate if you or any of your committee members are under 18 years of age.

For further details, please see Section 3.

The application for the grant of either a premises licence or club premises certificate will need to include an operating schedule.

Applicants for premises licences or club premises certificates are expected to conduct a thorough risk assessment with regard to the licensing objectives when preparing their applications. This risk assessment will indicate any necessary steps to be set out in an operating schedule to promote the four licensing objectives.

Operating schedules, which form part of an application, will be considered by professional experts within the responsible authorities (e.g. the police, fire, environmental health officers), when applicants copy applications for premises licences and club premises certificates to them. For further details, please see Section 4.

The application will have to be copied to responsible authorities and advertised for the benefit of interested parties.

Responsible authorities and residents and businesses are free to raise relevant representations, which relate to the promotion of the licensing objectives, about the proposals contained in an application.

For further details of fees and contact details for responsible authorities, please see Section 6.

Major Variation to a Premises Licence or Club Premises Certificate

If any application to vary concerns a major variation the application will need to include an operating schedule. The application will have to be copied to responsible authorities and advertised for the benefit of interested parties.

A major variation is one that does not relate simply to a change of the name or address of someone named in the licence or an application to vary the licence to specify a new individual as the designated premises supervisor.

For further details, please see Section 3

Applicants for major variations of such licences are expected to conduct a thorough risk assessment with regard to the licensing objectives when preparing their applications. This risk assessment will indicate any necessary steps to be set out in an operating schedule to promote the four licensing objectives.

Operating schedules, which form part of an application, should be considered by professional experts within the responsible authorities, when applicants copy applications for variations to them.

For further details, please see Section 4.

Responsible authorities and residents and businesses are free to raise relevant representations, which relate to the promotion of the licensing objectives, about the proposals contained in an application.

For further details of fees and contact details for responsible authorities, please see Section 6.

Minor Variations to a Premises Licence or Club Premises Certificate

The Department of Culture Media and Sport have introduced, through a simplified procedure, a minor variation process, to avoid the cost to local businesses when making changes that will not impact on the promotion of the Licensing Objectives.

There are four general categories for minor variations

1) Minor Changes to the structure or layout of a premises
2) Small adjustments to licensing hours
3) The removal of out of date, irrelevant or unenforceable conditions or the addition of volunteered conditions
4) The addition of certain licensable activities

Please note this process cannot be used to add or increase hours for the sale of alcohol.

There is no requirement to advertise in the paper or send copies of your application to the responsible authorities, the licensing team will automatically consult the responsible authorities and take into consideration their views when making a decision.

There is a requirement to advertise on site for 10 working days starting the day after the application is given to the Licensing Team at South Kesteven District Council, between day eleven and day fifteen the Licensing Team will make a decision taking into account any comments made by interested parties and you will be informed.

There is no right of appeal against this decision and you are advised to talk to the Licensing Team before starting this process.

Further information is available from the licensing team.

Provisional Statements

The licensing authority strongly suggests you seek advice from the licensing team BEFORE undertaking under taking any variation.

Where premises are being or are about to be constructed for the purpose of being used for one or more licensable activities, or are being or about to be extended or otherwise altered for that purpose, 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. In such circumstances an application for a Provisional Statement may be made.

If the details necessary to complete an application for a premises licence are known, then such an application can be made. However, it may be that details of the actual operation are not known and it is therefore open for application to be made for a Provisional Statement.

The procedure is similar to that of an application for a premises licence. If such an application is granted, then subject to there being no material changes to the project, investors etc can be confident that a premises licence will be granted.

The grant of any licence under this Act does not indicate planning consent will be granted, nor should the grant of planning consent imply the granting of licence under this legislation.

For further details, please see Section 3

Advertising Applications

In the case of an application for the grant of, or variation to, a premises licence or club premises certificate, or a provisional statement, the application must be displayed and advertised.

Applications must be displayed in a prominent position at or on the premises concerned. There are regulations concerning the format of the actual form the notice must take. This notice must be displayed for not less than 28 consecutive days starting on the day after the day the application was made. The applicant must also advertise the application in a local newspaper circulating in the district such as the Grantham Journal or Stamford Mercury.
The newspaper notice must be circulated on at least one occasion not more than 10 working days after the giving of the application to the licensing authority, both the newspaper notice and the notice for the application will contain the following information:

- The relevant licensable activities proposed to carry on at the premises;
- The proposed changes of the application;
- The name of the applicant;
- The postal address of the premises, or if not applicable a description of the premises concerned;
- Details of where the register of the licensing authority is held and where it can be inspected;
- The dates between which an interested party or a responsible authority may make representations to the licensing authority;
- A statement that all representations must 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.
- The notice displayed on the premises must be A4 or larger, pale blue in colour, legibly printed in size 16 or larger.
- There are further regulations in respect of displaying the notice.

(These requirements may be subject to change by regulation).

Representations

If a representation from any interested party or responsible authority has been received, the licensing authority will decide whether the representation is relevant. If found relevant, the licensing team will consider arranging a mediation meeting between the relevant parties for them to try and find a reasonable compromise. If this informal process is unsuccessful, a hearing before the licensing committee will ensue. All relevant parties will be notified. The licensing committee or sub-committee will make a decision and the details of that decision will be circulated to the parties concerned.

Rights of Appeal

Both the applicant and any person or authority making a representation has a right to appeal within 21 days of the licensing authority's decision to the Magistrates Court. Professional advice should be sought where it is uncertain what the best course of action should be.

Transfers

In the case of an application to transfer a premises licence, the applicant must give a complete copy of the application to the chief officer of police on the same day as giving the relevant application to the licensing authority.

In the case of an application to vary a premises licence by specifying a different individual as the designated premises supervisor, a complete copy of the application must be given to the chief officer of police and the existing designated premises supervisor, if any, on the same day as giving the relevant application to the licensing authority.

Interim Authorities

Interim Authorities are special arrangements for the continuation of permissions under a premises licence when the holder of a licence dies suddenly or becomes bankrupt or mentally incapable. In the normal course of events, the licence would lapse in such circumstances.

Because there may also be some time before the person's estate can be dealt with this could have a damaging effect on those with interests in the premises and employees and could bring unnecessary disruption to customers' plans. The Act therefore provides for the licence to be capable of being reinstated in a discreet period of time in certain circumstances.

These circumstances arise only where a premises licence has lapsed owing to the death, incapacity or insolvency of the holder. In such circumstances, an "interim authority" notice may be given to the licensing authority within twenty eight days beginning the day after the licence lapsed. It should also be copied to the chief officer of police. The premises licence would lapse until such a notice is given and carrying on licensable activities in that time would be unlawful.

As soon as an interim authority notice is given within the twenty eight day period, the business may continue to carry on any licensable activities permitted by the premises licence. The effect of giving the notice is to reinstate the premises licence as if the person giving the notice is the holder of the licence and thereby allow licensable activities to continue to take place pending a formal application for transfer. The maximum period for which an interim authority notice may have effect is two months.

Temporary Event Notices

The system of permitted temporary activities is a light touch process, and as such, the carrying on of licensable activities does not have to be authorised by the licensing authority on an application. Instead, a person wishing to hold an event at which such activities are proposed to be carried on (the "premises user") gives notice of the event (a "temporary event notice" or "TEN")

For further details on TENS, please see Section 5.

PLEASE NOTE ANY INCOMPLETE APPLICATIONS WILL BE REJECTED AND RETURNED TO THE SENDER. THE APPLICATION MUST THEN BE RESUBMITTED. ONCE AN APPLICATION IS MADE THE FEE IS NOT REFUNDABLE EVEN IF THE APPLICATION IS WITHDRAWN. HOWEVER THE TOTAL NUMBER OF TENS WILL BE REDUCED.

If you need help then the Licensing Team are happy to do so, but they are only able to provide general advice and they are NOT able to complete the application for you.

Section 2

Personal Licences

A personal licence is only required for the retail sale of alcohol. Applications should be made to the Local Authority where you are ordinarily resident. Every sale of alcohol must be made or authorised by a personal licence holder.

Applications for personal licences

A personal licence is a licence held by a particular individual to permit that person to authorise the sale by retail of alcohol from a premises that is suitably licensed for the purpose of selling alcohol. A personal licence is not required for any other licensable activity including the supply of alcohol authorised under a Club Premises Certificate.

Applications for a personal licence should only be made to the licensing authority where the applicant normally resides. The applicant must be over 18 years of age.

Only one personal licence can be held. It is valid for a period of ten years, provided it has not been surrendered, revoked or forfeited and is renewable only with the issuing authority.

You should send the completed application form to the Licensing team, South Kesteven District Council, Council Offices, St Peters Hill, Grantham NG31 6PZ, together with the enclosed:

- The fee – currently £37.00

- 2 photographs which must be:
    - Taken against a light background
    - Size 45 millimetres by 35 millimetres
    - Be full face without sunglasses
    - Unless the applicant wears a head covering due to his/her beliefs, without a hat
    - On photographic paper
    - Endorsed by a solicitor, notary, a person of standing in the community, or any individual with a professional qualification.

- Proof of your licensing qualification – currently:
    - National award for Personal Licence Holders

      Or

      exemption of such a qualification

You must also be required to produce a basic Criminal Records Check – available from the police, in the case of the Lincolnshire police Data Protection Office, Police headquarters, PO Box 999 Lincoln LN5 7PH. Alternatively from Disclosure Scotland, PO Box250, Glasgow G51 1YU.

Telephone: 0870 609 6006.
Email: info@disclosurescotland.co.uk or
apply online at http://www.disclosurescotland.co.uk/apply-online/

PLEASE NOTE THE CHECK IS ONLY CURRENT FOR ONE CALENDAR MONTH FROM DATE OF APPLICATION.

If you have no convictions, not had a licence forfeited in the past five years, are suitably trained and are 18 or over there is no reason why you should not qualify for a personal licence.

Please note that personal licences are not required in qualifying clubs, temporary events (up to a maximum of five per year) and for premises which has licensable activities that do not include the sale by retail of alcohol. Personal licence holders are able to give up to fifty temporary event notices per year.

Designated Premises Supervisor

A personal licence holder may give written consent to become a designated premises supervisor (DPS) for licensed premises where the activity of sale by retail of alcohol is authorised. The DPS has a legal responsibility for not only authorising the sale by retail of alcohol under the terms of the personal licence but also has control of the day-to-day management of that premises under the terms of the premises licence. Please note that if the designated premises supervisor is not physically on the premises, there should be a clear management structure with which staff are familiar. There can only be one DPS on the premises licence, but no limit on the number of personal licence holders in order to maintain effective management of the premises. It is recommended premises operators keep a list of current licence holders working at those premises available for inspection.

Designated Premises Supervisor in a Community Premises

The Government recently introduced new regulations which allow community premises licensed to sell alcohol to do so without the normal requirement for a personal licence holder or a named Designated Premises Supervisor.

The management would be required to take responsibility for the sale of alcohol and demonstrate how this responsibility would be dealt with.

An application for a new premises licence will include the option to select either a DPS or a management committee.

If you are a community premises that hold a licence which includes the sale of alcohol you can apply to remove the requirement for a DPS, this process costs £23

Section 3

Premises Licences and Club Premises Certificates

Application for the grant of a Premises Licence or Club Premises Certificate

Each application for a new premises licence or club premises licence will be considered individually in accordance with the licensing authority's policy.

Please send to the Licensing Section:

- A completed application form (for a premises licence or club premises certificate); including an operating schedule (see Section 4);
- The correct fee;
- A plan (see below for the specification of the plan);

And:

- If the premises licence (but not club premises certificate) application is to include the retail of alcohol, the written consent form of the individual personal licence holder who wishes to be the premises supervisor is required;
- If a club premises certificate application, a declaration that the club is a "qualifying club".

You must submit a copy of your application to all "Responsible Authorities" at the time of making the application and advertise the application. Contact details of the responsible authorities in the South Kesteven District and advertising details can be found under contact details in Section 6. For your own benefit you may wish to get a receipt for the delivery of the application forms or send the applications by registered post or recorded delivery and keep the proof of postings as evidence that the applications have been sent.

Application to vary a Premises Licence or Club Premises Certificate

If you are applying for a variation to your licence or certificate the process is very similar to making an application for a grant. You should note that your operating schedule will need to be altered to accommodate your proposed variation (see section 4 for details).
If the variation is simply to change the DPS, then the form is very much shortened.

Qualifying Club Conditions

Under the 2003 Act to qualify for Club status, the club must satisfy the following sections:

The general conditions:

- Under the rules of the club persons may not:
  (a) be admitted to membership, or
  (b) be admitted, as candidates for membership, to any of the privileges of membership, without an interval of at least two days between their nomination or application for membership and their admission;
- Under the rules of the club persons becoming members without prior nomination or application may not be admitted to the privileges of membership without an interval of at least two days between their becoming members and their admission;
- The club is established and conducted in good faith as a club;
- The club has at least 25 members;
- Alcohol is not supplied, or intended to be supplied, to members on the premises otherwise than by or on behalf of the club.
- The club premises certificate must reflect the licensable activities.

In determining whether a club is established and conducted in good faith the matters to be taken into account are:

- Any arrangements restricting the club's freedom of purchase of alcohol;
- Any provision in the rules, or arrangements, under which:
  (i) money or property of the club, or
  (ii) any gain arising from the carrying on of the club,
  is or may be applied otherwise than for the benefit of the club as a whole or for charitable, benevolent or political purposes;
- The arrangements for giving members information about the finances of the club;
- The books of account and other records kept to ensure the accuracy of that information;
- The nature of the premises occupied by the club.

If a licensing authority decides that a club is not established and conducted in good faith, then the authority must give the club notice of the decision and of the reasons for it.

Additional conditions for the supply of alcohol, which a club must satisfy if it is to be a qualifying club in relation to the supply of alcohol to members or guests, are the following:

- So far as not managed by the club in general meeting or otherwise by the general body of members, the purchase of alcohol for the club, and the supply of alcohol by the club, are managed by a committee whose members:
  (a) are members of the club;
  (b) have attained the age of 18 years; and
  (c) are elected by the members of the club.

- No arrangements are, or are intended to be, made for any person to receive at the expense of the club any commission, percentage or similar payment on, or with reference to, purchases of alcohol by the club.
- No arrangements are, or are intended to be, made for any person directly or indirectly to derive any pecuniary benefit from the supply of alcohol by or on behalf of the club to members or guests, apart from:
  (a) any benefit accruing to the club as a whole, or
  (b) any benefit which a person derives indirectly by reason of the supply giving rise or contributing to a general gain from the carrying on of the club.

Plans

Plans for written and electronic applications, will not be required to be submitted in any particular scale, but they must be in a format which is "clear and legible in all material respects", i.e. they must be accessible and provide sufficient detail for the licensing authority to be able to determine the application, including the relative size of any features relevant to the application. There is no requirement for plans to be professionally drawn as long as they clearly show all the prescribed information.

A plan of the premises should include the following details (unless agreed in writing with the licensing authority):

For premises licence:

- The extent of the boundary of the building, if relevant, and any external and internal walls of the
- Building and, if different, the perimeter of the premises;
- The location of points of access to and egress from the premises;
- If different from the sub-paragraph above the location of escape routes from the premises;
- In a case 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 the steps, stairs, elevators or lifts;
- In the case where the premises includes any room or rooms containing public conveniences, the location of the room or rooms;
- 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 through which the matters mentioned or referred to are sufficiently illustrated by the use of symbols on the plan.

Section 4

Operating Schedule - General

An Operating Schedule is a required document for all new applications for premises licences, club premises certificates and applications to vary such permissions. It forms part of the application. It is the documentation that outlines what activities are proposed to be permitted, when these activities will take place, the overall opening hours when the public are permitted on the premises and how the activities will be managed, particularly in respect of the licensing objectives.

It is advisable to apply for a realistic amount of hours for any activity. You should consider the effect of your hours not only on the residents and businesses in your vicinity but also the other service industries such as street cleaning, transport etc. The Police will look at their ability to provide resources and will make representations should it be felt that they are unable to make their limited resources available to suit your hours. Therefore, early discussion with the Police is essential.

Particular thought should be given to community centres as these premises often have many different users and uses that change on a fairly frequent basis. It may be prudent to apply for activities that currently do not take place as hirers may request those activities in the future

One of the most critical parts of the operating schedule is the section is where the applicant describes the steps intended to promote the four licensing objectives. Careful consideration of what is entered is advised. What is written in this section will be translated into conditions on the licence or certificate. However, as a guide the Council's Statement of Licensing Policy should be used to see what is expected to be addressed in the operating schedule. The list is not exhaustive and obviously, not all are appropriate to all premises.

The operating schedule will be examined by the responsible authorities to ensure that they are satisfied that the risks to the licensing objectives have been addressed and the steps you intend to take so as not to put the objectives at risk. You can expect a representation from responsible authorities or interested parties if the operating schedule is not specific, sufficiently detailed and robust enough to address the issues.

The starting point of the operating schedule should be close liaison with the responsible authorities and interested parties for their views and assistance before the application is submitted to the licensing authority. A risk assessment should be done on the proposed activities to identify the risks to the licensing objectives. These risks should then be addressed and an operating schedule should emerge from the risk assessment.

The law requires that you need only submit the operating schedule as part of your application, but the Police have already stated that if a risk assessment is not forwarded as part of their copy of the application, they will make representations.

They do not have the resources to complete their own risk assessments and therefore need to see your risk assessment to ensure that you have considered each risk identified. Any representation unless resolved will lead to a hearing before the Licensing Committee which may cause unnecessary delay and expense.

When preparing operating schedules, there are several publications that applicants should be aware of and refer to which offer good guidance and best practice. These include:

Guidance under S182 of the Licensing Act 2003;
South Kesteven District Strategic Plan;
Alcohol Harm Reduction Strategy for England;
Safer Clubbing Guide;
The Event Safety Guide (The Purple Book) ISBN 0 7176 2453 6;
Managing Crowds Safely, ISBN 0 7176 1834 X;
Five Steps to Risk Assessment: Case Studies, ISBN 07 07176 15804;
The Guide to Safety at Sports Grounds (The Green Book), ISBN 0 11 300095 2;

Therefore, the steps that should be taken before submitting you application are:

- Initially consult with responsible authorities and interested parties;
- Draw up your risk assessment;
- Draw up your operating schedule;
- Liaise again with the relevant authorities and interested parties;
- When all are satisfied or if there are only unresolved issues;
- Submit you application.

There are a number of steps that can be taken which satisfy more than one of the licensing objectives.

- Signage – Good signage can operate at many levels. At the door, clear signs can clarify the premises' policy regarding any age restriction such as "over 18s only", "over 21s only" or "no unaccompanied children". Whether signs repeat the law or express the policy of the premises, it can act as a deterrent and as a tool for staff enforcing the law or the premises policy in a non-confrontational manner. However, it is certainly not the wish of the licensing authority to turn all licensed premises into notice boards. Signs

- should be used if there are specific problems, or where there is a need to demarcate certain areas for particular activities. Some examples of signs that could be used may include:

    - "CCTV operates in this area and all incidents will be reported to the police"
    - "These premises operate a zero tolerance drugs policy"
    - "Proof of age for purchase of certain goods may be required"
    - "Supervised children are welcome in the restaurant area before 8pm"
    - "No drinks allowed in this area/beyond this point"
    - "Membership of Pubwatch"

- Staff training – Well trained staff are a real asset to any business. Critical areas of staff training in licensed premises should include a good knowledge of what is and is not permitted on the premises.

The chain of command of a licensed premises is very important and an operating schedule should have a well defined management structure especially for when the DPS is not physically on the premises. An example of best practise would be that the duty manager signs in for duty in a logbook so that it is clear for everybody who is in charge of the premises at any particular time. It would also be considered best practise for all duty managers to be personal licence holders so that the required knowledge level can be assured when the DPS is not physically present. Other key areas that should be covered include:

- What to do if they think that there is a customer behaviour problem or one is likely to occur;
- What to do and any special responsibilities in case of fire or any other emergency likely to lead to the evacuation of the premises;
- Where the supply of alcohol is concerned or where any age restriction is applicable training should be given and maintained.
- What is acceptable proof of age identification and what is not, as the names of cards may change or and new cards introduced having gained the PASS accreditation;
- Staff should know what would be expected of them if an incident occurred and potentially that if a court case ensued that they may have to give evidence;
- What the drug policy is and what to do if drugs are found on the premises;
- What to do if they feel threatened or feel they are at risk how best to deal with such situations

If staff members are well trained they may feel more confident to be more proactive in keeping trouble out of the premises. The British Institute of Innkeeping and other training providers offer recognised training for various activities within the leisure and entertainment industry.
Additionally, to have a document which details what the staff training consists of and documentation to show that each member of staff is familiar with the material is an essential managerial tool. The training to be given to staff and documentation may be referred to in the operating schedule. Where temporary staff are used, they should receive a thorough briefing and where possible try and obtain the same temporary staff so that they become familiar with the premises and its operation.

Drinks promotions should never encourage excessive or binge drinking. Consideration of the implications on the licensing objectives and the community should be considered whenever an alcoholic drinks promotion occurs.

A statement to clarify the drinks promotion policy of the premises is advisable where one of the licensable activities is the sale or supply of alcohol.

Special consideration should be made regarding the licensing objectives when special events such as football matches or other local or national events are being staged and how these events will impact the local community and what can be done to eliminate the negative impact.

The Prevention of Crime and Disorder

Examples of steps the licensing authority may expect applicants to consider and address include:

- Membership and promotion of the South Kesteven Pubwatch Scheme. Membership and regular attendance of meetings of a crime reduction group such as Pubwatch can help stop known troublemakers entering your premises. As Pubwatch and the Police can share information between each other, incidents such as resale of stolen goods, recent outbreaks of trouble and information of crimes against businesses. Pubwatch bans do have serious repercussions on the social lives of the people affected. They may have to travel much greater distances to frequent licensed premises and as such they cannot socialise with their friends in the same way. As such, up to date Pubwatch signage can act as a deterrent. Pubwatch membership would be considered best practice for many premises located in the town centres where the supply of alcohol is an authorised activity.
- Participation in the use of the districts Radio Link Scheme. South Kesteven Pubwatch subscribes to the two-way radio Scheme so that information about incidents actually happening can be quickly spread around all the premises involved in the scheme. The local police also have a radio on the scheme so can be summoned quickly or can arrange for CCTV to record any particular activity.
- Physical security features should be considered e.g. use of toughened or plastic drinking glasses. Where appropriate, the operating schedule may specify details of when the use of plastic or toughened glass will be applied as defined by a risk assessment. Plastic may be very preferable for use in outside areas where broken glass could be difficult to clear up or where there may be an increased level of rowdiness such as when and where national sporting events are televised.
- The use and numbers of SIA licensed door supervisors. It will be illegal to use door staff that are not licensed by the SIA. For more information on the SIA please visit their website at www.sia.homeoffice.gov.uk or call their helpline 08702 430 100. The decision when to employ door supervisors and in what number depends on a risk assessment. Managers should be sensitive to local and national events such as major football events, even if your premises are not involved directly. When using Door Staff the licensing authority commends the use of an "incident book" which should be maintained recording details of duty door staff and any incidents dealt with.
- This should be kept available for inspection at any reasonable time by Police and Council officers.
- The amount of seating to be provided to reduce high volume vertical drinking.
- Training given to staff in crime prevention and drug awareness measures. Please see the general heading above for further details.
- Measures agreed with the Police to reduce crime and disorder. The development of good relations with local police officers is beneficial in preventing incidents occurring on your premises. If customers become accustomed to police officers making frequent checks, problem behaviour can be discouraged. Additionally, records kept of any crime or disorder incidents and where sales of alcohol have been refused will help the police and local authority monitoring.

- Measures to prevent the use or supply of illegal drugs. Ensuring adequate staffing at busy times so that staff members are regularly checking all areas of the licensed premises including toilets and other areas that are not easily visible from the bar. Such measures would include a premises drug policy and statement of such a policy.
- Search procedures. Effective searching not only prevents certain crimes by removing prohibited articles but also serves as a deterrent.
- Provision of CCTV in and around the premises. Details of any CCTV system and suitable signs associated with it. If installing a new CCTV system advice from the Crime Reduction Officer of the Lincolnshire Police should be sought.
- Formulation of a dispersal policy. You should ensure that when customers leave the premises, they do so in an orderly manner. A music and lighting policy which encourages a calming effect on customers before they leave can help. It may be that a transportation policy is required to get customers home after leaving the premises when there is no viable alternative.
- Measures to prevent glasses and bottles being taken away from the licensed premises. Open containers should not be taken from the premises. Signs to reinforce that only drinks purchased on the premises may be consumed on the premises could be advisable.

Public Safety

Examples of steps the licensing authority may expect applicants to consider and address include:

- Suggested occupancy figures (including staff and performers). This can be based on a recent assessment completed by a fire officer/building control officer. It is the responsibility of the licence holder to do a risk assessment of the business and expert advice may be required. Not only does the size and number of emergency exits affect the occupancy figure, so does the floor area, ease of exit and the density and type of furniture and fittings. Please note that sanitary accommodation can affect occupancy figures. Please specify if your premises has a capacity of less than 200 people, as there is an exemption available under section 177 of the Licensing Act 2003.
- Use of equipment and effects. You should be able to demonstrate that equipment, whether fixed or temporary is safe and in working order such as the electrical, fire alarm and emergency lighting systems and fire fighting equipment. There are however, types of equipment and effects which require specific risk assessment and advice from experts such as the Environmental Health or Health and Safety officers.
- Levels of door supervision. Please see above in Crime and Disorder. When assessing the numbers of doorstaff, you should be consider their safety and employ them in sufficient numbers to ensure that they are able to deal with all emergencies and evacuations, not just in their crime and disorder role.
- Measures to prevent the supply and use of illegal drugs. Please see the General and Crime and Disorder headings.
- Free availability of clean drinking water. It is recognised that some persons either in possession of or under the influence of drugs will gain entry to premises despite stringent search methods. Some drugs combined with dancing can cause overheating of the body and a craving for water.

Free availability of clean drinking water and its controlled consumption can help to alleviate the effects of the drug. Water available in sanitary accommodation should not be used for this purpose.

- Physical safety features e.g. use of toughened glass and plastic containers. Please see above in Crime and Disorder. ;
- Fire safety, training and evacuation procedures;
- Provision of CCTV.

The Prevention of Public Nuisance

Examples of steps the licensing authority may expect applicants to consider and address include:

- The location of premises and proximity to residential and other noise sensitive premises, such as hospitals, hospices and places of worship and the proximity of other sensitive areas such as schools, war memorials etc;
- The hours of opening, particularly between 23.00 and 07.00;
- The nature of the activities to be provided, including whether those activities are of a temporary or permanent nature and whether they are to be held inside or outside the premises;
- The design and layout of the premises and in particular the presence of noise limiting features;
- The occupancy capacity of the premises;
- The availability of public transport;
- The availability of parking in residential areas;
- 'Wind down period' between the end of the licensable activities and the closure of the premises;
- The formulation of a dispersal policy;
- Last admission time;
- The upkeep of the area immediately surrounding the premises such as litter collection.
- Installation of noise limiting equipment.

Closure of outside areas after a certain time is encouraged to be included in your operating schedule. It is advisable that no regulated entertainment is carried out in outside areas in the evenings without prior consultation with the licensing authority. Noise can also be contained by keeping windows and doors shut, by installing double-glazing or air conditioning and ventilation where appropriate, which sound be maintained in good order. Using performers of regulated entertainment to remind customers to respect the premises' neighbours and leave quietly has proved successful.

A guide for the management of noise and other public nuisances is available on the council's website under environmental health/environmental protection.

Protection of Children from Harm

Do make a statement regarding the child admission policy of the premises detailing any restrictions. Good management and staff training is essential in dealing with this objective.

Signage can be very important in the protection of children from harm. It is important that signage makes clear the restrictions on access to the premises or part of the premises by children. It is also important to have children supervised at all times in these types of premises.

It is expected to show in your operating schedule that if children are permitted on the premises that any areas where children are not allowed are demarcated, these may be bar areas, in areas with amusements with prizes or a strong element of gambling, suitable refreshments should also be available at all times when children are permitted. Do make sure that children needing to use the toilets can get there without crossing areas within which they are not permitted.

When considering access by children, you may wish to consider the following:

- Limitations of the hours when children may be present;
- Limitations on the exclusion of the presence of children under certain ages when particular specified activities are taking place;
- Limitations on the parts of premises to which children might be given access;
- Age limitations (below 18);
- Requirements for accompanying adults (including for example, a combination of requirements which provide that children under a particular age must be accompanied by an adult); and
- Full exclusion of those people under 18 years of age from the premises when any licensable activities are taking place.
- Presence of acceptable number of appropriate adult staff to ensure public safety and protection of children from harm.

It should be noted that it is an an offence;

- to permit children under the age of 16 unaccompanied by an adult (that is a person aged 18 or over) to be present on premises open for the supply of alcohol for consumption there and being used exclusively or primarily for the supply of alcohol for consumption on those premises under the authorization of a premises licence, club premises certificate or temporary event notice;
- to permit the presence of children under 16 who are not accompanied by an adult (that is a person aged 18 or over) between midnight and 5am to be on premises supplying alcohol for consumption on the premises under the authorization of any premises licence, club premises certificate or temporary event notice.

The offences may be committed by a premises licence holder, designated premises supervisor or any person who works at licensed premises, whether paid or unpaid, in a capacity which authorizes him or her to request an unaccompanied child under 16 to leave the premises.

It may also be committed by any member or officer of a club, which holds a club premises certificate, who is present on the premises in a capacity which enables him to make such a request or a premises user in relation to premises being used under the authorization of a temporary event notice.

Section 5

Temporary Event Notices

Temporary event Notice application forms can be obtained from the licensing team or the Councils website www.southkesteven.gov.uk.

The important aspect of the system of permitted temporary activities is that no authorisation as such is required for these events from the licensing authority. The system involves notification of an event to the licensing authority the police and environmental protection, subject to fulfilling certain conditions. In general, only the police and environmental protection may intervene to prevent such an event taking place or to agree a modification of the arrangements for such an event; and it is characterised by an exceptionally light touch bureaucracy. The licensing authority may only ever intervene of its own volition if the limits set out in the 2003 Act on the number of temporary event notices that may be given in various circumstances would be exceeded. Otherwise, the licensing authority is only required to issue a timely acknowledgement.

Where a Premises Licence or Club Premises Certificate is in place a temporary event notice for the same premises may have conditions on the licence transferred to the temporary event notice at the request of the police or environmental protection.

It should be noted that the giving of a temporary event notice does not relieve the premises user from any requirements under planning law for appropriate planning permission where it is required.

Such a light touch is possible because of the limitations directly imposed on the use of the system by the 2003 Act itself. The limitations apply to:

- the number of times a person (the "premises user") may give a temporary event notice (50 times per year for a personal licence holder and 5 times per year for other people);
- the number of times a temporary event notice may be given in respect of any particular premises (12 times in a calendar year);
- the length of time a temporary event may last for these purposes (168 hours);
- the maximum aggregate duration of the periods covered by temporary event notices at any individual premises (21 days); and
- the scale of the event in terms of the maximum number of people attending at any one time (less than 500).

Please note that a notice will be deemed to be from the same premises user if it is made by an associate, namely:

- the spouse of that person;
- a child, parent, grandchild, grandparent, brother or sister of that person or their spouse; or

- an agent or employee of that person or their spouse;

A person living with another person as his or her husband or wife is treated for these purposes as his or her spouse.

On each occasion a notice is submitted at least 10 working days notice must be given **not including the day of application or the day of the event**, but there is nothing to prevent simultaneous notification of multiple events at a single time so long as the first event is at least ten days away. Temporary Event organisers are encouraged to submit their notifications to the licensing authority police and environmental protection as soon as is reasonably practical in order for them to consider whether or not there are any concerns and where there are concerns, to enable all parties to take the necessary steps to resolve them.

The licensing authority recommends that at least 20 working days and no more than 40 working days notification be given.

Late Temporary Event Notices

Late temporary events are intended to be used by premises users who are required for reasons outside their control to, for example, change the venue at short notice.

A personal licence holder is able to give 10 late notices per year and a non personal licence holder 2.

A late notice can be given no later than 5 working days but no earlier than 9 working days before the event.

The Police and Environmental Protection can object to a late notice and there is no right of appeal against this decision. The event will not go ahead.

Section 6

Fees

Fees for all 2003 Act permissions and applications are set by Central Government. All fees should be paid to "South Kesteven District Council".

Premises licences, club premises certificates, variations to conditions, conversions and annual maintenance fees are based on the non-domestic rateable value (NDRV) of the premises. These are sub-divided into 5 bands. To calculate the fee you will have to pay you will need to know the NDRV of your premises. The annual fee is payable 1 year after the grant of the licence or certificate.

The 2003 Act now requires a licensing authority to suspend a premises licence or club premises certificate if the annual fee is not paid when it is due. However, this does not apply immediately if the payment was not made before or at the time of the due date because of an administrative error, or because the holder disputed liability for the fee before or at the time of the due date. In either of these cases, there is a grace period of 21 days. This period is intended to allow the licensing authority and the licence or certificate holder an opportunity to resolve the dispute or error. If the dispute or error is not resolved during this 21-day period, the licence will be suspended.

The Government has introduced multipliers to bands D and E for premises whose exclusive or primary business is selling alcohol for consumption on the premises see below.

No fee or annual charge would be payable by church halls, chapel halls or other premises of a similar nature and village halls, parish and community halls or other premises of a similar nature for a premises licence authorising **only** the provision of regulated entertainment.

Nor will a fee or annual charge would be payable by a school providing education for pupils up to Year 13 or a sixth form college for a premises licence authorising **only** the provision of regulated entertainment carried on by the school or sixth form college itself at the school or college premises for the purposes of the school or college.

Band	A	B	C	D	E
Non-domestic rateable value	£0 - £4,300	£4,300 - £33,000	£33,001 - £87,000	£87,001 – £125,000	£125,001 and over
Fees payable for: Premises Licence/ Club Certificate/ Conversion and *variations to conditions (but not changes of name and address or changes of designated premises supervisor) **where multiplier does not apply.**	£100	£190	£315	£450*	£635*
* Fees payable for: Premises Licence/Club Certificate and *variations to conditions (but not changes of name and address or changes of designated premises supervisor) **where multiplier applies.**				£900	£1905
Annual fee where multiplier **does not apply.**	£70	£180	£295	£320*	£350*
* Annual fee **where multiplier applies.**				£640*	£1050*

To find out how much your non-domestic rateable value of your premises is please enter your postcode into the Valuation Office's website, www.voa.gov.uk.

There are other occasions that fees and charges must be paid to the licensing authority:

Occasion on which a fee may be payable	**All fees are to be paid to South Kesteven District Council**	**Who should be sent copies of application other than the licensing authority**
Variation of existing premises licence or club premises certificate	Please see above as dependent of NDRV	All Responsible Authorities
New Premises Licence or Club Premises Certificate	Please see above as dependent of NDRV. Please note any multiplier.	Responsible Authorities Advertised at premises and in local paper
Variation of premises licence or club premises certificate (not changes of DPS or name/address of holder) other than simultaneous conversion	Please see above as dependent of NDRV. Please note any multiplier	Responsible Authorities Advertised at premises and in local paper
Application for making a provisional statement	£315.00	Responsible Authorities Advertised at premises and in local paper
Application to transfer premises licence	£23.00	Lincolnshire Police. Designated Premises Supervisor
Application to vary to specify individual as designated premises supervisor	£23.00	Police
Interim Authority Notice (death etc. of licence holder	£23.00	Police
Application for personal licence	£37.00	Police
Application for copy of licence or summary on theft, loss etc of licence or summary	£10.50 in all cases	N/A
Application for copy of certificate or summary on theft, loss etc of certificate or summary	£10.50 in all cases	N/A
Notification of change of name or alteration of club rules	£10.50 in all cases	N/A
Change of relevant registered address of club	£10.50 in all cases	N/A
Temporary Event Notices	£21.00	Police

Application for copy of notice on theft, loss etc of temporary event notice	£10.50	N/A
Application for copy of licence on theft, loss etc of personal licence	£10.50	N/A
Notification of change of name or address (personal licence)	£10.50	N/A
Notice of interest in any premises	£21.00	N/A
Copies of information contained in register	Set by licensing authority	N/A
Notification of change of name or address of premises licence holder	£10.50	N/A

Exceptionally large events, may give rise to exceptional problems and licensing costs. Such events might include major festivals and other events, which often involve the building of substantial temporary structures requiring expert checking by officials and sub-contracted experts. Where it is proposed that the number of people at any one time attending such a temporary event will exceed 5,000 people, there will be an additional fee on an application for a premises licence authorising the event.

The Council recommends that organisers of large scale events should contact the Licensing Authority at the earliest opportunity to discuss the licensing arrangements. In respect of some event there will be a requirement for a single Premises Licence. The organisers are also recommended to seek advice from the Lincolnshire Events Safety Partnership (LESP) contactable on 01522 582223 or www.lincolnshireprepared.co.uk

Number of people	Additional Fees	Additional Annual fee if applicable
5,000 – 9,999	£1,000	£500
10,000 – 14,999	£2,000	£1,000
15,000 – 19,999	£4,000	£2,000
20,000 – 29,999	£8,000	£4,000
30,000 – 39,999	£16,000	£8,000
40,000 – 49,999	£24,000	£12,000
50,000 – 59,000	£32,000	£16,000
60,000 – 69,999	£40,000	£20,000
70,000 – 79,999	£48,000	£24,000
80,000 – 89,000	£56,000	£28,000
90,000 and over	£64,000	£32,000

For premises under construction, and have not been allocated a non-domestic rateable value but will be given such a value as soon as a completion certificate is given, the band will be band C. Subsequent annual fees will relate to the non-domestic rateable value given to the property.

Particular types of premises, which do not have non - domestic rateable values are allocated to band A.

Responsible Authorities

Responsible Authorities are mainly public bodies that under the terms of the 2003 Act must be fully 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 or for the issue of a provisional statement. See page 28 for full address details.

All representations made by responsible authorities are relevant representations if they concern the effect of the application on the licensing objectives.

For all premises, these authorities include:

- The relevant licensing authority and any other licensing authority in whose area part of the premises is situated;
- The chief officer of police;
- The local fire authority;
- The local enforcement agency for the Health and Safety at Work etc Act 1974 (which may be the local authority in certain circumstances, and the Health and Safety Executive in others);
- The local authority with responsibility for environmental health;
- The local planning authority;
- Primary Care Trusts (PCT's);
- Lincolnshire County Council Trading Standards;
- Health Authority, and
- In relation to a vessel, but no other premises, responsible authorities also include navigation authorities within the meaning of section 221(1) of the Water Resources Act 1991 that have statutory functions in relation to the waters 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.

PLEASE NOTE THE INFORMATION CONTAINED IN THIS GUIDANCE DOCUMENT IS THE LICENSING AUTHORITY'S UNDERSTANDING OF THE CURRENT LEGISLATION AND IS SUBJECT TO ALTERATION AT ANY TIME. APPLICANTS ARE STRONGLY ADVISED TO CONSIDER SEEKING ADVICE FROM A QUALIFIED PROFESSIONAL.

FURTHER INFORMATION CAN BE OBTAINED FROM THE LICENSING TEAM AT THE COUNCIL OFFICES, ST PETER'S HILL, GRANTHAM NG31 6PZ, ON TELEPHONE NUMBER 01476 406080, BY EMAIL TO licensing@southkesteven.gov.uk, OR THE COUNCIL'S WEBSITE: http://www.southkesteven.gov.uk (Business & Licensing) WHICH CONTAINS LINKS TO OTHER WEBSITES INCLUDING DOWNLOADABLE APPLICATION FORMS.

Please send the completed application and payment to The Licensing Team, South Kesteven District Council, St Peter's Hill, Grantham NG31 6PZ. Cheques to be made payable to SKDC

A copy of the application must also be sent to the following responsible authorities:

N.B. CONSULTATION WITH ALL RESPONSIBLE AUTHORITIES IS ENCOURAGED PRIOR TO THE SUBMISSION OF THE APPLICATION.

Responsible Authorities	
Police: The Chief Officer of Lincs Police Licensing (Alcohol) Police Headquarters PO Box 999 Lincoln LN5 7PH countylicensinggroup@lincs.pnn.police.uk	**Fire:** Lincolnshire Fire and Rescue Harlaxton Road Grantham NG31 7SG firesafety.south@lincoln.fire-uk.org
Planning: Planning & Building Control South Kesteven District Council Council Offices St Peter's Hill Grantham, NG31 6PZ 01476 406080 planning@southkesteven.gov.uk	**Environmental Health (health & safety)** South Kesteven District Council Council Offices St Peter's Hill Grantham, NG31 6PZ 01476 406080 ehs@southkesteven.gov.uk
Lincolnshire Trading Standards County Offices Newlands Lincoln LN1 1YL tradingstandards@lincolnshire.gov.uk	**Lincolnshire Safeguarding Children Board** Lincolnshire Social Services Orchard House Orchard Street Lincoln, LN1 1BA 01522 552222 paula.whitehead@lincolnshire.gov.uk
Environmental Health (Environmental Protection) South Kesteven District Council Council Offices St Peter's Hill Grantham NG31 6PZ 01476 406080 ehs@southkesteven.gov.uk	**Public Health** Mr McGinty Room 3a Orchard House Orchard Street Lincoln LN1 1BA 01522 554229 tony.mcginty@lincolnshire.gov.uk

You will need to place your advert in **one** of the newspapers below that is most read in your local area. Local newspapers for advertisements:

Grantham Journal 46 High Street Grantham NG31 6NE 01476 562291 (Grantham and district) localpublicnotices@jpress.co.uk	Rutland & Stamford Mercury 7 Sheep Market Stamford PE9 2QZ 01780 750436 (Stamford & Deepings) localpublicnotices@jpress.co.uk	Bourne Local 7 Sheep Market Stamford PE9 2QZ 01780 750436 localpublicnotices@jpress.co.uk