

BASSETLAW DISTRICT COUNCIL

GUIDANCE NOTES FOR PREMISES LICENCE

A Premises Licence permits licensable activities to take place on or from a defined area, a building, or part of building. An application for a premises licence can be made by an individual, several individuals, a company or organisation, or other prescribed persons such as individuals acting as representatives for a company or individual. The application for a premises licence is normally the responsibility of the owner of the business or the committee responsible for the building. If the premises are leased, the freeholder should inform Bassetlaw District Council that they own, part own, or occupy the premises, and they have a right to know of any applications, notices and request other information.

Application for a Premise Licence - When to use the form

This guidance relates to application forms for premises licences under the Licensing Act 2003 (“the Act”). A similar form is available for clubs applying for a club premises certificate.

Broadly speaking, a premises licence can authorise the following activities:-

- the sale of supply of alcohol
- the provision of public entertainment
- the provision of late night hot food and drink

Applications for premises licences must be made to the licensing authority within whose area your premises is situated. This will normally be your local authority. Application forms can be obtained from Bassetlaw District Council website (www.bassetlaw.gov.uk).

NEED MORE HELP?

This guidance is intended to help applicants complete the application form. Further information about the Licensing Act 2003 and other sources of help can be found on the Home Office website www.homeoffice.gsi.gov.uk. The Licensing Department may also be able to help you with queries or give advice. You may also wish to consider other sources of advice such as a relevant trade body, or by engaging professional assistance, such as legal advice.

How to apply for a Premises Licence?

You need to submit to the Licensing Department

1. A completed application form (premises licence or club premises certificate)
2. The correct fee
3. A plan of 1:100 scale (unless otherwise arranged with Licensing Officers) of the premises should included

What else do I need to do?

Send:

- The appropriate application form
- Complete an operating schedule of proposed changes to activities, times, and any changes to your current conditions and how the licensing objectives will be promoted (as outlined on the application form)
- Submit the plan as above
- Submit the correct fee
- Advertise the application (see below)

And:

- If the premises licence is to include the supply of alcohol, Designated Premises Supervisor need to sign the relevant section of the application form to indicate their consent to taking on this responsibility.

You must submit a copy of your application to all “Responsible Authorities”, contact details of the responsible authorities in Bassetlaw can be found on the website. For your own benefit you may wish to get a receipt for the delivery of the application or send the application by registered post and keep and retain the proof of postage.

COMPLETING THE FORM

In the opening statement, you should insert the name of the applicant or applicants who are applying for a licence e.g. John Smith or Nice Pub Company.

PART 1: Premises Details

This section asks for the address and some other details of the premises. If the premises has no postal address, for example, if the application relates to an event on open land, you should describe the location of the premises or give the Ordnance Survey map reference. The description should enable the land to which the application relates to be clearly identified

The section also asks for the non-domestic rateable value (NDRV) of the premises. This is not the same as the actual business rates which you pay, but is a value determined by the Valuation Office, which helps determine business rates. The NDRV, rather than your business rates bill, will determine the fee level to be paid with the licence application and the annual fee thereafter. The NDRV of any premises can be checked on the Valuation Office Agency (VOA) website www.voa.gov.uk. NDRV is revalued every 5 years. A new valuation came into force on 1 April 2010. Premises that do not have a non domestic rateable value are treated as falling into Band A for licensing fee purposes.

PART 2: Applicant Details

This section asks you to state the capacity in which you are applying, for example as an individual, a limited company, a recognised club, a charity etc. You can only apply in **one** of these capacities so should only tick one box.

If you are applying as a person described in (a) or (b) you must also tick one of the three boxes at the end of this question. For the majority of applicants, the first box will apply.

You should then give further details in either section **(A) INDIVIDUAL APPLICANTS** or section **(B) OTHER APPLICANTS**, but not both.

PART 3: Operating Schedule

You should state the date you would like the licence to start. A premises licence will last indefinitely, unless otherwise stated in the box provided.

The Operating Schedule outlines what activities are proposed, when the activities will take place, how the activities will be managed and the overall opening hours when the public are permitted on the premises.

Applicants should consider the general usages of the premises in relation to potential to day and evening times. One of the most critical parts of the operating schedule is the section where the applicant describes the steps they intend to take to promote the four licensing objectives. Careful consideration should be given regarding this section as what is written may become a condition of the licence. However, as a guide the “Considerations of the impact of Licensing Activities” section in the Council’s Statement of Licensing Policy could be used to identify what may be expected to be addressed in the operating schedule. Obviously, not all are appropriate to all premises.

General description of the premises

You are asked to describe the premises. For example the type of premises it is, its general situation and layout and any other information that would be relevant to the licensing objectives. You should also describe any areas that you intend to provide for people to consume alcohol that you sell or supply such as outside areas e.g. beer gardens.

5,000 or more people attending

The question concerning the number of people attending the premises at any one time is necessary to determine whether an additional fee for large events should apply. It is not necessary to complete this box if you think that less than 5,000 people will attend the premises at any one time.

Licensable activities

You should indicate which licensable activities you wish to carry on by ticking the appropriate boxes. In considering what to put in this section, you should think about all the activities you may want to conduct at the premises in the future and consider whether any are licensable activities under the Act. After this, you should complete the corresponding boxes from A to M that relate to those activities. Only complete the boxes that relate to the activities you have ticked.

You should give timings using the 24-hour clock and only give details for days of the week when you intend the premises to be used for the licensable activities in question. The space marked 'state any seasonal variations', gives you the opportunity to include any, for example, longer hours or additional days during the summer. The space marked 'non standard timings', gives you the opportunity to record occasions when the timings will change. For example, you may wish the activity to go on longer on Christmas Eve or weekends preceding bank holidays (please state times required).

Except in box C (indoor sport) you are asked to indicate whether the activity is taking place indoors, outdoors or both. Indoors may include a tent.

BOXES A – K (Provision of regulated entertainment)

BOX A: Plays

A performance of any dramatic piece (including rehearsal), whether involving improvisation or not, which is given wholly or in part by one or more persons present and performing in which the whole or a major proportion of what is done by the person(s) performing, whether by way of speech, singing or action, involves the playing of a role.

BOX B: Films

Any exhibition of moving pictures except where its sole or main purpose is to demonstrate a product, advertise goods or services or provide information, education or instruction, or if it consists or forms part of an exhibit put on show for any purposes of a museum or art gallery.

BOX C: Indoor sporting event

A sporting event is defined in the Act as any contest, exhibition or display of any sport in which physical skill is the predominant factor, and any form of physical recreation which is also engaged in for purposes of competition or display which takes place wholly inside a building, and at which the spectators are accommodated inside that building. This includes any roofed structure and could be a vehicle, vessel or moveable structure.

A venue with a roof that opens and closed is regarded under the Act as being an outdoor event and sporting activities in such venues are not licensable under the Act. But note that other activities at such venues (such as the sale of alcohol or live music) are licensable.

BOX D: Boxing or wrestling entertainment

Unlike other sports, boxing and wrestling is licensable whether held indoors or outdoors.

BOX E: Live music

Music includes vocal or instrumental music or any combination of the two. Live music will therefore require a licence regardless of the number of participants.

BOX F: Recorded music

Your licence does not have to cover the playing of recorded music if it is incidental to some other activity which is not itself regulated entertainment, as this would be exempt. For example, background music in a supermarket is likely to be considered to be incidental. If you have a jukebox or a disc jockey at your premises you need to consider whether, in your particular case, this is incidental music or whether it is a licensable activity.

BOX G: Performance of dance

Morris dancing or any dancing of a similar nature is not licensable, nor is the performance of unamplified live music as an integral part of such dancing.

BOX H: Entertainment of a similar description to that falling within (e) live music, (f) recorded music or (g) performance of dance.

BOX I: The provision of late night refreshment

This covers the supply of hot food or drink between 11.00pm and 5.00am, although there are several exemptions. Hot drinks consisting of, or containing alcohol, should be authorised under the supply of alcohol, rather than late night refreshment.

A hot drink from a vending machine where the customer inserts the payment into the machine and the drink is supplied directly by the machine is not licensable, but would be if a member of staff takes the money or serves the drink.

Free hot food or hot drink is not licensable, nor is that supplied by a registered charity or by a person authorised by a registered charity.

Hot food or hot drink supplied on a vehicle, which is not permanently or temporarily parked at the time is also exempt.

BOX J: Sale by retail of alcohol

If you wish people to be able to consume alcohol on the premises, please tick 'on'. If you wish people to be able to purchase alcohol to consume away from the premises, please tick 'off'. If you wish people to be able to do both, please tick 'both'.

Designated Premises Supervisor

If you wish to sell alcohol you should give details of the person who you wish to be the designated premises supervisor (DPS) under the new licence. The DPS will need to hold a valid personal licence. In many cases, this will be the premises licence holder, but you can choose to name someone else. There is only one DPS for each premises (but any number of personal licence holders) and it is usually, but not necessarily, the person who has day to day responsibility for the premises. You will also need to ensure the proposed DSP signs the relevant part of the application form (you need to do this even if this is the same person who is applying for the premises licence) to confirm that he/she is happy to take on this role. The form should be included with your application.

BOX K

This asks you to give information about anything to occur at the premises or ancillary to the use of the premises which may give rise to concern in respect of children, for example (but not exclusively) nudity or

semi-nudity, films for restricted age groups or gambling. You do not need to give details here of AWP machines. You do not complete this section if it does not apply to your premises, but rather than leave blank, it would be better to write 'none' or 'N/A' to be clear that you have considered this, rather than simply forgotten to complete the box.

BOX L: Hours premises are open to the public

While this may include times where no licensable activities take place it is important for responsible authorities, interested parties and the licensing authority to know how long your premises is open in addition to the times where licensable activities will take place. For example, it might be necessary and proportionate to ensure that licensable activities finish in good time before the premises closes to the public to allow orderly departure.

You should indicate whether any of the 'seasonal variations' to and 'non standard timings' for licensable activities, would affect the hours the premises are open to the public, in the spaces provided. You may also wish to consider whether there will be any seasonal variations or non-standard timings when the premises will be open to the public at different times for non-licensable activities – for example opening early to provide breakfasts during the summer holidays.

M – Steps to promote the licensing objectives

You are asked to describe the steps you intend to take to promote the four licensing objectives:

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

General

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 premise is very important, particularly in those premises retailing alcohol. These premises must have a designated premises supervisor and have a well-defined management structure especially for when the designated premises 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 designated premises supervisor 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 that is likely to occur.
- What to do and any special responsibilities in case of fire or any other need to evacuate the premises.
- Where the supply of alcohol is concerned or where any age restriction is applicable i.e. Challenge 21/25 scheme, training should be given and maintained as to what is acceptable proof of age identification and what is not, as the names of cards may change over time and new cards offered the PASS accreditation.
- Where applicable, 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 is the premises drug policy and what to do if drugs are found on the premises.
- What to do if they feel threatened into making an illegal sale and how best to avoid such situations

Moreover, if staff members are well trained they may feel more confident to be more proactive in keeping trouble out of the premises. The best way to arrange this is 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. This document may be referred to in the operating schedule.

Where agency staff are used, be sure that they have received a thorough briefing of what their role is and where possible try and re-use the same staff so that they get to know the premises and clientele.

Drinks promotions should never encourage binge drinking. Consideration of the implications on 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 relevant.

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

The Licensing Objectives

The Prevention of Crime and Disorder

Details of any off-premises and/or on-premises CCTV and suitable signs associated with the CCTV.

Membership and regular attendance of meetings such as Pub watch can help stop known troublemakers entering your premises. As Pub watch, together with the Police can share information, incidents such as resale of stolen goods, recent outbreaks of trouble and information of crimes against businesses. Pub watch 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. Some Pub watch schemes use a radio system so that information about incidents actually happening can be quickly spread around all the premises involved into the scheme. Pub watch membership would be considered best practise for all premises located within the District.

Where premises are licensed door supervisors must be SIA registered.

Where appropriate, the operating schedule may specify details of when 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 sporting events take place.

Records kept of any crime or disorder incidents and where sales of alcohol have been refused will help police and local authority co-operation.

Ensuring adequate staffing so that at busy times so that staff are regularly checking all areas of the licensed premises including toilets and other areas that are not easily visible from the bar.

The development of good relations with local police officers is also beneficial to preventing incidents occurring on your premises. If customers become accustomed to policemen being frequent visitors, problem behaviour can be discouraged. Further advice to applicants produced by Nottinghamshire Police can be obtained from:

**Nottinghamshire Police
Liquor Licensing
Mansfield Police Station,
Great Central
Road,
Mansfield,
Notts
NG18 2HQ.**

Public Safety

A written risk assessment – this is a requirement under the Health and Safety at Work Act 1974 and where there are 5 or more employees.

A fire risk assessment is required under the Regulatory Reform (Fire Safety) Order 2005. Applicants should consider, as a basic requirement, areas such as electrical safety, building integrity, including slips, trips and

falls, and heating installations as a matter of course and reassess these following any major refurbishments, repairs, and general maintenance.

- Indication of capacity – it is the responsibility of the manager/applicant to carry out a fire risk assessment of the business. Nottinghamshire Fire and Rescue Service recommend 0.5 m² per person standing or dancing and 1m² per person seated. Ease of exit in case of emergency may affect these numbers as does any fixed furniture and or fittings. Further details and guides can be obtained at www.firesafetyguides.communities.gov.uk

The nature of the business is an important factor, do describe the style of premises; e.g. traditional public house, modern exclusive restaurant, theatre, etc. Do describe the nature of clientele; young people who want to dance, all age groups, family friendly, people interested in sports. Where the premises is located; i.e. amongst residential housing including adjoining properties, or amongst business premises that are not operational during the evenings, or the nearest property is over 250 m away from the premises. Describe the geographical location; town centre, rural village or hamlet, suburban area.

Door staff – When to employ door supervisors is down to a risk assessment basis. Managers should be sensitive to local and national events such as football matches, even if your premises are not involved directly. Door supervisors can offer many benefits such as helping to keep under-18s out of businesses where the retail of alcohol for the consumption on-site is the predominant licensable activity. Guidelines on the numbers of door staff should follow 1 door supervisor to 100 customers, however many door staff are unwilling to work alone on the door of a premises. Where any significant variation from these guidelines exists, or is applied for, reasons for the variation should be given. Please be sure that any SIA licences for front line or non-front line style of work are in order

Nottinghamshire Fire and Rescue Service may have certain recommendations to applicants. Guidance can be sort via the website at www.notts-fire.gov.uk or by contacting them at:

**Fire Protection North Group
Mansfield Fire Station
Rosemary Street
Mansfield
Notts
NG18 2HQ**

The Responsible Person for the premises will need to carry out a specific fire risk assessment, to identify any significant findings, provide fire safety provisions, emergency plan and training.

An assessment of the maximum numbers of persons (including staff) permitted on the premises at any one time is to be made. A floor plan showing the dimensions of the building and the fire safety provisions is to accompany the application.

Offences relating to fire safety will be dealt with by Nottinghamshire Fire and Rescue Service under the appropriate legislation.

The prevention of public nuisance

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 contained be keeping windows and doors shut, by installing double glazing where appropriate and keeping ventilation equipment in good order.

Requests for customers to respect the premises' neighbours and leave quietly should be made. Further details on how to prevent a nuisance can be obtained from the Environmental Health Service at Bassetlaw District Council.

Protection of children from harm

Do make a statement regarding the child admission policy of the premises detailing any restrictions.

Be sure that all staff members know that they should be on their guard for children at risk, and know that they have a responsibility to report any children that they feel may be at risk to the Safeguarding Children Board (see Responsible Authorities contacts)

**DO BE REALISTIC IN WHAT YOU INTEND TO DO.
TAKE INTO CONSIDERATION YOUR NEIGHBOURS BOTH RESIDENTIAL AND BUSINESS.**

If you do intend to take additional measures, you should consider carefully what to include. Anything you put down here is likely to become a condition of your licence. Failure to meet those conditions would constitute an offence under the Act. You should therefore think carefully about adding conditions to ensure that they are achievable, realistic, necessary, appropriate, proportionate and within your control. Base your response on a proper, common sense consideration of the risks and what you can realistically do to mitigate them.

In the 'General Box' list the steps you will take to promote all four licensing objectives together, for example, employing additional staff.

Checklist and declaration

By ticking this list, you are making a declaration that you have carried out the listed actions. If you tick the boxes and do not carry out these actions, you may be making a false statement in relation to the application, which is an offence, which on conviction may make you liable to a fine of up to £5,000.

You should check that you have included all the required documentation. Please make sure every page of the application form is returned (even if they are blank) otherwise your application will be returned as being incomplete. This includes a plan of the premises (outlined in red where the licensable activities are to take place) and where necessary the DPS consent form.

Plans

The plan of the premises should be included with the application and copies to the Responsible Authorities as part of the application. The plan of the premises (outlined in red where the licensable activities are to take place) needs to meet the requirements set out in the Act and the Licensing Act 2003. Please consider the following when submitting a plan:

- a. The location and 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
- b. The location of points of access to and egress from the premises
- c. If different from above, the location of escape routes from the premises
- d. In a case where the premises is to be used for more than one existing licensable activity the area within the premises used for each activity
- e. In a case where an existing licensable activity relates to the supply of alcohol, the location or locations on the premises which is or are to be used for the consumption of alcohol
- f. 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
- g. 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
- h. In a case where the premises includes any steps, stairs, elevators or lifts, the location of the steps, stairs, elevators or lifts
- i. In a case where the premises includes any room or rooms containing public conveniences, the location of the room or rooms
- j. The location and type of any fire safety and other safety equipment
- k. The location of a kitchen, if any on the premises

Unless you have agreed with the relevant licensing authority in writing that an alternative scale plan is acceptable to it the plan should be drawn in standard scale, where 1 millimetre represents 100 millimetres. The plan may include a key of symbols to illustrate the above on the plan, but there is no requirement to do

so. There is no requirement to have plans professionally drawn. You should describe any areas that you intend to provide for people to consume alcohol (i.e. a beer garden) that you sell or supply under the general description of the premises that you are required to give at the beginning of the application form.

Responsible authorities

You are required to give a copy of the application, including the accompanying documentation to the 'responsible authorities' on the same day as the application is given to the relevant licensing authority. Responsible authorities are the public bodies that are entitled to make representations to the licensing authority in relation to an application. Any representations must be about the likely effect of granting the application on the promotion of the licensing objectives. The responsible authorities include the following, for the area in which the premises are situated:

- The chief officer of police
- The fire and rescue authority
- The local planning authority
- The environmental health authority
- Safeguarding Children
- Trading Standards
- Local PCT

Advertising the application:

The applicant has a duty to advertise their application. A notice not smaller than A4 pale blue in colour, and printed legibly in black ink or typed in black in a font of a size equal to or larger than 16, will be displayed in a prominent position at or on the premises concerned which will detail the changes. This notice must be displayed for not less than 28 working days. The applicant must also advertise their application in a local newspaper circulating in the relevant part of Bassetlaw District Council area such as the Worksop Guardian or Retford Times. 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 Council, both the newspaper notice and the notice for the application will contain the following information:

- The relevant licensable activities proposed to carry on or from the premises
- The name of the applicant or club
- The postal address of the premises, or if not applicable a description of the premises concerned
- Details of where the register of Bassetlaw District Council is held and where it can be inspected
- The date by which an interested party and a responsible authority must make representations to the Licensing Authority.
- A statement that all representations must be made in writing
- 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 Bassetlaw District Council can provide you with the standard form these notices should take.

If there are no representations within the 28 working days, a completed application form has been submitted with the appropriate fees and other paperwork, and appropriate notices in the papers and on the premises, the licence will be granted. However, if representation from any interested parties or responsible authorities has been received, the Licensing Authority will decide whether the representation is relevant. If the Licensing Authority find the representation relevant they will arrange a mediation meeting between the relevant parties to try and find a reasonable compromise if appropriate. If this informal process is unsuccessful a hearing before the licensing committee will follow. All relevant parties will be notified of the date of the hearing. A decision will be made by the licensing sub-committee and the details of that decision will be circulated to the parties concerned.

The applicant does have a right to appeal and this should be made to the Magistrates Court appropriate to the location of the premises concerned. Professional advice should be sought where it is uncertain what the best course of action should be.

PART 4 – Signatures

The application form must be signed. An applicant's agent (for example a solicitor) may sign the form on their behalf provided that they have actual authority to do so. Where there is more than one applicant, both applicants, or their respective agents must sign the application form.

DO NOT FORGET TO ENCLOSE THE CORRECT FEE