

Guidance Notes to Applicants for Premises Licences to provide Regulated Entertainment only in Schools, Colleges, and Community Premises

Introduction

This guidance is for schools, colleges, and church halls and community halls that want to apply for a premises licence to provide Regulated Entertainment only. There is no fee payable in these circumstances, except;

An application for a Premises Licence at a school or college is only exempt for the fee if the regulated entertainment is provided for or on behalf of the school or college, for the purposes of the school or college, or if it is for a building on the school premises which qualifies as a 'community hall' in its own right.

These Guidance Notes are not comprehensive, or a substitute for reading the legislation. For more detailed, technical, or legal advice, you should consult professional advisors.

The East Herts Council Statement of Licensing Policy describes how the Council administers the licensing function.

The Statement of Licensing Policy for East Hertfordshire District Council is available on the Council's website;

www.eastherts.gov.uk,

or by contacting Community Safety and Licensing
Wallfields, Pegs Lane, Hertford SG13 8EQ,

or by telephone 01992 531467

or by email community.protection@eastherts.gov.uk

What premises qualify as 'Community Premises'?

It depends on how the premises are predominately used. They should usually be;

- genuinely made available for community benefit most of the time, and
- accessible by a broad range of persons and sectors of the local community, and
- include use for purposes beneficial to the community as a whole.

This could include buildings on school or educational premises, such as school halls, but only where they are genuinely and widely used for the benefit of the community as a whole, and not just for that particular school. Community premises are usually multi-purpose, and accommodate a variety of activities, such as playschools, senior citizens' clubs, indoor sports, youth clubs and public meetings.

Availability for private hire by the general public alone is not sufficient to qualify as "community premises". Availability for hire may provide a facility for the community, however we will consider whether halls used largely for private hire by individuals or private entities are genuinely by their nature "community premises". It depends on the nature and predominant use

of the premises, and not only at the usefulness of the premises by members of the community for private purposes.

If the main use of the premises relies on membership of a particular organisation or organisations, this suggests strongly that the premises are not “community premises”. However, the hire of the premises to individual organisations and users who restrict their activities to their own members and guests does not necessarily conflict with the “community premises” status, if the premises are also available for use by the community as described above.

In particular, ‘qualifying’ clubs that do not supply alcohol, and which are able to apply for a club premises certificate should not instead seek a premises licence with the disapplication requirement to pay a fee.

Premises Licences

A Premises Licence can permit licensable activities to take place on any part of the premises, indoors or outdoors.

A premises licence application can be made by;

- an individual (e.g. a head teacher);
- several individuals (e.g. a board of governors or an educational trust, or an unincorporated community association like an amateur dramatic or choral society);
- a company, or other incorporated organisation (e.g. a charity), and;
- other prescribed persons such as agents or solicitors for any of the above.

The owner of the premises have a right to inform East Herts 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.

What if I also want to provide alcohol?

On a few occasions each year.

A premises licence for regulated entertainment only does not prevent you from serving a temporary event notice (TEN) to authorise the supply of alcohol, however you are restricted to 499 people in the premises or the part of the premises that you want to use for the supply of alcohol.

Each premises is limited to a maximum of 12 TENs in a calendar year. In addition, each organisation can only serve 5 TENs in any 12 months (unless the person serving the TEN for the organisation is a personal licence holder).

As an example, a school fete could have 800 people attending where regulated entertainment was provided under your premises licence, and a separate hospitality marquee for up to 499 people licensed by a TEN for the sale of alcohol.

You can use TENs without becoming liable for an application fee, or a renewal fee for your premises licence.

There are separate guidance notes available about TENs.

More regular supply of alcohol.

Premises that qualify as 'community premises' may apply to disapply the requirement to have a Designated Premises Supervisor (DPS) to sell or supply alcohol under their premises licence.

However, you will no longer be exempt from paying the application fee or renewal fee for your premises licence. Fees are based on the non-domestic rateable value of the premises.

There are separate guidance notes on applications to disapply the requirement for a DPS.

Making the application

The application form is available on line on our web site at:

<http://www.eastherts.gov.uk/index.jsp?articleid=2416>

You must send a copy to us, and to each of the Responsible Authorities listed at the end of this guidance, except, depending on the type of premises, the HSE.

If you are sending the application through the post we **strongly recommend** that either;

You send it by recorded delivery, and keep the proof of postage, or;

Fax the application to us on 01992 531638, before posting it to us.

Do I need to serve a copy on the HSE?

Not every application needs to be served on the HSE. If the Local Authority Environmental Health Service is the Enforcing Authority for health and safety at your premises, then you do not need to serve a copy on the HSE.

Local Authority enforced (no copy of the application needed by the HSE)	HSE enforced. A copy of the application must be served on the HSE.
Churches, church halls, village halls, community halls, private clubs, concert halls, theatres, cinemas (except Local Authority run)	Schools, Colleges, and Universities.
	Local Authority run premises.

Can I send the copies by email?

The application form and plan has to be sent to us in original hard copy, because it must be signed.

Some of the responsible authorities will accept copies of applications by email, and some do not require copies of the plan. This is a local arrangement that only applies to the East Herts area.

Each Responsible Authorities' requirements are listed on the last page, with their details.

What is the fee?

There is no fee payable provided the premises are an educational establishment or a community hall, and the application does not include supply of alcohol or late night refreshment (i.e. you can provide alcohol and late night refreshment under a TEN without paying a fee for your premises licence).

You need not fill in details of the rateable value of the premises, because this is only used to calculate the fee where a fee is payable.

How do I know if the application is complete?

Incomplete applications will be dealt with in one of two ways. If the application is simply missing one or two simple details, a letter or telephone call requesting the missing documentation will be made to the applicant and the application will be kept on hold. If there are more than one or two simple details, the application will be rejected and returned to the sender. The application must be resubmitted.

What happens next?

You must advertise any new application or any variation to an application. You must display a blue notice in a prominent position at or on the premises concerned, which will detail the changes. This notice must be displayed for 28 consecutive days from the day after the application is lodged with East Herts Council.

You must also advertise the application in a local newspaper circulating in the relevant part of East Herts district such as the Herts and Essex Observer for the Bishops Stortford / Sawbridgeworth area or the Hertfordshire Mercury for the Hertford / Ware / Buntingford areas.

The advertisement must appear in a newspaper that is circulated on at least one occasion and not more than 10 working days after the giving of the application to East Herts Council, Community Protection Service. A dated copy of the advertisement and blue notice must be supplied to the East Herts Council or the application may be rejected.

Both the newspaper notice and the notice for the application must contain the following information:

- The relevant licensable activities that you propose to carry on at the premises, and the times at which you may wish to conduct them;
- The name of the applicant;
- The postal address of the premises, or if not applicable a description of the premises;
- Details of where the East Herts Council Statutory Register of is held, and where it can be inspected;
- The dates between which interested parties and Responsible Authorities may make representations to East Herts Council Community Protection Service;
- 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;

A template for the wording of the advert and notice can be sent by email on request.

If there are no representations within the 28 days, a complete application form has been submitted with the appropriate fees and relevant documents, and appropriate notices have been placed in the papers and on the premises, the licence will be granted.

However, if representation from any interested parties (residents living in the vicinity) or Responsible Authorities has been received offices in the Community Protection Service will decide whether the representation is relevant. If officers find the representation relevant they will attempt to arrange a mediation meeting between the relevant parties to try and find a reasonable compromise. If the informal process is unsuccessful there will be a hearing by the licensing sub-committee. All relevant parties will be sent a Decision Notice to inform them of the decision. The licensing sub-committee will make a decision and the details of that decision will be sent to the parties concerned.

The applicant and 'interested parties' have a right to appeal the decision of the licensing sub-committee, to the Magistrates Court. Details of where to appeal will be on the Decision Notice.

Need Help?

If you have any difficulty making a licence application, Community Protection Service officers are available to check applications and provide help and guidance. Please contact the Community Protection Service for an appointment. Alternatively, you may wish to pay a reputable licensing professional such as a solicitor or consultant to make your application.

Fees and charges must be paid to East Herts Council in the circumstances below;

Occasion on which a fee may be payable	Who should be sent copies of application other than East Herts Community Protection Service (see contact details at end of document)	All fees are to be paid to East Hertfordshire District Council
New Premises Licence or Club Premises Certificate	Police Hertfordshire Fire and Rescue East Herts Development Control East Herts Environmental Health Health and Safety Executive Children, Schools and Families Trading Standards Advertise in local paper	None provided that the application is for a school, college or educational establishment, or a community hall, and the premises licence is only in respect of regulated entertainment.
Supply of copies of information contained in register	N/A	£3.00 per single sided A4 sheet, minimum £15.00
Application for copy of licence or summary on theft, loss etc of premises licence or summary	N/A	£10.50 in all cases
Notification of change of name or address (holder of premises licence)	N/A	£10.50 in all cases
Application to transfer premises licence	Police	£23.00
Application for copy of certificate or summary on theft, loss etc of certificate or summary	N/A	£10.50 in all cases
Notification of change of name	N/A	£10.50 in all cases
Notice of interest in any premises	N/A	£21.00

Operating Schedule

An operating schedule is a required document for all new applications for premises licences. It describes the proposed licensable activities, when those activities will take place, how the activities will be managed, and the hours when the public are permitted on the premises. What you write in this section will be translated into conditions on the licence.

You should apply for the maximum amount of hours you may need for any activity. Community centres especially may have many different users, which change frequently.

Guidance issued under Section 182 of the Licensing Act 2003 provides examples of conditions relating to the licensing objectives. These provide guidance for applicants, but are not 'Standard Conditions' that should be applied in all cases.

General

Signage – Good signage can operate at many levels. Signs should be used if there are specific problems, or where there is a need to demarcate certain areas for particular activities.

Staff training –staff, including agency staff, should know what is and is not permitted by the premises licence. This should be supported by a well defined management structure.

An example of best practice 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

Other key areas that should be covered include:

- What to do if there is a visitor behaviour problem;
- Evacuation procedures and any special responsibilities in case of fire or any other emergencies;
- Staff should know what is expected of them if incidents occur, and that if a court case followed that they might have to give evidence;

Staff training records should be kept and may be referred to in the operating schedule.

Special events - consideration should be given to how these events will affect the local community, and what can be done to minimise any impact.

Public Safety

Risk assessments – this is a requirement under the Health and Safety at Work Act 1974 where there are more than 5 employees. It may include a fire risk assessment as required under Fire Precautions (Workplace) regulations 1997 and will apply to all non-domestic premises following the Regulatory Reform Order likely to take effect in 2005.

Applicants should consider, as a basic requirement, matters such as electrical safety, building integrity, and heating installations as a matter of routine and reassess these following any major refurbishments, repairs, and general maintenance.

Indication of capacity – This can be based on a recent assessment completed by a fire officer, however it is the responsibility of the manager to do a risk assessment of the business. Ease of exit in case of emergency may affect these numbers as does any fixed furniture and or fittings.

The prevention of public nuisance

State any policy on the control of litter.

You should have regard to the impact on nearby residential property if regulated entertainment is carried out in outside areas in the evenings.

Outline any noise control measures you have and that may be needed. Noise can be contained by keeping windows and doors shut, by installing double-glazing where appropriate and keeping ventilation equipment in good order.

Using performers of regulated entertainment to remind visitors to respect the premises' neighbours and leave quietly has proved successful.

Protection of children from harm

State whether children are permitted on the premises and in what circumstances they are not permitted (e.g. with reference to film certificates), and if so, the level of supervision of children that will be in place during regulated entertainment.

Contact Details

Consultation with responsible authorities is encouraged prior to the submission of new applications for premises licences.

Contact details:

Community Safety and Licensing
Wallfields, Pegs Lane
Hertford SG13 8 EQ

Tel No. – 01992 531467

Email – 'community.protection@eastherts.gov.uk'

Licensing Act 2003 – Responsible authorities contact details, see following page.

Responsible Authority	Is copy application acceptable by email ?	Are Plans required with copy ?
POLICE Broxbourne & East Herts Licensing CSU Hertford Police Station Hale Road Hertford SG13 8FL E-mail: licensingeasthertsarea@herts.pnn.police.uk	Usually no. May make exception by prior arrangement, and may require that additional persons are copied in to the email.	Yes.
PLANNING Head of Development Control East Herts Council Wallfields Pegs Lane Hertford Herts SG13 8EQ Tele: 01279 655261 E-mail: planning@eastherts.gov.uk	Usually no. May make exception by prior arrangement.	Yes.
FIRE AUTHORITY District Fire Safety Manager Community Fire Safety Department Longfields Hitchin Road Stevenage Herts SG1 4AE Tele: 01438 847352 E-mail: licensingactnorth.fire@hertscc.gov.uk	Yes	Yes in all cases. Acceptable by email if drawn to 1:100 and if can fit on single side of A4 at that scale. Otherwise plans are required by post.
ENVIRONMENTAL HEALTH Administration Team East Herts Council Environmental Health Section Wallfields Pegs Lane Hertford Herts SG13 8EQ Tele: 01279 655261 E-mail: environmental.health@eastherts.gov.uk	Yes	Yes. Acceptable by email if can fit on single side of A4 or A3. Do not need to be at 1:100 scale, but need to show layout of premises.
CHILDREN, SCHOOLS AND FAMILIES Janice Mossey Local Safeguarding Children's Board Room 173 County Hall Hertford SG13 8DF E-mail : janice.mossey@hertscc.gov.uk	Yes	No.
TRADING STANDARDS (WEIGHTS AND MEASURES) Chief Trading Standards Officer Hertfordshire Trading Standards Mundells Welwyn Garden City Hertfordshire AL7 1FT E-Mail: hcc.tradstad@hertscc.gov.uk	Yes	No.
HEALTH AND SAFETY Health and Safety Executive AW House 6-8 Stuart Street LUTON LU1 2SJ Email: Robert.Hampton@hse.gsi.gov.uk Note : HSE only need to be copied if they are the enforcing Authority for Health and Safety at your premises. See: 'Do I need to serve a copy on the HSE?' above.	Yes.	No.