

Guidance Notes to Applicants for Premises Licences

Introduction

This guidance is for applicants for new licences. It specifies the information needed to make an application.

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 its functions under the Licensing Act.

The Statement of Licensing Policy for East Herts 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 01279 655261

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

Premises Licences

You can apply for a licence for any premises you occupy. If the premises are leased, your freeholder and superior lessors 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.

To include the supply of alcohol, a Premises Licence needs a personal licence holder identified as a designated premises supervisor (DPS), except on community hall premises with a management committee, and where a separate application has been made to allow this.

A Premises Licence permits licensable activities to take place at 'any place'. This could include on or from;

- pubs, and restaurants,
- cinemas and theatres,
- sports halls and community halls,
- schools and colleges,
- members clubs (clubs should carefully consider whether to apply for a Club Premises Certificate, or a Premises Licence),
- retail shops,
- market stalls,
- church buildings,

- any other a building, part of building, or temporary structure;
- river boats, areas of the highway and other public open spaces (e.g. a village green), and
- private open land (e.g. a private garden or sports ground).

What can activities can I apply for?

You can apply to permit any of the licensable activities, at any time of day or night. These are;

- supply of alcohol,
- regulated entertainment, and
- late night refreshment.

If there are objections from Police, Environmental Health, or another responsible authority, or from your residential and business neighbours, your application may not be approved, approved only in part, or approved with conditions. Your application must include an operating schedule, and you can use this to address potential concerns.

Applications to sell alcohol after 1 a.m.

If you intend to apply to sell or supply alcohol after 1 a.m., other than to hotel residents on hotel premises, then you are **very strongly advised** to consult with the Police Licensing Officer before you submit your application. The contact details are;

Broxbourne & East Herts Licensing CSU
 Hertford Police Station
 Hale Road
 Hertford
 SG13 8FL
 E-mail: licensingeasthertsarea@herts.pnn.police.uk

Operating Schedule

The operating schedule should document the proposed licensable activities, when those activities will take place, how the activities will be managed, and the overall opening hours when the public are permitted on the premises.

If the Licence is time limited, it should specify how long it runs for.

If you have applied to supply alcohol the operating schedule must say whether alcohol will be supplied for consumption on, off, or on and off the premises.

The operating schedule must state the steps you intend to take to promote the four licensing objectives. What you write in this section will be used as the basis for conditions on the licence.

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

What you should consider before writing your operating schedule.

General

- Signage – Signs should be considered if there are specific problems, or where there is a need to demarcate areas for particular activities.

At the door, signs be used to state policy on age restriction e.g. “over 18s only”, “over 21s only” or “no unaccompanied children”. This can act as a deterrent, and help staff to enforce the law or premises policy in a non-confrontational manner.

Elsewhere on the premises you may wish to consider;

- “CCTV operates in this area and disorder will be reported to the police”
 - “This premises operates a zero tolerance drugs policy”
 - “Proof of age may be required for purchase of age restricted products”
 - “Supervised children are welcome in the restaurant before 8pm”
 - “No drinks allowed in this area/beyond this point”
- Staff training – Well-trained staff are a real asset to any business. Well trained staff may be more proactive in keeping trouble out of the premises. Staff should be trained to know what is and is not permitted on the premises. You should have a well defined management structure that staff are aware of.

You should consider training staff on:

- What to do if there is a customer behaviour problem or one is likely;
- Fire and emergency evacuation of the premises;
- Proof of age accreditation schemes e.g. the PASS accreditation scheme;
- How to deal with incidents, and that they might need to give evidence in court arising from these;
- The premises drug policy and what to do if drug are found on the premises;
- What to do if they feel pressured into making an illegal sale and how best to avoid such situations;

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

Where agency staff are used, ensure that they know what their role is. Where possible, re-use the same staff so that they get to know the premises and clientele.

The Prevention of Crime and Disorder

- Provide details of any CCTV and associated signs. - advice should be sought from Hertfordshire Police when installing a new CCTV system to ensure gathered material is usable as evidence.
- Consider whether you need door supervisors and identify supervisory arrangements. Door supervisors must hold a licence issued by the Security Industry Association (SIA). To get more information about the SIA, visit www.sia.org or call their help line 08702430100.
- Give details of any policies on the use of plastic or toughened glass. Plastic may be preferable for use in outside areas where broken glass could be difficult to clear up, or during any increased risk of disorder such as televised national sporting events.
- Consider special measures or controls to prevent nuisance to nearby residential or business neighbours.
- Consider keeping records of any crime or disorder incidents and refusals of alcohol sales.

- Consider staffing levels to ensure adequate staffing at busy times.

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, which was a requirement for a Public Entertainment Licence, 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.

Please specify if your premises has a capacity of less than 200 people, as there is an exemption. Under section 177 of the Licensing Act 2003 where:

- A premises licence or club premises certificate authorises the supply of alcohol for consumption on the premises and the provisions of “music entertainment” (live music or dancing or facilities enabling people to take part in those activities),
- The relevant premises are used primarily for the supply of alcohol for consumption on the premises, and
- The premises have a permitted capacity limit of not more than 200 persons (including staff and performers) any conditions relating to the provision of music entertainment imposed on the premises licence or club premises certificate by East Herts District Council, other than those set out by the licence or certificate being consistent with the operating schedule, will be suspended except where they were imposed as being necessary for public safety or the prevention of crime and disorder or both.

The nature of the club is an important factor-

- describe the nature of activities and membership; whether this is predominantly young people, all age groups, family groups, or people interested in sports.
- describe the location of premises; e.g. amongst residential housing including adjoining properties, amongst business premises that are not operational during the evenings, the nearest property is over 250 m away.
- describe the geographical location; town centre, rural village or hamlet, suburban area.

The prevention of public nuisance section

- state any policy, facilities, and operational practice on the removal and prevention of litter.
- Consider restricting use of outside areas during late evenings. No regulated entertainment should take place outside in the evenings unless you have considered the effect on nearby residential property.

- Keeping windows and doors shut, installing double-glazing where appropriate, and keeping ventilation in good order can help contain noise.
- Using performers of regulated entertainment to remind members to respect the premises' neighbours and leave quietly has proved successful.

Protection of children from harm

- Consider making a statement about any restrictions on child admissions.
- Make sure that all staff know they should look for children at risk, and that they have a responsibility to report any children who may be at risk to Hertfordshire Children, Schools and Family Unit, contact details are at the back of this leaflet.
- It can be helpful, particularly in on-licensed premises, to remind parents and guardians, that it is illegal to be intoxicated while in charge of children under the age of 7 years of age.
- It is sensible to require that children are supervised at all times in licensed alcohol premises.
- if children are permitted on the premises the operating schedule should identify any areas where children are not allowed. These may be bar areas, areas with amusements with prizes, or with a strong element of gambling.
- Make sure that children needing to use toilets can get there without crossing areas where children are not permitted.

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 a few details, we will contact you by letter or telephone to request the missing documents, and the application will be kept on hold. If more than one or two simple details are missing, the application will be rejected and returned to you. The application must be resubmitted.

Making the application

The form is available on our website in Word and Portable Document Format (.pdf) at <http://www.eastherts.gov.uk/index.jsp?articleid=2416>

You must send us the application form and the fee. You must also serve a copy on each of the 8 responsible authorities listed at the end of this document. However you do not need to serve a copy on the Health and Safety Executive if you are operating a premises for which Environmental Health are the Health and Safety Enforcing Authority.

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;

Make the payment by telephone on day of posting, write the 6 figure receipt number across the top of the application, and fax the application to us on 01992 531638, before posting it to us.

Advertising the application

You must advertise any new application or any variation to an application. There is a template for the advertisement in the document 'Applicant guidance on advertising requirements' also available on the East Herts Council website.

1. On the premises

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 and be displayed the day after the application is lodged with East Herts Council.

2. In a local paper

You must also advertise the application in a local newspaper circulating in the area where the premises are located. Suitable papers include 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 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 should be supplied to 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;
- A brief description of the proposed changes in the application (what is different from your existing rights and restrictions);
- 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;

What happens next?

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

If interested parties (residents living in the vicinity) or Responsible Authorities relevant make representations we will attempt to arrange a mediation meeting between the relevant parties to try and find a reasonable compromise. If this informal process is unsuccessful a hearing before the licensing sub-committee will ensue. All relevant parties will be notified. The licensing sub-committee will make a decision and the details of that decision will be circulated to the parties concerned.

The applicant and 'interested parties' have a right to appeal the decision of the licensing sub-committee, which is 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.

Need Help?

Community Protection Service officers are available to check applications prior to submission and offer help and guidance, if you have difficulty making a licence application. Alternatively, you may wish to pay a reputable licensing professional such as a solicitor or consultant to make your application.

Fees*

Fees for all Licensing Act 2003 permissions have been set by central government. The new fees are based on the non-domestic rateable value of the premises. These are divided into 5 bands:

Band	A	B	C	D	E
Non-Domestic rateable value	£0 - £4300	£4,301 - £33,000	£33,001 - £87,000	£87,000 - £125,000	£125,001 and over

Applications for new premises licences (not changes of name and address)				
A	B	C	D	E
£100	£190	£315	£450	£635

Annual fee (i.e. on the anniversary of the date of issue of the licence) for premises licences				
A	B	C	D	E
£70	£180	£295	£320	£350

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

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

Occasion on which a fee may be payable	Who should be sent copies of application other than East Herts Community Protection Section (see contact details at end of document)	All fees are to be paid to East Hertfordshire District Council

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New premises licence	Police Hertfordshire Fire and Rescue East Herts Planning East Herts Environmental Health and Safety Executive Children, Schools and Families Trading Standards Advertise in local paper	Please see above as dependent of Non-domestic Rateable Value
Supply of copies of information contained in register	N/A	Set By East Herts
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
Interim Authority Notice	Police	£23.00
Application for making a provisional statement	Police Hertfordshire Fire and Rescue East Herts Planning East Herts Environmental Health and Safety Executive Children, Schools and Families Trading Standards	£195.00
Application for copy of premises licences or summary on theft, loss etc of licences summary	N/A	£10.50 in all cases
Notification of premises licence holder change of name	N/A	£10.50 in all cases
Change of registered address of premises licence holder	N/A	£10.50 in all cases
Notice of interest in any premises	N/A	£21.00

Premises under construction that have not been allocated a non-domestic rateable value will be allocated to Band C. Subsequent annual fees will relate to the non-domestic rateable value given to the property following the completion certificate.

Community centres and some schools that permit regulated entertainment but do not permit the supply of alcohol and/or the provision of late night refreshment, will not incur a fee for their premises licenses. For more information please contact the Community Protection Service.

Offences

- To carry on or attempt to carry on a licensable activity on or from any premises other than under or in accordance to with the authorisation provided by a premises licence, a club premises certificate or temporary event notice meeting the required conditions.
- To knowingly allow such an activity to be carried on.
- Where an unauthorised activity has taken place, any performer or participant does not commit an offence unless they are involved in the organisation or arrangement of the unauthorised activity.
- To expose alcohol for sale when not an authorised activity.
- To keep alcohol with the intention of selling it by retail or supplying it by or on behalf of a club or to the order of a member of a club where the sale or supply would be an unauthorised licensable activity.

Offences concerning children:

- Unaccompanied children are prohibited from certain premises such as premises at a time open for the purposes of being used for the supply of alcohol for consumption there and all relevant premises used for the supply of alcohol for the consumption there between the hours of midnight and 5am.
- Sale of alcohol by retail to an individual under the age of 18 is illegal.
- Clubs commit an offence if alcohol is supplied to a member or guest who is under the age of 18.
- To allow the supply of alcohol to children from your premises.
- For an individual aged under the age of 18 to buy or attempt to buy alcohol.
- To buy or attempt to buy alcohol on behalf of an individual who is under 18.

However, no offence is committed if a person over the age of 18 buys beer, wine or cider for an individual aged 16 or 17 if the purchase, or supply, is for consumption at a table meal on relevant premises and that the individual is accompanied at the meal by an individual aged 18 or over.

- An individual under the age of 18 commits an offence if he knowingly consumes alcohol on relevant premises.
- A person who works on relevant premises in any capacity, whether paid or unpaid commits an offence if he knowingly delivers to an individual aged under 18 alcohol sold on the premises, or alcohol supplied on the premises by or on behalf of a club to or to the order of a member of a club.
- A person commits an offence if he knowingly allows anyone else to deliver to an individual aged under 18 alcohol sold on relevant premises.
- Sending a child to obtain alcohol.

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. – 01279 655261

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.
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.

<p>CHILDREN, SCHOOLS AND FAMILIES Janice Mossey Local Safeguarding Children's Board Room 173 County Hall Hertford SG13 8DF E-mail : admin.lscb@hertscc.gov.uk</p>	<p>Yes</p>	<p>No.</p>
<p>Primary Care Trust NHS Hertfordshire, Charter House, Parkway, Welwyn Garden City, Hertfordshire, AL8 6JL Tel: 01707 390855 enquiries@hertfordshire.nhs.uk</p>		
<p>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.</p>	<p>Yes.</p>	<p>No.</p>