

HAMBLETON

DISTRICT COUNCIL

HAMBLETON DISTRICT COUNCIL

LICENSING ACT 2003

Guidance for a new premises licence and to vary a premises licence

Revised August 2009

NOTE: Some of the information contained in your application may be made available on Public Registers held by the Council which may be displayed on the internet. Information will only be published by the Council in accordance with the requirements of the Data Protection Act.

Introduction

If you are involved in any of the following:

- Sale or Supply of Alcohol
- Public Entertainment
- Theatre
- Cinema
- Late Night Refreshment
- Registered Members Club

...you need to be prepared for the changes to be introduced by the Licensing Act 2003.

The purpose of this document is to provide you with the information you will need in order to apply for the necessary licences. If, after reading this document you require any further information please telephone 01609 767017. However, please note that the Council will not be able to advise in detail on your application. You may need to get your own legal advice.

The information contained in this document is not to be taken as definitive and applicants are advised to obtain independent advice should there be any questions as to interpretation of the legislation.

Regular updates to this advice will appear on the Council's website – www.hambleton.gov.uk

Timescales

Licensing Act 2003 came into force on 24 November 2005. It is an offence to provide regulated entertainment, sell or supply alcohol or provide late night refreshment without the appropriate licence.

Fees

All fees are set by the Government. Details of the fees are attached.

Fees for Premises Licences and Club Premises Certificates are based on the rateable value of the premises. Details of the rateable value for your premises can be obtained from website www.voa.gov.uk or telephone 01423 830800 or 01609 767062.

Other fees do not relate to rateable values.

Licensing Objectives

The purpose of the new system is to promote the four licensing objectives:

- (a) the prevention of crime and disorder;
- (b) public safety;

- (c) the prevention of public nuisance; and
- (d) the protection of children from harm

Types of Licence

There will be three types of licence:

1. Personal licence
2. Premises licence
3. Club premises certificates

To sell alcohol from premises after the Second Appointed Day you will need to have first obtained both a Personal Licence and a Premises Licence. To supply alcohol on club premises you will only need a Club Premises Certificate.

In order to provide “Regulated Entertainment” after the Second Appointed Day you will need either a Premises Licence or a Club Premises Certificate. A definition of “Regulated Entertainment” is given on page 4.

After the Second Appointed Day, certain small-scale temporary events (both with or without alcohol) may be undertaken without a licence provided a Temporary Event Notice is served on the Council. Further details regarding these Notices will be published as soon as they become available.

To provide late night refreshment after the Second Appointed Day, you will require a Premises Licence.

Premises Licences

These licences will allow the holders to use specified 'licensed premises' for 'licensable activities' i.e.

1. the sale and supply of alcohol,
2. late night refreshment.
3. the provision of regulated entertainment. The descriptions of regulated entertainment are:-
 - (a) a performance of a play;
 - (b) an exhibition of a film;
 - (c) an indoor sporting event;
 - (d) a boxing or wrestling entertainment;
 - (e) a performance of live music;
 - (f) any playing of recorded music;
 - (g) a performance of dance;
 - (h) entertainment of a similar description to that falling within paragraph (e), (f) or (g); where the entertainment takes place in the presence of an audience and is provided for the purpose, or for purposes which include the purpose, of entertaining that audience.

The new licences will be of unlimited duration unless otherwise requested.

There will no longer be any statutory limitations to the hours or days during which businesses are able to provide 'licensable activities'.

However, limitations on operating times can still be imposed by the Council (together with other conditions) when they are deciding on the granting of a licence.

Forms for making such an application are available from the Council upon request. They are also available on the Council's website.

An application for a new Premises Licence will need to include:

- A plan of the premises (a description of the requirements for plans is attached – Annex A)
- An 'Operating Schedule' – contained within the Application Form. This is to include:
 - details of the licensable activities
 - operating times
 - the identity of the 'premises supervisor' where supply of alcohol is requested
 - whether any alcohol is to be consumed on/off premises
 - the steps which the licensee will take to promote the four licensing objectives
- The appropriate fee. Details of the scale of fees are attached. Cheques should be made payable to Hambleton District Council.
- If the application is for the sale of alcohol, a form of consent from the individual who is to be specified as the Designated Premises Supervisor.

The Council has drafted a Pool of Conditions which are attached as an Appendix to the Application Form. This Pool of Conditions is not intended to be comprehensive, but we believe it covers many of the factors which might be covered in an Operating Schedule. It has been devised in accordance with Government Guidance and in consultation with the Police, Fire Service, etc.

The Council is obliged to only add conditions to Licences which are consistent with an Operating Schedule.

It would be of assistance if your Operating Schedule was compiled by reference to any conditions from the Pool which are relevant to your activities. In order to assist in this we have produced a schedule which can be attached to your Operating Schedule. This allows you to identify those conditions from the Pool which you are happy to accept. You could omit reference to any conditions which you did not consider relevant to your premises or operation.

In addition North Yorkshire County Council Children and Young People's Service have produced Guidance on Child Protection issues. A copy is enclosed and you may wish to consider this, particularly Part 4, when completing your Operating Schedule.

Please include in the Operating Schedule the numbers limits you propose on the premises or parts of premises.

The applicant is also required to advertise the application. Details of the relevant advertising requirements are attached (Annex B).

The applicant must also give a complete copy of the application to the bodies set out below (the Responsible Authorities) on the same day as the application is submitted to **Licensing, Hambleton District Council, Civic Centre, Stone Cross, Northallerton, North Yorkshire, DL6 2UU**.

1. North Yorkshire Fire and Rescue Service
Fire Brigade Headquarters
Crosby Road
Northallerton
DL6 1AB
Tel: 01609 780150

2. Police Licensing Officer
Harrogate Police Station
North Park Road
Harrogate
HG1 5PJ

3. The Environmental Health Manager
Hambleton District Council
Civic Centre
Stone Cross
Northallerton
DL6 2UU
Tel: 01609 767133

*this will also include the function of local enforcement agency under the Health and Safety at Work etc Act 1974. However, in order to assist applicants, if the local enforcement agency in respect of the premises is the Health and Safety Executive then a copy of the application will be forwarded by the Council to that body on the basis that the statutory timescale for dealing with the application will then reflect the delay that this will involve.

4. Head of Development Control
Hambleton District Council
Civic Centre
Stone Cross
Northallerton DL6 2UU
Tel: 01609 767190
5. Building Control
Suite 2, Coxwold House,
Easingwold Business Park,
Stillington Road,
Easingwold,
YO61 3FB
Tel: 01347 822703
6. The Director
Children and Young People's Service
Children's Social Care
Room 122
County Hall
Northallerton
DL7 8AH
7. Trading Standards
Unit 4/5
Block B
Thornfield Business Park
Standard Way
Northallerton
DL6 2XQ

If the premises consist of a vessel then the following bodies must also receive a copy of the application:

8. The relevant navigation authority
9. The Environment Agency
10. The British Waterways Board
11. The Secretary of State for Transport

Applications to vary an existing licence

Holders of Premises Licences under the Licensing Act 2003 may apply for variations to the Licence. These may be to vary the hours of operation or other matters and will need to be made to the Council. This can be done by completing the relevant Application Form, which is available on request and on the Council's website.

The legislation requires that an application to vary a certificate includes:

- Existing licence or a statement with reasons as to why the licence cannot be provided
- Details of requested change in licence terms
- The appropriate fee. Details of the scale of fees are attached. Cheques should be made payable to Hambleton District Council.

For a variation to a Premises Licence an 'Operating Schedule' will also be required. This is contained within the Application Form and includes:

- Details of the licensable activities
- Operating times
- Identification of the 'premises supervisor' where supply of alcohol is requested
- Whether any alcohol is to be consumed on/off premises
- The steps which the licensee will take to promote the four licensing objectives

The Council has drafted a Pool of Conditions which are attached as an Appendix to the Application Form. This Pool of Conditions is not intended to be comprehensive, but we believe it covers many of the factors which might be covered in an Operating Schedule. It has been devised in accordance with Government Guidance and in consultation with the Police, Fire Service, etc.

The Council is obliged to only add conditions to Licences which are consistent with an Operating Schedule.

It would be of assistance if your Operating Schedule was compiled by reference to any conditions from the Pool which are relevant to your activities. In order to assist in this we have produced a schedule which can be attached to your Operating Schedule. This allows you to identify those conditions from the Pool which you are happy to accept. You could omit reference to any conditions which you did not consider relevant to your premises or operation.

In addition North Yorkshire County Council Children and Young People's Service have produced Guidance on Child Protection issues. A copy is enclosed and you may wish to consider this, particularly Part 4, when completing your Operating Schedule.

Please include in the Operating Schedule the numbers limits you propose on the premises or parts of premises.

The applicant is also required to advertise the proposed changes. Details of the relevant advertising requirements are attached.

The applicant must also give a complete copy of the application to the bodies set out below (the Responsible Authorities) on the same day as the application is submitted to **Licensing, Hambleton District Council, Civic Centre, Stone Cross, Northallerton, North Yorkshire, DL6 2UU.**

1. Police Licensing Officer
Harrogate Police Station
North Park Road
Harrogate
HG1 5PJ

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Fire Brigade Headquarters
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Northallerton
DL6 1AB
Tel: 01609 780150

3. The Environmental Health Manager
Hambleton District Council
Civic Centre
Stone Cross
Northallerton
DL6 2UU
Tel: 01609 767133

*this will also include the function of local enforcement agency under the Health and Safety at Work etc Act 1974. However, in order to assist applicants, if the local enforcement agency in respect of the premises is the Health and Safety Executive then a copy of the application will be forwarded by the Council to that body on the basis that the statutory timescale for dealing with the application will then reflect the delay that this will involve.

4. Head of Development Control
Hambleton District Council
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Northallerton
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Tel: 01609 767190

5. Building Control
Suite 2, Coxwold House,
Easingwold Business Park,
Stillington Road,
Easingwold,
YO61 3FB
Tel: 01347 822703

6. The Director
Children and Young People's Service
Children's Social Care
Room 122
County Hall
Northallerton
DL7 8AH

7. Trading Standards
Unit 4/5
Block B
Thornfield Business Park
Standard Way
Northallerton
DL6 2XQ
Telephone 01609 768600

If the premises consist of a vessel then the following bodies must also receive a copy of the application:

8. The relevant navigation authority
9. The Environment Agency
10. The British Waterways Board
11. The Secretary of State for Transport

PREMISES LICENCES REQUIREMENT AS TO PLANS

Unless the Council has previously agreed in writing with the applicant following a request by the applicant that an alternative scale plan is acceptable to it, in which case the plan shall be drawn to that alternative scale, the plan shall be drawn in standard scale. The standard scale means that 1 millimetre represents 100 millimetres.

The plan shall show—

- (a) 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; (see Note 1 below)
- (b) the location of points of access to and egress from the premises;
- (c) if different from paragraph (b), the location of escape routes from the premises;
- (d) in a case where the premises is used for more than one existing licensable activity, the area within the premises used for each activity; (see Note 2 below)
- (e) in a case where the existing licensable activity relates to the supply of alcohol, the location or locations on the premises which is or are used for consumption of alcohol; (see Note 3 below)
- (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 exit 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 any other safety equipment; and
- (k) the location of a kitchen, if any, on the premises.

The plan may include a legend through which the matters mentioned or referred to above are sufficiently illustrated by the use of symbols on the plan.

Note 1 It would assist the Licensing Authority if the boundary of the entire premises (including outdoor areas) was edged in red.

Note 2 It would assist the Licensing Authority if areas to be used for the provision of regulated entertainment were outlined in blue.

Note 3 It would assist the Licensing Authority if the areas to be used for the sale and consumption of alcohol were outlined in green.

ADVERTISEMENT OF APPLICATIONS

Extract from The Licensing Act 2003 (Premises Licences and Club Premises Certificates) Regulations 2005

Representations –

22. An interested party or a responsible authority making representations to a relevant licensing authority, may make those representations –

(a) in the case of a review of a premises licence following a closure order, at any time up to and including seven days starting on the day after the day on which the authority received the notice under section 165(4) in relation to the closure order and any extension to it;

(b) in any other case, at any time during a period of 28 consecutive days starting on the day after the day on which the application to which it relates was given to the authority by the applicant.

Advertisement of Applications -

25. In the case of an application for a premises licence under section 17, for a provisional statement under section 29, to vary a premises licence under section 34, for a club premises certificate under section 71 or to vary a club premises certificate under section 84, the person making the application shall advertise the application, in both cases containing the appropriate information set out in regulation 26—

(a) for a period of no less than 28 consecutive days starting on the day after the day on which the application was given to the relevant licensing authority, by displaying a notice,

(i) which is—

(aa) of a size equal or larger than A4,

(bb) of a pale blue colour,

(cc) printed legibly in black ink or typed in black in a font of a size equal to or larger than 16;

(ii) in all cases, prominently at or on the premises to which the application relates where it can be conveniently read from the exterior of the premises and in the case of a premises covering an area of more than fifty metres square, a further notice in the same form and subject to the same requirements every fifty metres along the external perimeter of the premises abutting any highway; and

(b) by publishing a notice—

(i) in a local newspaper or, if there is none, in a local newsletter, circular or similar document, circulating in the vicinity of the premises;

(ii) on at least one occasion during the period of ten working days starting on the day after the day on which the application was given to the relevant licensing authority.

26. (1) In the case of an application for a premises licence or a club premises certificate, the notices referred to in regulation 25 shall contain a statement of the relevant licensable

activities or relevant qualifying club activities as the case may require which it is proposed will be carried on on or from the premises.

- (2) In the case of an application for a provisional statement, the notices referred to in regulation 25—
 - (a) shall state that representations are restricted after the issue of a provisional statement; and
 - (b) where known, may state the relevant licensable activities which it is proposed will be carried on on or from the premises.
- (3) In the case of an application to vary a premises licence or a club premises certificate, the notices referred to in regulation 25 shall briefly describe the proposed variation.
- (4) In all cases, the notices referred to in regulation 25 shall state—
 - (a) the name of the applicant or club;
 - (b) the postal address of the premises or club premises, if any, or if there is no postal address for the premises a description of those premises sufficient to enable the location and extent of the premises or club premises to be identified;
 - (c) the postal address and, where applicable, the worldwide web address where the register of the relevant licensing authority is kept and where and when the record of the application may be inspected;
 - (d) the date by which an interested party or responsible authority may make representations to the relevant licensing authority;
 - (e) that representations shall be made in writing; and
 - (f) 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 Licensing Act 2003 - Fees

Premise & Club Fees

Band	A	B	C	D	E
Non domestic rateable value	None - £4,300	£4,301 - £33,000	£33,001 - £87,000	£87,001 - £125,000	£125,001+
Premises licences*					
New application & variation	£100	£190	£315	£450	£635
Multiplier applied to premises used exclusively or primarily for the supply of alcohol for consumption on the premises (Bands D & E only)	N/A	N/A	N/A	X2 (£900)	X3 (£1905)
Annual charge *	£70	£180	£295	£320	£350
Annual charge multiplier applied to premises used exclusively or primarily for the supply of alcohol for consumption on the premises (Bands D & E only)	N/A	N/A	N/A	X2 £640	X3 £1050
Club premises certificates					
New application and variation	£100	£190	£315	£450	£635
Annual Charge	£70	£180	£295	£320	£350

*There are additional fees for premises licence applications, and the annual fee for exceptionally large scale events (5,000+), unless certain conditions apply. Please read Regulation 4(4) and 4(5) of [The Licensing Act 2003 \(Fees\) Regulations 2005](#).

Exemptions

Applications from schools, colleges, church halls and village halls for a premises licence which relates ONLY to the provision of regulated entertainment are exempt from paying a fee.

Additional fees

Number in attendance at any one time	Additional Premises licence fee	Additional annual fee payable if applicable
5,000 to 9,999	£1,000	£500
10,000 to 14,999	£2,000	£1000
15,000 to 19,999	£4,000	£2,000
20,000 to 29,999	£8,000	£4,000
30,000 to 39,999	£16,000	£8,000
40,000 to 49,999	£24,000	£12,000
50,000 to 59,999	£32,000	£16,000
60,000 to 69,999	£40,000	£20,000
70,000 to 79,999	£48,000	£24,000
80,000 to 89,999	£56,000	£28,000
90,000 and over	£64,000	£32,000

Other fees

Minor Variation	£89
Community Premises DPS	£23
Application for the grant or renewal of a personal licence	£37
Temporary event notice	£21
Replacement premises licence or summary	£10.50
Application for a provisional statement where premises being built etc.	£315.00
Notification of change of name or address	£10.50
Application to vary licence to specify individual as premises supervisor	£23
Application for transfer of premises licence	£23
Interim authority notice following death etc. of licence holder	£23
Replacement Club Certificate or summary	£10.50
Notification of change of name or alteration of rules of club	£10.50
Change of relevant registered address of club	£10.50
Replacement temporary event notice	£10.50
Replacement personal licence	£10.50
Duty to notify change of name or address	£10.50
Right of freeholder etc. to be notified of licensing matters	£21