Licensing Act 2003

Eden District Council

Takeaways and Late Night Refreshment

The Licensing Act 2003 which came fully into effect on 24 November 2005 brought in a new regime of licences and notices affecting premises selling hot food/drink at any time between 11pm and 5am, but note exemptions below. This may only be carried on under, and in accordance with, one of the following:

- ***Premises Licence***
- ***Temporary Event Notice***

If the sale of alcohol is included as a licensable activity then a Designated Premises Supervisor must be named on the Premises Licence application.

Exemptions to Provision of Late Night Refreshment

Various forms of supply are exempt under the Act, including:

- residents/guests in hotels and comparable premises
- members of a recognised club
- employees in a staff canteen
- supplies by a registered charity
- supplies that are free of charge
- supply of hot drink from a vending machine provided that the machine is operated by a member of the public

Premises Licence Application

Application should be made to the licensing authority using the prescribed form and must be accompanied by:

- the fee
- operating schedule
- a scale plan of the premises
- written consent from the nominated designated premises supervisor where the sale of alcohol is involved

The applicant must submit a copy of their application to each of the responsible authorities and must also advertise the application prominently on the premises for a period of not less than 28 days and in a local newspaper. If no relevant representations are received, the licensing authority must grant the premises licence. Where relevant representations are made, a hearing will usually be held.

Temporary Event Notice (TEN)

Where it is anticipated that the number of events at particular premises in any one calendar year will not exceed 12, the premises user may consider giving notification of a TEN for each specific event. Any individual aged 18 years or over can submit a TEN subject to restrictions such as:

- an event may last for up to a maximum of 168 hours
- no more than 499 people (including staff) may attend the event at any one time
- the same premises cannot be used on more than 12 occasions in any calendar year and are subject to an overall aggregate of 21 days' use
- there must be a minimum of 24 hours between events at the same premises when given by the same person or associates of that person (eg spouse, child, parent, grandchild, brother, sister, agent or employee of the notice giver)
- the number of notices given by one individual within any one calendar year is limited to 50 for a personal licence holder and 5 for any other person
- the TEN, accompanied by the relevant fee, must be given to the licensing authority, at least 10 working days before the event is to take place. In certain circumstances, late TENs may be submitted (nine to five days before the event).

What is the fee for a Premises Licence?

The Government has set the fees to be charged and full details are available in the Guidance Document GD02, but a brief summary is given below.

Rateable Value of Premises	***Band***	***(1) New/Variation Fee***	***(2) Annual Maintenance Fee***
No rateable value to £4,300	A	£100	£70
£4,301 to £33,000	B	£190	£180
£33,001 to £87,000	C	£315	£295
£87,001 to £125,000	D	£450	£320
£125,001 and above	E	£635	£350

All applications forms, together with more detailed information regarding Temporary Event Notices, Premises Licences, Personal Licences, the role and responsibilities of a Designated Premises Supervisor, Fees, Plans, Advertisements/Notices and Responsible Authorities, are available on our website www.eden.gov.uk

If you have any further queries please telephone (01768) 212148/212273, or email admin.licensing@eden.gov.uk