

Licensing Act 2003 Premises Licences

The Licensing Act 2003 which came fully into effect on 24 November 2005 brought in a new regime of licences affecting all premises that cater for activities such as the sale of alcohol, late night refreshment and the provision of entertainment, music and dancing. These licensable activities are carried on under, and in accordance with, a Premises Licence.

What is a Premises Licence for?

A premises licence authorises the premises in question to carry out licensable activities. Almost any business that carries on one or more licensable activity will need a premises licence, including takeaways and late night cafés.

What are the licensable activities?

- sale or supply of alcohol;
- provision of regulated entertainment; and
- provision of late night refreshment (that is the sale of hot food or drink at any time between 11pm – 5am).

What is Regulated Entertainment?

Regulated entertainment is entertainment provided in the presence of an audience for the purpose of entertaining that audience, for example:

- the performance of a play;
- the exhibition of a film;
- an indoor sporting event;
- boxing or wrestling;
- a performance of live music;
- any playing of recorded music;
- a performance of dance; and
- entertainment of a similar description.

The Council's Guidance Document GD14 provides more detailed information regarding regulated entertainment, including the exemptions to the requirement for a premises licence.

How long is a Premises Licence valid?

A premises licence has effect until the licence is revoked, suspended or surrendered. This means it is not time-limited (unless the applicant specifically requests this). Where a premises licence holder's permission to work in the UK is time-limited, the licence may still be granted for an indefinite period, but it will become invalid when the immigration permission expires. Similarly, if a licence holder's immigration permission is curtailed or revoked at any time by the Home Office, any premises licence issued on or after 6 April 2017 which authorises the sale of alcohol or provision of late night refreshment will automatically lapse.

Who can apply for a Premises Licence?

Individuals, businesses or partnerships can apply. In the case of an individual, the applicant must be aged 18 or over. From 6 April 2017, individuals applying for a premises licence for the sale of alcohol or provision of late night refreshment must provide acceptable evidence of entitlement to work the UK as set out in the application form.

What is a Designated Premises Supervisor?

All premises licensing authorising the sale of alcohol must identify a person, known as the Designated Premises Supervisor, who has responsibility for the day to day running of the premises. The only exception is for community premises in respect of which a successful application has been made to disapply the usual mandatory conditions – see Guidance Document GD08A for further details.

How do I apply for a Premises Licence?

You may request application forms from us by calling 01768 212148/212273 or email admin.licensing@eden.gov.uk You may also download an application form from our website at www.eden.gov.uk

There are four key parts to your application:

- the fee;
- the operating schedule section of your application form;
- the plan of your premises;
- the consent given by the person whom the applicant wishes to be the premises supervisor, where applicable.

What is an Operating Schedule?

The operating schedule is formed through the completion of the application form in which the applicant details how he proposes to operate and promote the licensing objectives. The following information should be provided:

- the licensable activities to be carried out;
- the proposed hours that the relevant licensable activities are to take place;
- any other times that the premises are to be open to the public;
- the name and address of the Designated Premises Supervisor if the licensable activities include the supply of alcohol, where applicable;
- where alcohol is to be supplied, whether the supplies are proposed to be for consumption on and/or off the premises;
- conditions that the applicant would like to volunteer which will assist in meeting the successful promotion of the licensing objectives;
- where the licence is for a limited period, the period required.

What are the Licensing Objectives?

- Prevention of crime and disorder
- Public safety
- Prevention of public nuisance
- Protection of children from harm

Who can I speak to for advice on promoting the Licensing Objectives?

Advice on promoting those objectives is available in our licensing policy or from guidance documents available on our website.

As well as looking carefully at what measures you intend to put in place to promote the licensing objectives, the responsible authorities, who will be assessing your application, will be a very useful contact when you need help and expert guidance to fill out this part of your form.

- Cumbria Constabulary (for matters concerning preventing crime and disorder)
Tel: 101 Email enquiries@cumbria.police.uk
- Cumbria Fire and Rescue Service (for matters concerning public safety)
Tel: 01228 221688 Email: enquiries.fire@cumbria.gov.uk
- Environmental Services (for matters concerning public safety and preventing public nuisance) Tel: 01768 212490/212491 Email: env.health@eden.gov.uk
- Planning Services (for matters concerning public safety and preventing public nuisance) Tel: 01768 817817 Email planning.services@eden.gov.uk
- Health and Safety Executive (for matters concerning public safety where they are the responsible authority) Tel: 01228 634100 Email formsadmin.carlisle@hse.gsi.gov.uk
- Children's Services (for matters concerning protecting children from harm)
Tel: 01228 226898 Email cscp@cumbria.gov.uk
- Trading Standards (for matters relating to under age drinking etc)
Tel: 01539 713594 or 01228 221661 Email trading.standards@cumbria.gov.uk
- Public Health (for matters concerning public safety and protection of children from harm) Tel: 01228 226627 Email: pauline.mitchell@cumbria.gov.uk
- Home Office Immigration Enforcement Tel: 020 8196 3388/8196 3511
Email: alcohol@homeoffice.gsi.gov.uk

It may also be helpful to speak to residents and local businesses to get their input on what you are planning to do and how you plan to promote the licensing objectives. In this way you can look to tackle any of their concerns in your operating schedule.

Do I need to advertise my application?

You must advertise by displaying a notice 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 licensing authority, which is:

- of a size equal or larger than A4;
- of a pale blue colour;
- printed legibly in black ink or typed in black in a font of a size equal to or larger than 16;

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.

You must also advertise by publishing a notice in a local newspaper or, if there is none, in a local newsletter, circular or similar document, circulating in the vicinity of the premises 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.

Who are the "responsible authorities"?

Responsible authorities are public bodies who must be fully notified of applications and they may make representations in relation to the grant, variation or review of a premises licence. Details are given at the end of these notes, or you may refer to our Guidance Document GD7 for full details of all the responsible authorities for the Eden District Council area.

Who else can comment on an application?

As well as responsible authorities, any other person (this includes any individual, body or business) can make representations in relation to applications for the grant, variation or review of a premises licence. They may act in their own right or request that a representative makes the representation on their behalf. A legal representative, friend, MP or a local ward or parish councillor can all act in such a capacity.

What is a relevant representation?

A representation is normally an objection relating to the whole of your application or to part of it and, to be relevant, must relate to one or more of the licensing objectives. For example, if it was felt you were not putting sufficient control measures in place to prevent your customers from causing disturbance, then any one of the responsible authorities or any other person could make a representation.

When can a representation be made?

Representations must be made within 28 days of the date the notice of application is displayed at your premises.

Where no relevant representations are received, the Licensing Authority must grant the licence application subject only to the mandatory conditions, and conditions or restrictions mentioned in the operating schedule.

If relevant representations are received and not withdrawn, the Licensing Authority must hold a hearing to consider the representations.

A hearing will also be held if there is a request for a review of the licence or the police use their powers to close the premises. At the hearing the Licensing Authority will review the licence and consider whether to amend the licence or any of the attached conditions. Further information relating to hearings will be provided prior to the hearing or on request.

What information do I need to include in the plan of the premises?

The prescribed requirements for plans are contained within the Council's Guidance Document GD1.

On what basis can conditions be attached to a licence?

Depending on whether relevant representations are made by responsible authorities or any other person, the Licensing Authority may be recommended to attach appropriate conditions to your new or varied licence. However, conditions can only relate to the four licensing objectives and applicants are entitled to be consulted in this process before any such conditions are imposed.

In order to assist both applicants and responsible authorities, the Council has produced a pool of sample conditions designed to address the licensing objectives. When completing the operating schedule part of their new application, or for variation, applicants are encouraged to assess the likely impact on the licensing objectives of the licensable activities being proposed. In order to address any objections that may be made in respect of a new application or for a variation, applicants may wish to propose their own control measures from the pool of conditions. These conditions are contained within the Licensing Authority's Guidance Document GD6.

Applicants are advised, however, that the pool of conditions is not a definitive list, and, where appropriate, responsible authorities may recommend the imposition of other conditions not necessarily contained within the above document.

How much is the fee?

The Government sets the fee. It is based on the non-domestic rateable value of your premises and will put you into a specific band.

Rateable Value	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

A full list of fees covering all licensing activities and processes is contained within the Council's Guidance Document GD2.

Where can I find out the non-domestic rateable value of my premises?

This information should be contained within the annual bill you receive from the Council. Alternatively, you can find out your non-domestic rateable value (NDRV) through the Valuation Office Agency. For further information you can visit their website – www.voa.gov.uk or call their enquiry help line on 03000 501501.

Where do I need to send the completed application form to?

All applications, accompanied by the appropriate fee and relevant enclosures, should be sent to:

Licensing Section, Eden District Council, Town Hall, Penrith, CA11 7QF

Please note: if your application is found to be incomplete, it will be returned to you for correction and resubmission.

Where else do I need to send a copy of the completed application?

If you are applying for a new Premises Licence or a variation to your existing Premises Licence then send one copy of your completed application to each of the bodies below:

Name and Address	Name and Address	Name and Address
The Inspector Penrith Police Station Hunter Lane PENRITH CA11 7UT	The Divisional Officer Cumbria Fire and Rescue Service Cumbria County Council Carlisle East Community Fire Station Eastern Way CARLISLE CA1 3RA	Environmental Protection and Food Health and Safety Eden District Council Mansion House PENRITH CA11 7YG
Health and Safety Executive 2 Victoria Place CARLISLE CA1 1ER (only applicable where the HSE is the enforcing authority)	Planning Services Eden District Council Mansion House PENRITH CA11 7YG or Planning Services Lake District National Park Murley Moss, Oxenholme Road KENDAL LA9 7RL or Planning Services Yorkshire Dales National Park Yoredale Bainbridge LEYBURN DL8 3EL	Children's Services Cumbria Safeguarding Children Partnership (CSCP) 117 Botchergate Carlisle CA1 1RD
Trading Standards Cumbria County Council Carlisle East Community Fire Station Eastern Way CARLISLE CA1 3RA	Director of Public Health Cumbria County Council The Courts CARLISLE CA3 8NA	Alcohol Licensing Team Lunar House 40 Wellesley Road CROYDON CR9 2BY

All applications forms, together with more detailed information regarding Temporary Event Notices, 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