

GUIDANCE NOTES

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 does one or more of these three activities will need a premises licence, including takeaways and late night cafes.

Where the sale or supply of alcohol is one of the activities you carry out at your premises, you will also need at least one personal licence holder. Please see separate guidance document regarding personal licences.

What are the licensable activities?

- sale or supply of alcohol;
- provision on 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 (e.g. a circus)

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).

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.

Who needs a premises licence?

All of the following types of businesses, because they have one or more licensable activity (sale of alcohol; provision of regulated entertainment; provision of late night refreshment) will need a premises licence to operate:

- pubs, café-bars and nightclubs
- distributors of alcohol via the internet
- restaurants, hotels and guest houses that serve alcohol
- shops and supermarkets that sell alcohol for consumption off the premises including wholesalers who sell to the public
- late night cafes, takeaways and other premises that supply hot food or hot drink at any time between 11pm and 5am to members of the public for consumption on or off the premises
- cinemas, theatres, concert halls and amateur dramatic groups
- venues providing live entertainment, live music or dancing, or which play recorded music
- major art and pop festivals, carnivals, fairs and circuses.

What is a Designated Premises Supervisor?

All premises licences authorising the sale of alcohol must identify a person who has responsibility for the day to day running of the premises. This person is known as the Designated Premises Supervisor. If you intend to sell alcohol, you must appoint a Designated Premises Supervisor (DPS). This person is ultimately responsible for everything that happens on the premises, including any offences that may take place. You are only permitted to nominate one DPS per premises. The DPS does not have to be present all the time. However, as they are responsible for ensuring the premises are compliant with the law, we would suggest you appoint somebody who has day-to-day responsibility for the relevant part of the business.

How do you apply for a premises licence?

You may request application forms from us by calling 01946 598517 or 01946 598520 or e-mail licensing@copelandbc.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 designated premises supervisor

How do you complete the application form?

When you come to fill out your application, please note there are guidelines at the back of each form, as well as a checklist at the end of each section within the form.

Your application should be as detailed as possible, telling us about you, your premises and the activities you plan to carry out.

Please ensure that your application is legible and in **black** ink. Typed applications would be preferable.

Please note: if your application is found to be incomplete it will be returned to you for further information.

Description of the Premises

Your description should state:

- Whether the premises are detached, terraced etc and what they adjoin, e.g. “terraced adjoining cab office and florist shop”;
- Description of main use of premises, e.g. pub, restaurant, nightclub;
- How many floors the premises consists of;
- Which floors are used for licensable activities;
- What entertainment facilities are provided, if applicable;
- Brief descriptions of what other parts of the premises are used for.

So for example you might say, “Three storey detached building used primarily as public house. Top floor used for hotel accommodation, first floor has a function room hired out for private parties. Ground floor consists of bar area and kitchen. Bar area used for public to drink and dance. Piano and karaoke machine in bar area.”

Include any other information you feel may be relevant to the licensing objectives.

Start Date

Unless you specify otherwise, your licence will take effect from the date it is granted. You can ask for it to take effect at a later date if you wish.

Licensed Activities and Opening Times

You must state what licensable activities you intend to provide, and the times you would like to do this. Times must be given in the 24 hour clock.

All times commence at 12 midnight where applicable. There are two boxes for times, to account for when you remain closed during the day (or do not wish to provide licensable activities).

Let’s say you wanted to provide entertainment from 11.00am to 11.00pm on Mondays to Thursdays, 11.00am to 2.00am on Fridays and Saturdays, and from 11.00am to 10.30pm on Sundays. You would fill the boxes in like this:

Regulated entertainment		
Day	Start	Finish
Mon	1100	2300
	-	-
Tue	1100	2300
	-	-

Wed	1100	2300
	-	-
Thur	1100	2300
	-	-
Fri	1100	0000
	-	-
Sat	0000	0200
	1100	0000
Sun	0000	0200
	1100	2230

Seasonal Variations

This would allow you to open later on say, Christmas Eve, or to open later during the summer months (you would have to specify which months). You need to say when you want to open and for how long. We recommend you use this box if you know you want to open later during seasonal periods, rather than wasting a Temporary Event Notice in applying for extensions.

Non Standard Timings

This caters for special events or Bank Holidays, for example. You may normally open until 11.00pm on Mondays, but on the first Monday of every month a folk club meet at your premises and you would like to provide regulated entertainment until midnight on these occasions. You would put the details in this box.

Indoors or Outdoors

If licensed activities will take place in a building or similar structure, please tick "Indoors". If activities are to take place in the open air, or with a roof cover and no side wall covers, please tick "Outdoors". If your premises have a garden (for example) and you would like licensable activities to take place in the garden, you would tick both boxes.

Further Details

You are expected to state the type of activity to be authorised and where applicable, the frequency of these activities. (If you intend to provide licensed activities regularly you do not need to specify this).

For example:

Plays – if the premises licence is for a one off event, you would put the play title here. Otherwise you would state, for example, whether the plays are for children only, a mixed audience, for an amateur dramatics association, and so on.

Film Exhibitions – if a cinema, you may say here how many screens you have. You may describe the type of films you intend to show, e.g. art films, mixed films for all age ranges, and so on.

Indoor Sporting Events – describe the type of sports you intend to provide.

Boxing and Wrestling Entertainments – the category of fights you may wish to provide, whether they will be professional or amateur and so on.

Performance of Live Music – how many musicians do you intend to have performing, what type of music will they play, and will the music be amplified or unamplified?

Playing of Recorded Music – what sort of recorded music? Will it be a DJ or a sound system? What is the power output of any sound system to be used? Will you be providing karaoke?

Performance of Dance – what type of dancing? Will there be a stage or will it be roaming dancers, such as strippers?

Entertainment of a Similar Description – describe the type of entertainment, e.g. comedy shows, hypnotism performances etc.

Provision of Facilities for Making Music – describe the provision, e.g. a piano, guitars etc. Describe how the facilities will be used, e.g. a folk club.

Provision of Facilities for Dancing – describe where the dancefloor will be, what size it is etc.

Provision of Facilities for Entertainment of a Similar Description - describe what the facilities are and what they might be used for.

Late Night Refreshment – Say what you intend to do, e.g. selling food for takeaway purposes only, selling food for consumption on the premises, the type of food you sell etc.

You can also use this section to tell us how often you are likely to use the licence, e.g. “Plays will only be held once a month for no more than three days at a time”.

Activities That May Give Rise to Concern in Respect of Children

This could include nudity or semi-nudity (such as exotic dancers) or the presence of gaming machines.

Hours Premises Are Open to the Public

State the earliest time people are admitted to the premises, and the latest time they will leave.

What is an operating schedule?

The operating schedule is formed through the completion of the application form, in which the applicant sets out details on how the premises is proposed to operate when carrying on licensable activities.

Applicants are also recommended to include the proposed occupancy numbers for the premises in their operating schedule. The following information should also be provided:-

- The licensable activities to be carried out
- The proposed hours that the relevant licensable activities are to take place
- Any other items 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 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 as which will assist in meeting the successful promotion the licensing objectives.
- Where the licence is for a limited period, the period required.

The operating schedule is used to illustrate the measures that are to be put into place to meet the licensing objectives.

What are the licensing objectives?

- Prevention of Crime and Disorder;

- Public Safety;
- Prevention of public nuisance; and the
- Protection of children from harm

Steps You Intend to Take to Promote the Four Licensing Objectives

This is a very important part of the form. You must use this area to demonstrate that you can run your business in the new manner without contravening any of the four licensing objectives.

You need to satisfy the responsible authorities we consult and any other interested parties (e.g. local residents), that you can run the premises responsibly and in accordance with the licensing objectives. If these people do not feel the steps you propose are adequate, they may object to the licence being granted.

It is clearly in everybody's interests to reduce the likelihood of people objecting to your licence. You should therefore think very carefully about how you are going to address the four licensing objectives.

You only need to state the measures you will take not the way you currently run your business. Some examples of things you may wish to consider are given below.

General – All Four Licensing Objectives

- Providing registered door supervisors;
- Having a Personal Licence Holder on the premises at all times the licence is being used;
- Staff training on licensing issues;
- Installing a CCTV system.

The Prevention of Crime and Disorder

- Drugs policies/notices;
- Providing adequate lighting;
- Use of a walkie talkie link to other licensed premises in the area;
- Age restrictions;
- Search policies;
- Bottle bans.

Public Safety

- Provision of emergency lighting;
- Provision of additional escape routes;
- Accommodation limits;
- First Aid provision;
- Seating arrangements;
- Use of special effects;
- Number of attendants.

The Prevention of Public Nuisance

This area is particularly important if you are seeking to extend your licence hours. You are not expected to control or seek to control the behaviour of persons once they have left the premises.

- Provision and use of a noise limiting device;
- Secondary glazing/soundproofing;
- Noise patrols of the local area;
- Keeping the music to a reasonable level;
- Litter clearance;
- Considerate loading/unloading arrangements;
- Controlling noxious odours from cooking etc;

- Not using external areas after a certain time;
- Restricting hours that amplified music can take place;
- Keeping doors and windows closed while the licence is being used;
- Prevention of light pollution;
- Notices asking patrons to leave quietly.

The Protection of Children From Harm

- Restricting access to adult entertainment, e.g. lap dancing, age restricted films etc;
- Provision of children's areas;
- CRB checks of staff involved in looking after young people;
- Proof of age cards;
- Prevention of access to gaming machines;
- A limit on the hours during which children can be present on the premises;
- Requirement to be accompanied by an adult;
- Requirement for attendants to be present when children's activities are taking place.

Whatever you put in this section will become a condition of your licence. Therefore you should not volunteer to do anything that you are not able, or not prepared, to do if the licence is granted.

It may be that no additional steps are required, in which case you can leave the relevant box(es) blank.

Who can you speak to for advice on promoting the licensing objectives?

Advice on promoting the objectives is available in our Statement of Licensing Policy. Advice on each of the licensing objectives is also available from the responsible authorities who will be assessing your application.

When you are making a new application e.g. new activities, new operating hours etc. – then your application will be subject to representations from all of the "responsible authorities" and "interested parties".

As well as looking carefully at what measures you intend to put in place to promote the licensing objectives; responsible authorities 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)
- Cumbria Fire and Rescue Service (for matters concerning public safety)
- Environmental Health (for matters concerning public safety and preventing public nuisance)
- [Planning Services](#) (for matters concerning public safety and preventing public nuisance)
- Social Services (for matters concerning protecting children from harm)
- Trading Standards (for matters relating to under age drinking etc.)

A number of guidance documents are available to applicants:

- Cumbria Police – Guidance for applicants
- Cumbria Fire and Rescue Service – Guidance for applicants
- British Beer and Pub Association – Noise control - www.beerandpub.com
- Health and Safety Executive - An Introduction to Health and Safety – www.hse.gov.uk

We would also recommend that you speak to "interested parties", that is local residents / 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.

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

The plan must be drawn to a scale of 1 centimetre to 1 metre, unless we have previously confirmed in writing to you that an alternative scale is acceptable. The plan must 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;
- (b) the location of points of access to and egress from the premises;
- (c) if different from (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;
- (e) in a case where an 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;
- (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 exits 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.

Do you need to advertise your application?

- 1) Yes, in the case of new applications and variations. 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 relevant 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;

A sample of a prescribed notice for display at your premises, printed on the correctly coloured pale blue paper is enclosed with all application packs for premises licences. The reverse side of the notice provides further advice to applicants on the required advertising arrangements. This notice can also be used to advertise in the newspaper

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

2) 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.

What do you need to include on your advertisement?

1) The notice must contain a statement of the relevant licensable activities, which it is proposed will be carried out at or from the premises.

2) The notice must also state:

- the name of the applicant or club;
- 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;
- 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;
- the date by which an interested party or responsible authority may make representations to the relevant licensing authority;
- that representations shall be made in writing; and
- 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.

Who are the "Responsible Authorities"?

In respect of new applications and variations, all "responsible authorities" have responsibility for assessing your application and are able to make relevant representations. Once granted, they can also request a review of your licence.

The Responsible Authorities for the Copeland Borough Council area are:-

Cumbria Constabulary
Workington Police Headquarters
Hall Brow
Workington
Cumbria
CA14 4AP

Divisional Officer
Cumbria Fire Service
A Division Headquarters
1-2 Frances Croft
Workington
Cumbria CA14 4DR

Principal Environmental Health Officer
Copeland Borough Council
The Copeland Centre
Catherine Street
Whitehaven
Cumbria CA28 7SJ

Tony Pomfret
Principal Planning Officer
Copeland Borough Council
The Copeland Centre
Catherine Street
Whitehaven
Cumbria CA28 7SJ

OR

The Lake District National Park Authority
Murley Moss
Oxenholme Road
Kendal
Cumbria
LA9 7RL

Jackie Tyers
Cumbria Local Safeguarding Children Board
Fairfield
5 Portland Square
Carlisle
Cumbria
CA1 1PU

Trading Standards
Station Road
Cockermouth
Cumbria CA13 9PZ

Director of Public Health/County Medical Officer
NHS Cumbria Trust HQ
Penrith Hospital
Tynefield Drive
Penrith
Cumbria
CA11 8JA

Clinton Boyce
Legal Services Manager
Copeland Borough Council
The Copeland Centre
Catherine Street
Whitehaven
Cumbria CA28 7SJ

Who are "interested parties"?

Local residents / residents associations
Local businesses / trade groups
Bodies representing the above

What is a relevant representation?

A representation is normally an objection relating to the whole of your application or to part of it and 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 disturbing local residents, then any one of the eight responsible authorities, or any interested parties, could make a representation under one of the four licensing objectives.

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.

Who can make a representation?

Where you are a new applicant, for example, you run a takeaway / late night café or you are opening a new bar or where you are applying to change the way you operate your business (a "variation") any of the seven responsible authorities or interested parties can make a representation.

Where no relevant representations are made by responsible authorities or interested parties, 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, the Licensing Authority must hold a hearing and consider the representations.

This may result in:-

- The rejection of the application
- The refusal to accept a Designated Premises Supervisor (if the licensable activities relate to the sale of alcohol)
- The attachment of conditions to the licence if this is necessary for the promotion of one or more of the licensing objectives

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.

On what basis can conditions be attached following an application for a new licence or for a variation?

Depending on whether relevant representations are made by responsible authorities or by interested parties, 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 of any changes (e.g. later opening times, different 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 enclosed with the information pack.

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

A full list of fees covering all licensing activities and processes is attached.

Please note: if you are in band D and your premises is exclusively or primarily in the business of selling alcohol, multiply your initial application fee / annual fee by two to calculate the value you need to pay.

If you are in band E and your premises is exclusively or primarily in the business of selling alcohol, multiply your initial application fee by three to calculate the value you need to pay.

Where can you find out the non-domestic rateable value of your 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 0845 6021507.

What do you need to send to the licensing office?

Make sure you send all of the following to the Licensing Office:

- Completed application form
- Payment Fee (postal order or cheque)
- The plan of the premises (in the prescribed format)
- The consent of the person you wish to be the designated premises supervisor

We cannot accept applications by email. All applications must be made by post to:

The Legal Services Manager
Copeland Borough Council
The Copeland Centre,
Catherine Street,
Whitehaven,
Cumbria. CA28 7SJ

Please note: if you do not include all of the above or your application is found to be incomplete it will be returned to you for further information.

Where else do you need to send a copy of your application?

You need to send one copy of your application (excluding the fee) to each of the eight Responsible Authorities.

If you have any further queries please telephone 01946 598517 or 598520 or e-mail licensing@copelandbc.gov.uk