



Takeaways and Late Night Refreshments Houses

Who can apply for a premises licence?

Individuals, businesses or partnerships can apply. In case of an individual, the applicant must be aged 18 or over.

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 needs a premises licence?

All of the following types of businesses because they do 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 guesthouses 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 a 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.

When do you apply for a premises licence?

If you do not presently have a licence which relates to one of the licensable activities, you will need to make a new application at least two calendar months before you want to trade with your new licence. Please ask for application form SL6 for Takeaways and Late Night Refreshment Houses.

Why should you apply for a premises licence?

If you carry out a licensable activity without a premises licence (or Club Premises Certificate) you will be breaking the law.

A premises licence also brings with it considerable freedoms: the possibility of carrying out extra activities, the opening hours you and your community want and greater flexibility.

How do you apply for a premises licence?

You may request application forms from us by calling 01539 733 333 or email: licensing@southlakeland.gov.uk

You may also download an application form SL6 from our website www.southlakeland.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 (only applicable where the sale of alcohol is provided)

What information do you need to include on your application form?

Your application should be as detailed as possible, telling us about you, your premises and the activities you plan to carry out. It should also tell us what measures you intend to put in place to promote 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

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

Advice on promoting those objectives is available in our licensing policy or from guidance available on our website. Advice on each of the licensing objectives is also available from the responsible authorities who will be assessing your application.

If you already have a premises licence and wish to vary that licence by providing new activities or extending your operating hours etc. – then your application may 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. Guidance Form 7 gives details of responsible authorities. Guidance Form 6 provides sample conditions, which may apply to your premises.

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.

Do you need to advertise your application?

1. Yes, 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; 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

A sample of a prescribed notice for display at your premises, printed on the correctly coloured pale blue paper is enclosed with all application forms for premises licences. Further copies of the notice are available from the Licensing Office on request. The reverse side of the notice provides further advice to applicants on the required advertising arrangements.

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.

A sample of a template for completion in respect of a newspaper notice is also enclosed with the relevant application forms, and further copies are available from the Licensing Office on request.

What do you need to include on your advertisement?

1. Both notices must contain a statement of the relevant licensable activities, which it is proposed will be carried out at or from the premises.
2. Both notices must also state:
 - i. the name of the applicant or club;
 - ii. 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;
 - iii. 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;
 - iv. the date by which an interested party or responsible authority may make representations to the relevant licensing authority;
 - v. that representations shall be made in writing; and
 - vi. 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"? (See Guidance for 7 above)

During the transition period, "responsible authorities" have responsibility for assessing your application and making representations. Once granted, they can also request a review of your licence. The responsible authorities are:

- Cumbria Constabulary
- Cumbria Fire and Rescue Service
- Environmental Protection Services
- Health and Safety
- Planning Services

- Trading Standards
- Public Health
- Social Services

Who are "interested parties"?

- Local residents / residents associations or body representing
- Local businesses / trade groups or body representing

What is a representation?

A representation is normally an objection relating to the whole of your application or to part of it. 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 responsible authorities, or any interested parties, could make a representation.

When can a representation be made?

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

Who can make a representation?

Any of the responsible authorities or interested parties can make a representation in respect of your application for a premises licence for your food takeaway/late night café.

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.

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 amendment and resubmission. This will delay the determination of the application and may result in it being out of time for grandfather rights.

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

The plan of your premises must be 1:100 scale :-

The Government prescribed requirements for plans are contained within the Licensing Authority's Guidance Document No.1 enclosed herewith.

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. See Guidance Form 2.

Where can you find out the non-domestic rateable value of your premises?

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 602 1507.

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 SL6
- Payment Fee (postal order, cheque) – Please note cash payments are not acceptable
- The plan of the premises (in the prescribed format)

Please note: If your application is found to be incomplete it will be returned to you for further amendment and resubmission. This will delay the determination of the application.

All applications must be made by post to:-

Public Health and Licensing Manager
South Lakeland House
Lowther Street
Kendal
Cumbria LA9 4UD

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

Please send one copy of your application (items listed above not including the fee) to each of the responsible authorities. Guidance Form 7 refers.

If you have any further queries please telephone 01539 733 333 or email:
licensing@southlakeland.gov.uk or visit www.southlakeland.gov.uk