



# 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 No.12 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)

The Licensing Authority's Guidance Document No.14 provides more detailed information regarding regulated entertainment, including the exemptions to the requirement for a premises licence, and is available on request.

## 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).

## What happens to my old licence(s)?

Your existing Justices, Public Entertainment, cinema, theatre or Late Night Refreshment licences will be repealed on 24 November 2005. The new premises licences will take effect as from that date.

## 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 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 from 24 November 2005.

- 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

## When do you apply for a premises licence?

There are two basic scenarios that determine when you need to apply.

1. You already sell or supply alcohol and/or provide regulated entertainment and want to carry on trading as you are now.

If you have not applied for a new licence during the transitional period (by 6 August 2005), you need to apply as soon as possible for a new licence (form SL6)

2. You do not presently have a 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. Please complete application form SL6 for this purpose.

## Why should you apply for a premises licence?

If you carry out a licensable activity without a premises licence (or Club Premises Certificate) from 24 November 2005, 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.

## 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.

The Licensing Authority's Guidance Document No.13 provides some detailed information regarding the role and responsibilities of a Designated Premises Supervisor, and is available on request or from the council website.

## 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](mailto:licensing@southlakeland.gov.uk)

You may also download an application form (SL6 for new applications) from our website [www.southlakeland.gov.uk](http://www.southlakeland.gov.uk)

There are five key parts to your application:

- the fee
- the operating schedule section of your application form (SL6)
- the plan of your premises
- the consent given by the person whom the applicant wishes to be the designated premises supervisor – Form SL2 (only required if different person to the applicant)

## 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 there after 24 November 2005.

## 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/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

## 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 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.

When you are making a variation to your existing licence(s) – 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) Tel: 01539 722611
- Cumbria Fire and Rescue Service (for matters concerning public safety) Tel: 01539 722627/01229 821363
- Environmental Protection (for matters concerning prevention of public nuisance) Tel: 01539 733333
- Planning Services (for matters concerning public safety and preventing public nuisance) Tel: 01539 733333 (or YDNP (01969 650456) or LNDP (01539 792609) as appropriate according to the planning authority for your premise)
- Health & Safety (for matters concerning public safety) Tel: 01539 733333
- Social Services (for matters concerning protecting children from harm) Tel: 01900 325365
- Trading Standards (for matters relating to under age drinking etc.) Tel: 01539 773577

The following guidance documents are available to applicants from the Council's Licensing Office on request:-

- Cumbria Police – Guidance for applicants
- Licensed Property: Noise Control – Publication of the British Beer and Pub Association\_ [www.beerandpub.com](http://www.beerandpub.com)
- An Introduction to Health and Safety – Publication of the Health and Safety Executive
- Health and Safety Executive – An introduction to Health and Safety – [www.hse.gov.uk](http://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.

## 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 :-
  - (i) i) of a size equal or larger than A4,
  - ii) of a **pale blue** colour,
  - iii) 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.

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.

- (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

- 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:
  - 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.

Please see the Licensing Authority's Guidance Document No.7 for full details of all the Responsible Authorities for the South Lakeland District area.

## 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 seven 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 eight 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.

## What is considered a new application?

A new application is necessary for all currently licensed premises that did not apply to convert during the transitional period.

This would apply to hot food takeaways open at anytime between 11.00pm and 5.00am at the moment and do not presently require a licence.

## 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 information.

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

For conversion 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.

## 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 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 contained within the Licensing Authority's guidance document No. 6, which is available on request.

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.

Rateable value	Band
No rateable value to £4,300	A
£4,301 to £33,000	B
£33,001 to £87,000	C
£87,001 to £125,000	D
£125,001 and above	E

Band	Application and variation fee	Annual fee thereafter
A	£100.00	£70.00
B	£190.00	£180.00
C	£315.00	£295.00
D	£450.00	£320.00
E	£635.00	£350.00

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

A full list of fees covering all licensing activities and processes is contained within the Licensing Authority's Guidance Document No.2.

## 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](http://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 SL6
- Payment Fee (postal order, cheque or cash – please note cash payments made by post are not acceptable)
- The plan of the premises (in the prescribed format) – see Guidance Document No.1.
- The consent of the person you wish to be the designated premises supervisor – form SL2

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

Public Health & Licensing Manager  
Licensing Group  
South Lakeland House  
Lowther Street  
Kendal  
LA9 4UQ

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 fee) to each of the seven responsible authorities contained within the guidance document No.7.

If you have any further queries please telephone 01539 733 333 or email: [licensing@southlakeland.gov.uk](mailto:licensing@southlakeland.gov.uk) or visit [www.southlakeland.gov.uk](http://www.southlakeland.gov.uk).