



**LICENSING ACT 2003
GUIDANCE TO APPLICANTS
Revised March 2019**



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SOUTH KESTEVEN DISTRICT COUNCIL

Licensing Act 2003

Guidance to Applicants revised March 2019

Introduction

This document is intended to offer guidance to applicants for licences or certificates or those who may give notice of temporary events to the South Kesteven District Council (the licensing authority). It provides the basic information to help make an application.

The four cornerstones of the licensing regime are:

- The Licensing Act 2003 (the 2003 Act) and Regulations made under it;
- The Statutory Guidance issued by the Home Office;
- The four licensing objectives:
 - ❖ Prevention of Crime and Disorder,
 - ❖ The prevention of Public Nuisance;
 - ❖ The promotion of Public safety; and
 - ❖ The protection of Children from harm.
- And
- The Statement of Licensing policy issued by the licensing authority.

This guidance should be read in conjunction with the Statement of Licensing Policy issued by the licensing authority, which should assist applicants understand how it will administer the licences and authorisations and what it considers as important.

Personal Licences

A personal licence is a licence held by a particular individual to permit that person to authorise the sale by retail of alcohol from a premises that is suitably licensed for the purposes of selling alcohol. A personal licence is not required for any other licensable activity including the supply of alcohol authorised under a Club Premises Certificate.

Applications for a personal licence should only be made to the licensing authority where the applicant normally resides. The applicant must be over 18 years of age.

Only one personal licence can be held and there is no expiry date.

For further details, please see Section 2.

Premises Licence/Club Premises Certificate

A premises licence or club premises certificate authorises the use of any premises, (which not only includes a building or part of a building but also includes the open air, part of the highway, a vehicle, vessel, a moveable structure, a temporary structure or any place or a part of any premises), for licensable activities.

A **Premises Licence** permits the following licensable activities to take place on premises:

- The sale by retail of alcohol;
- The provision of regulated entertainment; and
- The provision of late night refreshment.

Regulated entertainment is:

- **A performance of a play**

No licence is required for performances between 08.00 and 23.00 on any day provided the audience does not exceed 500.

- **An exhibition of a film**

No licence is required for 'not-for-profit' film exhibition held in community premises between 08.00 and 23.00 on any day provided that the audience does not exceed 500 and the organiser (a) gets consent to the screening from a person who is responsible for the premises; and (b) ensures that each such screening abides by age classification ratings.

- **An indoor sporting event**

No licence is required for an event between 08.00 and 23.00 on any day, provided that those present do not exceed 1,000.

- **Boxing or wrestling entertainment**

No licence is required for a contest, exhibition or display of Greco-Roman wrestling, or freestyle wrestling between 08.00 and 23.00 on any day, provided that the audience does not exceed 1000.

Combined fighting sports – defined as a contest, exhibition or display which combines boxing or wrestling with one or more martial arts – are licensable as a boxing or wrestling entertainment rather than an indoor sporting event.

- **Any playing of recorded music**

No licence permission is required for:

- Any playing of recorded music between 08.00 and 23.00 on any day on premises authorised to sell alcohol for consumption on those premises, provided that the audience does not exceed 500.
- Any playing of recorded music between 08.00 and 23.00 on any day, in a church hall, village hall, community hall or other similar community premise that is not licensed by a premises to sell alcohol provided that (a) the audience does not exceed 500, and (b) the organiser gets consent for the performance from a person who is responsible for the premises.
- Any playing of recorded music between 08.00 and 23.00 on any day, at the non-residential premises of (i) a local authority or (ii) a school (iii) a hospital, provided that the audience does not exceed 500 and the organiser gets consent for the performance on the relevant premises.

- **A performance of live music**

No licence permission is required for:

- A performance of unamplified live music between 08.00 and 23.00 on any day, on any premises.
- A performance of amplified live music between 08.00 and 23.00 on any day on premises authorised to sell alcohol for consumption on those premises, provided that the audience does not exceed 500.
- A performance of amplified live music between 08.00 and 23.00 on any day, in a church hall, village hall, community hall or other similar community premises that is not licensed by a premises licence to sell alcohol provided that the audience does not exceed 500 and the organiser gets consent for the performance from a person who is responsible for the premises.
- A performance of amplified live music between 08.00 and 23.00 on any day, at the non-residential premises of a local authority, school or a hospital provided that the organiser gets consent from the relevant person.
- A performance of amplified live music between 08:00 and 23:00 on any day, at the non-residential premises of (i) a local authority, or (ii) a school, or (iii) a hospital, provided that (a) the audience does not exceed 500. And (b) the organiser gets consent for the performance on the

relevant premises from; (i) the local authority concerned, or (ii) the school or (iii) the health care provider for the hospital.

- **Dance**

- No licence is required for performances between 08:00 and 23:00 on any day, provided that the audience does not exceed 500. However, a performance which amounts to adult entertainment remains licensable.

Workplaces exemptions

You no longer need a licence to put on live music in a workplace if the performance takes place between 8am and 11pm to an audience of less than 500 people.

Schools, colleges, village and church halls are all classified as workplaces, though the workplace exemption doesn't apply if they have a licence to sell alcohol. But you can check with the venue if their licence allows for your performance.

Further details are available on request and on the council's website. www.southkesteven.gov.uk

An application for a premises licence can be made by a person who is at least 18 years of age, who is carrying on or proposes to carry on a business, which involves the use of the premises for licensable activities. The applicant need not be the holder of a personal licence. An application may be made by several persons and persons can include a business or partnership, or other prescribed persons such as individuals acting as representatives for a company or individual.

If the premises are leased, the freeholder has a right to inform the licensing authority that they own, part own, or occupy the premises and they have a right to know of any applications, notices and request other information.

If the licensable activities include the retail sale of alcohol, then the application must include details of a personal licence holder willing to undertake the role of DPS and that consent must be given in writing (see Section 2).

For further details, please see Section 3.

A Club premises certificate permits the following licensable activities to take place on "qualifying club" premises and club committee members should consider the changes to the Licensing Act 2003 that may affect their premises:

- The supply of alcohol by or on behalf of a club to, or to the order of, a member of the club;
- Sale by retail of alcohol by or on behalf of a club to a guest of a member of the club for consumption on the clubs' premises
- The provision of regulated entertainment; and
- The provision of late night refreshment – see above for the definition of regulated entertainment.

A full list of conditions a club has to meet to become a "qualifying club" can be found in Section 3.

A Club Premises Certificate does not need a personal licence holder or anyone identified as a Designated Premises supervisor as there is no supply of alcohol by retail taking place. Alcohol may be bought by the club for the members and the money being passed across the bar is to maintain equity between members. The club rule book should make clear the club's policy for guests.

Clubs should carefully consider whether they should apply for a club premises certificate or a premises licence. Many existing registered clubs have rules that allow them to hire out function rooms to members and the member's own guests or to persons other than members. Clubs are

therefore recommended to look to their rules and take legal advice as to what permission to apply for.

Please note that the secretary of a club can commit various offences if changes are not notified to the licensing authority in respect of club rules or registered address of club premises.

You may not apply for either a premises licence or a club premises certificate if you or any of your committee members are under 18 years of age.

For further details, please see Section 3.

The application for the grant of either a premises licence or club premises certificate will need to include an operating schedule.

Applicants for premises licences or club premises certificates are expected to conduct a thorough risk assessment with regard to the licensing objectives when preparing their applications. This risk assessment will indicate any necessary steps to be set out in an operating schedule to promote the four licensing objectives.

Operating schedules, which form part of an application, will be considered by professional experts within the responsible authorities (e.g. the police, fire, environmental health officers), when applicants copy applications for premises licences and club premises certificates to them. For further details, please see Section 4.

The application will have to be copied to responsible authorities and advertised for the benefit of interested parties.

Responsible authorities and residents and businesses are free to raise relevant representations, which relate to the promotion of the licensing objectives, about the proposals contained in an application.

For further details of fees and contact details for responsible authorities, please see Section 6.

Variations

Major Variation to a Premises Licence or Club Premises Certificate

If any application to vary concerns a major variation the application will need to include an operating schedule. The application will have to be copied to responsible authorities and advertised for the benefit of interested parties.

A major variation is one that does not relate simply to a change of the name or address of someone named in the licence or an application to vary the licence to specify a new individual as the designated premises supervisor.

For further details, please see Section 3

Applicants for major variations of such licences are expected to conduct a thorough risk assessment with regard to the licensing objectives when preparing their applications. This risk assessment will indicate any necessary steps to be set out in an operating schedule to promote the four licensing objectives.

Operating schedules, which form part of an application, should be considered by professional experts within the responsible authorities, when applicants copy applications for variations to them.

For further details, please see Section 4.

Responsible authorities and residents and businesses are free to raise relevant representations, which relate to the promotion of the licensing objectives, about the proposals contained in an application.

For further details of fees and contact details for responsible authorities, please see Section 6.

Minor Variations to a Premises Licence or Club Premises Certificate

The Department of Culture Media and Sport have introduced, through a simplified procedure, a minor variation process, to avoid the cost to local businesses when making changes that will not impact on the promotion of the Licensing Objectives.

There are four general categories for minor variations

- 1) Minor Changes to the structure or layout of a premises
- 2) Small adjustments to licensing hours
- 3) The removal of out of date, irrelevant or unenforceable conditions or the addition of volunteered conditions
- 4) The addition of certain licensable activities

Please note this process cannot be used to add or increase hours for the sale of alcohol.

There is no requirement to advertise in the paper or send copies of your application to the responsible authorities, the licensing team will automatically consult the responsible authorities and take into consideration their views when making a decision.

There is a requirement to advertise on site for 10 working days starting the day after the application is given to the Licensing Team at South Kesteven District Council, between day eleven and day fifteen the Licensing Team will make a decision taking into account any comments made by interested parties and you will be informed.

There is no right of appeal against this decision and you are advised to talk to the Licensing Team before starting this process.

The licensing authority strongly suggests you seek advice from the licensing team BEFORE undertaking any variation. Further information is available from the licensing team.

Provisional Statements

Where premises are being or are about to be constructed for the purpose of being used for one or more licensable activities, or are being or about to be extended or otherwise altered for that purpose, the necessary investment may not be committed unless investors have some assurance not only that the project has appropriate planning permission but that they have some degree of assurance that a premises licence covering the desired licensable activities would be granted for the premises when the building work is completed. In such circumstances an application for a Provisional Statement may be made.

If the details necessary to complete an application for a premises licence are known, then such an application can be made. However, it may be that details of the actual operation are not known and it is therefore open for application to be made for a Provisional Statement.

The procedure is similar to that of an application for a premises licence. If such an application is granted, then subject to there being no material changes to the project, investors etc can be confident that a premises licence will be granted.

The grant of any licence under this Act does not indicate planning consent will be granted, nor should the grant of planning consent imply the granting of licence under this legislation.

For further details, please see Section 3

Advertising Applications

In the case of an application for the grant of, or variation to, a premises licence or club premises certificate, or a provisional statement, the application must be displayed and advertised.

Applications must be displayed in a prominent position at or on the premises concerned. There are regulations concerning the format of the actual form the notice must take. This notice must be displayed for not less than 28 consecutive days starting on the day after the day the application was made. The applicant must also advertise the application in a local newspaper circulating in the district such as the Grantham Journal or Stamford Mercury.

The newspaper notice must be circulated on at least one occasion not more than 10 working days after the giving of the application to the licensing authority, both the newspaper notice and the notice for the application will contain the following information:

- The relevant licensable activities proposed to carry on at the premises;
- The proposed changes of the application;
- The name of the applicant;
- The postal address of the premises, or if not applicable a description of the premises concerned;
- Details of where the register of the licensing authority is held and where it can be inspected;
- The dates between which an interested party or a responsible authority may make representations to the licensing authority;
- A statement that all representations must be made in writing; and
- A statement 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.
- The notice displayed on the premises must be A4 or larger, pale blue in colour, legibly printed in size 16 or larger.
- There are further regulations in respect of displaying the notice.

(These requirements may be subject to change by regulation).

Representations

If a representation from any interested party or responsible authority has been received, the licensing authority will decide whether the representation is relevant. If found relevant, the licensing team will consider arranging a mediation meeting between the relevant parties for them to try and find a reasonable compromise. If this informal process is unsuccessful, a hearing before the licensing committee will ensue. All relevant parties will be notified. The licensing committee or sub-committee will make a decision and the details of that decision will be circulated to the parties concerned.

There is separate guidance and an application form for making representations available on the website www.southkesteven.gov.uk.

Rights of Appeal

Both the applicant and any person or authority making a representation has a right to appeal within 21 days of the licensing authority's decision to the Magistrates Court. Professional advice should be sought where it is uncertain what the best course of action should be.

Transfers

In the case of an application to transfer a premises licence, the applicant must give a complete copy of the application to the chief officer of police on the same day as giving the relevant application to the licensing authority.

In the case of an application to vary a premises licence by specifying a different individual as the designated premises supervisor, a complete copy of the application must be given to the chief officer of police and the existing designated premises supervisor, if any, on the same day as giving the relevant application to the licensing authority.

Interim Authorities

Interim Authorities are special arrangements for the continuation of permissions under a premises licence when the holder of a licence dies suddenly or becomes bankrupt or mentally incapable. In the normal course of events, the licence would lapse in such circumstances.

Because there may also be some time before the person's estate can be dealt with this could have a damaging effect on those with interests in the premises and employees and could bring unnecessary disruption to customers' plans. The Act therefore provides for the licence to be capable of being reinstated in a discreet period of time in certain circumstances.

These circumstances arise only where a premises licence has lapsed owing to the death, incapacity or insolvency of the holder. In such circumstances, an "interim authority" notice may be given to the licensing authority within twenty eight days beginning the day after the licence lapsed. It should also be copied to the chief officer of police. The premises licence would lapse until such a notice is given and carrying on licensable activities in that time would be unlawful.

As soon as an interim authority notice is given within the twenty eight day period, the business may continue to carry on any licensable activities permitted by the premises licence. The effect of giving the notice is to reinstate the premises licence as if the person giving the notice is the holder of the licence and thereby allow licensable activities to continue to take place pending a formal application for transfer. The maximum period for which an interim authority notice may have effect is two months.

Temporary Event Notices

The system of permitted temporary activities is a light touch process, and as such, the carrying on of licensable activities does not have to be authorised by the licensing authority on an application. Instead, a person wishing to hold an event at which such activities are proposed to be carried on (the "premises user") gives notice of the event (a "temporary event notice" or "TEN")

For further details on TENS, please see Section 5.

PLEASE NOTE ANY INCOMPLETE APPLICATIONS WILL BE REJECTED AND RETURNED TO THE SENDER. THE APPLICATION MUST THEN BE RESUBMITTED. ONCE AN APPLICATION IS MADE THE FEE IS NOT REFUNDABLE EVEN IF THE APPLICATION IS WITHDRAWN. HOWEVER THE TOTAL NUMBER OF TENS WILL BE REDUCED.

If you need help then the Licensing Team are happy to do so, but they are only able to provide general advice and they are NOT able to complete the application for you.

Entitlement to work/immigration status for individual applicants and applications from partnerships which are not limited liability partnerships:

A licence may not be held by an individual or an individual in a partnership who is resident in the UK who:

- does not have the right to live and work in the UK; or
- is subject to a condition preventing him or her from doing work relating to the carrying on of a licensable activity.

Any premises licence issued in respect of an application made on or after 6 April 2017 will become invalid if the holder ceases to be entitled to work in the UK.

Applicants must demonstrate that they have an entitlement to work in the UK and are not subject to a condition preventing them from doing work relating to the carrying on of a licensable activity. They do this by providing with this application copies or scanned copies of the following documents (which do not need to be certified).

Documents which demonstrate entitlement to work in the UK

Documents which demonstrate entitlement to work in the UK

- An expired or current passport showing the holder, or a person named in the passport as the child of the holder, is a British citizen or a citizen of the UK and Colonies having the right of abode in the UK [please see note below about which sections of the passport to copy].
- An expired or current passport or national identity card showing the holder, or a person named in the passport as the child of the holder, is a national of a European Economic Area country or Switzerland.
- A Registration Certificate or document certifying permanent residence issued by the Home Office to a national of a European Economic Area country or Switzerland.
- A Permanent Residence Card issued by the Home Office to the family member of a national of a European Economic Area country or Switzerland.
- A **current** Biometric Immigration Document (Biometric Residence Permit) issued by the Home Office to the holder indicating that the person named is allowed to stay indefinitely in the UK, or has no time limit on their stay in the UK.
- A **current** passport endorsed to show that the holder is exempt from immigration control, is allowed to stay indefinitely in the UK, has the right of abode in the UK, or has no time limit on their stay in the UK.
- A **current** Immigration Status Document issued by the Home Office to the holder with an endorsement indicating that the named person is allowed to stay indefinitely in the UK or has no time limit on their stay in the UK, **when produced in combination with** an official document giving the person's permanent National Insurance number and their name issued by a Government agency or a previous employer.
- A birth or adoption certificate issued in the UK, **when produced in combination with** an official document giving the person's permanent National Insurance number and their name issued by a Government agency or a previous employer.

- A birth or adoption certificate issued in the Channel Islands, the Isle of Man or Ireland **when produced in combination with** an official document giving the person's permanent National Insurance number and their name issued by a Government agency or a previous employer.
- A certificate of registration or naturalisation as a British citizen, **when produced in combination with** an official document giving the person's permanent National Insurance number and their name issued by a Government agency or a previous employer.
- A **current** passport endorsed to show that the holder is allowed to stay in the UK and is currently allowed to work and is not subject to a condition preventing the holder from doing work relating to the carrying on of a licensable activity.
- A **current** Biometric Immigration Document (Biometric Residence Permit) issued by the Home Office to the holder which indicates that the named person can currently stay in the UK and is allowed to work relation to the carrying on of a licensable activity.
- A **current** Residence Card issued by the Home Office to a person who is not a national of a European Economic Area state or Switzerland but who is a family member of such a national or who has derivative rights of residence.
- A **current** Immigration Status Document containing a photograph issued by the Home Office to the holder with an endorsement indicating that the named person may stay in the UK, and is allowed to work and is not subject to a condition preventing the holder from doing work relating to the carrying on of a licensable activity **when produced in combination with** an official document giving the person's permanent National Insurance number and their name issued by a Government agency or a previous employer.
- A Certificate of Application, **less than 6 months old**, issued by the Home Office under regulation 18(3) or 20(2) of the Immigration (European Economic Area) Regulations 2016, to a person who is not a national of a European Economic Area state or Switzerland but who is a family member of such a national or who has derivative rights of residence.
- Reasonable evidence that the person has an outstanding application to vary their permission to be in the UK with the Home Office such as the Home Office acknowledgement letter or proof of postage evidence, or reasonable evidence that the person has an appeal or administrative review pending on an immigration decision, such as an appeal or administrative review reference number.
- Reasonable evidence that a person who is not a national of a European Economic Area state or Switzerland but who is a family member of such a national or who has derivative rights of residence in exercising treaty rights in the UK including:
 - evidence of the applicant's own identity – such as a passport,
 - evidence of their relationship with the European Economic Area family member – e.g. a marriage certificate, civil partnership certificate or birth certificate, and
 - evidence that the European Economic Area national has a right of permanent residence in the UK or is one of the following if they have been in the UK for more than 3 months:
 - (i) working e.g. employment contract, wage slips, letter from the employer,
 - (ii) self-employed e.g. contracts, invoices, or audited accounts with a bank,
 - (iii) studying e.g. letter from the school, college or university and evidence of sufficient funds; or
 - (iv) self-sufficient e.g. bank statements.

Family members of European Economic Area nationals who are studying or financially independent must also provide evidence that the European Economic Area national and any family members hold comprehensive sickness insurance in the UK. This can include a private medical insurance policy, an EHIC card or an S1, S2 or S3 form.

Original documents must not be sent to licensing authorities. If the document copied is a passport, a copy of the following pages should be provided:

- (i) any page containing the holder's personal details including nationality;
- (ii) any page containing the holder's photograph;
- (iii) any page containing the holder's signature;
- (iv) any page containing the date of expiry; and
- (v) any page containing information indicating the holder has permission to enter or remain in the UK and is permitted to work.

If the document is not a passport, a copy of the whole document should be provided.

Your right to work will be checked as part of your licensing application and this could involve us checking your immigration status with the Home Office. We may otherwise share information with the Home Office. Your licence application will not be determined until you have complied with this guidance.

Home Office online right to work checking service

As an alternative to providing a copy of the documents listed above, applicants may demonstrate their right to work by allowing the licensing authority to carry out a check with the Home Office online right to work checking service.

To demonstrate their right to work via the Home Office online right to work checking service, applicants should include in this application their 9-digit share code (provided to them upon accessing the service at <https://www.gov.uk/prove-right-to-work>) which, along with the applicant's date of birth (provided within this application), will allow the licensing authority to carry out the check.

In order to establish the applicant's right to work, the check will need to indicate that the applicant is allowed to work in the United Kingdom and is not subject to a condition preventing them from doing work relating to the carrying on of a licensable activity.

An online check will not be possible in all circumstances because not all applicants will have an immigration status that can be checked online. The Home Office online right to work checking service sets out what information and/or documentation applicants will need in order to access the service. Applicants who are unable to obtain a share code from the service should submit copy documents as set out above.

Section 2

Personal Licences

A personal licence is only required for the retail sale of alcohol. Applications should be made to the Local Authority where you are ordinarily resident. Every sale of alcohol must be made or authorised by a personal licence holder.

Applications for personal licences

A personal licence is a licence held by a particular individual to permit that person to authorise the sale by retail of alcohol from a premises that is suitably licensed for the purpose of selling alcohol. A personal licence is not required for any other licensable activity including the supply of alcohol authorised under a Club Premises Certificate.

Applications for a personal licence should only be made to the licensing authority where the applicant normally resides. The applicant must be over 18 years of age.

Only one personal licence can be held and there is no expiry date.

You should send the completed application form to the Licensing team, South Kesteven District Council, Council Offices, St Peters Hill, Grantham NG31 6PZ, together with the enclosed:

- The fee – currently £37.00
- 2 photographs which must be:
 - Taken against a light background
 - Size 45 millimetres by 35 millimetres

- Be full face without sunglasses
 - Unless the applicant wears a head covering due to his/her beliefs, without a hat
 - On photographic paper
 - Endorsed by a solicitor, notary, a person of standing in the community, or any individual with a professional qualification.
- Proof of your licensing qualification or; exemption of such a qualification
 - Proof of your right to work in the united Kingdom (see page 10)

You are also required to produce a criminal convictions certificate or a criminal record certificate or the results of a subject access search of the police national computer by the National Identification Service.

Telephone: 0870 609 6006.

Email: info@disclosurescotland.co.uk or

apply online at <http://www.disclosurescotland.co.uk/apply-online/>

PLEASE NOTE THE CHECK IS ONLY CURRENT FOR ONE CALENDAR MONTH FROM DATE OF APPLICATION.

If you have no convictions, not had a licence forfeited in the past five years, are suitably trained and are 18 or over there is no reason why you should not qualify for a personal licence.

Please note that personal licences are not required in qualifying clubs, temporary events (up to a maximum of five per year) and for premises which has licensable activities that do not include the sale by retail of alcohol. Personal licence holders are able to give up to fifty temporary event notices per year.

Designated Premises Supervisor

A personal licence holder may give written consent to become a designated premises supervisor (DPS) for licensed premises where the activity of sale by retail of alcohol is authorised. The DPS has a legal responsibility for not only authorising the sale by retail of alcohol under the terms of the personal licence but also has control of the day-to-day management of that premises under the terms of the premises licence. Please note that if the designated premises supervisor is not physically on the premises, there should be a written, clear management structure that staff are aware of. There can only be one DPS on the premises licence, but no limit on the number of personal licence holders in order to maintain effective management of the premises. It is recommended premises operators keep a list of current licence holders working at those premises available for inspection.

Designated Premises Supervisor in a Community Premises

The Government introduced new regulations which allow community premises licensed to sell alcohol to do so without the normal requirement for a personal licence holder or a named Designated Premises Supervisor.

The management would be required to take responsibility for the sale of alcohol and demonstrate how this responsibility would be dealt with.

An application for a new premises licence will include the option to select either a DPS or a management committee.

If you are a community premises that hold a licence which includes the sale of alcohol you can apply to remove the requirement for a DPS, this process costs £23

Section 3

Premises Licences and Club Premises Certificates

Application for the grant of a Premises Licence or Club Premises Certificate

Each application for a new premises licence or club premises licence will be considered individually in accordance with the licensing authority's policy.

Please send to the Licensing Section:

- A completed application form (for a premises licence or club premises certificate); including an operating schedule (see Section 4);
- The correct fee;
- A plan (see below for the specification of the plan);

And:

- If the premises licence (but not club premises certificate) application is to include the retail of alcohol, the written consent form of the individual personal licence holder who wishes to be the premises supervisor is required;
- If a club premises certificate application, a declaration that the club is a "qualifying club".

Unless you are applying online, you must submit a copy of your application to all "Responsible Authorities" at the time of making the application and advertise the application. Contact details of the responsible authorities in the South Kesteven District and advertising details can be found under contact details in Section 6. For your own benefit you may wish to get a receipt for the delivery of the application forms or send the applications by registered post or recorded delivery and keep the proof of postings as evidence that the applications have been sent.

Application to vary a Premises Licence or Club Premises Certificate

If you are applying for a variation to your licence or certificate the process is very similar to making an application for a grant. You should note that your operating schedule will need to be altered to accommodate your proposed variation (see section 4 for details).

If the variation is simply to change the DPS, then the form is very much shortened.

Qualifying Club Conditions

Under the 2003 Act to qualify for Club status, the club must satisfy the following sections:

The general conditions:

- Under the rules of the club persons may not:
 - (a) be admitted to membership, or
 - (b) be admitted, as candidates for membership, to any of the privileges of membership, without an interval of at least two days between their nomination or application for membership and their admission;
- Under the rules of the club persons becoming members without prior nomination or application may not be admitted to the privileges of membership without an interval of at least two days between their becoming members and their admission;
- The club is established and conducted in good faith as a club;
- The club has at least 25 members;

- Alcohol is not supplied, or intended to be supplied, to members on the premises otherwise than by or on behalf of the club.
- The club premises certificate must reflect the licensable activities.

In determining whether a club is established and conducted in good faith the matters to be taken into account are:

- Any arrangements restricting the club's freedom of purchase of alcohol;
- Any provision in the rules, or arrangements, under which:
 - (i) money or property of the club, or
 - (ii) any gain arising from the carrying on of the club,
 is or may be applied otherwise than for the benefit of the club as a whole or for charitable, benevolent or political purposes;
- The arrangements for giving members information about the finances of the club;
- The books of account and other records kept to ensure the accuracy of that information;
- The nature of the premises occupied by the club.

If a licensing authority decides that a club is not established and conducted in good faith, then the authority must give the club notice of the decision and of the reasons for it.

Additional conditions for the supply of alcohol, which a club must satisfy if it is to be a qualifying club in relation to the supply of alcohol to members or guests, are the following:

- So far as not managed by the club in general meeting or otherwise by the general body of members, the purchase of alcohol for the club, and the supply of alcohol by the club, are managed by a committee whose members:
 - (a) are members of the club;
 - (b) have attained the age of 18 years; and
 - (c) are elected by the members of the club.
- No arrangements are, or are intended to be, made for any person to receive at the expense of the club any commission, percentage or similar payment on, or with reference to, purchases of alcohol by the club.
- No arrangements are, or are intended to be, made for any person directly or indirectly to derive any pecuniary benefit from the supply of alcohol by or on behalf of the club to members or guests, apart from:
 - (a) any benefit accruing to the club as a whole, or
 - (b) any benefit which a person derives indirectly by reason of the supply giving rise or contributing to a general gain from the carrying on of the club.

Plans

Plans for written and electronic applications, will not be required to be submitted in any particular scale, but they must be in a format which is “clear and legible in all material respects”, i.e. they must be accessible and provide sufficient detail for the licensing authority to be able to determine the application, including the relative size of any features relevant to the application. There is no requirement for plans to be professionally drawn as long as they clearly show all the prescribed information.

A plan of the premises should include the following details (unless agreed in writing with the licensing authority):

For premises licence:

- 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;

- The location of points of access to and egress from the premises;
- If different from the sub-paragraph above the location of escape routes from the premises;
- In a case where the premises is to be used for more than one licensable activity, the area within the premises used for each activity;
- 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;
- 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;
- In a case where the premises includes any steps, stairs, elevators or lifts, the location of the steps, stairs, elevators or lifts;
- In the case where the premises includes any room or rooms containing public conveniences, the location of the room or rooms;
- The location and type of any fire safety and any other safety equipment including, if applicable;
- Marine safety equipment; and
- The location of a kitchen, if any, on the premises.

The plan may include a legend through which the matters mentioned or referred to are sufficiently illustrated by the use of symbols on the plan.

Section 4

Operating Schedule - General

An Operating Schedule is a required document for all new applications for premises licences, club premises certificates and applications to vary such permissions. It forms part of the application. It is the documentation that outlines what activities are proposed to be permitted, when these activities will take place, the overall opening hours when the public are permitted on the premises and how the activities will be managed, particularly in respect of the licensing objectives.

It is advisable to apply for a realistic amount of hours for any activity. You should consider the effect of your hours not only on the residents and businesses in your area but also the other service industries such as street cleaning, transport etc. The Police will look at their ability to provide resources and will make representations should it be felt that they are unable to make their limited resources available to suit your hours. Therefore, early discussion with the Police is essential.

Particular thought should be given to community centres as these premises often have many different users and uses that change on a fairly frequent basis. It may be prudent to apply for activities that currently do not take place as hirers may request those activities in the future

One of the most critical parts of the operating schedule is the section where the applicant describes the steps intended to promote the four licensing objectives. Careful consideration of what is entered is advised. What is written in this section will be translated into conditions on the licence or certificate. However, as a guide the Council's Statement of Licensing Policy should be used to see what is expected to be addressed in the operating schedule. The list is not exhaustive and obviously, not all are appropriate to all premises.

The operating schedule will be examined by the responsible authorities to ensure that they are satisfied that the risks to the licensing objectives have been addressed and the steps you intend to take so as not to put the objectives at risk. You can expect a representation from responsible authorities or interested parties if the operating schedule is not specific, sufficiently detailed and robust enough to address the issues.

The starting point of the operating schedule should be close liaison with the responsible authorities and interested parties for their views and assistance before the application is submitted to the licensing authority. A risk assessment should be done on the proposed activities to identify the risks to the licensing objectives. These risks should then be addressed and an operating schedule should emerge from the risk assessment.

When preparing operating schedules, there are several publications that applicants should be aware of and refer to which offer good guidance and best practice. These include:

Guidance under S182 of the Licensing Act 2003;
The Government's Alcohol Strategy;
A Guide for Event Organisers in Lincolnshire;
'Challenge 21' campaign, currently promoted by Lincolnshire Trading Standards;
'Pubwatch' schemes operating in the area.

Therefore, the steps that should be taken before submitting your application are:

- Initially consult with responsible authorities and interested parties;
- Draw up your risk assessment;
- Draw up your operating schedule;
- Liaise again with the relevant authorities and interested parties;
- When all are satisfied or if there are only unresolved issues, submit your application.

Section 5

Temporary Event Notices

Temporary event Notice application forms can be obtained from the licensing team or the Councils website www.southkesteven.gov.uk.

The important aspect of the system of permitted temporary activities is that no authorisation as such is required for these events from the licensing authority. The system involves notification of an event to the licensing authority the police and environmental protection, subject to fulfilling certain conditions. In general, only the police and environmental protection may intervene to prevent such an event taking place or to agree a modification of the arrangements for such an event; and it is characterised by an exceptionally light touch bureaucracy. The licensing authority may only ever intervene of its own volition if the limits set out in the 2003 Act on the number of temporary event notices that may be given in various circumstances would be exceeded. Otherwise, the licensing authority is only required to issue a timely acknowledgement.

Where a Premises Licence or Club Premises Certificate is in place a temporary event notice for the same premises may have conditions on the licence transferred to the temporary event notice at the request of the police or environmental protection.

It should be noted that the giving of a temporary event notice does not relieve the premises user from any requirements under planning law for appropriate planning permission where it is required.

Such a light touch is possible because of the limitations directly imposed on the use of the system by the 2003 Act itself. The limitations apply to:

- the number of times a person (the "premises user") may give a temporary event notice (50 times per year for a personal licence holder and 5 times per year for other people);
- the number of times a temporary event notice may be given in respect of any particular premises (15 times in a calendar year);
- the length of time a temporary event may last for these purposes (168 hours);

- the maximum aggregate duration of the periods covered by temporary event notices at any individual premises (21 days); and
- the scale of the event in terms of the maximum number of people attending at any one time (less than 500).

Please note that a notice will be deemed to be from the same premises user if it is made by an associate, namely:

- the spouse of that person;
- a child, parent, grandchild, grandparent, brother or sister of that person or their spouse; or
- an agent or employee of that person or their spouse;

A person living with another person as his or her husband or wife is treated for these purposes as his or her spouse.

On each occasion a notice is submitted, at least 10 working days notice must be given, **not including the day of application or the day of the event** but there is nothing to prevent simultaneous notification of multiple events at a single time so long as the first event is at least ten days away. Temporary Event organisers are encouraged to submit their notifications to the licensing authority police and environmental protection as soon as is reasonably practical in order for them to consider whether or not there are any concerns and where there are concerns, to enable all parties to take the necessary steps to resolve them.

The licensing authority recommends that at least 20 working days and no more than 40 working days notification be given.

Late Temporary Event Notices

Late temporary events are intended to be used by premises users who are required for reasons outside their control to, for example, change the venue at short notice.

A personal licence holder is able to give 10 late notices per year and a non personal licence holder 2.

A late notice can be given no later than 5 working days but no earlier than 9 working days before the event.

The Police and Environmental Protection can object to a late notice and there is no right of appeal against this decision. The event will not go ahead.

Section 6

Fees

Fees for all 2003 Act permissions and applications are set by Central Government. All fees should be paid to "South Kesteven District Council".

Premises licences, club premises certificates, variations to conditions, conversions and annual maintenance fees are based on the non-domestic rateable value (NDRV) of the premises. These are sub-divided into 5 bands. To calculate the fee you will have to pay you will need to know the NDRV of your premises. The annual fee is payable 1 year after the grant of the licence or certificate.

The 2003 Act requires a licensing authority to suspend a premises licence or club premises certificate if the annual fee is not paid when it is due. However, this does not apply immediately if the payment was not made before or at the time of the due date because of an administrative

error, or because the holder disputed liability for the fee before or at the time of the due date. In either of these cases, there is a grace period of 21 days. This period is intended to allow the licensing authority and the licence or certificate holder an opportunity to resolve the dispute or error. If the dispute or error is not resolved during this 21-day period, the licence will be suspended.

The Government has introduced multipliers to bands D and E for premises whose exclusive or primary business is selling alcohol for consumption on the premises see below.

No fee or annual charge would be payable by church halls, chapel halls or other premises of a similar nature and village halls, parish and community halls or other premises of a similar nature for a premises licence authorising **only** the provision of regulated entertainment.

Nor will a fee or annual charge be payable by a school providing education for pupils up to Year 13 or a sixth form college for a premises licence authorising **only** the provision of regulated entertainment carried on by the school or sixth form college itself at the school or college premises for the purposes of the school or college.

Band	A	B	C	D	E
Non-domestic rateable value	£0 - £4,300	£4,300 - £33,000	£33,001 - £87,000	£87,001 – £125,000	£125,001 and over
Fees payable for: Premises Licence/ Club Certificate/ Conversion and *variations to conditions (but not changes of name and address or changes of designated premises supervisor) where multiplier does not apply.	£100	£190	£315	£450*	£635*
* Fees payable for: Premises Licence/Club Certificate and *variations to conditions (but not changes of name and address or changes of designated premises supervisor) where multiplier applies.				£900	£1905
Annual fee where multiplier does not apply.	£70	£180	£295	£320*	£350*
* Annual fee where multiplier applies.				£640*	£1050*

To find out how much your non-domestic rateable value of your premises is please enter your postcode into the Valuation Office's website, www.voa.gov.uk.

There are other occasions that fees and charges must be paid to the licensing authority:

Occasion on which a fee may be payable	All fees are to be paid to South Kesteven District Council	Who should be sent copies of application other than the licensing authority
Variation of existing premises licence or club premises certificate	Please see above as dependent of NDRV	All Responsible Authorities
New Premises Licence or Club Premises Certificate	Please see above as dependent of NDRV. Please note any multiplier.	Responsible Authorities Advertised at premises and in local paper
Variation of premises licence or club premises certificate (not	Please see above as dependent of NDRV.	Responsible Authorities Advertised at premises and

changes of DPS or name/address of holder) other than simultaneous conversion	Please note any multiplier	in local paper
Application for making a provisional statement	£315.00	Responsible Authorities Advertised at premises and in local paper
Application to transfer premises licence	£23.00	Lincolnshire Police. Designated Premises Supervisor
Application to vary to specify individual as designated premises supervisor	£23.00	Police
Interim Authority Notice (death etc. of licence holder)	£23.00	Police
Application for personal licence	£37.00	Police
Application for copy of licence or summary on theft, loss etc of licence or summary	£10.50 in all cases	N/A
Application for copy of certificate or summary on theft, loss etc of certificate or summary	£10.50 in all cases	N/A
Notification of change of name or alteration of club rules	£10.50 in all cases	N/A
Change of relevant registered address of club	£10.50 in all cases	N/A
Temporary Event Notices	£21.00	Police
Application for copy of notice on theft, loss etc of temporary event notice	£10.50	N/A
Application for copy of licence on theft, loss etc of personal licence	£10.50	N/A
Notification of change of name or address (personal licence)	£10.50	N/A
Notice of interest in any premises	£21.00	N/A
Copies of information contained in register	Set by licensing authority	N/A
Notification of change of name or address of premises licence holder	£10.50	N/A

Exceptionally large events, may give rise to exceptional problems and licensing costs. Such events might include major festivals and other events, which often involve the building of substantial temporary structures requiring expert checking by officials and sub-contracted experts. Where it is proposed that the number of people at any one time attending such a temporary event will exceed 5,000 people, there will be an additional fee on an application for a premises licence authorising the event.

The Council recommends that organisers of large scale events should contact the Licensing Authority at the earliest opportunity to discuss the licensing arrangements. In respect of some events, there will be a requirement for a single Premises Licence. The organisers are also

recommended to seek advice from the Lincolnshire Events Safety Partnership (LESP) contactable on 01522 582223 or www.lincolnshireprepared.co.uk

Number of people	Additional Fees	Additional Annual fee if applicable
5,000 – 9,999	£1,000	£500
10,000 – 14,999	£2,000	£1,000
15,000 – 19,999	£4,000	£2,000
20,000 – 29,999	£8,000	£4,000
30,000 – 39,999	£16,000	£8,000
40,000 – 49,999	£24,000	£12,000
50,000 – 59,000	£32,000	£16,000
60,000 – 69,999	£40,000	£20,000
70,000 – 79,999	£48,000	£24,000
80,000 – 89,000	£56,000	£28,000
90,000 and over	£64,000	£32,000

For premises under construction, and have not been allocated a non-domestic rateable value but will be given such a value as soon as a completion certificate is given, the band will be band C. Subsequent annual fees will relate to the non-domestic rateable value given to the property.

Particular types of premises, which do not have non - domestic rateable values are allocated to band A.

Responsible Authorities

Responsible Authorities are mainly public bodies that under the terms of the 2003 Act must be fully notified of applications and are entitled to make representations to the licensing authority in relation to the application for the grant, variation or review of a premises licence or club premises certificate or for the issue of a provisional statement. See page 28 for full address details.

All representations made by responsible authorities are relevant representations if they concern the effect of the application on the licensing objectives.

For all premises, these authorities include:

- South Kesteven DC's Licensing Dept and any other licensing authority in whose area part of the premises is situated;
- The Chief Officer of Lincolnshire Police;
- Lincolnshire Fire & Rescue;
- South Kesteven DC's Environmental Health Dept (Health & Safety);
- South Kesteven DC's Environmental Health Dept (Environmental Protection);
- South Kesteven DC's Planning Dept;
- Lincolnshire Safeguarding Children Board;
- Lincolnshire County Council Trading Standards;
- Lincolnshire's Public Health, and
- In relation to a vessel, but no other premises, responsible authorities also include navigation authorities within the meaning of section 221(1) of the Water Resources Act 1991 that have statutory functions in relation to the waters where the vessel is usually moored or berthed or any waters where it is proposed to be navigated at a time when it is used for licensable activities.

PLEASE NOTE THE INFORMATION CONTAINED IN THIS GUIDANCE DOCUMENT IS THE LICENSING AUTHORITY'S UNDERSTANDING OF THE CURRENT LEGISLATION AND IS SUBJECT TO ALTERATION AT ANY TIME. APPLICANTS ARE STRONGLY ADVISED TO CONSIDER SEEKING ADVICE FROM A QUALIFIED PROFESSIONAL.

FURTHER INFORMATION CAN BE OBTAINED FROM THE LICENSING TEAM AT THE COUNCIL OFFICES, ST PETER'S HILL, GRANTHAM NG31 6PZ, ON TELEPHONE NUMBER 01476 406080, BY EMAIL TO licensing@southkesteven.gov.uk, OR THE COUNCIL'S WEBSITE: <http://www.southkesteven.gov.uk> (Business, Trade & Licensing) WHICH CONTAINS LINKS TO OTHER WEBSITES.

Please send the completed application and payment to: The Licensing Team, South Kesteven District Council, St Peter's Hill, Grantham NG31 6PZ. Cheques to be made payable to SKDC

A copy of the application must also be sent to the following responsible authorities on the same day as the application is given to the authority:

N.B. CONSULTATION WITH ALL RESPONSIBLE AUTHORITIES IS ENCOURAGED PRIOR TO THE SUBMISSION OF THE APPLICATION.

Responsible Authorities	
<p>Police: The Chief Officer of Lincs Police Alcohol Licensing Team, Myle Cross Centre, Macaulay Drive, St Giles, Lincoln. LN2 4EL countylicensinggroup@lincs.pnn.police.uk</p>	<p>Fire: Lincolnshire Fire and Rescue Harlaxton Road Grantham NG31 7SG fire.safety@lincoln.fire-uk.org</p>
<p>Planning: Planning & Building Control South Kesteven District Council Council Offices St Peter's Hill Grantham, NG31 6PZ 01476 406080 planning@southkesteven.gov.uk</p>	<p>Environmental Health (health & safety) South Kesteven District Council Council Offices St Peter's Hill Grantham, NG31 6PZ 01476 406080 ehs@southkesteven.gov.uk</p>
<p>Lincolnshire Trading Standards County Offices Newlands Lincoln LN1 1YL tradingstandards@lincolnshire.gov.uk</p>	<p>Lincolnshire Safeguarding Children Board Clare Rowley, LSCB Manager Lincolnshire Social Services Orchard House Orchard Street Lincoln, LN1 1BA 01522 552208 07789 944440 clare.rowley@lincolnshire.gov.uk</p>
<p>Environmental Health (Environmental Protection) South Kesteven District Council Council Offices St Peter's Hill Grantham NG31 6PZ 01476 406080 ehs@southkesteven.gov.uk</p>	<p>Public Health Simon Gladwin Public Health Division, Adult Care and Community Wellbeing, Room 3A Orchard House, Orchard Street, Lincoln. LN1 1BA 01522 552796 simon.gladwin@lincolnshire.gov.uk</p>
<p>Home Office Alcohol Licensing Team Home Office Lunar House 40 Wellesley Road Croydon CR9 2BY alcohol@homeoffice.gsi.gov.uk</p>	

Newspaper advertising

You will need to place your advert, within 10 working days starting the day after the application was given to the authority, in **one** of the newspapers below that is most read in your local area. Local newspapers for advertisements:

<p>Grantham Journal 46 High Street Grantham NG31 6NE (Grantham and district)</p> <p>publicnotices@iliffpublishing.co.uk</p>	<p>Rutland & Stamford Mercury 7 Sheep Market Stamford PE9 2QZ (Stamford & Deepings)</p> <p>publicnotices@iliffpublishing.co.uk</p>	<p>Bourne Local 7 Sheep Market Stamford PE9 2QZ</p> <p>publicnotices@iliffpublishing.co.uk</p>
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