



Guidance to applicants for Premises Licences

**The Authority actively supports
the responsible management of
licensed premises, of all types,
which contributes to the
licensing objectives.**

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The Authority advises potential applicants for Premises Licences to check the following to see which activities need to be included on the licence:-

Licensable activities

➤ **The sale by retail of alcohol;**

➤ **The supply of alcohol by clubs;**

To be classified as a qualifying club in relation to a qualifying club activity, a number of general conditions must be met. These can be found in the Guide for Club Premises.

➤ **The provision of regulated entertainment;**

The descriptions of entertainment in the Licensing Act are:

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

Furthermore, to be "regulated entertainment" the entertainment must take place in the presence of an audience and be provided for the purpose of, or for purposes which include, entertaining that audience.

Entertainment facilities are facilities for enabling people to take part in entertainment for the purpose of being entertained or for purposes, which include the purpose, of being entertained. This applies only to:

- making music;
- dancing; and
- entertainment of a similar description to making music or dancing.

Entertainment facilities are, for example, a dance floor provided for customers to use, whereas "entertainment" might involve a performance of dance provided for an audience.

In order for the provision of entertainment or entertainment facilities to be regulated, two conditions must be satisfied.

- The first of these is that the entertainment or entertainment facilities must be provided:
 - (a) to any extent for the public or a section of the public or
 - (b) exclusively for members and their guests of a club which is a qualifying club in relation to the provision of regulated entertainment or
 - (c) where (a) and (b) do not apply, for consideration and with a view to profit.
- The second is that the premises on which the entertainment takes place, or entertainment facilities provided, are made available for the entertainment to take place.

➤ **The provision of late night refreshment.**

The provision of late night refreshment means the supply of hot food or hot drink to the public, for consumption on or off the premises, between 11pm and 5am, or the supply of hot food or hot drink to any persons between those hours on or from premises to which the public has access.

Food or drink is "hot" for the purposes of the Act if it is heated on the premises or elsewhere before it is supplied for the purpose of enabling it to be consumed at above ambient air temperature, or if it may be heated on the premises for this purpose after it is supplied.

The Act provides for a number of supplies to be exempt supplies which will not constitute the provision of late night refreshment. Examples are the provision of hot drink by vending machines in certain circumstances; where the hot food or hot drink is supplied free of charge; or where it is supplied by a registered charity.

It may be appropriate for applicants to discuss with the Authority's Licensing Officers any proposed activities that may initially seem not to be regulated activities.

The Authority expects that, before submitting an application for a Premises Licence, most applicants will also have considered consulting the Police and other statutory Consultees about any proposed application.

What documents you must send:

The Authority requires applicants to provide documentation as follows:-

| Licence required | Reason for application | Copy to | Period | Reference in the Act |
|------------------|--|--|--------|--|
| Premises licence | New licence | (a) copy to the Authority (b) Police, Fire, Trading Standards, Environmental Health (noise), Health & Safety, Planning, Social Services | | Section 17(5) |
| Premises licence | Variation to name Premises Supervisor | (a) Police (b) The Premises Supervisor (if there is one) | | Section 37(4)(a) Section 37(4)(b) |
| Premises licence | Variation for reasons other than naming Premises Supervisor | (a) copy to the Authority (b) Police, Fire, Trading Standards, Environmental Health (noise), Health & Safety, Planning, Social Services | | Section 34 and Section 17(5) |
| Premises licence | Transfer | (a) Police (b) Designated premises supervisor | | Section 42 Section 46 |
| Premises licence | Provisional Statement | (a) copy to the Authority (b) Police, Fire, Trading Standards, Environmental Health (noise), Health & Safety, Planning, Social Services | | Section 30 |
| Premises licence | Other matters: Theft, loss etc. Surrender Change of name or address | Not applicable | N/A | Section 25 Section 28 Section 33 |
| Premises licence | Removal as designated premises supervisor | The holder of the Premises Licence (if not the applicant) | 48 hrs | Section 41 |
| Premises licence | Interim authority | Police | 7 days | Section 47(7)(a) |

NOTE: A complete list of consultees is available on the District Council website, or available on request.

You must advertise your application and display the appropriate notice at your premises. You must also send complete copies of your application to all Statutory Consultees.

If the Authority receives representations about your application, then a hearing may be held.

This applies to applicants who do not hold a current licence or permission or are seeking to vary a licence issued under the 2003 Act.

Guide to completing the application form for a new or variation to a Premises Licence

Applicants for Premises Licences that include the supply of alcohol will need to provide the details of the person who has consented to be the Designated Premises Supervisor, and include evidence of their agreement.

The applicant should undertake risk assessments for the various activities proposed and use those assessments to address the promotion of the four licensing objectives in the application. The applicant should therefore consult the Authority and responsible authorities as necessary with initial proposals, to ensure that the full scope of the proposed activities has been addressed in the operating schedule, and in order to minimise the number of issues that require negotiation after submission of the application.

Each application should be accompanied by a plan of the premises the plan should be:

- Drawn to the scale of 1 centimeter representing 100 centimeters, unless the Licensing Authority has previously confirmed in writing to the applicant that an alternative scale plan is acceptable to the Licensing Authority.
- Show the location of the extent of the boundary of the building, if relevant, and any external and internal walls which comprise the premises or in which the premises is comprised.
- Show the location of any exits from the premises.
- Show the location of any escape routes from the premises.
- Show the locations in the premises where the licensable activity is to take place and, if more than one licensable activity is to take place, where each licensable activity is to take place.
- Where the supply or sale of alcohol for consumption on the premises is to take place, show the location where the consumption of alcohol is to take place.
- Show fixed structures, which are impediments to movement.
- Show the location and height of any stage or raised area, if any.

- Show the location and type of any fire safety and any other safety equipment including marine safety equipment, if any.
- Show the location of any kitchens on the premises, if any.

These details are important in making it clear which premises or parts of premises have been licensed if the application is granted; and to enable responsible authorities and interested parties to better consider the adequacy of any operating schedule.

The following matters, as appropriate to the premises, should be addressed in the Operating Schedule in furtherance of the licensing objectives:-

Considerations that apply to many types of premises

➤ **Operating schedules**

(To be read in conjunction with operating schedule guide)

The operating schedule should be set out in the form prescribed by regulations, and include:

- (a) a general description of the premises, and
- (b) the licensable activities to take place there and
- (c) how the operating schedule will ensure that the activities at the premises will take account of the neighbourhood in which the premises are situated.
- (d) the times during which licensable activities are to take place, and
- (e) where the times for different activities are variable, these should be stated.
- (f) the duration of the licence required, if it is to be limited.

The Authority expects applicants to consider the following issues as necessary in their operating schedules, to suit the range of activities proposed in their applications:

- (a) Procedures for assessing risks of crime and disorder, nuisance and/or to public safety, and plans for minimising such risks arising from promotions, events and special operations such as drinks promotions or happy hours.
- (b) Metal detection and search facilities
- (c) Measures to prevent the use or supply of illegal drugs
- (d) Employment of licensed door supervisors and other appropriately trained staff

- (d) The designated premises supervisor, licensee, or a manager who is a personal licence holder to be present and in charge of the premises at all times when the public are present
- (e) A queue management policy
- (f) An intervention protocol to describe how potential issues of public safety will be addressed and under what circumstances the Police will be called to the venue.
- (g) Dispersal arrangements

➤ **Departing customers**

Nuisance arising from persons leaving premises can be a significant problem particularly in the early hours of the morning. Where applicable to the Premises, the Authority requires the operating schedule to consider the following issues

- (a) Erecting prominent notices at the exits to premises asking customers to leave quietly and not to slam car doors;
- (b) At appropriate times making loudspeaker announcements to the same effect;
- (c) Instructing door staff to ask customers leaving the premises to leave the area quietly;
- (d) Reducing the volume of music and/or playing quieter music towards the end of the entertainments the evening winds down;
- (e) In appropriate cases having door supervisors or a manager patrolling nearby streets to assess for themselves whether there is a problem and how best to deal with it;
- (f) Banning from the premises people who regularly leave in a noisy fashion;
- (g) Increasing outside lighting levels by methods that do not cause nuisance to other businesses and residents;
- (h) Where there is a private forecourt, preventing patrons from using it other than as a means of access or egress after 23.30 hours;

➤ **Noise Nuisance**

The Authority requires the applicant to address sources of noise leakage in practical ways such as:

- (i) keeping doors/windows closed and providing adequate alternative (mechanical) means of ventilation;
- (ii) ensuring that the mechanical ventilation is adequately sound-proofed;

- (iii) installing a sound limiting device to prevent sound exceeding an appropriately defined level;
- (iv) installing sound proofing measures to contain sound and vibration;
- (v) other organisational measures to ensure that sound leakage, which might arise particularly from special events, is contained.

These measures may be employed singly or in combination.

It is a requirement for applicants to ensure that they carefully consider Approved Document F (Ventilation) in the Building Regulations 2000 when deciding on the level and type of activity to take place in the premises.

For licensed premises in areas that include residential accommodation, the Authority will apply strict conditions on noise control to suit representations on the application and the licensing hours.

➤ **Designing Out Crime**

Premises which may be identified as having a high level of crime or disorder will need to take advice from the Police in order to effectively carry out a crime reduction survey, and act in accordance with the recommendations arising.

Reason - To ensure that there are no inherent problems in the premises which are leading to on-going crime and disorder issues and to enable premises to be managed so as to effectively tackle any issues which arise. Without effective action, the Police would be likely to require a review of the premises licence.

(Safety Issue)

➤ **Preventing under-age consumption of alcohol**

Applicants seeking a licence that includes the sale of alcohol should address, in their operating schedules, how they will ensure that alcohol is not served to persons under 18, except as permitted under the Act.

For this purpose, the Authority considers the following forms of age-check as acceptable: -

- (a) a valid passport
- (b) a proof of age standards scheme card
- (c) a photocard driving licence issued by a country in the European Union
- (d) a citizencard supported by the Home Office (details from www.citizencard.net)

(e) an official identity card issued by HM Forces or by a country in the European Union bearing a photograph and the date of birth of the bearer

➤ **Drinking Containers**

Applicants should consider the benefits of using plastic containers or shatterproof glass at certain regulated entertainments or at certain events (eg outdoor events of televised football tournaments). It will be for each applicant to show that this provision has been considered within the overall scope of their application for a premises licence.

Reason - to enhance public safety, and prevent glasses being used as weapons.

➤ **Removal from premises of alcohol in open containers**

Venues selling alcohol for consumption on the premises may be situated in areas that the Authority has designated as alcohol free. In such cases premises management needs to ensure the purposes of such schemes are supported, and that customers do not remove alcohol from premises in open containers.

Applicants from premises in such areas should consider how they can exercise due diligence to prevent persons leaving premises with alcohol supplied for consumption on the premises. This may include a venue wide policy relating to confiscation of open containers by doorstaff, or provision of "drop bins" or other measures designed to ensure open containers do not get taken onto the street.

➤ **Inspection of Premises: Checks and inspections of equipment**

The following table indicates the safety certificates or operational logs that licensees would be expected to maintain:-

| Types of Premises | Fire Alarm | Fire Extinguishers | Emergency Lighting | CCTV | Electrical Installation | Flame Retardancy Certificates | Lighting Trusses, Ceilings & Suspended Equipment |
|--|------------|--------------------|----------------------|------|---|-------------------------------|--|
| High risk (e.g. nightclubs/pubs, with regulated entertainments, cinemas, theatres, indoor sports entertainments) | ✓ | ✓ | ✓ | ✓ | ✓ Larger premises may be inspected by quarters | ✓ | ✓ Frequency of inspections to be recommended by the contractors carrying out the survey |
| Medium risk (e.g. pubs, restaurants, registered members' clubs, 'off-licences' not part of a shop, village/community halls, late night refreshment premises) | ✓ | ✓ | ✓ where installed | ✓ | ✓ Every 1-5 years depending on the recommendations of the electrical contractor's report | ✓ | ✓ |

These inspection frequencies are to ensure that the premises meet the requirements of the licensing objectives, particularly in respect of public safety, prevention of nuisance and crime and disorder.

The Authority will generally inspect every premise that it has not previously licensed, to ensure that the licensing objectives can be met and to ascertain if any particular conditions might need to be imposed or recommended.

Where an application has been received to build new premises or vary existing premises the Authority will aim to co-ordinate inspections with the Fire Authority, Police, Planning, Building Control and Environmental Health Officers.

➤ **General Guidance that applies to premises.**

The Authority requires the operating schedule to set out the basic information required and will wish to be satisfied about the promotion of the crime prevention objectives.

For businesses which intend to operate during unsocial hours (23.00 - 08.00) the Authority will wish to see that proper regard has been had in the operating schedule to appropriate measures being taken to protect the interests of residents, or businesses, in the vicinity.

For example, there may be problems to be addressed caused by use of open areas such as pub gardens, noxious smells, litter, nuisance caused by persons arriving at or leaving the premises, siting of external lighting, nuisance complaints previously recorded against the premises, and issues of noise nuisance from premises which provide music or dancing facilities.

➤ **Guidance on Specific Activities/Premises**

- **HOT FOOD SUPPLY**

Mobile vans trading during the hours 11.00 to 05.00 will require a Premises Licence for each location in addition to any street trading consents needed. This will also cover Garages and service areas where food is re-heated on the premises.

- **INDOOR SPORTS EVENTS**

There is some confusion over what constitutes an indoor sporting event. For the purposes of the Licensing Act 2003, the authority is of the view that to qualify as a licensable activity the event would need to be advertised with a view to attracting an audience to view the event.

In order to promote the licensing objectives, these events can require special provisions that exceed those required at other venues. The exact provisions will depend upon the nature of the event but the following (and similar) aspects should be addressed when appropriate.

- (a) Attendant medical practitioner present at contact sports.
- (b) Safe ring construction.
- (c) Minimum clearance between audience and ring.
- (d) Lifeguard attendants at water sports

- VILLAGE AND COMMUNITY HALLS

Applicants from village halls and community centres are encouraged to contact the Authority in advance, to obtain advice and guidance appropriate to the nature and scale of the events proposed. This will ensure they are managed so as not to undermine any of the licensing objectives and that possible action under other legislation is not likely.

If used regularly for any licensable activities these premises will require a Premises Licence.

If those activities include the sale of alcohol, then at least one person must obtain a Personal Licence and one of those Personal Licence Holders must be designated as the Premises Supervisor on the Premises Licence application.

However, where a hall is only infrequently (or unlikely to be) used for the sale of alcohol, it may be worth considering relying on the use of Temporary Event Notices for any sales of alcohol as no Personal Licence Holder will then be required.

The application for a Premises Licence will need to specify the licensable activities proposed and include an operating schedule, which addresses the four licensing objectives.

The conditions attached to a Premises Licence for most of the licensable activities carried on at such premises are likely to concern the objectives of public safety and prevention of nuisance, so applicants are advised to ensure they deal with these issues.

When such premises are let to others for regulated activities, the letting conditions should impose the appropriate conditions of the Premises Licence on the hirers.

- OPEN-AIR VENUES

Outdoor events where licensable activities take place can be held in various venues each year. The characteristics of these events are that they are either one-off events or regular annual gatherings that differ substantially, in scale, siting and content.

Unless these are small-scale events, held under a Temporary Event Notice, a Premises Licence of limited duration will be required and will need to be applied for well in advance.

Applicants should approach the Authority at least six months before the proposed date of the event in order to discuss the arrangements. Even small-scale events may require road closures, which normally take more than three months to arrange. The organisation of larger-scale events will benefit from notice of up to a year or more. The Authority will co-ordinate the

input from responsible authorities and other relevant service providers into event planning, and will be able to offer advice and assistance in the preparation of an appropriate operating schedule and event management plan.

Event organisers should consider the guidance about planning such events that is given in the following documents :

- (a) The Event Safety Guide - A guide to health, safety and welfare at music and similar events (HSE 1999) ("The Purple Book") ISBN 07176 24536
- (b) Managing Crowds Safely (HSE 2000) ISBN 07176 1834 X
- (c) 5 Steps to Risk Assessment: Case Studies (HSE 1998) ISBN 07176 15804
- (d) The Guide to Safety at Sports Grounds (The Stationery Office, 1997) ("The Green Guide") ISBN 011 3000952
- (e) Safety Guidance for Street Arts, Carnival Processions and Large Scale Performances published by the Independent Street Arts Network, copies of which may be obtained through www.streetartsnetwork.org/pages/publications

Both regulated entertainment and supply of alcohol are features of outdoor events and therefore organisers will be required to show that they will have sufficient control over these activities to meet the licensing objectives.

The Authority expects that public safety at all events will be given proper consideration and that nuisance, disorder and anti-social behaviour are prevented, as inadequate planning for the event is likely to lead to representations from one or more responsible authorities that the limited duration premises licence should be refused.

**If you find the text in this document
difficult to read, we can supply it in a
format better suited to your needs.**



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