



**EAST CAMBRIDGESHIRE
DISTRICT COUNCIL**

**GUIDANCE NOTES
FOR APPLICANTS**

**THE LICENSING ACT 2003
("The Act")**

**April 2012
Version (vii)**

Please note that you can make payment and apply for various licences and TENs on line at
www.eastcambs.gov.uk

INDEX

<u>PART 1</u>		<u>PAGE NO</u>
Introduction		3
Regulated entertainment – definition		4 – 5
Exemptions to a premise licence		6
Church /Village / Scout halls		6 - 7
<u>PART 2</u>		
Applications for New Premise Licences		
- Premise Licence		8 - 12
- Advertising		9 – 10
- Operating Schedule		10 – 11
- Plans		12
- Application to vary		12
- Designated Premise Supervisor		13
- Change of Name / Address		14
- Interim Authority		15
- Provisional Statement		15
- Transfer		15
- Reviews		16
- Small premises		17
- Vehicles		17
<u>PART 3</u>		
Applications for Club Premise Certificate		
- Club Premises Certificates		18 – 19
- Renewal		20
<u>PART 4</u>		
Applications for a new personal licence		
- Personal Licence		20 - 21
- Qualification		22
- Change of Name / Address		22
- Convictions		22
- Renewal		23
- Surrender, Theft, Loss		23
<u>PART 5</u>		
Temporary event notice		
- Temporary Event Notices		24
<u>PART 6</u>		
Late Night Refreshment		
- Late Night Refreshment		25
<u>PART 7</u>		
Matters to consider when completing the Operating Schedule		27 - 29
<u>PART 8</u>	Offences:	
i) Relevant Offences: The Licensing Act 2003		30 - 31
ii) Relevant Offences: Personal Licenses		31 - 33
<u>PART 9</u>	Fees	34 - 35
<u>PART 10</u>	Contact details for Council / Responsible Authorities	36 - 37

PART 1

INTRODUCTION

If you are concerned with one or all of the following ‘Licensable Activities’:

- retail sale of alcohol;
- supply of alcohol on or on behalf of a club, or to the order of a member of the club;
- the provision of ‘regulated entertainment’ as defined in the Act; (see page 4)
- the provision of late night refreshment

you need to be aware that the Licensing Act 2003 (“the Act”) may affect you, and it is almost certain that you will need to apply to East Cambridgeshire District Council (the “Council”) for one of the following new types of licence:

- Premises Licence
- Personal Licence
- Club Premises Certificate

Guidance Notes

You should use the Index at Page 2 and these guidance notes to assist you in completing your application forms and determining: -

- what type of licence(s) you can apply for;
- what documentation you need to submit with your application;
- what other actions you need to undertake as part of your application;
- what information you need to include within your Operating Schedule

Other Guidance

When reading this guide, you will need to refer to:

The Licensing Act 2003 & Explanatory Notes www.legislation.hmso.gov.uk
Government Guidance www.culture.gov.uk/alcohol & www.homeoffice.gov.uk
East Cambs District Council’s ‘Licensing Policy’ www.eastcambs.gov.uk

Legal Advice

As these are legal documents you will need to seek independent legal advice before completing your application. The onus is on the applicant to make sure that all applications are correctly and fully completed. Any application incorrectly made could result in the Council returning the application back to you unprocessed.

PLEASE NOTE THAT THIS GUIDANCE IS NOT A DEFINITIVE STATEMENT OF THE LAW RELATING TO THE LICENSING ACT 2003 AND OTHER RELEVANT REGULATIONS, AND THEREFORE SHOULD NOT BE CONSIDERED AS SUCH.

Contact Details

Names and addresses of where to send your completed application form(s) and any accompanying documents are listed at PART 10 of this guide.(Page 36&37)

Please note that you can apply for and make payment for licences and TENs online at www.eastcambs.gov.uk

REGULATED ENTERTAINMENT (Section 1 of Schedule 1 of The Licensing Act 2003)

Under the Licensing Act 2003, the provision of regulated entertainment is a licensable activity. Schedule 1 of the Act contains these provisions.

The provision of regulated entertainment covers the provision of entertainment or of entertainment facilities. 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
- 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

Entertainment facilities provided for members of the public, a section of the public, members of a qualifying club or any other entertainment provided for profit, where the premises are made available to enable the entertainment to take place, require a licence.

There are some exemptions, including:

- film exhibitions for the purpose of advertisement, information, education, etc.;
- film exhibitions, museums and art galleries;
- music incidental to certain other activities;
- use of television or radio receivers;
- religious meetings or services or at places of religious worship;
- garden fetes, etc.;
- morris dancing;
- vehicles in motion;
- demonstration of a product e.g. guitar in a music shop;
- rehearsal of a play or rehearsal of a performance of music to which the public are not admitted.

Pub games e.g. pool, darts, etc do not constitute public entertainment and are not licensable as they are for the private enjoyment of the participants.

Games staged for spectators e.g. championship competitions are licensable.

The provision of a jukebox, where the public can self-select background music for their own enjoyment is not an entertainment facility and therefore not licensable. However, this exemption does not apply where the jukebox music is played at high volume.

A karaoke machine provided for the use of and entertainment of customers or a dance floor provided for use are entertainment facilities are licensable.

Musical instruments made available for the purpose of being entertained constitutes an entertainment facility and are licensable.

Private entertainment events can involve licensable activities. Private entertainment events to which the public are not admitted (e.g. a wedding reception) are generally not licensable unless they are held for consideration and with a view to profit e.g. provision of a bar at the wedding reception operated for profit as opposed to free alcohol provided by the family. Recovery of the cost of entertainment is not regarded as making a profit. However private events held in separate rooms of a public house or hotel, would normally be an event, which needs to be covered by the Premise Licence held by the public house or hotel. Here

the management is making available entertainment facilities (e.g. a dance floor) and the premises (a room) for the performance of music and entertainment of those attending. This would be at a charge and for profit and is therefore licensable.

Are there any exemptions from the requirement of a premises licence when providing entertainment?

Yes. But note that if alcohol is to be supplied, or late night refreshment provided, a licence will be required for those activities. The main exemptions for the provision of entertainment and entertainment facilities from the requirement for a licence under the Licensing Act are as follows:

- for the purposes of or purposes incidental to religious services or meetings or at places of public religious worship
- morris dancing or any dancing of a similar nature, or a performance of unamplified live music as an integral part of such dancing
- incidental music – the performance of live music or the playing of recorded music if it is incidental to some other activity which is not itself regulated entertainment
- garden fetes – or functions or events of a similar nature if not being promoted or held for purposes of private gain
- film exhibitions for the purposes of advertisement, information, education, etc. – if the sole or main purpose of the exhibition of a film is (a) to demonstrate any product; (b) advertise any goods or services, or (c) provide information, education or instruction
- film exhibitions: museums and art galleries – where an entertainment consisting of the exhibition of a film, is, or forms part of, an exhibit put on show for any purposes of a museum or art gallery
- use of television or radio receivers – where entertainment consists of the simultaneous reception and playing of a programme included in a programme service within the meaning of the Broadcasting Act 1990 (however, showing pre-recorded entertainment would require a licence)
- vehicles in motion – i.e. where the provision of entertainment or entertainment facilities take place (a) on premises consisting of or forming part of a vehicle, and (b) at a time when the vehicle is not permanently or temporarily parked

Will church halls, chapel halls, or similar buildings also be exempt from the requirement for a licence?

The use of church halls, chapel halls or other premises of a similar nature will require a licence for the provision of regulated entertainment (unless they come within one of the exemptions listed above) but there will be an exemption from having to pay the fee associated with that provision. If, however, the licence also authorises the use of the premises for the supply of alcohol or the provision of [late night refreshment](#), a fee will be required for those activities.

Will a village hall require a licence for regulated entertainment?

Currently, a licence is required for the provision of public entertainment at such premises and this remains the position in respect of the provision of regulated entertainment under the Licensing Act. However, as with church halls, there will be an exemption from the payment of fees in relation to the provision of regulated entertainment at village halls, parish or community halls or other premises of a similar nature. If, however, the licence also authorises the use of the premises for the supply of alcohol or the provision of [late night refreshment](#), a fee will be required for those activities.

Will a licence be required to stage entertainment in a scout/guide hall?

If regulated entertainment is provided for the public in a scout hall or similar premises, or if a charge is made to a private audience with a view to profit, including for a charity, then the provision of regulated entertainment at such premises would require a premises licence or [temporary event notice](#). If the public is not invited and a charge is made to a private audience (like family and friends) just to cover costs – and not to make a profit - then this will not be the provision of regulated entertainment and a licence will not be required. Similarly, if anyone invited to a private performance was not charged for attending the event but was free to make a voluntary donation to a charity at their own choice, no licence will be necessary. However, if the performance is to any extent open to the public (whether the public are charged or not) a licence will be required.

Will entertainment in a school require a licence?

Schools and sixth form colleges will require a licence to stage regulated entertainment to which the public is invited or where a fee is charged and with a view to profit. However, they will be exempt from the fees associated with the authorisation of regulated entertainment where the entertainment is provided by and at the school or college and for the purposes of the school or college. If the public was not invited and a charge made to a private audience (like family and friends) just to cover costs – and not to make a profit - then a licence would not be required. A school could also consider using standard [temporary event notices](#) or late temporary event notices on up to 12 occasions per year subject to an overall limit of 21 days in a calendar year. Attendance numbers must be restricted to no more than 499 persons at any one time and the event must comply with all requirements of Part 5 of the Licensing Act 2003.

DEFINITIONS of:

“the Act”: means the Licensing Act 2003;

“college” : means a college or similar institution principally concerned with the provision of full-time education suitable to the requirements of persons over compulsory school age who have not attained the age of 19;

“rateable value” : as regards a premises, is the value for the time being in force for the premises entered in the local non-domestic rating list for the purposes of Part III of the Local Government Finance Act 1988(b); and

“school”: means a school within the meaning of section 4 of the Education Act 1996(c).

PART 2

APPLICATIONS FOR NEW PREMISE LICENCES

GENERAL

The Licensing Act 2003 (the Act) replaces six previous licensing regimes: public entertainment licences, alcohol, cinemas, late night refreshment, late night cafes and theatres.

These are now replaced with a single integrated scheme and the Act transfers the responsibility for issuing licences from the Magistrates Court to the local authority (the 'Licensing Authority'). Instead of individual licences for different types of activity, there are three new types of licence:

- A Premises Licence
- A Personal Licence
- A Club Premises Certificate

The system provides for a number of different bodies and individuals to make relevant objections (called 'representations') to the 'Licensing Authority' in relation to applications for these new types of licence. Any 'authorised person', 'responsible authority', or persons who are likely to be affected by the proposals who live, or are involved in a business, in the relevant licensing authority's area can make these representations.

The term 'responsible authority' refers to any of the following:

- a) the police;
- b) the fire authority;
- c) the health and safety authority - (ECDC);
- d) the local planning authority - (ECDC);
- e) the environmental health pollution department - (ECDC);
- f) children's services department; -
- g) the trading standards department ;
- h) the director of public health;
- i) any licensing authority in whose area part of the premises is situated.

To apply for a Premises Licence the following criteria apply:

- an application can be made by any person aged 18 or over if they propose to carry on a business which involves the use of premises for licensable activities;
- a Premises Licence covers any place including one in the open air;
- a 'person' can include a business or a partnership. It does not have to be an individual, e.g. hospitals, charities, schools, pub operating companies and cinema chains;
- a husband and wife, or partners can apply jointly as applicants;

- a premises can have more than one licence e.g. a Premises Licence authorising the sale of alcohol may be held by one individual and another can apply for a Premises Licence relating to the same premises or part, which would authorise 'regulated entertainment'.

APPLICATION FOR A NEW PREMISES LICENCE MUST INCLUDE:

- i) the completed application form;
- ii) the licence fee (see PART 9 of this guidance to applicants);
- iii) the Operating Schedule (see note below);
- iv) plan of the premises (see note below);
- v) if the application involves the supply of alcohol, a Form of Consent from the person who is to be specified in the licence as the DPS.

Please note that you can apply for a premises licence on line at www.eastcambs.gov.uk

IN ADDITION applicants MUST advertise the application for a new Premise Licence to the public in two ways :

to display a notice in at least one place prominently at or on the premises to which the application relates where it can be conveniently read by the public, for not less than 28 consecutive days starting on the day following your submission of your application to the Council (see notes below)

to place an advert in a local paper circulating within the vicinity of the premises within 10 working days after the date of submission of the application was given to the Council (see below).

NOTICE ON PREMISES DESCRIPTION

The notice should be of a size

- no smaller than A4
- pale blue colour, and printed in
- black ink; or typed in black in a
- print size equal to or larger than font 16.

This must be displayed 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 50 metres square, a further notice in the same form and subject to the same requirements every 50 metres along the external perimeter of the premises abutting any highway.

NOTICE FOR NEWSPAPER

The notice must be published as follows:

- in a local newspaper or, if there is none, in a local newsletter, circular or similar document, circulating in the vicinity of the premises; and
- on at least one occasion during the period of 10 working days starting on the day after the day on which the application was given to the Council.

NOTICE CONTENTS (BOTH PREMISES AND NEWSPAPER)

In relation to an application to vary a Premises Licence or vary a Club Premises Certificate, the notices shall:

- briefly describe the proposed variation

In addition, the Notices MUST include the following information:

- the name of the applicant or club;
- the postal address of the premises or club premises, or if no postal address a description of those premises sufficient to enable the location and extent of the premises to be identified;
- the postal address East Cambridgeshire District Council, The Grange Nutholt Lane Ely Cambridgeshire CB7 4EE and, where applicable, the website address where the register of the Council is kept (www.eastcambs.gov.uk) and where and when the record of the application may be inspected (The Grange Nutholt Lane, Ely, Cambridgeshire. CB7 4EE);
- the date by which an authorised person or responsible authority or persons likely to be affected who live, or are involved in a business in the relevant licensing authority's area may make representations to the Council 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.

NB

The applicant MUST submit a copy of the complete application together with its accompanying documents (if any) to the responsible authorities on the same day as the day on which the application is given to the Council. (except in the cases where applications are made on line, as this will be automatically done for you as part of the electronic application process)

Application for a Premises Licence or New Club Premises Certificate shall contain a statement of the relevant licensable activities or relevant club qualifying activities which it is proposed will be carried on or from the premises.

OPERATING SCHEDULE

An Operating Schedule should include information that is necessary to enable any responsible authority or interested party to assess whether the steps to be taken to promote licensing objectives are satisfactory. Please also refer to PART 4 of this guidance to applicants for additional matters to be taken into consideration when completing the operating schedule.

The Council will not consider an application without a fully completed Operating Schedule.

If you are uncertain about how your Operating Schedule will address the licensing objectives you may find it helpful in preparing the Operating Schedule to contact the relevant responsible authority for expert advice (see PART 7 of this guidance for details). The Government Guidance issued under Section 182 of the Licensing Act makes it clear that all parties are expected to work together in partnership to ensure that the Licensing Objectives are promoted collectively. If you liaise with the responsible authorities this may minimise the risk of representations being made by those authorities if they have concerns about the Operating Schedule submitted as part of your application.

THE OPERATING SCHEDULE MUST SET OUT:-

- the licensable activities conducted on the premise;
- the times the relevant licensable activities are proposed to take place;
- any other times the premises are open to the public;
- the period the licence is required for, if limited time;
- where the licensable activities include the retail sale of alcohol, the name and address of the individual to be specified as the Designated Premises Supervisor (DPS);
- where the licensable activities include the retail sale of alcohol, whether consumption is for on or off the premises, or both;
- the steps which the applicant proposes to take to promote the licensing objectives (it is important that the operating schedule should be precise and clear about the measures it is proposed to take to promote the protection of children from harm, e.g. plans for regulated entertainment of an adult nature or with sexual content should be disclosed (in addressing this objective the design and layout of the premises should also be considered).

THE OPERATING SCHEDULE SHOULD ALSO INCLUDE:-

- a general description of the style and character of the business to be conducted on the premises (for example, a supermarket, or a cinema with six screens and a bar, or a restaurant, or a public house with two bars, a dining area and a garden open to customers);
- where alcohol is being sold for consumption on the premises it would be valuable to know what seating is to be provided, as research has shown that this can be relevant to the prevention of crime and disorder;
- an indication of the type of entertainment available on the premises, whether licensable under the Act or not. The type of entertainment provided may give rise to issues concerning the steps needed to protect children from harm and it should be disclosed whether this involves for instance striptease or lap-dancing. Dancing should be made clear in broad terms - whether by the public and/or performers and in what setting. Does the dancing involve striptease or lap, table-side dancing;
- If music is to be provided, then the type of music must also be stated. In the case of passenger vessels, it will also be valuable for the area within any vessel where licensable activities takes place to be described. This type of information is essential so that the 'responsible authorities' and 'interested parties' can form a proper view as to what measures may be necessary to ensure public safety and prevent public nuisance

PLAN OF THE PREMISES

The following items must be shown on the plan (which should ideally be in the scale of 1:100, any other variation will require approval from the licensing authority) of the premises that is required to accompany the application:

- a) the extent of the boundary of the building, if relevant, and any internal and external walls of the building and, if different, the perimeter of the premises;
- b) the location of points of access to and egress from the premises;
- c) if different from (b) above the location of escape routes from the premises;
- d) in a case where the premises is used for more than one licensable activity, the area within the premises used for each activity;
- e) fixed structures 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;
- f) 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;
- g) in a case where the premises includes any steps, stairs, elevators or lifts, the location of the steps, stairs, elevators or lifts;
- h) in a case where the premises includes any room or rooms containing public conveniences, please include the location of the room or rooms;
- j) the location and type of any fire safety and any other safety equipment; and
- j) the location of a kitchen, if any, on the premises.

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

APPLICATION TO VARY A PREMISES LICENCE (section 34 of The Act)

GENERAL

The holder of a Premises Licence may apply to the Council for variation of the licence.

Examples of possible variations:

- changing your opening hours OR the type of entertainment;
- vary/remove existing terms/conditions or restrictions of existing licences, etc.

APPLICATION TO VARY A PREMISES LICENCE (section 34 of The Act) MUST INCLUDE:

- i) the completed application form;
- ii) the licence fee (see PART 9 of this guidance to applicants);
- iii) the Premises Licence (or the appropriate part of the licence) or;
- iv) a statement of the reasons for failing to provide the licence (or part).

IN ADDITION applicants MUST advertise the application for variation of a Premise Licence to the public in two ways (see page 9&10 for guidance on advertising).

NB

The applicant MUST submit a copy of the complete application together with its accompanying documents (if any) to the responsible authorities on the same day as the day on which the application is given to the Council. Please note that if you apply for this online at www.eastcambs.gov.uk, the electronic application system will automatically send copies to the responsible authorities.

APPLICATION TO VARY PREMISES LICENCE TO SPECIFY AN INDIVIDUAL AS A DESIGNATED PREMISES SUPERVISOR (“DPS”) (Section 37 of The Act) Please note that you can apply for this online at www.eatscambs.gov.uk

GENERAL (Sections 37 and 38 of the Licensing Act 2003)

The holder of a Premises Licence may, if the licence authorises the supply of alcohol, or has applied to vary the licence under section 34 so that it authorises such supplies, apply to vary the licence so as to specify the individual named in the application (“the proposed individual”) as the DPS.

APPLICATION TO VARY LICENCE TO SPECIFY AN INDIVIDUAL AS A DESIGNATED PREMISES SUPERVISOR (DPS) MUST INCLUDE:

- i) the completed application form;
- ii) the licence fee (see PART 9 of this guidance to applicants);
- iii) a form of Consent given by the “proposed individual” part A; and
- iv) the Premises Licence (or the appropriate part of the licence) or a statement of the reasons for failing to provide the licence (or part).

Please note that you can apply for this online at www.eatscambs.gov.uk

IN ADDITION the holder of the Premises Licence must give notice of his application to:

- i) the Police; and
- ii) to the existing Designated Premises Supervisor on the same day as the day on which the application is given to the Council.

If the applicant has requested that the variation for the DPS is to have immediate effect, then the applicant MUST:

- i) if his application has been granted, notify the person (if any) who has been replaced as the DPS of the variation; and
- ii) if the application has been rejected, give the DPS (if any) notice to that effect.

Failure to comply with the above is an offence.

FURTHER INFORMATION ON PREMISES LICENCES

CHANGE OF NAME/ADDRESS

Holders of Premises Licences must, as soon as is reasonably practicable, inform the Council of any change of name or address of the Premises Licence holder or of the Designated Premises Supervisor. The notification must be accompanied by the licence and by the correct fee (see Part 9 of this guidance). Any person failing to do this will be committing an offence.

DESIGNATED PREMISES SUPERVISOR (DPS)

Each premise will have one DPS who must hold a Personal Licence. The main purpose of the DPS is to ensure there is always one specified individual among the Personal Licence holders who can be readily identified for the premises where a Premises Licence is in force.

The person will normally be given day-to-day responsibility for running the premises by the Premises Licence holder.

A person designated as the DPS in respect of any premise licence may give the Council notice of their desire to cease being the DPS.

If the DPS IS the holder of the Premises Licence, the notice must also be accompanied by:

- the Premises Licence (or the appropriate part of the licence) or; if that is not practicable;
- by a statement of the reasons for the failure to provide the licence (or part).

If the DPS is NOT also the Premises Licence holder, then they **MUST** no later than 48 hours after giving the Council notice of their desire to be replaced as the DPS:

- send a copy of the notice to the holder of the Premises Licence; and also
- a notice directing the Premises Licence holder to send to the Council within 14 days of receiving the notice the Premises Licence (or the appropriate part of the licence; or if that is not practicable, a statement of the reasons for the failure to provide the licence (or part).

If the Premises Licence holder does not send the licence or a statement of reasons to the Council within 14 days of an offence is committed.

Where a DPS has served notice on the Council and where necessary, on the Premises Licence holder, then they are treated, from either the time the notice was received by the Council or, if later, the time specified in the notice, as if he/she was no longer the DPS.

INTERIM AUTHORITY (Section 47 of The Licensing Act 2003)

A Premises Licence will remain in force for as long as the holder continues to operate the business. In the event of the licence holder dying, becoming mentally incapacitated or insolvent, persons with an interest in the premises or connected to the licence holder can give an 'interim authority' to the Licensing Authority. It should be made in the prescribed form and accompanied by the correct fee. Please note that you can apply for this online at www.eastcambs.gov.uk

The notice will have the effect of reinstating the licence, allowing the provision of the licensable activities to continue, pending the application to transfer the licence. An interim authority only has effect for two months.

PROVISIONAL STATEMENTS (Section 29 of The Licensing Act 2003)

A provisional statement can be applied for where premises are being constructed, extended or substantially changed structurally. The provisional statement is designed to provide some assurance that a Premises Licence covering the desired licensable activities would be granted for the premises when the building work is completed.

Applications for a provisional statement can be made by any person aged 18 or over (which may also include a firm of architects, construction company or financier). They should describe the work to be done and the planned licensable activities. Applications will be dealt with in a similar manner to an application for a Premises Licence and should be advertised and copied to the responsible authorities in the same manner, with the correct fee. However, applicants should note that a Schedule of Works giving details of the work (including plans) being done or about to be done at the premises MUST be enclosed with the application.

TRANSFER (Section 42 of The Licensing Act 2003)

If you wish to transfer the Premises Licence into another name you can apply for the transfer of a Premises Licence. Please note that you can apply for this online at www.eastcambs.gov.uk

Applications to transfer the licence must be:

- made to the Council in the prescribed form;
- made by persons aged 18 or over;
- accompanied by the correct fee; (see PART 9 of this guidance)
- accompanied by the Premises Licence or relevant part of it for explanation as to why the Premises Licence is not be able to be produced;
- accompanied by a Consent Form signed by the existing Premises Licence holder or a statement as to why it is not enclosed.

The applicant must notify the DPS specified in the licence of the application to transfer the licence and if successful, details of the transfer of the Premises Licence. Failure to do so is an offence.

NB

The applicant **MUST** give notice of the application to the Chief Officer of Police for the police area in which the premises are situated by sending a copy of the application together with accompanying documents (if any) on the same day on which the application was given to the Council.

The applicant can request that the transfer be given immediate effect and generally requires the consent of the holder of the Premises Licence, although no consent is required if you can demonstrate that you have taken all reasonable steps to obtain that consent and that you are in a position to use the premises straight away for licensable activities authorised by the licence. This will allow licensable activities to be carried on at the premises without interruption, pending the determination of the transfer application. If the application to transfer is rejected, then you cease to be treated as the holder and the licence reverts to the person holding it before the application was made.

The police can object to the transfer under the prevention of crime and disorder objective and if so, must provide reasons to the Council within 14 days of receipt.

REVIEWS (Section 51 and Section 87)

The review of a Premises Licence or Club Premises Certificate represents a key protection for the community where problems are occurring associated with crime and disorder, public safety, public nuisance or the protection of children from harm.

At any stage a “responsible authority”, ‘authorised person’ or persons who live, or are involved in a business in the relevant licensing authority’s area who are likely to be affected may apply to the Council to review the licence because of a matter arising at the premises in connection with any four of the licensing objectives. The application for review must not, however, be repetitious, i.e. identical or substantially similar to:

- A ground for review specified in an earlier application for review;
- representations considered when the Premises Licence was first granted;
- similar to representations made when application was first made, which were excluded as being not relevant, vexatious or frivolous.

A reasonable interval must have elapsed since an earlier application for a review or the grant of the licence as the case may be. Government guidelines recommend 12 months, save in exceptional and compelling circumstances.

Upon receipt of a request for a review, which meets the criteria, a hearing will be arranged, unless all parties agree that a hearing is not necessary. There are a range of powers available to the Council including:

- take no action;
- issue an informal written warning to the licence holder;
- modify the conditions of the Premises Licence;
- exclude a licensable activity;

- remove the Designated Premises Supervisor;
- suspend the licence for a period not exceeding three months;
- revoke the licence.

SMALL PREMISES (Section 177 of The Licensing Act 2003)

Section 177 of the Act provides that where there is:-

- premises with a capacity limit of up to 200 persons;
- providing the sale or supply of alcohol 'on' the premises;
- and providing music entertainment (i.e. live music or dancing);
- where the main purpose of the Premises is for the consumption of alcohol.

that any conditions relating to the provision of the music entertainment imposed by the Council will be suspended UNLESS imposed on grounds of public safety or prevention of crime and disorder.

The suspension does not apply to conditions offered by the licence holder in the Operating Schedule.

Where:

- a Premises Licence or Club Premises Certificate authorises the provision of music entertainment, and
- the premises have a capacity limit of 200 or less
- then between 8.00am and Midnight
- if the premises are used for live unamplified music (but no other form of regulated entertainment)

then ANY condition imposed by the Council in relation to the provision of the music entertainment will be suspended.

The above may not apply however, following the review of a licence.

Section 177 applies only to premises with a 'permitted capacity' of up to 200 persons. The capacity must be one imposed through the premises fire certificate, or where the fire certificate does not include a capacity or one does not exist, the fire authority must be asked to make a recommendation on the capacity of the premises.

The capacity limit applies to the area covered by the Premises Licence or Club Premises Certificate and not just to part of those premises, unless separately licensed.

VEHICLES (Section 189 of The Licensing Act 2003)

Under the Licensing Act 2003, alcohol may not be sold on a moving vehicle. The Council may consider applications for the supply of alcohol from a vehicle when it is parked or stationary, e.g. parked at a special event. Any permission granted will relate to the place where the vehicle is parked and sales are to take place.

NB

The holder of a Premises Licence **MUST** secure that the summary of the licence or a certified copy of that summary is displayed in a prominent position at the premises together with a notice of the name of the person who holds and has control of the Premises Licence kept at the premises. That person shall be either:-

- i) the holder of the licence; or
- ii) a person who works at the premises whom the holder has nominated to have control of the Premises Licence.

PART 3 CLUB PREMISE CERTIFICATES

APPLICATION FOR A NEW CLUB PREMISES CERTIFICATE (section 71 of The Act) Please note that you can apply for this online at www.eastcambs.gov.uk

GENERAL

A club applying for a Club Premises Certificate under this section must before making an application make a declaration to the Council.

AN APPLICATION FOR A NEW CLUB PREMISES CERTIFICATE (section 71 of The Act) **MUST INCLUDE:** -

- i) the completed application form Part B;
- ii) a club operating schedule, (see note below);
- iii) the licence fee (see PART 9 of this guidance to applicants);
- iv) plan of the premises drawn on a scale 1:100 (see page 7);
- v) a copy of the rules of the club;
- vi) a declaration for a club premises certificate – Part A).

NB

A Club Operating Schedule is a statement of the following matters:

- i) the qualifying club activities to which the application relates (the relevant qualifying club activities);
- ii) the times during which it is proposed that the relevant qualifying club activities are to take place;
- iii) any other times during which it is proposed that the premises are to be open to members and their guests ;
- iv) where the relevant qualifying club activities include the supply of alcohol, whether the supplies are proposed to be for consumption on the premises or both on and off the premises;
- v) the steps which is proposed to take to promote the licensing objectives; and
- vi) such other matters.

IN ADDITION applicants **MUST** advertise the application for variation of a new Club Premises Certificate to the public in two ways (see page 9&10 for guidance on advertising).

The applicant MUST submit a copy of the complete application together with its accompanying documents (if any) to the responsible authorities on the same day as the day on which the application is given to the Council. Please note that where an online application is made, copies will be sent automatically for you as part of the process.

APPLICATION TO VARY A CLUB PREMISES CERTIFICATE (section 84 of The Act) MUST INCLUDE: -

- i) the completed application form;
- ii) the licence fee (see PART 9 of this guidance to applicants);
- iii) the Club Premises Certificate (or the appropriate part of the licence) or; a statement of the reasons for failing to provide the certificate (or part).

Please note that you can apply for this online at www.eatscambs.gov.uk

NB

The applicant MUST submit a copy of the complete application together with its accompanying documents (if any) to the responsible authorities on the same day as the day on which the application is given to the Council.

IN ADDITION applicants MUST advertise the application for variation of a Club Premises Certificate to the public in two ways (see page 9&10 for guidance on advertising).

REGISTERED CLUBS (Sections 60 – 97 of The Licensing Act 2003)

The Licensing Act recognises that premises to which the public have restricted access and where alcohol is supplied rather than sold for profit, should be treated differently from commercial enterprises selling direct to the public.

These clubs are organisations where members have joined together for particular social, sporting or political purposes and then combined to buy alcohol in bulk as members of the organisation for supply in that context. These for example include political clubs, the Royal British Legion, ex-services clubs, working men's clubs and social and sports clubs.

To qualify, a club must meet five conditions:-

- (1) that under the rules of the club persons may not be admitted to membership or be admitted, as candidates to membership, to any of the privileges, without an interval of at least 2 days between their nomination or application for membership and their admission;
- (2) that 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 2 days between their becoming members and their admission;
- (3) the club is established and conducted in good faith as a club;
- (4) the club has at least 24 members;
- (5) that alcohol is not supplied or intended to be supplied, to members on the premises otherwise than by or on behalf of the club.

A club must also satisfy the additional conditions referred to in Section 64 of the Act which in brief are that the purchase of alcohol for the club and the supply of alcohol, are managed by a committee of elected club members aged 18 years or over; no arrangements are made for any person to receive at the expense of the club any commission relating to purchases of alcohol by the club and finally that no arrangements are made for any person to derive a pecuniary benefit from the supply of alcohol other than that which accrues to the club as a whole (please note there is special provision for industrial and provident societies, friendly societies, etc).

The grant of a Club Premises Certificate entitles a club to certain benefits, including:

- the authority to supply alcohol to members and to sell it to guests without the need for a member or employee to hold a Personal Licence;
- no requirement to specify a Designated Premises Supervisor;
- no requirement for a Personal Licence.

A qualifying club may admit associate members and their guests in addition to their own members and guests without affecting the Club Premises Certificate.

Clubs run commercially by individuals, partnerships or businesses for profit are not regarded as qualifying clubs and require a normal Premises Licence.

The arrangements for an application or variation for a Club Premises Certificate should be made as for a Premises Licence. An Operating Schedule is required showing the steps the club intends to take to promote the licensing objectives.

ANNUAL FEES

The licence, once granted, will last for the duration of the business. Certificate holders will be required to pay an annual fee (see PART 9 of this guidance).

PART 4 PERSONAL LICENCE

APPLICATION FOR NEW PERSONAL LICENCE

GENERAL

A Personal Licence is a licence granted to an individual that will authorise him or her to supply alcohol or authorise the sale of alcohol in accordance with a Premises Licence. This is the only licensable activity for which a Personal Licence is needed. Such licences are granted for 10-year periods.

No connection with any licensed premise is needed to apply for a Personal Licence.

The application will normally be made to the Council where the applicant resides. Where the applicant is not normally resident in England and Wales, it can be sent to any licensing authority.

If the applicant meets the following conditions the Council MUST grant the licence. The conditions are that the applicant:

- a) must be 18 or over;
- b) possess a licensing qualification;
- c) has not forfeited a licence in the previous 5 years;
- d) has not been convicted of any relevant or comparable foreign offence.

If the applicant fails to meet any condition in (a), (b) or (c) above, the Council MUST reject the application.

If it appears to the Council that the applicant meets the conditions in (a), (b) and (c) above but fails to meet the condition in (d) above, the Council MUST within 48 hours, give the Chief Officer of Police a notice to that effect and where:

- a) the police have not given an 'Objection Notice' about the grant of a Personal Licence following notification of any unspent relevant offence or foreign offence; or
- b) the police have given an 'Objection Notice' because of a conviction for an unspent relevant offence or foreign offence, but the Council has not considered it necessary to reject the application on crime prevention grounds.

then the application shall be granted.

In any other case the Council shall hold a hearing unless all parties agree it to be unnecessary, and having regard to the notice, must either:

- reject the application if the police consider it necessary for the promotion of the crime and disorder objective to do so; and
- grant the application in any other case.

APPLICATION FOR A NEW PERSONAL LICENCE MUST INCLUDE:

- i) the completed application form;
- ii) the licence fee (see PART 9 of this guidance to applicants, page 35);
- iii) either the original or certified copy of an approved licensing qualification
- iv) two passport-style photographs 45mm x 35mm, on photographic paper, on a light background, full face, no sunglasses or hat (except where head coverings relate to religious beliefs), one endorsed as a true likeness by a person of professional standing i.e. the Chief Executive of the Licensing Justices for the relevant licensing authority; or a solicitor or notary; or a person of standing in the community; e.g. solicitor, notary, teacher, lecturer or other professional person or an individual with a professional qualification;
- v) either a Criminal Conviction Certificate issued under Section 112 of the Police Act 1997 ;

- a Criminal Record Certificate issued under Section 113(A) of the Police Act 1997; or
the results of a subject access search under the Data Protection Act 1998 of the Police National Computer (“PNC”) by the National Identification Service; and
in any case such certificate or search results shall be issued no earlier than one calendar month before the giving of the application to the Council; (This can be obtained from www.disclosurescotland.co.uk as a basic disclosure) and
- vi) a completed declaration form completed by the applicant that either he has not been convicted of a relevant offence or a foreign offence or that he has been convicted of a relevant offence or a foreign offence with details of the nature and date of the conviction and sentence imposed on him in respect of it.

QUALIFICATIONS

The Secretary of State regards the following as acceptable qualifications:

- British Institute of Inn keeping Level 2 National certificate for personal licence holders (Accreditation number 100/4866/2)
- Global Online Assessment For Learning Level 2 Certificate for personal licence holders (Accreditation number 100/4865/0)

Further information on the above can be obtained by contacting the BII by e-mail at the following address: info@bii.org or www.bii.org

NB (section 135 of the Licensing Act 2003)

It is the duty of a Personal Licence holder to produce their licence for examination to any police constable or an authorised officer of the Council. This section applies where the holder of a Personal Licence is on premises to make or authorise the supply of alcohol which are authorised by a Premises Licence or are a permitted temporary activity on the premises by virtue of a Temporary Event Notice (“TEN”). Failure to comply with the requirement to produce the licence may result in prosecution.

FURTHER INFORMATION ON PERSONAL LICENCES

CHANGE OF NAME/ADDRESS

The holder of a Personal Licence has a duty to inform the Council, as soon as is reasonably practicable, of any change of name or address as stated in the Personal Licence. The Personal Licence and the correct fee should accompany this (see PART 9 of this guidance). Any person failing to do this will be committing an offence.

CONVICTIONS

The holder of a Personal Licence has a duty to notify the Council of any convictions for relevant offence or comparable foreign offence as soon as reasonably practicable following conviction (see PART 8 of this guidance to applicants). Similarly the Courts are required to inform the Council of convictions, whether or not they have ordered the suspension or forfeiture of the licence. If a licence is suspended or declared forfeit, then the Council will contact the Personal Licence holder, requesting the licence. The Council will retain any licence declared forfeit. Allied to these provisions is the duty of a Personal Licence holder when charged with a relevant offence to either produce to the Court the Personal Licence or if that is not practicable notify the Court of the existence of the Personal Licence and the identity of the relevant licensing authority along with the reasons why he cannot produce the licence. This **MUST** be done no later than the time he makes his first appearance in a Magistrates' Court.

RECORDS

The Council will maintain accessible records of licences issued. It will also provide a service that will enable the police in any area and other licensing authorities to be advised of details on Personal Licence holders. A central database containing the details of all Personal Licence holders is likely to be developed in due course (the Secretary of State to detail).

RENEWALS

- i) an application for the renewal of a Personal Licence must be made to the Council which granted the original Personal Licence
- ii) an application for renewal can only be made during the period of three months before the time the licence would expire.

NB

If an application for renewal is not correctly made, then it will be returned to the applicant unprocessed with a letter explaining why it has been returned.

The application **MUST** be accompanied by all of the documentation as outlined below:

- i) current Personal Licence or a statement of the reasons of any failure to provide it;
- ii) two photographs (as detailed in page 21 of this guidance) including your current Personal Licence or a statement of the reasons for failing to provide the licence;
- iii) a criminal conviction certificate etc (as detailed in page 21 of this guidance);
- iv) a completed disclosure of criminal convictions and declaration;
- v) the fee for the application (see PART 9 of this guidance).

SURRENDER OF LICENCE

A Personal Licence issued by East Cambridgeshire District Council may be surrendered upon notice to the Council, provided the notice is accompanied by the licence or if not practicable, a statement of the reasons for failing to provide the licence. The Personal Licence will lapse upon receipt of the notice of surrender by the authority.

THEFT, LOSS, ETC

In the event of a Personal Licence being lost, stolen, damaged or destroyed, Personal Licence holders can apply to the Council for a copy, provided it is the authority that issued the original licence. You must satisfy the Council that the licence has been lost, stolen, damaged or destroyed and that where lost or stolen, the holder has reported such to the police.

Applications for a replacement should also be accompanied by:

- the correct fee (see Part 9 of this guidance);
- a photograph (endorsed as a true likeness by a person of professional standing e.g. solicitor, notary, teacher, lecturer or other professional person).

PART 5 STANDARD AND LATE TEMPORARY EVENT NOTICES ("TENs")

GENERAL

Please note that you can apply for TENs on line at www.eastcambs.gov.uk
TENs provide authorisation for licensable activities for limited duration. Standard TENs require the 'premises user' to give notice to the Council 10 working days before the event takes place. Late TENs require the 'premises user' to give notice to the Council 5 working days before the event takes place. The premises user **MUST** also give a copy of any TEN to the relevant Chief Officer of Police and Environmental Health Department at the Local Authority where the premises is based no later than 10 working days for Standard TENs and 5 working days for Late TENs before the event begins. Please note that for on line applications, copies will be sent automatically to the Police and Environmental Health as part of the on line process.

Working days do not include public holidays and Section 193 of the Licensing Act 2003 defines 'working day' as any day other than a Saturday, Sunday, Good Friday or a day which is a bank holiday under the Banking and Financial Dealings Act 1971 in England and Wales.

Ten working days notice means ten working days exclusive of the day on which the event is to start and exclusive of the day on which the notice is served.

Five working days notice means five working days exclusive of the day on which the event is to start and exclusive of the day on which the notice is served.

No grant or approval is required provided there is no Police or environmental health objection. Such objections MUST be made to the Council within 3 days of receipt of the temporary event notice.

A Standard TEN or Late TEN is required for the sale of alcohol by retail, provision of regulated entertainment and/or the provision of late night refreshment, which is to take place at premises that are currently unlicensed for the activities involved. There is nothing to stop a Standard TEN or Late TEN being given for premises where a premises licence is already in force (but does not cover the temporary event).

Temporary events are subject to the following conditions and limitations:

- duration – up to 168 hours;
- scale – no more than 499 people at any one time;
- use of same premises on no more than 12 occasions per calendar year (subject to overall aggregate of 21 days);
- the number of Standard TEN notices given by an individual.
- Personal Licence holder can serve up to a total of 50 TENS in one year of which 10 can be Late TENS
- non-Personal Licence holders can serve up to a total of 5 TENS in one year of which 2 can be Late TENS ;
- there must be a minimum of 24hrs between TENS served by a premises user.

If the above criteria cannot be fulfilled then the temporary event will require a Premises Licence.

NB

1. Whilst a minimum of 10 working days notice must be given to the Council, the Police and environmental health for Standard TEN applications, it should be noted that this gives very little time for the Council to process the application and for the police to respond. Applicants are encouraged to provide a minimum of 28 days notice of a licensable event.
2. When premises are being used for one or more licensable activities that are permitted temporary activities, the 'Premises User' MUST either:-
 - i) ensure that a copy of the Standard TEN or Late TEN is prominently displayed at the premises; or
 - ii) ensure that the Standard TEN or Late TEN is kept at the premises in his/her custody; or in the custody of a person present and working at the premises whom he/she has nominated for this purpose, and in that case secure that a notice specifying the name of the person and their position is prominently displayed. It is an offence to fail without reasonable excuse to comply.

Whether or not parts (i) or (ii) above are met a police constable or authorised officer of the Council may require the 'Premises User' to produce the Standard TEN or Late TEN for examination.

PART 6

LATE NIGHT REFRESHMENT

Under the Licensing Act 2003, the provision of late night refreshment is a licensable activity and covers businesses selling hot food or hot drink between the hours of 11pm and 5am. The Act is mainly aimed at covering takeaways and late night cafes, including mobile vans.

The Act exempts:

- premises selling immediately consumable food such as bread, milk or cold sandwiches in an all night grocers shop, unless they are selling hot food or hot drink;
- the supply of a hot drink by means from a vending machine, so long as it is operated by members of the public without the involvement of the staff on the premises;
- the supply of hot food or hot drink free of charge;
- supplies by a registered charity;
- supplies from vehicles, other than when they are permanently or temporarily parked.

Additionally, the following are exempt if there is no admission to the public and supplies are to:

- persons staying overnight in a hotel, guest house, lodging house, hostel, caravan or camping site, etc where the main purpose is providing overnight accommodation;
- staff canteens;
- a person engaged in a profession or vocation (e.g. tradesman carrying out work at a particular premises);
- a guest of any of the above.

The provision of hot food for a charge by a vending machine is licensable when the food has been heated, even though no staff on the premises may have been involved.

A Personal Licence is not required if there is no supply of alcohol.

NB

If you are supplying hot food or hot drink to members of the public between the hours of 11.00pm and 5.00am for consumption either on or off the premises and you do not fall within the exemptions listed above, and you do not have an existing licence which will entitle you to continue to serve hot food and drink on conversion of that licence then, you **MUST** apply to the Council for a Premises Licence.

Please refer to PART 4 of this guidance for information on how to apply. Please note that you can apply for this online at www.eastcambs.gov.uk

ANNUAL FEE

The licence, once granted, will last for the duration of the business. Premises Licence holders will be required to pay an annual fee (see PART 9 of this guidance). Failure to pay the annual fee will result in your licence being suspended.

PART 7

MATTERS TO BE TAKEN INTO CONSIDERATION WHEN COMPLETING THE OPERATING SCHEDULE

THE PREVENTION OF CRIME & DISORDER

The essential purpose of the licence in this context is to regulate behaviour on the premises or in the immediate vicinity of the premises when they seek entry or to leave.

CCTV both inside and immediately outside premises can actively deter disorder, anti-social behaviour and crime generally.

Other considerations could include for example, glass bottle bans, the use of plastic glasses, or joining voluntary pub watch schemes.

Text and radio pagers may be considered necessary for public houses, bars and nightclubs operating in the city area. Door supervisors conducting security activities will have to be registered with the Security Industry Authority.

Irresponsible drinks promotions or discounting may lead to crime and disorder.

Although most common on public safety ground, capacity limits and/or an appropriate ratio of tables and chairs to customers based on the capacity may be necessary to prevent overcrowding which can lead to disorder and violence.

Proof of age policies may be applied including the Proof of Age Standards Scheme (PASS) accreditation system, photo driving licences, Cambridgeshire County proof of age scheme and passports.

PUBLIC SAFETY

The public safety objective is concerned with the physical safety of people using the premises. It is not concerned with public health, which is adequately dealt with in other legislation.

Safe capacities will only be imposed where necessary for public safety, e.g. if a fire certificate for premises includes certain conditions, it would be unnecessary to repeat these in the Premises Licence. If however the fire certificate were granted when the premises future use was not known, the licensing and fire authority may wish to impose a new capacity to apply when the licensable activities are taking place. Capacities attached to Premises Licences may also be beneficial in preventing crime and disorder as overcrowded venues can increase the risks of disorder and crowds become frustrated and hostile. See also the small premises section for capacities of up to 200.

A satisfactory fire risk assessment should be undertaken and submitted with the operating schedule covering the following items (taken from the Guide to Fire Precautions in existing places of entertainment and like premises):

- satisfactory means of escape (taking into account the number of persons likely to be in the premises and the adequacy of the available escape routes and exit doors);
- means of giving warning in case of fire (taking into account the size and layout of the premises);
- portable fire fighting equipment (taking into account the general requirement and equipment provided to cover specific risks);
- normal and secondary lighting (taking into account all areas that may be used);
- signs and notices (taking into account all fire safety related signs and notices required to indicate the escape routes and ensure the integrity of the escape routes);
- management responsibilities (taking into account staff fire training and other related responsibilities including assisting persons with disabilities);
- seating arrangements (taking into account the number, location and type);
- fire resistance, surface finishes, furniture and furnishings (taking account of relevant guides, codes of practice and British standards);
- the use and safe management of Pyrotechnics and other special effects, including dry ice machines, cryogenic fog, fog generators, real flame, firearms, motor vehicles, strobe lighting, lasers, explosives and highly flammable substances;
- any other information relevant to the premises.

NB

Where fireworks and laser displays are held, and are accompanied by music or dance in respect of regulated entertainment, the use of fireworks, lasers, and any other pyrotechnics has to be brought to the attention of the Council by the inclusion of such in the Operating Schedule.

THE PREVENTION OF PUBLIC NUISANCE

Under the prevention of public nuisance objective, the Council and other responsible authorities will focus on impacts of the licensable activities at specific premises. Particular emphasis on disproportionate and unreasonable activities will be considered for people living, working and sleeping in the vicinity. The issues will mainly concern noise nuisance, light pollution, refuse, and possibly noxious smells. Public nuisance in this context retains the broad common law meaning, so can include low-level nuisance affecting a few people living locally, as well as a

major disturbance affecting the whole community. The Operating Schedule should clearly specify the steps that will be taken for the prevention of public nuisance. Simple mechanisms can be put in place e.g. ensuring that doors and windows are kept closed to more sophisticated ones like sound level limiters on amplification equipment or sound proofing.

THE PROTECTION OF CHILDREN FROM HARM

The protection of children from harm includes the protection of children from moral, psychological and physical harm. This includes the protection of children from too early an exposure to strong language and entertainment of a sexual nature, e.g. film exhibitions where adult entertainment is provided.

The operating schedule could include:

- where alcohol is sold, requirements for the production of a proof of age card;
- limitations on the hours when children may be present;
- limitations on the presence of children under certain ages when specified activities are taking place;
- age limitations (below 18);
- limitations or exclusions when certain activities are taking place;
- requirements for an accompanying adult;
- full exclusion of people under 18 when licensable activities are taking place;
- design and layout of the premises.

Proof of age policies may be applied (see also Crime and Disorder above) and support of the Portman Group's code of practice, which seeks to ensure that drinks are packaged and promoted in a socially responsible manner to those 18 years old or over.

The British Board of Film Classification would normally classify films or the local authority and age restrictions strictly adhered to. Many films are unsuitable for viewing by children.

Entertainment specifically for children may require a sufficient number of adult staff to ensure the well being of any children in an emergency.

Safer Clubbing – Drugs Policy

Nightclubs are an inherent part of social life for young people. Premises should have regard for the Safer Clubbing Guide, which the Council fully endorses and in particular the checklist of important measures contained in Annex J of the guidance issued under section 182 of the Act, e.g. providing free and easily accessible supplies of cold water, considering the provision of safe transport home, etc. Premises may wish to adopt a written drug policy and refer to these matters in their operating plan.

PART 8

RELEVANT OFFENCES: THE LICENSING ACT 2003

Section	Offence
33 (6)	Failure to notify LA of change of name or address PLH or DPS
40 (2)	Failure to notify existing DPS of variation to Premises Licence to exclude them
41 (5)	Failure to provide Premises Licence to LA upon removal of DPS
46 (4)	Failure to notify DPS of application for transfer of Premises Licence
49 (5)	Failure to notify DPS of grant of interim authority notice
56 (3)	Failure to provide Premises Licence at request of LA for amendment
57 (4)	Failure to keep or display Premises Licence on Premises
57 (7)	Failure to produce Premises Licence to an AO for examination
59 (5)	Obstruction of an AO entering Premises to inspect before grant of a licence, review or a statement
82 (6)	Failure to notify of change of name or alteration of rules of a club
83 (6)	Failure to notify of a change of registered address of club
93 (3)	Failure to produce CPC for amendment within 14 days of LA request
94 (5, 6, 9)	Duty to keep, display and produce club Premises certificate at Premises
96 (6)	Inspection of Premises before grant etc of club Premises certificate
108 (3)	Obstruction of an AO in inspecting temporary event Premises
109 (4)	Failure to keep or display temporary event notice on Premises
109 (8)	Failure to produce temporary event notice to an AO
123 (2)	Failure to notify LA of conviction for relevant offence during application or renewal period
127 (4)	Failure to notify LA of change of name or address of personal licence holder
128 (6)	Fail to notify court of personal licence or “notifiable event” when being dealt with for a relevant offence
132 (4)	Failure to notify LA of conviction for relevant or foreign offence
134 (5)	Failure to produce personal licence within 14 days to LA for updating
135 (4)	Failure to produce personal licence to an AO whilst on Premises to sell or authorise sale of alcohol
136 (1)	Allowing unauthorised licensable activities
137 (1)	Unauthorised exposure for retail sale of alcohol
138 (1)	Unauthorised possession of alcohol with intent to sell or supply
140 (1)	Allowing disorderly conduct on licensed Premises
141 (1)	Sale or supply of alcohol to person who is drunk
142 (1)	Obtaining alcohol for a person who is drunk
143 (1)	Failure to leave licensed Premises following a request from a PC or AO
144 (1)	Keeping unlawfully imported goods on relevant Premises
145 (1)	Allowing unaccompanied children under 16 on relevant Premises when alcohol is being supplied
146 (1, 2, 3)	Sale or supply of alcohol to children under 18

147 (1, 3)	Allowing sale or supply of alcohol to children under 18
148 (1, 2)	Sale or supply of liqueur confectionery to children under 16
149 (1, 3, 4)	Purchase or supply of alcohol by or on behalf of children under 18
150 (1, 2)	Consumption on relevant Premises of alcohol by children under 18, or knowingly allowing it to occur
151 (1, 2, 4)	Delivering or permitting others to deliver alcohol to children under 18
152 (1)	Sending a child under 18 to obtain alcohol for consumption
153 (1)	Permitting children under 18 to sell or supply alcohol children
156 (1)	Sale of alcohol in or from a moving vehicle
158 (1)	False statement in connection with a licensing application
160 (4)	Keeping Premises open in contravention of an area closure order
161 (6)	Permitting Premises to be open in contravention of a Premises closure order
165 (7)	Permitting Premises to be open in contravention of a Magistrates closure order
179 (4)	Obstructing entry by a PC or an AO to Premises to check on the carrying out of licensable activity

PERSONAL LICENCE: RELEVANT OFFENCES

1. An offence under this Act.
2. An offence under any of the following enactments:-
 - (a) Schedule 12 to the London Government Act 1963 (c. 33) (public entertainment licensing);
 - (b) the Licensing Act 1964 (c. 26);
 - (c) the Private Places of Entertainment (Licensing) Act 1967 (c. 19);
 - (d) section 13 of the Theatres Act 1968 (c. 54);
 - (e) the Late Night Refreshment Houses Act 1969 (c. 53);
 - (f) section 6 of, or Schedule 1 to, the Local Government (Miscellaneous Provisions) Act 1982 (c. 30);
 - (g) the Licensing (Occasional Permissions) Act 1983 (c. 24);
 - (h) the Cinemas Act 1985 (c. 13);
 - (i) the London Local Authorities Act 1990 (c. vii).
3. An offence under the Firearms Act 1968 (c. 27).
4. An offence under Section 1 of the Trade Descriptions Act 1968 (c. 29) (false trade description of goods) in circumstances where the goods in question are or include alcohol.
5. An offence under any of the following provisions of the Theft Act 1968 (c. 60):-
 - (a) section 1 (theft);
 - (b) section 8 (robbery);
 - (c) section 9 (burglary);
 - (d) section 10 (aggravated burglary);
 - (e) section 11 (removal of articles from places open to the public);
 - (f) section 12A (aggravated vehicle-taking), in circumstances where subsection (2)(b) of that section applies and the accident caused the death of any person;

- (g) section 13 (abstracting of electricity);
 - (h) section 15 (obtaining property by deception)
 - (i) section 15A (obtaining a money transfer by deception);
 - (j) section 16 (obtaining pecuniary advantage by deception);
 - (k) section 17 (false accounting);
 - (l) section 19 (false statements by company directors etc.);
 - (m) section 20 (suppression, etc. of documents);
 - (n) section 21 (blackmail);
 - (o) section 22 (handling stolen goods);
 - (p) section 24A (dishonestly retaining a wrongful credit);
 - (q) section 25 (going equipped for stealing etc.).
6. An offence under section 7(2) of the Gaming Act 1968 (c.65) (allowing child to take part in gaming on premises licensed for the sale of alcohol)
 7. An offence under any of the following provisions of the Misuse of Drugs Act 1971 (c. 38):-
 - (a) section 4(2) (production of a controlled drug);
 - (b) section 4 (3) (supply of a controlled drug);
 - (c) section 5(3) (possession of a controlled drug with intent to supply);
 - (d) section 8 (permitting activities to take place on premises).
 8. An offence under either of the following provisions of the Theft Act 1978 (c. 31):-
 - (a) section 1 (obtaining services by deception);
 - (b) section 2 (evasion of liability by deception).
 9. An offence under either of the following provisions of the Customs and Excise Management Act 1979 (c. 2):-
 - (a) section 170 (disregarding subsection (1)(a)) (fraudulent evasion of duty etc.);
 - (b) section 170B (taking preparatory steps for evasion of duty).
 10. Any offence under either of the following provisions of the Tobacco Products Duty Act 1979 (c. 7):-
 - (a) section 8G (possession and sale of unmarked tobacco);
 - (b) Section 8H (use of premises for sale of unmarked tobacco).
 11. An offence under the Forgery and Counterfeiting Act 1981 (c. 45) (other than an offence under section 18 or 19 of that Act).
 12. An offence under the Firearms (Amendment) Act 1988 (c. 45)
 13. An offence under any of the following provisions of the Copyright, Designs and Patents Act 1988 (c. 48):-
 - section 107(1)(d)(iii) (public exhibition in the course of a business of article infringing copyright);
 - section 107(3) (infringement of copyright by public performance of work etc.);
 - section 198(2) (broadcast etc. of recording of performance made without sufficient consent);
 - section 297(1) (fraudulent reception of transmission);
 - section 297A(1) (supply etc. of unauthorised decoder).

14. An offence under any of the following provisions of the Road Traffic Act 1988 (c. 52):-
 - section 3A (causing death by careless driving while under the influence of drink or drugs);
 - section 4 (driving etc. a vehicle when under the influence of drink or drugs);
 - section 5 (driving etc. a vehicle with alcohol concentration above prescribed limit).
15. An offence under either of the following provisions of the Food Safety Act 1990 (c. 16) in circumstances where the food in question is or includes alcohol:-
 - (a) section 14 (selling food or drink not of the nature, substance or quality demanded);
 - (b) section 15 (falsely describing or presenting food or drink).
16. An offence under section 92(1) or (2) of the Trade Marks Act 1994 (c. 26) (unauthorised use of trade mark, etc. in relation to goods) in circumstances where the goods in question are or include alcohol.
17. An offence under the Firearms (Amendment) Act 1977 (c. 5).
18. A sexual offence, within the meaning of section 161(2) of the Powers of Criminal Courts (Sentencing) Act 2000 (c. 6).
19. A violent offence, within the meaning of section 161(3) of that Act.
20. An offence under section 3 of the Private Security Industry Act 2001 (c. 12) (engaging in certain activities relating to security without a licence).

Definition of Personal Licence Foreign Offence

A foreign offence means an offence (other than the relevant offence) under the law of any place outside England and Wales.

PART 9

FEEES.

1.

Premises that are licensable have been allocated to a fee band according to the rateable value. These bands are as follows:-

BAND	RATEABLE VALUE
A	No rateable value to £4300
B	£4301 to £33,000
C	£33,001 to £87,000
D	£87,001 to £125,000
E	£125,001 and above

2.

New applications and variations for Premises Licenses and Club Premises Certificates

BAND	FEE
A	£100
B	£190
C	£315
D	£450
D and primary business Alcohol sales x 2	£900
E	£635
E and primary business Alcohol sales x 3	£1,905

3.

Annual Fee

BAND	FEE
A	£ 70
B	£180
C	£295
D	£320
E	£350

4.

Additional fees for large venues and events

Number in attendance at any one time	Additional fee
5,000 to 9,999	£1,000
10,000 to 14,999	£2,000
15,000 to 19,999	£4,000
20,000 to 29,999	£8,000
30,000 to 39,999	£16,000
40,000 to 49,999	£24,000
50,000 to 59,999	£32,000
60,000 to 69,000	£40,000
70,000 to 79,999	£48,000
80,000 to 89,999	£56,000
90,000 and over	£64,000

EXEMPTION OF FEES

In respect of applications for new and variations of premises licences and club premises certificates which relates to the provision of REGULATED ENTERTAINMENT ONLY NO FEE shall be payable if the following conditions apply:-

- the educational institution is a school or a college; and
- the provision of the regulated entertainment on the premises is carried out by the educational institution for and on behalf of the purposes of the educational institution; OR
- the premises form part of a church hall, chapel hall or similar building OR a village hall, parish hall or community hall or other similar building.

For definition of “the Act” “college”, “rateable value” and “school” please refer to page 22.

Personal Licences, Temporary Events and Other Fees

PERSONAL LICENCES	FEE
Application for a grant of a personal licence	£37.00
Application for a renewal of a personal licence	£37.00
Theft, loss etc. of a personal licence	£10.50
TEMPORARY EVENT NOTICES	
Temporary event notice	£21.00
Theft, loss etc of a temporary event notice	£10.50
PREMISES LICENCE	
Application for transfer of a premises licence	£23.00
Theft, loss etc. of premises licence	£10.50
Loss of premises summary	£10.50
Application to vary licence to specify individual as designated premises supervisor (DPS)	£23.00
CLUB PREMISES	
Change of relevant registered address of club	£10.50
Notification of change of name or alteration of club rules	£10.50
Theft, loss etc. of club certificate	£10.50
GENERAL	
Notification of change of name or address	£10.50
Duty to notify change of name or address	£10.50
Application for a provisional statement where premises being built	£195.00
Interim authority notice following death etc. of licence holder	£23.00
Right of freeholder etc. to be notified of licensing matters	£21.00

PART 10

CONTACT DETAILS

Please send your completed application and any accompanying documents to the Licensing Authority, all cheques made payable to East Cambridgeshire District Council and, where applicable, to all of the responsible authorities as listed below:

Cambridgeshire Police	Licensing Section Ely Police Station Nutholt Lane Ely, Cambs, CB7 4PL Tel: 01353 656610 Email: Ruth.sheehan@cambs.pnn.police.uk
Cambridge Fire & Rescue Service	Cambridge Fire & Rescue Service Cambourne Fire Station Back Lane Upper Cambourne CB23 6FY Tel: 01954 714037 Email: danny.hans@cambsfire.gov.uk
Child Protection	Childrens Services Cambridgeshire County Council PO Box 144 St Ives Cambridgeshire, PE27 9AU Tel: 0345 045 5203 Email: ReferralCentre.children@cambridgeshire.gov.uk
Planning Authority	Principal Development Control Officer Development Control The Grange Nutholt Lane Ely Cambridgeshire, CB7 4EE Tel: 01353 665555 Email: plservices_new@eastcambs.gov.uk
Environmental Services	Principal Environmental Health Officer Domestic Section The Grange Nutholt Lane Ely Cambridgeshire, CB7 4EE Tel: 01353 665555 Email: karen.see@eastcambs.gov.uk
Health & Safety (Local Authority)	Principal Environmental Health Officer Commercial Section The Grange Nutholt Lane Ely Cambridgeshire, CB7 4EE Tel: 01353 665555

	Email: elizabeth.bailey@eastcambs.gov.uk
Trading Standards (Weights & Measures)	Cambridgeshire Trading Standards PO Box 450 Cambridgeshire CB3 6ZR Tel: 01954 284619 Email: ts.administration@cambridgeshire.gov.uk
Primary Care Trusts	Kate Parker Head of Public Health Programmes NHS Cambridgeshire Oak Tree Centre Public Health G49 1 Oak Drive Huntingdon Cambs PE29 7HN Email: kate.parker@cambridgeshire.nhs.uk