



# **Licensing Act 2003**

## **Guidance to Applicants**

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## SECTION 1 - INTRODUCTION

This document is intended to offer guidance to applicants for personal licence, premises licences or club premises certificates or those who may give notice of temporary events to South Holland District Council (the Licensing Authority) under the requirements of the Licensing Act 2003 (The 2003 Act). It provides basic information to help make a successful application.

Applicants and those giving notice of temporary events are advised to have regard to the following documents:

- The Licensing Act 2003 and Regulations made under it; and
- the Statutory Guidance issued by the Department of Culture, Media and Sport (DCMS) under Section 182 of the 2003 Act;

South Holland District Council is required to publish a Statement of Licensing Policy. This Policy should help applicants understand how the Licensing Authority will administer licences and authorisations and what it considers as important. Applicants should read the Statement of Licensing Policy in addition to this guidance before applying for a licence. The policy can be viewed on the Council's website [www.sholland.gov.uk](http://www.sholland.gov.uk) or alternatively by contacting the Licensing Team for a copy.

The 2003 Act requires that the Licensing Authority carries out its various licensing functions so as to promote the following four licensing objectives:

- the prevention of crime and disorder;
- public safety
- the prevention of public nuisance
- the protection of children from harm.

These objectives are taken into account in determining licensing applications and any conditions attached to licences must be necessary to achieve the licensing objectives.

### PERSONAL LICENCE

A personal licence authorises an individual to sell or supply alcohol in a premises for which a premises licence is in force for the purposes of selling alcohol. A personal licence is not required for the supply of alcohol authorised under a Club Premises Certificate.

Applications for a personal licence should only be made to the Licensing Authority where the applicant normally resides.

Only one personal licence can be held. It is valid for a period of ten years, provided it has not been surrendered, revoked or forfeited and is renewable only with the issuing authority.

For further details regarding personal licences, please see Section 2.

## **PREMISES LICENCE / CLUB PREMISES CERTIFICATE**

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

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

- the sale by retail of alcohol;
- the provision of regulated entertainment (see below for details); and
- the provision of late night refreshment (the sale of hot food and/ or drink between 11.00pm and 5.00am).

“Regulated entertainment” is:

- a 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;
- provision of facilities for making music;
- provision of facilities for dancing; and
- entertainment of a similar description to that falling within the performance of live music, the playing of recorded music and the performance of dance.

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

A ‘person’ with a property interest in any premises situated in the authority’s area may give notice of their interest to the licensing authority. It is at the discretion of such persons whether they choose to register or not. It is not a legal requirement. Persons with a property interest may include the freeholder or leaseholder, a legal mortgagee in respect of the premises or a person in occupation of the premises. A notice will take effect for 12 months and can be applied for annually. A person with a registered interest will be notified of any changes relating to the premises.

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

For further details regarding premises licences, please see Section 3.

A **club premises certificate** permits the following licensable activities to take place on “qualifying club” premises:

- the supply of alcohol by or on behalf of a club to, or to the order of, a member of the club;
- the provision of regulated entertainment; and
- the provision of late night refreshment.

For the definition of Regulated Entertainment and late night refreshment, please see above.

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

A Club Premises Certificate does not need a personal licence holder or anyone identified as a DPS as there is not the activity of the retail sale of alcohol taking place, only the supply of alcohol. Alcohol may be bought by the club for the members and the money being passed across the bar is to maintain equity between members. The club rule book should make clear the club’s policy for guests.

Clubs should carefully consider whether they should apply for a club premises certificate or a premises licence. Many existing registered clubs have rules that allow them to hire out function rooms to members and the member’s own guests or to persons other than members – such premises would require a premises licence. Clubs are therefore recommended to look to their rules and take legal advice as to what permission to apply for.

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

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

For further details regarding club premises certificates, please see Section 3.

## **VARIATION TO A PREMISES LICENCE OR CLUB PREMISES CERTIFICATE**

An application to vary a licence will need to include an operating schedule. The application will have to be copied to responsible authorities and advertised for the benefit of interested parties.

A variation application may relate to such changes for example as altering the area to be licensed, increasing the licensed area or changing the licensable activities that are to take place.

You may even require a new premises licence application or a minor variation application depending on the changes that you wish to make.

For further details regarding the variation of premises licences and club premises certificates, please see Section 3.

## **OPERATING SCHEDULE**

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

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

Operating schedules, which form part of an application, will be considered by the professional experts within the responsible authorities (e.g. the Police, Fire Authority, Trading Standards, Environmental Health, Child Protection Committee).

For further details regarding operating schedules, please see Section 4.

Applications have to be copied to responsible authorities and advertised for the benefit of interested parties (this includes all new applications and variations).

Responsible authorities, local residents and businesses are free to make relevant representations, relating to the promotion of the licensing objectives, with regards to the proposals contained in the application.

For further details of fees and contact details for responsible authorities, please see Sections 7 and 8.

## **ADVERTISING APPLICATIONS**

In the case of an application for the grant of, or variation to a premises licence or club premises certificate, or for a provisional statement, the application must be advertised, both in the local press and on the premises. The duty to advertise applications rests with the applicant or their agent.

Applications must be displayed in a prominent position at or on the premises concerned, where it can be conveniently be read from the exterior of the premises. In the case of premises covering an area of more than fifty metres square, a further notice in the same form and subject to the same requirements must be displayed every fifty metres along the exterior perimeter of the premises abutting the highway.

This notice must be displayed for not less than 28 days, beginning the day after the day on which the application is submitted. The applicant must also advertise the application in a local newspaper circulating in South Holland District such as the Lincolnshire Free Press. The newspaper notice must be published on at least one occasion not more than 10 working days after the giving of the application to the Licensing Authority. Both the newspaper notice and the notice for the application must contain the following information:

- the name of the applicant or club;
- the postal address of the premises or club, or if not applicable a description of the premises concerned, sufficient to allow it to be identified;
- the relevant licensable activities proposed to carry on at the premises (where known);
- the proposed changes of the application (if a variation);
- the postal address and, where applicable, the worldwide web address where the register of the relevant licensing authority is kept and where and when the record of the application may be inspected;
- the date by which an interested party or a responsible authority may make representations to the relevant Licensing Authority;
- a statement that all representations must be made in writing; and
- a statement that it is an offence knowingly or recklessly to make a false statement in connection with an application and the maximum fine for which a person is liable on summary conviction for the offence.

There are regulations concerning the format of the actual form the notice displayed on the premises must take. Notices must be:

- of a size equal or larger than A4;
- of a pale blue colour; and
- printed legibly in black ink or typed in black in a font of a size equal to or larger than 16

## **REPRESENTATIONS**

If a representation from any interested party or responsible authority has been received, the Licensing Authority will decide whether the representation is relevant. If the representations are found to be relevant, the licensing team will initially try to mediate between the relevant parties, for them to try and find a reasonable compromise. If this informal process is unsuccessful a hearing before the licensing panel will be arranged. All relevant parties will be notified. The licensing panel will make a decision and the details of that decision will be circulated to the parties concerned.

A representation is only “relevant” if it relates to the likely effect of the grant of the licence on the promotion of at least one or more of the four licensing objectives. The 2003 Act requires that if a representation is “frivolous or vexatious” it is to be disregarded.

“Frivolous” is defined in the Collins English Dictionary as meaning “not serious, unimportant, flippant”.

Frivolous representations would be essentially categorised by lack of seriousness.

“Vexatious” is defined in the Collins English Dictionary as meaning “causing irritation or annoyance”

Vexatious circumstances may arise because of disputes between rival businesses.

An interested party who is aggrieved by a rejection of their representation on these grounds may challenge the authority’s decision by way of judicial review.

## **RIGHTS OF APPEAL**

Both the applicant and any person or authority who has made a representation has a right to appeal to the Magistrates Court against a decision made by the Licensing Authority. Professional legal advice should be sought where it is uncertain what the best course of action should be.

An appeal has to be commenced by the giving of the notice of appeal to the Magistrates Court within a period of 21 days, beginning with the day on which the decision notice by the licensing authority was given.

## **TRANSFERS**

In the case of an application to transfer a premises licence, the applicant must give a complete copy of the application to the chief officer of police on the same day as giving the relevant application to the licensing authority. A form containing the consent of the premises licence holder to transfer must be included with the application form.

## **VARIATION OF THE DESIGNATED PREMISES SUPERVISOR**

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

## **INTERIM AUTHORITY NOTICE**

Interim Authority Notices are special arrangements for the continuation of permissions under a premises licence when the holder of a licence dies, becomes insolvent or incapable. In the normal course of events, the licence would lapse in such circumstances, unless alternative arrangements are made.

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

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

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

The maximum period for which an interim authority notice may have effect is two months.

## **TEMPORARY EVENT NOTICES**

An applicant for a Temporary Events Notice (TEN) must give notice of the event to the Licensing Authority and the Police. Provided the applicant stays within the definition of a TEN, the Licensing Authority can only intervene in certain circumstances, such as where the maximum number of events has been exceeded. The Police can object under the Crime and Disorder objective.

A TEN can only be submitted for events that will last less than 96 hours and which will have no more than 499 people present at any one time. Events lasting longer than this or attracting more people can only be held under a valid premises licence.

For further details regarding TENS, please see Section 5.

## **NEED HELP?**

The licensing Authority is aware that there are concerns about making applications and should you require any help, the Licensing team will try to assist you. It should be noted however that this help is limited to problems within the application process and not the giving of advice regarding the specific legal implications of a specific proposal. You should obtain independent legal advice and / or consult with the relevant Responsible Body in this respect, as appropriate.

For contact details, please see Section 8.

## **SECTION 2 - PERSONAL LICENCES**

A personal licence is only required for the retail sale of alcohol.

### **APPLICATION FOR A PERSONAL LICENCE**

You must show that you have sufficient knowledge of licensing law and the social consequences to the selling alcohol by successfully completing an appropriate training course and submitting the qualification with your application.

A syllabus and details of Personal Licence Qualification Accreditation can be obtained from the DCMS's website ([www.culture.gov.uk](http://www.culture.gov.uk)). You must also submit a basic Criminal Records Bureau (CRB) Check or Police National Computer Check to prove that you have not been convicted of any relevant offences and you must make a declaration that you have not been convicted of a relevant foreign offence.

To make a proper application you must provide the following:

- The fee of £37.00 (cheques payable to South Holland District Council)
- Two passport size photographs (taken against a light background, full face without sunglasses and, unless the applicant wears a head covering due to religious beliefs, without a hat and on photographic paper). One of which is endorsed as a true likeness of you by a solicitor or notary, a person of standing in the community or any individual with a professional qualification
- A valid licensing qualification, either a BIIAB Level 2 National Certificate for Personal Licence Holders, QCA Accreditation Number: 100/4866/2 or a GOAL Level 2 Certificate for Personal Licence Holders, QCA Accreditation Number: 100/4865/0
- A criminal conviction certificate, which is available from "Disclosure Scotland". For further details please visit [www.disclosurescotland.co.uk](http://www.disclosurescotland.co.uk) or telephone 0870 609 6006. This document must not be dated more than one month before the date the personal licence application is submitted to South Holland District Council's Licensing Team
- A completed disclosure of criminal convictions and declaration form.

For your own benefit you may wish to get a receipt for the delivery of the application form, or send the application by registered post or recorded delivery and keep the proof of posting as evidence that the application has been sent.

Assuming that the application is properly made, have no relevant or foreign offences, have not had a licence forfeited in the past five years, are suitably trained and are 18 or over there is no reason why you should not qualify for a personal licence. A personal licence lasts for ten years.

A personal licence holder is able to give up to fifty TEN's notices per year, subject to any one premises having no more than 12 TEN's in total per year.

For further details of Temporary Event Notices, please see Section 5.

Personal licences are not required in qualifying club situations or for premises that do not retail alcohol.

The holders of a personal licence must inform the Licensing Authority of any changes of name, address and any changes in DPS at the premises, also of any relevant offences or convictions, by contacting the Local Authority for the necessary forms, as it is an offence not to do so.

## **DESIGNATED PREMISES SUPERVISOR**

A personal licence holder may give written consent to become a Designated Premises Supervisor (DPS) for licensed premises where the activity of sale by retail of alcohol is authorised. The DPS has a legal responsibility for authorising the retail sale of alcohol under the terms of the personal licence and also has control of the day-to-day management of that premises under the terms of the premises licence. Please note that if the designated premises supervisor is not physically on the premises, there should be a clear management structure as to who is responsible for authorising the sale of alcohol with which staff are familiar. There can only be one DPS on the premises licence, but there can be as many personal licence holders as the applicant deems necessary.

## **REMOVAL AS THE DESIGNATED PREMISES SUPERVISOR**

The DPS must inform the relevant Licensing Authority if he or she wishes to be removed as DPS. Within 48 hours of the notice being given to the licensing authority, the individual must also give the premises licence holder a copy of the notice sent to the licensing authority. The DPS must also send a notice directing the licence holder to send to the relevant licensing authority the premises licence or if that is not practicable, a statement of the reasons for the failure to provide the licence within 14 days of receiving the notice.

If the holder fails to comply with the direction he will commit an offence.

## **DISAPPLICATION OF DESIGNATED PREMISES SUPERVISOR FOR COMMUNITY PREMISES**

Community premises which have or are applying for a premises licence that authorises alcohol sales can apply to have the requirement for a Designated Premises Supervisor to authorise the sales of alcohol to be removed from their premises licence and an alternative licence condition included.

This change will enable community premises to operate without a DPS and for sales of alcohol to be made or authorised without the authorisation of a personal licence holder.

An application may only be made if the licence holder is, or is to be, a committee or board of individuals with responsibility for the management of the premises (the management committee). If the application is successful, the effect of the alternative licence condition will be that the licence holder (i.e. the management committee) is responsible for the supervision and authorisation of all alcohol sales made pursuant to the licence. All sales will have to be made or authorised by the licence holder.

Community premises can include premises that are, or form part of a church hall, chapel hall, village hall, parish hall, community hall or other similar building.

Where a community premises already have a premises licence to sell alcohol but wish to include the alternative condition in place of the usual mandatory condition a form should be submitted with the correct fee.

If the community premises is applying for a new premises licence to include alcohol or is applying for alcohol for the first time on a variation application no extra payment is required beyond the existing fee for an application.

## **PHOTOGRAPHS**

Should be:

- taken against a light background;
- size 45 millimetres by 35 millimetres;
- be full face without sunglasses;
- unless the applicant wears a head covering due to his/her beliefs, without a hat;
- on photographic paper; and
- endorsed as a true likeness by a solicitor, notary, teacher, lecturer or other professional person.

## **SECTION 3 - PREMISES LICENCES AND CLUB PREMISES CERTIFICATES**

### **APPLICATION FOR THE GRANT OF A PREMISES LICENCE OR CLUB PREMISES CERTIFICATE**

A Premises Licence permits licensable activities to take place on or from a defined area, a building, part of a building, and a vessel, vehicle or temporary structure. A Premises Licence application can be made by an individual, several individuals, a company or organisation, or other prescribed persons such as individuals acting as representatives for a company or individual. The application for a premises licence is normally the responsibility for the owner of the business or the committee responsible for the building.

A Club Premises Certificate permits licensable activities to take place at the premises of a 'qualifying club'. There are certain criteria which must be included in the club rules in order to be a qualifying club (see application form). A qualifying club applying for a Club Premises Certificate does not need a personal licence holder identified as a designated premises supervisor as there is no retail sale of alcohol taking place. The members may buy alcohol for the club and the money being passed across the bar is to maintain equity between members. Please make sure that the club rulebook makes clear the policy for guests. Clubs should carefully consider whether they should apply for a Club Premises Certificate or a Premise Licence. A premises may however hold both a premises licence and a club premises certificate. As committee members in clubs change from time to time please be aware that it is an offence not to inform the Licensing Authority that the person who fills the role of secretary has changed.

You must send to the Licensing Authority:

- a completed application form (for a premises licence or club premises certificate); including an operating schedule (see Section 4). It is expected that sufficient information should be put in the operating schedule detailing how the licensing objectives will be promoted;
  - the correct fee;
  - a plan of 1:100 scale of the premises (see below for the specification of the plan);
- And:
- if the premises licence (but not club premises certificate) application is to include the retail sale of alcohol, the written consent form of the individual personal licence holder who has agreed / wishes to be the designated premises supervisor is required;
  - if a club premises certificate application, a declaration that the club is a "qualifying club".

You must submit a copy of your application to all "Responsible Authorities" at the time of making the application and advertise the application. Contact details of the responsible authorities in South Holland District and details of local newspapers for advertising can be found under contact details in Section 8. For your own benefit you may wish to get a receipt for the delivery of the application forms or send the applications by registered post or recorded delivery and keep the proof of posting as evidence that the applications have been sent.

See Section 1 for details regarding the advertising of applications

### **PROVISIONAL STATEMENTS**

Where premises are being or are about to be constructed for the purpose of being used for one or more licensable activities, or are being or about to be extended or otherwise altered for that purpose, it may be necessary for an application to be made for a provisional statement. This may be necessary because investors may need some assurance not only that the project has appropriate planning permission, but also that a premises licence

covering the desired licensable activities would be granted for the premises when the building work is completed. In such circumstances an application for a Provisional Statement may be made.

An application for a provisional statement can be made even if the full details of the final business operation are not known. Alternatively, if all of the details are known, applicants may still wish to apply for a full premises licence.

The procedure for applying for a provisional statement is similar to that for an application for a premises licence. If a provisional statement is granted, then subject to there being no material changes to the project, investors etc can be confident that after an application for a premises licence has been submitted it can be granted once the premises are ready to be licenced.

## **QUALIFYING CLUB CONDITIONS**

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

The general conditions:

- under the rules of the club persons may not:
  - (a) be admitted to membership, or
  - (b) be admitted, as candidates for membership, to any of the privileges of membership, without an interval of at least two days between their nomination or application for membership and their admission;
- under the rules of the club persons becoming members without prior nomination or application may not be admitted to the privileges of membership without an interval of at least two days between their becoming members and their admission;
- the club is established and conducted in good faith as a club;
- the club has at least 25 members;
- alcohol is not supplied, or intended to be supplied, to members on the premises otherwise than by or on behalf of the club (i.e. no retail sale)

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

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

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

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

- so far as not managed by the club in general meeting or otherwise by the general body of members, the purchase of alcohol for the club, and the supply of alcohol by the club, are managed by a committee whose members:

- (a) are members of the club;
- (b) have attained the age of 18 years; and
- (c) are elected by the members of the club.
- no arrangements are, or are intended to be, made for any person to receive at the expense of the club any commission, percentage or similar payment on, or with reference to, purchases of alcohol by the club.
- no arrangements are, or are intended to be, made for any person directly or indirectly to derive any pecuniary benefit from the supply of alcohol by or on behalf of the club to members or guests, apart from:
  - (a) any benefit accruing to the club as a whole, or
  - (b) any benefit which a person derives indirectly by reason of the supply giving rise or contributing to a general gain from the carrying on of the club.

## **APPLICATION TO VARY A PREMISES LICENCE OR CLUB PREMISES CERTIFICATE**

If you are applying for a variation to your licence or certificate the process is very similar to making an application for a grant. You should note that your operating schedule, if you have already produced one, will need to be altered to accommodate your proposed variation.

### **MINOR VARIATIONS**

Small changes can be made to a premises licence or club premises certificate through the Minor Variation process.

The test for whether a proposed variation is 'minor' is whether it could impact adversely on any of the four licensing objectives.

The process may be used for changes such as:

- small changes to the structure or layout of a premises;
- the addition of authorisation for late night refreshment or regulated entertainment (such as live music, performance of plays or film exhibitions), where this is not likely to impact on the licensing objectives
- small changes to licensing hours (but see below on changes that relate to alcohol);
- revisions, removals and additions of conditions (this could include the removal or amendment of out of date, irrelevant or unenforceable conditions, or the addition of volunteered conditions).

The Minor Variations process **cannot** be used to:

- add the retail or supply of alcohol to a licence;
- extend licensing hours for the sale or supply of alcohol at any time between 11pm and 7am;
- increase the amount of time on any day during which alcohol may be sold by retail or supplied;
- extend the period for which the licence or certificate has effect;
- transfer the licence or certificate from one person to another, or vary substantially the premises to which it relates;
- specify, in a premises licence, an individual as the premises supervisor;
- add the sale by retail or supply of alcohol as an activity authorised by a licence or certificate; or
- disapply the mandatory conditions relating to a designated premises supervisor (there is a separate process by which community premises can apply for this).

An application for a minor variation should be discussed with the Licensing Team before it is completed.

When you are completing your application you will need to give a full, detailed description of all the proposed variation(s) as failure to provide sufficient information may lead to the refusal of your application. You should include as much information with your application as you can.

You should include a statement about why you consider the variation proposed could not have an impact on the licensing objectives.

You must send your application to the Licensing Authority and advertise your application by displaying a notice. Notices must be:

- On white paper
- Displayed for a period of ten working days starting on the working day after the application was submitted to the licensing Authority

For information to be contained in the notice please see Section 1. You do not need to advertise the Notice in the local press or submit copies to Responsible Authorities.

Interested parties (such as local residents) have ten working days from the 'initial day' i.e. the day after the application is received by the Licensing Authority (this is when your Notice is in place and available to be seen) to submit representations.

There is no right to a hearing (as for full variation or new application) but Licensing Authorities must take any relevant representations into account in arriving at a decision.

The Licensing Authority must wait until this ten working day period has elapsed before determining the application, but must do so at the latest within 15 working days.

## **PLANS**

Details of plans to be submitted with applications.

A plan of 1:100 scale of the premises which should include the following details:

- the location and 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;
- the location of exits from the premises;
- if different from the location of exits, the location of escape routes from the premises;
- the locations on or from the premises which is to be used for the licensable activity and in the case of an application where the premises is to be used for more than one licensable activity, the location for each activity;
- in a case where the application relates to the supply of alcohol, the location or locations on the premises which is or are to be used for the consumption of alcohol;
- fixed structures (including furniture) or similar objects temporarily in a fixed location (but not furniture) which may impact on the ability of individuals on the premises to use exits or escape routes without impediment;
- in a case where the premises includes a stage or raised area, the location and height of each stage or area relative to the floor;
- the location and type of any fire safety and other safety equipment including, if applicable marine safety equipment; and
- the location of a kitchen, if any, on the premises

## SECTION 4 - OPERATING SCHEDULE

An operating schedule must be submitted with all new applications (and applications for variation) for premises licences and club premises certificates. It is this document that outlines what activities are proposed to be permitted, when these activities will take place, the overall opening hours when the public are permitted on the premises and how the activities will be managed, particularly in respect of the licensing objectives.

It is advisable to apply for a realistic amount of hours for any activity. You should consider the effect of your hours not only on the residents and businesses in your vicinity but also on other services such as street cleaning, transport etc. The Police will look at their ability to provide resources and will make representations should they consider that the controls you propose will not result in the licensing objectives being met. Early discussion with the Police is therefore essential.

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

One of the most critical parts of the operating schedule is the section in which the applicant describes the steps they intend to take to promote the four licensing objectives. It is recommended that you carefully consider what you put forward in this section to ensure that it is achievable. The steps you propose in this section will be translated into conditions on the licence or certificate. You should, as a guide, refer to the Council's Statement of Licensing Policy to see what is expected to be addressed in the operating schedule. The list is not exhaustive and obviously, not all are appropriate to all premises.

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

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

Any representation made, unless subsequently resolved to the satisfaction of all parties involved, will lead to a hearing before the Licensing Sub-Committee which may cause unnecessary delay and expense.

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

Preventing Alcohol related Violent Crime and Disorder Code of Practice

Alcohol Harm Reduction Strategy for England;

Safer Clubbing Guide;

The Event Safety Guide (The Purple Book) ISBN 0 7176 2453 6;

Managing Crowds Safely, ISBN 0 7176 1834 X;

Five Steps to Risk Assessment: Case Studies, ISBN 07 07176 15804;

The Guide to Safety at Sports Grounds (The Green Book), ISBN 0 11 300095 2;

Safety Guidance for Street Art, Carnival, Processions and Large Scale Performances, available from [www.streetartsnetwork.org/pages/publications](http://www.streetartsnetwork.org/pages/publications);

If you are organising a large scale event of more than 500 people, it is advisable to consult with those Authorities concerned with public safety and in appropriate cases be required to formulate a safety plan with Lincolnshire Event Safety Advisory Group (LESAG).

The steps that you are recommended to take before submitting your application are:

- initially consult with responsible authorities and interested parties;
- draw up your risk assessment;
- draw up your operating schedule;
- liaise again with the relevant authorities and interested parties;
- when all are satisfied or if there are only unresolved issues;
- submit you application.

## **GENERAL**

There are a number of steps that can be taken which satisfy more than one of the licensing objectives:

- Signage – Good signage can operate at many levels. For example, clear signs at the door can clarify the premises' policy regarding any age restriction such as "over 18s only", "over 21s only" or "no unaccompanied children". Whether signs repeat the law or express the policy of the premises, it can act as a deterrent and as a tool for staff enforcing the law or the premises policy, in a non-confrontational manner. Signs should be used if there are specific problems, or where there is a need to clearly define certain areas for particular activities. Some examples of signs that could be used may include:
  - "CCTV operates in this area and all incidents will be reported to the police"
  - "These premises operate a zero tolerance drugs policy"
  - "Proof of age for purchase of certain goods may be required"
  - "Supervised children are welcome in the restaurant area before 8pm"
  - "No drinks allowed in this area / beyond this point"

These are only examples. You may decide other signs are appropriate, but it is important to remember to keep them relevant to the outcome you are trying to achieve.

- Staff training – Well trained staff are an asset to any business. Critical areas of staff training in licensed premises should include a good knowledge of what is and is not permitted on the premises. The chain of command for licensed premises is very important and an operating schedule should have a well defined management structure, especially for when the DPS is not physically on the premises. An example of good practice would be that the duty manager signs in for duty in a logbook so that it is clear for everybody who is in charge of the premises at any particular time. It would also be considered good practice for all duty managers to be personal licence holders so that the required knowledge level can be assured when the DPS is not physically present. Other key areas that should be covered in staff training include:
  - what to do if there is a customer behaviour problem or if one is likely to occur;
  - what to do and any special responsibilities in case of fire or any other emergency likely to lead to the evacuation of the premises;
  - where the supply of alcohol is concerned, or where any age restriction is applicable, training should be given and maintained.

- what is acceptable proof of age identification and what is not, as the names of cards may change or new cards may be introduced having gained the PASS accreditation;
- staff should know what would be expected of them if an incident occurred and potentially that if a court case ensued that they may have to give evidence;
- what the drug policy is and what to do if drugs are found on the premises;
- what to do if they feel threatened or feel they are at risk how best to deal with such situations

If staff members are well trained they are likely to feel confident that they can be proactive in keeping trouble out of the premises. The British Institute of Innkeeping and other training providers offer recognised training for various activities within the leisure and entertainment industry. Additionally, to have a document which details what the staff training consists of and documentation to show that each member of staff is familiar with the material, is an essential management tool. The training to be given to staff and documentation provided and used may be referred to in the operating schedule. Where temporary staff are used, they should receive a thorough briefing and where possible you should try to obtain the same temporary staff on each occasion, so that they become familiar with the premises and its operation.

Special consideration should be made regarding the licensing objectives when special events such as football matches or other local or national events are being staged and particularly, how these events will impact the local community and what can be done to eliminate the negative impact.

## **THE PREVENTION OF CRIME AND DISORDER**

Examples of matters the Licensing Authority may expect applicants to consider and address include:

- Membership of a recognised Pub watch Scheme. Membership and regular attendance of meetings of a crime reduction group such as Pubwatch can help stop known troublemakers entering your premises. Pub watch and the Police can share information between each other regarding incidents such as resale of stolen goods, recent outbreaks of trouble and information of crimes against businesses.

Pub watch bans do have serious repercussions on the social lives of the people affected. They may have to travel much greater distances to frequent licensed premises and as such they cannot socialise with their friends in the same way. Membership of a Pub watch scheme and warning notices to this effect can act to deter would-be troublemakers from entering licensed premises. Pub watch membership would be considered good practice for many premises located in the City centre where the supply of alcohol is an authorised activity.

- Participation in any network set up to communicate information about incidents actually happening, where such a scheme exists. Such schemes ensure that up to date information regarding actual incidents can be quickly spread around all the premises involved in the scheme.
- Physical security features should be considered e.g. use of toughened or plastic drinking glasses. Where appropriate, the operating schedule may specify details of when the use of plastic or toughened glass will be applied as defined by a risk assessment. Plastic may be very preferable for use in outside areas where broken glass could be difficult to clear up or where there may be an increased level of rowdiness such as when and where national sporting events are televised.

- Measures to prevent glasses and bottles being taken away from the licensed premises. Open containers should not be taken from the premises. Signs to reinforce that only drinks purchased on the premises may be consumed on the premises could be advisable.
- The use and numbers of Security Industry Authority (SIA) licensed door supervisors. It is illegal to use door staff not licensed by the SIA. For more information on the SIA please visit their website at [www.the-sia.homeoffice.gov.uk](http://www.the-sia.homeoffice.gov.uk) or call their helpline 0844 892 1025. The decision as to when to employ door supervisors and in what number depends on a risk assessment. Managers should be sensitive to local and national events such as major football events, even if your premises are not involved directly. The televising of such events may lead to an increase in the need for door supervisors in some premises.
- The amount of seating and tables to be provided to reduce high volume vertical drinking.
- Training given to staff in crime prevention and drug awareness measures.
- Measures agreed with the Police to reduce crime and disorder. The development of good relations with local police officers is beneficial in preventing incidents occurring on your premises. If customers become accustomed to policemen being frequent visitors, problem behaviour can be discouraged. Additionally, records kept of any crime or disorder incidents and where sales of alcohol have been refused will help the police and local authority monitoring.
- Measures to prevent the use or supply of illegal drugs. Ensuring adequate staffing at busy times so that staff members are regularly checking all areas of the licensed premises including toilets and other areas that are not easily visible from the bar. You may also wish to consider the use of drug safes to ensure that any confiscated drugs are held securely for collection by the Police.
- Search procedures. Effective searching not only prevents certain crimes by removing prohibited articles but also serves as a deterrent. Searching should only be carried out by trained staff and must have regard to the gender of the person being searched. Trained male and female staff should be available.
- Provision of CCTV in and around the premises. Details of any CCTV system and suitable signs associated with it should be provided. If installing a new CCTV system you should seek and act upon advice from the Crime Reduction Officer of the Lincolnshire Police
- Formulation of a dispersal policy. You should ensure that when customers leave the premises, they do so in an orderly manner. A music and lighting policy which encourages a calming effect on customers before they leave can help. It may be that a transportation policy is required to get customers home after leaving the premises when there is no viable alternative. You may wish to build up links with a preferred, reliable local taxi company.

## **PUBLIC SAFETY**

Examples of matters the Licensing Authority may expect applicants to consider and address include:

- Maximum occupancy figures (including staff and performers). This can be based on an assessment completed by a fire officer/building control officer. It is the responsibility of the licence holder to do a risk assessment of the business and expert advice may be required. Not only does the size and number of emergency exits affect the occupancy figure, so does the floor area, ease of exit and the density and type of furniture and fittings. Please note that sanitary accommodation can affect occupancy figures. Please specify if your premises has a capacity of less than 200 people, as there is an exemption available under section 177 of the Licensing Act 2003 in respect of the application of certain licensing conditions.
- Use of equipment and effects. You should be able to demonstrate that equipment, whether fixed or temporary, is safe and in good working order. This will include such as the electrical, fire alarm and emergency lighting systems and fire fighting equipment. There are however, some types of equipment and effects which require specific risk assessment and advice from experts such as the Environmental Health or Health and Safety officers should be sought, along with advice from the manufacturer or supplier.
- Levels of door supervision. Please see above in Crime and Disorder. When assessing the numbers of doorstaff, you should consider their safety and employ them in sufficient numbers to ensure that they are able to deal with all emergencies and evacuations that may arise, not just in their crime and disorder role.
- Measures to prevent the supply and use of illegal drugs. Please see above in the Crime and Disorder section.
- Physical safety features e.g. use of toughened glass and plastic containers. Please see above in Crime and Disorder.
- Fire safety, training and evacuation procedures;
- Provision of CCTV to Police approved specification.

## **THE PREVENTION OF PUBLIC NUISANCE**

Examples of steps the Licensing Authority may expect applicants to consider and address include:

- The location of premises and proximity to residential and other noise sensitive premises, such as hospitals, hospices and places of worship and the proximity of other sensitive areas such as schools, war memorials etc
- The hours of opening, particularly between 23.00 and 07.00
- The nature of the activities to be provided, including whether those activities are of a temporary or permanent nature and whether they are to be held inside or outside the premises
- The design and layout of the premises and in particular the presence of noise limiting features
- The occupancy capacity of the premises
- The availability of public transport
- The availability of parking in residential areas

- 'Wind-down period' between the end of the licensable activities and the closure of the premises, to prevent a sudden peak of persons leaving the premises;
- The formulation of a dispersal policy;
- Last admission time;
- The upkeep of the area immediately surrounding the premises including litter collection.
- Considering the location and use of external smoking areas.

Closure of outside areas after a certain time is encouraged to be included in your operating schedule. It is advisable that no regulated entertainment is carried out in outside areas in the evenings without prior consultation with the relevant responsible body. Noise can also be contained by keeping windows and doors shut, by installing double-glazing where appropriate and keeping ventilation equipment in good order. Using performers of the regulated entertainment to remind customers to respect the premises' neighbours and leave quietly has proved successful.

## **PROTECTION OF CHILDREN FROM HARM**

Do make a statement regarding the child admission policy of the premises detailing any restrictions. Good management and staff training is essential in dealing with this objective.

Signage can be very important in the protection of children from harm. It is important that signage makes clear the restrictions on access to the premises or part of the premises by children. It is also important to have children supervised by the accompanying responsible adult at all times in these types of premises.

It is expected that you will show in your operating schedule that if children are permitted on the premises, that any areas where children are not allowed are clearly marked. These may be bar areas, in areas with amusements with prizes or a strong element of gambling. Suitable refreshments should also be available at all times when children are permitted. You must make sure that children needing to use the toilets can get there without crossing areas within which they are not permitted.

When considering access by children, you may wish to consider the following:

- limitations of the hours when children may be present;
- the exclusion of children under certain ages when particular specified activities are taking place;
- limitations on the parts of premises to which children might be given access;
- requirements for accompanying adults (including for example, a combination of requirements which provide that children under a particular age must be accompanied by an adult);

It should be noted that it is an offence:

- to permit children under the age of 16 unaccompanied by an adult (that is a person aged 18 or over) to be present on premises open for the supply of alcohol for

consumption there and being used exclusively or primarily for the supply of alcohol for consumption on those premises under the authorisation of a premises licence, club premises certificate or temporary event notice;

- to permit the presence of children under 16 who are not accompanied by an adult (that is a person aged 18 or over) between midnight and 5am to be on premises supplying alcohol for consumption on the premises under the authorisation of any premises licence, club premises certificate or temporary event notice.

The offences may be committed by a premises licence holder, designated premises supervisor or any person who works at licensed premises, whether paid or unpaid, in a capacity which authorises him or her to request an unaccompanied child under 16 to leave the premises. Offences may also be committed by any member or officer of a club, which holds a club premises certificate, who is present on the premises in a capacity which enables him to make such a request or a premises user in relation to premises being used under the authorisation of a temporary event notice.

## **SECTION 5 - TEMPORARY EVENT NOTICES**

A Temporary Event Notice (TEN) is required if you intend to carry out a licensable activity on unlicensed premises, or wish to operate outside the terms of your existing Premises Licence or Club Premises Certificate. The TEN can be granted by South Holland District Council to permit small scale events in the South Holland District that:

Will include a licensable activity Will be attended by no more than 499 people at any time (including any stewards, staff, organisers and performers)

Will be held for a period of 168 hours or less

The following criteria must be met in order for a TEN to be granted:

You must be over 18 years of age to apply for a TEN

If you do not hold a Personal Licence you are only permitted to hold a maximum of 5 TEN's per calendar year (inclusive of a maximum of 2 Late TEN's)

Please note, a TEN is treated as from the same person if it is submitted through a spouse, agent, employee, civil partner, child, grandparent, brother or sister

If you hold a Personal Licence you are permitted to hold a maximum of 50 TEN's per calendar year (inclusive of a maximum of 10 Late TEN's)

A premises can host no more than 12 TEN's per calendar year and the aggregate duration of TEN's on any premises can not exceed 21 days in any year. There must be a minimum of 24 hours between events at the same premises.

South Holland District Council must be in receipt of the completed application form and non refundable fee of £21 no later than 10 working days before the day on which the event is due to start and a copy must be submitted to both the Police and Environmental Health at least 10 working days before the proposed start date of the event. Only the Police and Environmental Health can object to a TEN being granted.

### Late TEN's

A Late TEN's can be applied for between 9 and 5 working days before the day of the event. There are limits to the number of Late TEN's that can be applied for - please see maximum numbers above.

South Holland District Council must be in receipt of the completed application form and non refundable fee of £21 not before 9 working days and no later then 5 working days before the day on which the event is due to start and a copy must be submitted to both the Police and Environmental Health not before 9 working days and no later than 5 working days before the proposed start date of the event. Only the Police and Environmental Health can object to a TEN being granted.

Please note it is an offence to carry out a Licensable Activity without the appropriate licence which carries the penalty of a fine not exceeding £20,000 or up to 6 months imprisonment or both. The premises is still subject to all other relevant legal requirements. For example, the premises must still meet all relevant health and safety standards. On receipt of the completed application form and payment, subject to all conditions being met, our Licensing Team will acknowledge receipt. Both the Police and Environmental Protection can object to a TEN / Late TEN on the grounds of any of the four licensing objectives: the prevention of

crime and disorder, public safety, the prevention of public nuisance and the protection of children from harm. If a valid objection is received on a TEN there may be a hearing or conditions may be attached to the TEN. If a valid objection is received on a Late TEN then the event will be prevented from going ahead. Once a TEN / Late TEN has been acknowledged by South Holland District Council and no objection had been received you can proceed with the event. You must ensure a copy of the TEN, acknowledged by South Holland District Council, is prominently displayed at the premises. .

If you wish to withdraw your TEN / Late TEN at any time during the application process, you must confirm to South Holland District Council in writing at least 24 hours before the start of the event. A cancelled event will not count towards your annual limits. There is no refund of the £21 fee.

Need further information on Temporary Event Notices? Please refer to the Home Office website. For the full Licensing Act 2003, which regulates Alcohol and Entertainment, please visit the Office of Public Sector Information. If you are unable to find the information you need, please contact us and we'll be happy to help.

## **SECTION 6 – REVIEW**

A Premises Licence can be reviewed at any point following the grant of a licence. The following persons can apply for a review:

- A Responsible Authority, i.e. Police, Fire, Environmental Health, Health and Safety Officers, Trading Standards, Planning Authority and elected members.
- Interested party living within the vicinity, i.e. resident or business

Grounds for review must relate to the licensing objectives. Examples are given below:

- Noise from the premises affecting nearby residences
- Criminal damage caused by customers on the premises
- The risk of children coming to harm at the premises
- Provisions made by the premises with regard to public safety
- Disorder caused by customers whilst on or leaving the premises

The Licensing Authority will be required to advertise the Review. A notice will be displayed at the premises where it can be conveniently read from the exterior of the premises by the public and where a premises covers more than 50 metres square, one further notice shall be displayed every 50 metres along the boundary of the exterior of the premises. A notice will also be published on the Council's website. This will give interested parties living within the vicinity of the premises and Responsible Authorities a further opportunity to make representations.

The Licensing Authority will arrange for a Hearing of the Licensing Sub-Committee and you will be sent a Notice of Hearing to attend the hearing. You are strongly advised to attend this hearing to give evidence. This will strengthen your case.

At the Hearing all parties will be able to have their say. The Sub-Committee will make the decision on whether to:

- a) Modify the conditions of the Licence
- b) Exclude a licensable activity from the Licence
- c) Remove the Designated Premises Supervisor
- d) Suspend the Licence for a period not exceeding 3 months
- e) Revoke a Licence

You have the right of appeal against the decision.

## SECTION 7 - FEES

Band	A	B	C	D	E
Non-domestic rateable value	£0 - £4,300	£4,301 - £33,000	£33,001- £87,000	£87,001 – £125,000	£125,001 plus
<b>PREMISES LICENCES</b>					
New Premises Licence / Variation	£100	£190	£315	£450*	£635*
*(additional fees may apply) Premises used exclusively or primarily for the supply of alcohol for consumption on the premises (Bands D and E only)				Two times the amount above (£900)	Three times the amount above (£1905)
Annual fee for Premises Licence	£70	£180	£295	£320*	£350*
*(additional fees may apply) Premises used exclusively or primarily for the supply of alcohol for consumption on the premises (Bands D and E only).				Two times the amount above (£640)	Three times the amount above (£1050)
<b>CLUB PREMISES CERTIFICATES</b>					
New Club Premises Certificate/ Variation	£100	£190	£315	£450	£635
Annual Fee	£70	£180	£295	£320	£350

Premises under construction applying for a Provisional Statement are deemed to be in Band C for the purposes of the 2003 Act until otherwise rated.

Premises with no published rateable value are considered to be in Band A for the purposes of the 2003 Act.

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

### \*Additional Fees

There are additional fees to be paid for exceptionally large events / premises, ranging from £1000 for an event / premises with an occupation figure at any one time of between 5,000 and 9,999 persons, to £64,000 for an event / premises with an occupation figure at any one time of over 90,000.

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

Exceptionally large events, may give rise to exceptional problems and licensing costs. Such events might include major festivals and other events, which often involve the building of substantial temporary structures requiring expert checking by officials and sub-contracted experts. Where it is proposed that the number of people at any one time attending such a temporary event will exceed 6,000 people, there will be an additional fee on an application for a premises licence.

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

No fee or annual charge would be payable by a school providing education for pupils up to Year 13 or a sixth form college for a premises licence authorising **only** the provision of regulated entertainment carried on by the school or sixth form college itself at the school or college premises for the purposes of the school or college.

There are other occasions that fees and charges must be paid to The Licensing Authority:

<b>Occasion on which a fee may be payable</b>	<b>Who should be sent copies of application other than the Licensing Authority</b>	<b>All fees are to be paid to South Holland District Council</b>
New Premises Licence or Club Premises Certificate	Responsible Authorities Advertised at premises and in local paper	Please see table 2 above as dependent on Non-domestic Rateable Value
Variation of premises licence or club premises certificate (not changes of DPS or name/address of holder)	Responsible Authorities Advertised at premises and in local paper	Please see 2 above as dependent on Non-domestic Rateable Value
Application for making a provisional statement	Responsible Authorities Advertised at premises and in local paper	£315.00
Application to transfer premises licence	Lincolnshire Police. Designated Premises Supervisor	£23.00
Application to vary licence to specify individual as designated premises supervisor	Police	£23.00
Interim Authority Notice	Police	£23.00
Application for grant or renewal of a personal licence	Police	£37.00
Application for copy of licence or summary on theft, loss etc of licence or summary	N/A	£10.50 in all cases
Application for copy of certificate or summary on theft, loss etc of certificate or summary	N/A	£10.50 in all cases
Notification of change of name or alteration of club rules	N/A	£10.50 in all cases
Change of relevant registered address of club	N/A	£10.50 in all cases
Temporary Event Notices	Police	£21.00
Application for copy of notice on theft, loss etc of temporary event notice	N/A	£10.50
Application for copy of licence on theft, loss etc of personal licence	N/A	£10.50
Notification of change of name or address (personal licence)	N/A	£10.50
Right of freeholder etc. to be notified of licensing matters	N/A	£21.00
Copies of information contained in register	N/A	Set by Licensing Authority
Minor Variation	N/A	£89.00
Disapplication of DPS	Police	£23.00

## SECTION 8 - RESPONSIBLE AUTHORITIES

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

All representations made by responsible authorities are relevant representations if they relate to the licensing objectives, unless they are considered to be frivolous or vexatious, or in the case of a review, repetitive.

A 'repetitious' representation is one that is identical to substantially similar to:

- a ground for review specified in an earlier application for review made in relation to the same premises licence which has already been determined; or
- representations considered by the licensing authority when the premises licence was first granted; or
- representations which would have been made when the application for the premises licence was first made and which were excluded then by reason of the prior issue of a provisional statement; and
- in addition to the above grounds, a reasonable interval has not elapsed since that earlier review or the grant of the licence.

For all premises, these Responsible Authorities include:

- the licensing team at South Holland District Council
- the chief officer of police
- the local fire authority
- the local enforcement agency for the Health and Safety at Work etc Act 1974 (which may be the local authority in certain circumstances, and the Health and Safety Executive in others)
- the local authority with responsibility for environmental health
- the local planning authority
- any body that represents those who are responsible for, or interested in, matters relating to the protection of children from harm and is recognised by the licensing authority for that area as being competent to advise it on such matters
- any licensing authority, other than the relevant licensing authority, in whose area part of the premises are situated
- Trading Standards Council for the area in which the premises is situated.
- in relation to a vessel, but no other premises, responsible authorities also include navigation authorities within the meaning of section 221(1) of the Water Resources Act 1991 that have statutory functions in relation to the waters where the vessel is usually moored or berthed or any waters where it is proposed to be navigated at a time when it is used for licensable activities.
- Primary Care Trust

**RESPONSIBLE AUTHORITIES**

<p><b>Licensing:</b></p> <p>Licensing Team          South Holland District Council          Council Offices          Priory Road          Spalding          PE11 2XE          01775-761161</p> <p><a href="mailto:licensing@sholland.gov.uk">licensing@sholland.gov.uk</a></p>	<p><b>Police:</b></p> <p>Licensing (Alcohol)          Police Head Quarters          P O Box 999          Lincoln          LN5 7PH</p> <p><a href="mailto:countylicensinggroup@lincs.pnn.police.uk">countylicensinggroup@lincs.pnn.police.uk</a></p>
<p><b>Planning:</b></p> <p>Head of Planning Services          South Holland District Council          Council Offices          Priory Road          Spalding          Lincolnshire          PE11 2XE</p> <p>01775 761161</p>	<p><b>Environmental Health:</b></p> <p>Environment Health Team          South Holland District Council          Council Offices          Priory Road          Spalding          Lincolnshire          PE11 2XE</p> <p>01775 761161</p> <p>Environmental Protection:  <a href="mailto:environmentalprotect@sholland.gov.uk">environmentalprotect@sholland.gov.uk</a></p> <p>Health &amp; Safety: <a href="mailto:healthandsafety@sholland.gov.uk">healthandsafety@sholland.gov.uk</a></p>
<p>Health and Safety Executive (HSE)          City Gate West          Toll House Hill          Nottingham          NG1 5AT</p> <p>0115 971 2800</p> <p><b>NB:</b> The enforcing authority for health and safety will usually be the District Council for leisure, catering, sports, and retail premises, <b>not</b> the HSE. If in doubt please check with the Council Health and Safety Team <b>before</b> sending copy applications to the HSE as the responsible body for health and safety. Schools and Council-run activities will fall to the HSE</p>	<p><b>Trading Standards:</b></p> <p>Lincolnshire County Council          Trading Standards Service          Units 1 &amp; 10, Witham Park House          Waterside South          Lincoln          LN5 7JN          01522-782341</p> <p><a href="mailto:tradingstandards@lincolnshire.gov.uk">tradingstandards@lincolnshire.gov.uk</a></p>

<p><b>Fire Authority:</b></p> <p>The Office Manager  Lincolnshire Fire and Rescue  Boston Resource Centre  Robin Hood's Walk  Boston  Lincolnshire  PE21 9ES</p> <p>(Tel) 01205-363231  (Fax) 01205-310462</p> <p>email: <a href="mailto:firesafety.south@lincoln.fire-uk.org">firesafety.south@lincoln.fire-uk.org</a></p>	<p><b>Primary Care Trust:</b></p> <p>Mr Tony McGinty  Assistant Director of Public Health  Lincolnshire County Council  Orchard House  Orchard Street  Lincoln  LN1 1BA</p> <p>Telephone Number: 01522 554229  Email: <a href="mailto:tony.mcginty@lincolnshire.gov.uk">tony.mcginty@lincolnshire.gov.uk</a></p>
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N.B. Applicants are encouraged to liaise with responsible bodies prior to making their application, to ensure that any points of concern are addressed at the earliest opportunity. This will reduce the likelihood of representations being made by the responsible bodies.

<b>Newspapers circulating in South Holland District</b>	
<p><b>Lincolnshire Free Press &amp; Spalding Guardian</b>  Priory House  The Crescent  Spalding  Lincolnshire</p> <p>01775-725484</p>	

**NB: This guidance document has been compiled by South Holland District Council with the intention that it should provide detailed guidance for applicants, with regard to the information available at the time it was written. Although every effort has been made to ensure the accuracy of the information provided, the Council can not be held liable for any loss arising out of the use of this guidance. Applicants are recommended to seek independent legal advice to make sure that applications are correctly made and that legislation is being interpreted correctly. This guidance is subject to change at any time if additional information needs to be incorporated, if there are changes in the law, changes to the Guidance published under the 2003 Act or if the Councils understanding of the information available changes.**