



**EAST CAMBRIDGESHIRE
DISTRICT COUNCIL**

**GUIDANCE NOTES
FOR APPLICANTS**

**THE LICENSING ACT 2003
(‘The 2003 Act’)**

April 2017

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

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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 (selling hot food and drink between 23:00 and 05:00)

you need to be aware that the Licensing Act 2003 ("the 2003 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 types of permissions:

- Premises Licence
- Personal Licence
- Club Premises Certificate
- Temporary Event Notice

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.gov.uk/guidance/beer-licensing

S182 Statutory Guidance www.eastcambs.gov.uk

East Cambridgeshire 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.

PART 2

LICENSABLE ACTIVITIES

REGULATED ENTERTAINMENT

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

The provision of regulated entertainment covers the provision of entertainment, but no longer covers the provision 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 (including boxing or wrestling combined with one or more martial arts)
- 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, or when taking place in private is subject to a charge made with the view to make a profit.

In order for the provision of entertainment 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, are made available for the entertainment to take place.

Entertainment 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 **general 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 for live playback;
- religious meetings or services or at places of religious worship;
- garden fetes, or similar if not being held for the purposes of private gain;
- spontaneous performance of music, singing and dancing ;
- 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. However, games staged for spectators e.g. league games, and championship competitions are licensable if held indoors.

The provision of a jukebox, where the public can self-select background music for their enjoyment is not considered regulated entertainment. However, this exemption does not apply where the jukebox music is played at high volume, as this would no longer be considered incidental.

Private events can involve licensable activities. Private entertainment events to which the public are not admitted (e.g. a wedding anniversary) are generally not licensable. However, if they are held for consideration and with a view to profit e.g. you charge those attending a fee higher than the cost of holding the event then the entertainment becomes licensable.

Regulated Entertainment post the Deregulation Act 2015

A number of changes to the 2003 Act have been made by other pieces of legislation. As a result of deregulatory changes that have amended the 2003 Act no licence is required for the following activities:

- Plays: no licence is required for performances between 08.00 and 23.00 on any day, provided that the audience does not exceed 500.
- Dance: no licence is required for performances between 08.00 and 23.00 on any day, provided that the audience does not exceed 500.¹
- Films: no licence is required for 'not-for-profit' film exhibition held in community premises between 08.00 and 23.00 on any day provided that the audience does not exceed 500 and the organiser (a) gets consent to the screening from a person who is responsible for the premises; and (b) ensures that each such screening abides by age classification ratings.
- Indoor sporting events: no licence is required for an event between 08.00 and 23.00 on any day, provided that those present do not exceed 1000.
- Boxing or wrestling entertainment: no licence is required for a contest, exhibition or display of Greco-Roman wrestling, or freestyle wrestling between 08.00 and 23.00 on any day, provided that the audience does not exceed 1000.

Live music: no licence permission is required for:

- a performance of unamplified live music between 08.00 and 23.00 on any day, on any premises.
- a performance of amplified live music between 08.00 and 23.00 on any day on premises authorised to sell alcohol for consumption on those premises, provided that the audience does not exceed 500².
- a performance of amplified live music between 08.00 and 23.00 on any day, in a workplace³ that is not licensed to sell alcohol on those premises, provided that the audience does not exceed 500.
- a performance of amplified live music between 08.00 and 23.00 on any day, in a church hall, village hall, community hall, or other similar community premises, that is not licensed by a premises licence to sell alcohol, provided that (a) the audience does not exceed 500, and (b) the organiser gets consent for the performance from a person who is responsible for the premises.
- a performance of amplified live music between 08.00 and 23.00 on any day, at the non-residential premises of (i) a local authority, or (ii) a school, or (iii) a hospital, provided that (a) the audience does not exceed 500, and (b) the organiser gets consent for the performance on the relevant premises from: (i) the local authority concerned, or (ii) the school or (iii) the health care provider for the hospital.

Recorded Music: no licence permission is required for:

- any playing of recorded music between 08.00 and 23.00 on any day on premises authorised to sell alcohol for consumption on those premises, provided that the audience does not exceed 500⁴.
- any playing of recorded music between 08.00 and 23.00 on any day, in a church hall, village hall, community hall, or other similar community premises, that is not licensed by a premises licence to sell alcohol, provided that (a) the audience does not exceed 500, and (b) the organiser gets consent for the performance from a person who is responsible for the premises.
- any playing of recorded music between 08.00 and 23.00 on any day, at the non-residential premises of (i) a local authority, or (ii) a school, or (iii) a hospital, provided that (a) the audience does not exceed 500, and (b) the organiser gets consent for the performance on the relevant premises from: (i) the local authority concerned, or (ii) the school proprietor or (iii) the health care provider for the hospital.

Cross activity exemptions: no licence is required between 08.00 and 23.00 on any day, with no limit on audience size for:

- any entertainment taking place on the premises of the local authority where the entertainment is provided by or on behalf of the local authority;
- any entertainment taking place on the hospital premises of the health care provider where the entertainment is provided by or on behalf of the health care provider;
- any entertainment taking place on the premises of the school where the entertainment is provided by or on behalf of the school proprietor; and

- any entertainment (excluding films and a boxing or wrestling entertainment) taking place at a travelling circus, provided that (a) it takes place within a moveable structure that accommodates the audience, and (b) that the travelling circus has not been located on the same site for more than 28 consecutive days.

¹ Unless the dancing is considered relevant entertainment as defined in the Local Government (Miscellaneous Provisions) Act 1982 as 'any live performances or live display of nudity seeking to sexually stimulate the audience'. 'Relevant entertainment' therefore includes, but is not limited to, lap dancing and pole dancing. Certain types of burlesque may also fall under this band.

² Conditions may be placed on an on licence to control live music by way of a review.

³ The Live Music Act 2012 provides that if premises are licensed under the 2003 Act, they cannot also be treated as a workplace for the purpose of the 2012 Act.

⁴ Conditions may be placed on an on licence to control recorded music by way of a review

How do I decide whether a licence is required for my event?

You must first consider whether the event will consist of an activity contained in schedule 1 (as amended) of the 2003 Act. If it is not, then a licence is not required.

If the proposed activity is contained in this schedule then you'll need to check if any of the absolute exemptions apply (see general exemptions at the bottom of page 4 of this document). If a general exemption can be used, no licence will be required.

If a general exemption cannot be used, then you'll need to see if your proposed event can be exempted by way of the deregulation criteria. If you cannot meet the deregulation criteria then a licence will be required.

If you intend to supply or sell alcohol, or provide late night refreshment at your event a licence will be required even if the entertainment part does not.

If you are still unsure of your licensing obligations having conducted the above assessment, contact the Licensing Authority by sending an email containing the full details of your proposed event to licensing@eastcambs.gov.uk who will be able to provide you with an answer.

SUPPLY, AND SALE BY RETAIL OF ALCOHOL

Alcohol is defined by the 2003 Act as spirits, wine, beer, cider or any other fermented, distilled or spirituous liquor. The Policing and Crime Act 2017 further clarified this definition to include the words "in any state" after liquor; so the defined alcohol can be a solid, liquid or gas (vapour), but there are still exemptions to this definition. The full list can be found in section 191 of the 2003 Act, but the main exemptions are:

- alcohol not exceeding 0.5%
- alcohol in medicinal products
- alcohol in perfume

Under the 2003 Act the sale by retail of alcohol, and the supply of alcohol by or on behalf of a club to, or to the order of, a member of the club is a licensable activity.

Essentially, this means that unless alcohol is given away by an individual at their own expense the activity will require a licence.

However, there is one exception to this rule, and this comes by way of section 192 of the 2003 Act, which provides an exemption for businesses selling directly to businesses or individuals providing the following is applicable.

The sale must be:

- made from premises owned by the person making the sale, or occupied under a lease with security of tenure; and be made for consumption off the premises.

The sale must also be made to:

- a trader for the purpose of his trade;
- to a club for the purposes of that club;
- to a holder of a premises licence or a personal licence for the purpose of making sales under a premises licence; or
- a premises user who has given a temporary event notice, for the purpose of making sales authorised by that notice.

How do I decide whether a licence is required?

You must first consider if the product you're wishing to sell or supply is alcohol by definition (see section 191 of the 2003 Act). If it is, a licence may be required, if it isn't a licence will not be required.

Next you'll need to ascertain whether you can be exempted by the section 192 exemption for trade sales. If you can then no licence will be required, if not, a licence may still be required.

Finally, you'll need to decide whether the alcohol is being given away at your own expense. If it is no licence will be required, if it isn't a licence will be required.

This final question is the most difficult, as some activities would appear as though the alcohol is free, but under the 2003 Act they are not considered to be free. For example, alcohol provided at any event where a member of the public would have to purchase a ticket or product, or they are expected to offer a donation in order to obtain the alcohol would be considered to be an inferred sale, i.e. an all inclusive wine and dine New Year's Eve event, a glass of wine whilst you have your hair cut, a spa/pamper evening where wine is provided, or a product launch where there is a fee to enter.

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 for consumption on and off the premises. The Act is mainly aimed at covering takeaways and late night cafes, including mobile vans, but can capture other scenarios.

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.
- supplies at premises covered by a Club Premises Certificate.

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.

How do I decide whether a licence is required?

You must first consider if you are selling or supplying a product that is above ambient room temperature at the point of sale, or can be heated to such a point on the premises after the point of sale. If the answer is yes to either of these questions, a licence may be required, if the answer is no a licence will not be required.

If the answer is yes to either of the above questions, you'll need to check if one of the exemptions applies to your business. If an exemption applies no licence will be required, if not, a licence will be required.

PART 3

PREMISES LICENCES & CLUB PREMISES CERTIFICATES

These two permissions enable licensable activities to occur on premises. Premises Licences enable a licence holder to offer licensable activities to the general public, whereas Club Premises Certificates restrict access to members or guests of members. Commercial clubs run for profit are not entitled to apply for a Club Premises Certificate.

The manner in which an applicant applies for either of these permissions is almost identical.

You must:

- i) complete an application form; www.eastcamb.gov.uk
- ii) pay the licence fee (see PART 10 of this guidance to applicants);
- iii) complete an Operating Schedule (see note below);
- iv) provide a plan of the premises (see note below);
- v) in the case of a Premises Licence only, provide a DPS consent form if the application involves the supply of alcohol.
- vi) advertise the application by placing a notice on the premises, and in a local newspaper.
- vii) copy the application to the relevant responsible authorities, unless supplying the application online, in which case it becomes the responsibility of the Licensing Authority to do this on your behalf.

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;
- individual applicants including partnerships (but not Limited Liability Partnerships) must provide proof that they have a right to work in the UK if the premises licence requests late night refreshment or sale or supply of alcohol.
- 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'.

To apply for a Club Premises Certificate the following criteria apply:

- an application must be made by the club as a whole, and there are conditions which must be met, namely:
 - There must be 25 members

- At least 48 hours must elapse from becoming a member before activities can be enjoyed
- Must be established and conducted in good faith
- Alcohol must be supplied by the club, for the benefit of the club, by a Committee, and no one person should benefit from the sale of alcohol
- a Club Premises Certificate covers any place including one in the open air.

OPERATING SCHEDULE

An Operating Schedule should include information that is necessary to enable any responsible authority or other person to assess whether the steps to be taken to promote licensing objectives are satisfactory. Please also refer to PART 7 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 11 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 premises;
- 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 for a 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) (not applicable to Club Premises Certificates);
- 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). Applicants are under no obligation to enter any steps, but should indicate “none” in the sections to indicate no measures are being offered. Applicants should also note that depending upon the nature of your application it is likely you will receive representations where no steps are offered.

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 'other persons' can form a proper view as to what measures may be necessary to ensure the licensing objectives are upheld.

PLAN OF THE PREMISES

The following items must be shown on the plan. Plans should be clear, but do not need to be architectural standard. The Council reserves the right to request new plans where those submitted are not clear enough:

- 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;
- b) 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.

Please Note: Items placed in the operating schedule (including the plans) will become conditions on any licence that may be granted. Failure to comply with a condition renders the licence invalid whilst the condition is not being observed, which could ultimately lead to the licence holder being prosecuted. Therefore, it is essential that applicants are able to comply with the conditions they offer at all times. A Licensing Authority also has the power to reword conditions to ensure they are clear and concise providing they do not go reword the condition to go beyond what was offered by the applicant.

DESIGNATED PREMISES SUPERVISOR (DPS) (PREMISES LICENCE ONLY)

Each premises 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 premises 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 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.

DIS-APPLY THE DPS REQUIREMENT ON A PREMISES LICENCE

It is possible for a community premises to apply to disapply the requirement to have a DPS.

In order to do so the Premises Licence must be held by the management committee of the premises, and an application must be submitted both to the Licensing Authority and to the Police (unless submitting the application online). A fee must also be paid. The application form requires the applicant to provide such information as to establish that adequate controls are in place to remove the DPS.

RESPONSIBLE AUTHORITIES AND OTHER PERSONS

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:

- c) the chief officer of police;
- d) the fire and rescue authority;
- e) the health and safety authority - (ECDC);
- f) the local planning authority - (ECDC);
- g) the environmental health pollution department - (ECDC);
- h) children's services department;
- ha) where the premises (not being a vessel) are being, or are proposed to be, used for late night refreshment or sale or supply of alcohol, the Secretary of State.
- i) the trading standards department ;
- j) the director of public health;
- k) any licensing authority in whose area part of the premises is situated.
- l) in relation to a vessel -
 - (i) a navigation authority (within the meaning of section 221(1) of the Water Resources Act 1991 (c. 57) having functions in relation to the waters where the vessel is usually moored or berthed or any waters where it is, or is proposed to be, navigated at a time when it is used for licensable activities,.
 - (ii) the Environment Agency
 - (iii) the Canal and River Trust, or
 - (iv) the Secretary of State.

The responsible authorities that need to be notified when you submit an application or notice depends upon the application or notice that is being submitted. The following table details your responsibility:

Application type	Responsible Authority to be consulted
New Premises Licence	All**
Provisional Statement	All
Full Premises Licence variation	All**
Minor Premises Licence variation	None*
Transfer of a Premises Licence	Police only
Change of DPS	Police + Home Office**

Interim Authority Notice	Police + Home Office**
Notification of Interest	None
Disapplication of mandatory alcohol conditions	Police only

* The Licensing Authority will consult those Responsible Authorities it feels appropriate given the nature of the application.

** Where the premises are being, or are proposed to be, used for late night refreshment or the sale or supply of alcohol and is not a vessel, applicants must copy their application to the Home Office in addition to the other required responsible authorities. Applications only offering regulated entertainment, are not required to send a copy to the Home Office.

APPLICATION TO VARY A PREMISES LICENCE OR CLUB PREMISES CERTIFICATE

The **holder** of a Premises Licence or Club Premises Certificate may apply to the Council for variation of the licence or certificate.

Examples of possible variations:

- increasing your alcohol hours
- adding off sales

Applications to vary must include:

- i) the completed application form;
- i) the licence fee (see PART 10 of this guidance to applicants);
- ii) the Premises Licence or Club Premises Certificate or;
- iv) a statement of the reasons for failing to provide the licence or certificate;
- v) the plans attached to the licence if the variation is likely to impact the details on the existing plans.
- vi) advertise the application by placing a notice on the premises, and in a local newspaper.
- vii) copy the application to the relevant responsible authorities, unless supplying the application online, in which case it becomes the responsibility of the Licensing Authority to do this on your behalf.

APPLICATION FOR A MINOR VARIATION TO A PREMISES LICENCE OR CLUB PREMISES CERTIFICATE

The **holder** of a Premises Licence or Club Premises Certificate may apply to the Council for a minor variation of the licence or certificate. There are restrictions over what can be varied using a minor variation. A minor variation cannot be used to:

- (a) extend the period for which a Premises Licence or Club Premises Certificate has effect,
- (b) vary substantially the premises to which it relates,
- (c) specify an individual as the premises supervisor (Premises Licence only),
- (d) add the supply of alcohol as an activity authorised by the Premises Licence or Club Premises Certificate
- (e) authorise –
 - (i) the supply of alcohol at any time between 11pm and 7am, or.

- (ii) an increase in the amount of time on any day during which alcohol may be sold by retail or supplied, or
- (f) include the alternative licence condition (community premises) referred to in section 41D(3)(Premises Licence only)

Examples of possible variations:

- removing obsolete conditions
- adding a form of regulated entertainment, or aligning regulated entertainment hours.
- minor layout changes

Minor variation applications must include:

- i) the completed application form;
- iii) the licence fee (see PART 10 of this guidance to applicants);
- iv) the Premises Licence or Club Premises Certificate or;
- iv) a statement of the reasons for failing to provide the licence or certificate;
- v) the plans attached to the licence if the variation is likely to impact the details on the existing plans.

There is no right of appeal, or right to a hearing over a decision to refuse a minor variation application.

APPLICATION TO VARY PREMISES LICENCE TO SPECIFY AN INDIVIDUAL AS A DESIGNATED PREMISES SUPERVISOR (“DPS”) (PREMISES LICENCE ONLY)

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.

Applications to vary a licence to specify an individual as a designated premises supervisor (DPS) must include:

- i) the completed application form;
- ii) the licence fee (see PART 10 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
- v) a statement of the reasons for failing to provide the licence (or part).

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 application is submitted online the Licensing Authority will notify the police on the applicant’s behalf.

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.

CHANGE OF NAME/ADDRESS

Holders of Premises Licences or Club Premises Certificates must, as soon as is reasonably practicable, inform the Council of any change of name or address of the Premises Licence holder, Club, or of the Designated Premises Supervisor (Premises Licence only). The notification must be accompanied by the licence and by the correct fee (see PART 10 of this guidance). Any person failing to do this will be committing an offence.

INTERIM AUTHORITY NOTICE (PREMISES LICENCE ONLY)

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, or in the case of premises with late night refreshment and/or alcohol rights, the holder is an individual who is no longer permitted to work in the UK, persons with an interest in the premises or connected to the licence holder can give an 'interim authority notice' to the Licensing Authority within 28 days. It should be made in the prescribed form and accompanied by the correct fee. The notice must be copied to the police, and in the case of applying for premises with late night refreshment and/or alcohol rights, the Home Office, unless submitted online, in which case the Licensing Authority will send a copy on your behalf. Individual applicants must have a right to work in the 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 three months.

RE-INSTATEMENT OF A LICENCE (PREMISES LICENCE ONLY)

In the event of the death, incapacity, or insolvency of the licence holder, or in the case of premises with late night refreshment and/or alcohol rights, the holder is an individual who is no longer permitted to work in the UK, and no Interim Authority Notice has been served, or where the licence has been surrendered, a person mentioned in s16(1) of the 2003 Act may apply to re-instate the Premises Licence within 28 days by way of a s42 transfer application providing the immediate transfer request is selected (section 43(1)(a)) of the 2003 Act (see transfer section). Only one request may be made in reliance on s50. The application must be copied to the police, and in the case of applying to reinstate a licence with late night refreshment and/or alcohol rights, the Home Office, unless submitted online, in which case the Licensing Authority will send a copy on your behalf. Individual applicants must have a right to work in the UK.

PROVISIONAL STATEMENTS (PREMISES LICENCE ONLY)

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. The statement must be copied to all responsible authorities unless submitted online, in which case the Licensing Authority will send a copy on your behalf.

TRANSFER (PREMISES LICENCE ONLY)

If you wish to transfer the Premises Licence into another name you can apply for the transfer of a Premises Licence.

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 10 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.

The application must be copied to the police, and in the case of applying to transfer a licence with late night refreshment and/or alcohol rights, the Home Office, unless submitted online, in which case the Licensing Authority will send a copy on your behalf. Individual applicants must have a right to work in the UK.

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. The Home Office can object where the granting of the notice/application would be prejudicial to the prevention of illegal working in licensed premises.

SMALL PREMISES (PREMISES LICENCE ONLY)

Section 177 of the 2003 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 dancing;
- where the main purpose of the Premises is for the consumption of alcohol.

that any conditions relating to the provision of dancing **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.

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

Under the 2003 Act, 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.

DISPLAY OF LICENCE

The holder of a Premises Licence or Club Premises Certificate 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 licence or certificate 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

or in respect of a Club Premises Certificate;

- i) the secretary of the club,
- ii) any member of the club,
- iii) any person who works at the premises for the purposes of the club, providing;
- iv) they have been nominated for the purpose by the secretary in writing, and
- v) they have been identified to the relevant licensing authority in a notice given by the secretary.

ANNUAL FEE

The licence or certificate, once granted, will last for the duration of the business, unless it is surrendered, lapses, or is withdrawn, or revoked. An annual fee is payable (see PART 10 of this guidance). Failure to pay the annual fee will result in your licence or certificate being suspended.

ADVERTISING REQUIREMENTS

In addition to the requirement to consult with the relevant Responsible Authorities an applicant submitting an:

- (a) application for a new Premises Licence
- (b) application for a Provisional Statement
- (c) application for a Variation to a Premises Licence
- (d) application for a new Club Premises Certificate
- (e) application for a variation to a Club Premises Certificate
- (f) application for a minor variation of a Premises Licence or a Club Premises Certificate.

must advertise the application to the public in two ways:

- (a) 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 the day the Council receives a valid application (see notes below)
- (b) to place an advert in a local newspaper circulating within the vicinity of the premises within 10 working days starting on the day following the day the Council receives a valid application (see notes below).

Premises notice 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
- and contain the prescribed information.

Premises notice description – Minor Variation only:

The notice should be of a size

- no smaller than A4
- white in colour, and printed in
- black ink; or typed in black in a
- title “Licensing Act 2003: Minor Variation of a Premises Licence or Licensing Act 2003: Minor Variation of a Club Premises Certificate” in font 32 or larger
- remaining information in print size equal to or larger than font 16
- and contain the prescribed information.

The premises notice 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 (not required for Minor Variations)

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, and
- contain the prescribed information.

Notice contents (applicable to both premises and newspaper notices)

The notices shall:

- briefly describe the proposed activities or 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 (currently £5,000).

PART 4 PERSONAL LICENCE

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. Once granted they remain in place in perpetuity, unless surrendered or forfeited by a Court of Law.

No connection with any licensed premises 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;
- aa) if subject to immigration control, has a right to work in a licensable activity in the UK.
- b) possess a licensing qualification, or is a person as prescribed in the Licensing Act 2003 (Personal licences) Regulations 2005;
- c) has not forfeited a licence in the previous 5 years;
- d) has not been convicted of any relevant or comparable foreign offence, or been required to pay an immigration penalty.

If the applicant fails to meet any condition from (a) to (c) above, the Council **MUST** reject the application.

If it appears to the Council that the applicant meets the conditions from (a) to (c) above but fails to meet condition (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.

then the application shall be granted.

If it appears to the Council that the applicant meets the conditions from (a) to (c) above but fails to meet condition (d) above, due to being:

- convicted of an immigration offence,
- convicted of a foreign offence that the authority considers to be comparable to an immigration offence, or
- required to pay an immigration penalty

the Council MUST also give the Home Office a notice to that effect and where:

- a) the Home Office have not given an 'Immigration Objection Notice' about the grant of a Personal Licence.

then the application shall be granted.

Cases where an "objection notice" or an "immigration objection notice" are received shall be determined by holding a hearing of the Licensing Sub-Committee, unless all parties agree to dispense with the need to hold a hearing. In such circumstances, Members of the Sub-Committee will be asked to determine the application in the absence of all parties. Officers are unable to determine applications where a notice has been received.

An application for a new Personal Licence must include:

- i) the completed application form;
- ii) the licence fee (see PART 10 of this guidance to applicants);
- 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;
- vii) suitable proof of right to work in the UK – see www.eastcambs.gov.uk for this list.

QUALIFICATIONS

The list of the Home Office accredited personal licence qualifications can be found on the Home Office website at www.homeoffice.gov.uk

Applicants should contact training providers direct for information on courses, costs and availability.

DUTY TO PRODUCE LICENCE

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.

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

A Personal Licence holder when charged with a relevant offence has a legal duty 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.

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, unless it has been retained by the Court. The Council will retain any licence declared forfeit.

The Policing and Crime Act 2017 allows a Licensing Authority to suspend a personal licence for up to six months, or revoke a personal licence regardless of the convicting Court’s decision.

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).

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.

Applications for a replacement should also be accompanied by:

- the correct fee (see Part 10 of this guidance);
- a passport photograph

PART 5

STANDARD AND LATE TEMPORARY EVENT NOTICES (‘TENs’)

TENs provide authorisation for licensable activities for limited duration.

TENs must be given to the licensing authority in the form prescribed in regulations made under the 2003 Act. The form requires the user to describe key aspects of the proposed event, including the general nature of the premises and the event, the licensable activities intended to be carried on at the proposed event, including whether they will include any relevant entertainment as defined in Schedule 3 to the Local Government (Miscellaneous Provisions) Act 1982 (i.e. displays of nudity designed to sexually stimulate any member of the audience including, but not limited to, lap dancing and pole dancing).

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, the supply of alcohol by or on behalf of a club, the 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 15 occasions per calendar year (subject to overall aggregate of 21 days);

the number of Standard TEN notices given by an individual:

- Personal Licence holders 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 for the same premises.

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

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

REVIEWS AND APPEALS

REVIEWS

The review of a Premises Licence or a 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.

And the grounds for the review must not be frivolous, or vexatious.

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.

Although a review may be requested at any time, it should be considered only when all other options have been exhausted. If you are considering requesting a review of a licence or certificate, please contact the Licensing Authority in the first instance.

APPEALS

Almost all applications submitted under the Licensing Act 2003 have a right of appeal via the Magistrates Court providing the appeal is submitted within 21 days of the decision being made.

Two notable exceptions are Late Temporary Event Notices, and Minor Variations. These do not provide a right to a licensing sub-committee, or a right to an appeal.

All parties to a licensing sub-committee have a right to appeal the decision made by the Committee via the Magistrates Court within 21 days of the decision being made.

If you are considering lodging an appeal, it is recommended that you seek legal advice.

PART 7

MATTERS TO BE TAKEN INTO CONSIDERATION WHEN COMPLETING THE OPERATING SCHEDULE

The Prevention of Crime and 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, and may breach the new mandatory conditions.

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.

Voluntary 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 when concerned with regulated entertainment or late night refreshment. However, it is a mandatory condition to have an age related policy when alcohol is provided.

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.

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.

PART 8
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(5)	Obstruction of authorised person trying to enter premises for purposes of inspection prior to grant, variation of review 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 offence” 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
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
157(5)	Sale or attempting sale or allowing sale of alcohol on train contrary to prohibition order
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
168(8)	Permitting premises to be open in contravention of a Magistrates closure order pending reconsideration of conditions
179 (4)	Obstructing entry by a PC or an AO to Premises to check on the carrying out of licensable activity

PART 9

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).

7A. An offence under any of the Immigration Acts

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):-

- (a) section 107(1)(d)(iii) (public exhibition in the course of a business of article infringing copyright);
- (b) section 107(3) (infringement of copyright by public performance of work etc.);
- (c) section 198(2) (broadcast etc. of recording of performance made without sufficient consent);
- (d) section 297(1) (fraudulent reception of transmission);
- (e) 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):-

- (a) section 3A (causing death by careless driving while under the influence of drink or drugs);
- (b) section 4 (driving etc. a vehicle when under the influence of drink or drugs);
- (c) section 5 (driving etc. a vehicle with alcohol concentration above prescribed limit).
- (d) section 6(6) (failing to co-operate with a preliminary test)."

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, being an offence –
 - (a) listed in Part 2 of Schedule 15 to the Criminal Justice Act 2003 F2, other than the offence mentioned in paragraph 95 (an offence under section 4 of the Sexual Offences Act 1967 (procuring others to commit homosexual acts));
 - (aa) listed in Schedule 3 to the Sexual Offences Act 2003 (sexual offences for the purposes of notification and orders);
 - (b) an offence under section 8 of the Sexual Offences Act 1956 (intercourse with a defective);
 - (c) an offence under section 18 of the Sexual Offences Act 1956 (fraudulent abduction of an heiress).
19. A violent offence, being any offence which leads, or is intended or likely to lead, to a person's death or to physical injury to a person, including an offence which is required to be charged as arson (whether or not it would otherwise fall within this definition).
- 19A An offence listed in Part 1 of Schedule 15 to the Criminal Justice Act 2003 (specified violent offences);
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).
21. An offence under section 46 of the Gambling Act 2005 if the child or young person was invited, caused or permitted to gamble on premises in respect of which a premises licence under this Act had effect
22. An offence under the Fraud Act 2006
- 22ZA An offence under any of the following provisions of the Violent Crime Reduction Act 2006 –
 - (a) section 28 (using someone to mind a weapon);.
 - (b) section 36 (manufacture, import and sale of realistic imitation firearms).
- 22A An offence under regulation 6 of the Business Protection from Misleading Marketing Regulations 2008 (offence of misleading advertising) in circumstances where the advertising in question relates to alcohol or to goods that include alcohol.
23. An offence under regulation 8, 9, 10, 11 or 12 of the Consumer Protection from Unfair Trading Regulations 2008 (offences relating to unfair commercial practices) in circumstances where the commercial practice in question is directly connected with the promotion, sale or supply of alcohol or of a product that includes alcohol.

- 23A An offence under any of the following provisions of the Psychoactive Substances Act 2016—
- (a) section 4 (producing a psychoactive substance);
 - (b) section 5 (supplying, or offering to supply, a psychoactive substance);
 - (c) section 7 (possession of psychoactive substance with intent to supply);
 - (d) section 8 (importing or exporting a psychoactive substance).
- 23B An offence listed in section 41 of the Counter-Terrorism Act 2008 (terrorism offences).
24. An offence under section 1 of the Criminal Attempts Act 1981 of attempting to commit an offence that is a relevant offence.
25. An offence under section 1 of the Criminal Law Act 1977 of conspiracy to commit an offence that is a relevant offence.
26. The offence at common law of conspiracy to defraud.

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 10 FEES

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

3.

Annual Fee

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

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:-

- a) the educational institution is a school or a college; and
- b) 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
- c) 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.

Important

Where a premise is in the course of construction band C shall be applied in all cases. In all other cases where no rateable value exists the premises shall be placed in Band A.

New applications and variations for Premises Licences 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

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

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 and late 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
Community Premises removal of DPS fee	£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	£315.00
Interim authority notice following death etc. of licence holder	£23.00
Right of freeholder etc. to be notified of licensing matters	£21.00

PART 11

RESPONSIBLE AUTHORITY CONTACT DETAILS

<p>The Licensing Authority The Grange Nutholt Lane Ely Cambridgeshire, CB7 4EE Tel: 01353 665555 Email: licensing@eastcambs.gov.uk</p>	<p>Cambridgeshire Police Licensing Section Ely Police Station Nutholt Lane Ely, Cambs, CB7 4PL Tel: 01353 656610 Email: lan.brown@cambs.pnn.police.uk</p>
<p>Cambridgeshire Fire & Rescue Service Cambridge Fire Station Parkside Cambridge CB1 1JF Tel: 01223 376201 Email: danny.hans@cambsfire.gov.uk</p>	<p>Trading Standards (Weights & Measures) Cambridgeshire Trading Standards PO Box 450 Cambridgeshire CB3 6ZR Tel: 01954 284619 Email: ts.administration@cambridgeshire.gov.uk</p>
<p>Environmental Services Senior Environmental Health Officer Domestic Section The Grange Nutholt Lane Ely Cambridgeshire, CB7 4EE Tel: 01353 665555 Email: domlicenceconsult@eastcambs.gov.uk</p>	<p>Health & Safety (Local Authority) Senior Environmental Health Officer Commercial Section The Grange Nutholt Lane Ely Cambridgeshire, CB7 4EE Tel: 01353 665555 Email: foodandsafety@eastcambs.gov.uk</p>
<p>Planning Authority Senior Development Control Officer Development Control The Grange Nutholt Lane Ely Cambridgeshire, CB7 4EE Tel: 01353 665555 Email: plservices@eastcambs.gov.uk</p>	<p>or</p> <p>(For Council owned premises) Health and Safety Executive Woodlands Manton Lane Manton Lane Industrial Estate Bedford</p>
<p>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</p>	<p>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</p>
<p>Home Office – See note 1 Alcohol Licensing Team Lunar House 40 Wellesley Road Croydon CR9 2BY Email: Alcohol@homeoffice.gsi.gov.uk</p>	<p>Vessels – See note 2</p> <p>(i) A navigation authority (within the meaning of section 221(1) of the Water Resources Act 1991 (c. 57) where the vessel is moored or navigated.</p> <p>(ii) Environment Agency</p> <p>(iii) Canal & River Trust, or</p> <p>(iv) the Secretary of State (Maritime and Coastguard Agency)</p>

Note 1: The Home Office only needs to be copied into new, variation, transfer, and interim authority applications when the applicant is an individual or partnership (but not a Limited Liability Partnership), and the application or licence requests or already provides late night refreshment and/or sale or supply of alcohol and is not a vessel.

Note 2: If your premises is a vessel, you will need to copy your application to one or more of these authorities. Contact the Licensing Authority if applying for a licence for a vessel.