

Reply to: The Licensing Team  
Tel: 01507 601111  
Email: [licensing@e-lindsey.gov.uk](mailto:licensing@e-lindsey.gov.uk)  
Website: [www.e-lindsey.gov.uk](http://www.e-lindsey.gov.uk)



Licensing Team  
East Lindsey District  
Council  
Tedder Hall  
Manby Park  
Louth LN11 8UP

**Licensing Act 2003  
Applying for a Premises Licence for  
Late Night Refreshment**

**Licensing Act 2003 - Late Night Refreshment**

The simple definition of late night refreshment is a premises providing hot food and/or drink between the hours of 11.00 p.m. and 5.00 a.m. This includes:

- Hot food takeaways
- Fast food outlets
- Mobile catering vehicles.

Premises providing late night refreshment need to hold a premises licence under the Licensing Act 2003.

The 2003 Act aims to protect local residents because premises, which serve late night refreshment, can be used by customers who may have been drinking at other premises earlier in the evening, thereby creating the potential for disorder on and near the premises. Also, because large numbers of customers may gather at places serving late night refreshments, there is a potential for nuisance and disturbance for local residents.

The regulation of late night refreshment aims to tackle the above issues and allow residents and Responsible Authorities to make representations about new premises licence applications, and seek reviews of existing licences where they are concerned that the licensing objectives will be or have been affected

**Late Night Refreshment - Are there exemptions?**

The following are exempt from requiring a premises licence for the provision of late night refreshment:

- Hot drink vending machines that are operated by the customer only;
- Hot food or hot drink supplied free of charge, where there is also no charge for admission to the premises, or for some other item to obtain the hot food or hot drink;
- Hot food or hot drink supplied by a registered charity or by a person authorised by a registered charity;
- Hot food or hot drink supplied on a vehicle, which is not permanently or temporarily parked at the time;

- Hot food or hot drink supplied to members and guests of premises holding a club premises certificate;
- Hot food and drink supplied to hotel and bed and breakfast guests;
- Refreshment in staff canteens to people working between 11.00pm and 5.00am;

If a supermarket or other business premises (i.e. garage) heats food or drink for customers between 11.00pm and 5.00am, or provides facilities for customers to heat food or drink above the ambient temperature, a late night refreshment premises licence is required. However, if the business is selling only cold food and drink, and not providing facilities to heat it, a late night refreshment licence is not required.

### **Planning Consent**

Planning consent is not a matter that can be considered in determining your premises licence application. However, you are strongly advised to contact the Council's Planning Department before you make your licence application in case the activities you propose require planning permission. You can contact the Planning Department on 01507 601111. If you fail to do so and the activities you carry out are unauthorised under planning law, you may be prosecuted or closed down. For this reason we advise you in the strongest possible terms to obtain any necessary planning consent before making your licence application.

### **Premises Licence**

#### Licensing Objectives

You need to bear the four licensing objectives in mind when completing your application for a premises licence. They are:

- Prevention of crime and disorder;
- Prevention of public nuisance;
- Public safety;
- The protection of children from harm.

#### Incomplete Applications

We cannot accept incomplete applications. The time limit for processing will not start until you have supplied a correctly completed application, relevant fee, and all other documentation required.

When returning incomplete or invalid applications to you we will endeavour to explain the reasons for return.

#### Duration of Licence

Premises Licences last for the life of the business, unless you apply for a licence for a shorter period. In addition a licence can be suspended or revoked in certain limited circumstances.

## **Application for a Premises Licence**

Please note that the relevant application form must be completed in BLACK ink. The premises licence application form is available on the Council's website at:

[www.e-lindsey.gov.uk/article/9717/Alcohol-and-Entertainment-Premises-Licence](http://www.e-lindsey.gov.uk/article/9717/Alcohol-and-Entertainment-Premises-Licence)

A Microsoft Word version of the application form, and further guidance, can be found on the GOV.UK website at:

[www.gov.uk/government/publications/premises-licence-application-forms](http://www.gov.uk/government/publications/premises-licence-application-forms)

Details of the relevant licence fees are shown in Appendix 1 of this leaflet (fees are based on the non-domestic rateable value of the premises).

### Application Form - Applicant Details

This part of the application form concerns the type of applicant you are. Tick the appropriate box.

Go to the part of the form relating to the section you have ticked – e.g. Part A for individual applicants, and complete that part.

### Start Date

This box is for where you want the licence to have limited effect (e.g. for a music festival). If you wish the premises licence to be of unlimited duration just write "ASAP".

### Description of the Premises

Your description should state:

- Whether the premises are detached, terraced, etc. and what they adjoin, e.g. "terraced building adjoining taxi booking office and florist shop;
- Description of main use of premises, e.g. hot food takeaway, restaurant, newsagent;
- How many floors the premises consists of;
- Which floors are used for licensable activities;
- What entertainment facilities are provided, if applicable;
- Brief descriptions of what other parts of the premises are used for.

So for example you might say, "Three storey detached building used primarily as takeaway food shop. Ground floor used as serving area with no seating and first floor used for storage. Top floor used as residential accommodation. The kitchen is on the ground floor. "

Include any other information you feel may be relevant to the licensing objectives.

### Licensed Activities and Opening Times

You must state what licensable activities you intend to provide, and the times you would like to do this. Times must be given in the 24-hour clock.

All times commence at 12 midnight where applicable. There are two boxes for times, to account for when you remain closed during the day (or do not wish to provide licensable activities).

Remember you only need a licence if you wish sell late night refreshment after 2300 Hours (11.00 pm) – so the start hour for late night refreshment on the application form will be 2300.

Let's say you wanted to open from 11.00 pm to Midnight on Mondays to Thursdays, 11.00 pm to 2.00am on Fridays and Saturdays, and from 11.00pm to 11.30pm on Sundays. You would fill the boxes in like this:

<b>Late Night Refreshment</b>		
Day	Start	Finish
Mon	2300	0000
	-	-
Tue	2300	0000
	-	-
Wed	2300	0000
	-	-
Thur	2300	0000
	-	-
Fri	2300	0000
	-	-
Sat	0000	0200
	2300	0000
Sun	0000	0200
	2300	2330

### Seasonal Variations

This would allow you to open later on say, Christmas Eve, or to open later during the summer months (you would have to specify which months). You need to say when you want to open and for how long (e.g. "Christmas Eve from 1100 hours until 0300 hours"). We recommend you use this box if you know you want to open later during seasonal periods, rather than wasting a Temporary Event Notice (TEN) in applying for extensions.

### Non Standard Timings

This caters for special events or Bank Holidays, for example. In addition we would recommend that you consider using this box to address the issue of New Years Eve (if you wish to have no restriction in hours from New Year's Eve into New Year's Day) and British Summertime (BST) (if your times are likely to be effected by the change on the night when we change to BST). We would suggest the following wording on your application:

- New Year's Eve from normal opening hour until New Year's Day closing hour
- On the morning on which British Summertime (BST) begins the terminal hour shall be extended by one hour.

### Indoors or Outdoors

If licensed activities will take place in a building or similar structure, please tick "Indoors". If activities are to take place in the open air, or with a roof cover and no side wall covers, please tick "Outdoors". If your premise has a garden (for example) and you would like licensable activities to take place in the garden, you would tick both boxes.

### Further Details

You need to say whether you wish to provide meals for consumption on or off the premises (or both) and what type of food you sell.

### Activities That May Give Rise to Concern in Respect of Children

Indicate any activities that take place that may give concern in respect of children.

### Hours Premises Are Open to the Public

State the earliest time people are admitted to the premises, and the latest time they will leave. If you do not wish to restrict the opening hours of the premises then you should state 'no restriction regarding the opening hours of the premises'.

### Steps You Intend to Take to Promote the Four Licensing Objectives

This is a very important part of the form. You must use this area to demonstrate that you can run your business without contravening any of the four licensing objectives.

You need to satisfy the Responsible Authorities (e.g. the Police) and any other interested parties (e.g. local residents), that you can run the premises responsibly

and in accordance with the licensing objectives. If these people do not feel the steps you propose are adequate, they may object to the application being granted.

Licence applicants should give consideration to the local area and reflect this in their premises licence application. This includes demonstrating an awareness of the local community (e.g. specific local crime and disorder issues and awareness of the local environment). With this in mind you are advised that, in relation to operating hours, this Authority's Licensing Policy states the following:

*Paragraph 4.19.*

*The Licensing Authority will deal with the issue of licensing hours on the individual merits of each application. Applicants are reminded that large parts of the East Lindsey District are very sensitive to the impact of licensable activities because they are either residential in character or lie within rural communities. However, some commercial areas in the District, such as parts of town centres and entertainment areas on the coastal strip, may be more suitable for licensed activities, especially for those which have late opening hours or attract significant numbers of people. When issuing a licence, stricter conditions with regard to noise control and/or limitations to opening hours may be imposed in the case of premises, which are situated in largely residential areas and have been subject of relevant representations.*

*(Licensing Policy – May 2018)*

It is clearly in everybody's interests to reduce the likelihood of people objecting to your application. You should therefore think very carefully about how you are going to address the four licensing objectives.

Some examples of things you may wish to consider are given below.

*General – All Four Licensing Objectives*

- Staff training on licensing issues;
- Installing a CCTV and recording system.

*The Prevention of Crime and Disorder*

- Providing adequate lighting;
- Age restrictions;

*Public Safety*

- Provision of emergency lighting;
- Accommodation limits;
- First Aid provision;

*The Prevention of Public Nuisance*

- Litter clearance;
- Considerate loading/unloading arrangements;
- Controlling noxious odours from cooking etc;
- Prevention of light pollution;
- Notices asking patrons to leave quietly.

*The Protection of Children from Harm*

- A limit on the hours during which children can be present on the premises;

Whatever you put in this section will become a condition of your premises licence. Therefore, you should not volunteer to do anything that you are not able, or not prepared, to do if the application is granted.

### Documents to be Included

You must enclose the following

- The relevant licence fee;
- A plan of the premises. The plan should be drawn to a scale of 1 cm to 100 cm (1:100), unless we have previously confirmed in writing to you that an alternative scale is acceptable. See the attached Appendix 2 for the details, which the plan must show.
- The consent form from the proposed Designated Premises Supervisor (this form is only required if alcohol is to be supplied at the premises)

### Signatures

If the application is made by a limited company, partnership or unincorporated association, someone who has the capacity to bind the company or partnership should sign. Your Agent may sign providing he or she has actual authority to do so.

Where there are two licence applicants, they both must sign the form.

### Consent of Person Whom the Applicant Wishes to be the Premises Supervisor

The person who wishes to be the Designated Premises Supervisor (DPS) must complete this addendum to the application form. The addendum must be completed even if the applicant and DPS are the same person. However, this form is only required if alcohol is to be supplied at the premises

### Advertising Your Application

The Licensing Team will advertise the application on the Council's website for a period of twenty-eight days ([www.e-lindsey.gov.uk](http://www.e-lindsey.gov.uk)).

In addition, you must advertise your application by way of a notice displayed at the premises for twenty-eight consecutive days (starting on the day after which the application was given to the Licensing Authority). A form for this purpose is included at Appendix 3 of this leaflet – the form must be printed on light blue paper. You should legibly complete the notice using black ink in the same font size as the rest of the notice. You should then prominently display the notice on or at the premises where the public can conveniently read it from the exterior of the premises.

The notice must be maintained safe from damage or inclement weather. With this in mind you may wish to consider laminating the notice. Larger premises (more than fifty metres square) must display a copy of the notice every fifty metres along any perimeter abutting the highway. Council Officers will check that you have displayed the notice and your application will be invalidated unless this is done.

You must also publish notice of your application in the local press within ten working days of making the application (starting on the day after which the application was given to the Licensing Authority). A form for this purpose is

enclosed (copy at Appendix 3 of this leaflet). You should send a copy of the newspaper containing the advertisement to us as soon as it is published.

You must organise and pay for the advertisement yourself.

The advertisement must contain the same information as the notice you display at the premises for 28 days. The notice must be published in a local newspaper circulating in the vicinity of the premises. There are three newspaper groups the Council recommend for this purpose:

Lincolnshire Target Group of Newspapers  
(published weekly) Telephone: 01522 255159  
[www.lincolnshirelive.co.uk](http://www.lincolnshirelive.co.uk)

Lincolnshire Standard Group of Newspapers  
(published weekly) Telephone: 0207 023 7931

\*Grimsby Telegraph  
[www.grimsbytelegraph.co.uk](http://www.grimsbytelegraph.co.uk)

\*The Grimsby Telegraph - this newspaper is to be used only in relation to applications for premises licences in Holton le Clay and its immediate surrounding area.

We would strongly suggest that you email an A4 copy of your notice to the newspaper of your choice so they can copy the wording for you.

You must make sure that the advert is placed in the edition of the newspaper that covers the area of the proposed licensed premises – you will not fulfil the public notice requirement if this is not the case.

Each newspaper will reserve space for you and create a simple public notice for your approval. Prices vary so please contact the publication for an estimate.

You will fail to make a valid application if you do not comply with the above requirements.

The Licensing Team operate a zero tolerance policy in respect of incomplete licence applications and will return any applications requiring substantial clarification or deemed invalid. You may therefore wish to place your notice in the newspaper at the limit of the ten working day period. This should ensure that you are not put to the cost of unnecessary advertising if your application is rejected for any reason.

You must send a copy of your application and all accompanying documentation to the following Responsible Authorities:

- Licensing (Alcohol & LNR) Team, Lincolnshire Police, Myle Cross Centre, Macaulay Drive, St Giles, Lincoln, LN2 4EL (email: [countylicensinggroup@lincs.pnn.police.uk](mailto:countylicensinggroup@lincs.pnn.police.uk))
- Health & Safety Team, East Lindsey District Council, Tedder Hall, Manby Park, LOUTH, LN11 8UP (email: [commercial.team@e-lindsey.gov.uk](mailto:commercial.team@e-lindsey.gov.uk))

*(or the Health and Safety Executive (HSE) if the HSE are the relevant responsible authority in respect of the particular premises)*



- Environmental Health Team, East Lindsey District Council, Tedder Hall, Manby Park, LOUTH, LN11 8UP (email: commercial.team@e-lindsey.gov.uk)
- Development Control Team, East Lindsey District Council, Tedder Hall, Manby Park, LOUTH, LN11 8UP (email: dev.control@e-lindsey.gov.uk)
- CFP, Lincolnshire Fire and Rescue, Harlaxton Road, Grantham, NG31 7SG (email: fire.safety@lincoln.fire-uk.org)
- Lincolnshire Safeguarding Children Board, Lincolnshire County Council, Room 131 - County Offices, Newland, LN1 1YL (email: LSCB@lincolnshire.gov.uk)
- Trading Standards Service, Lincolnshire County Council, Myle Cross Centre, Macaulay Drive, St Giles, Lincoln, LN2 4EL (email: tradingstandards@lincolnshire.gov.uk)
- Mr Simon Gladwin, Programme Officer (Substance Abuse), Public Health Directorate, Lincolnshire County Council, Room 3A Orchard House, Lincoln, LN1 1BA (email: simon.gladwin@lincolnshire.gov.uk)
- Alcohol & LNR - Home Office (Immigration Enforcement Section), Lunar House, 40 Wellesley Road, Croydon, CR9 2BY (alcohol@homeoffice.gsi.gov.uk)

You may wish to obtain proof of postage or receipt when sending the above copies. When submitting an application the Council would also ask you to confirm that you have forwarded the relevant copies to each of the above Responsible Authorities.

If your application is incomplete, you will have to resubmit it to these agencies.

### What Happens to your Application

Any of the above Responsible Authorities are entitled to make representations about your application, providing they are relevant to any of the four licensing objectives. Other parties, including local residents and businesses, may also make representations, providing they are relevant to any of the objectives.

### What Happens if Relevant Representations are Made?

If representations are made, the Council may initially try to mediate between parties.

If mediation fails, a Licensing Sub Committee (consisting of Councillors) will determine your licence application.

You will be invited to attend the meeting to give evidence, answer questions, and call any witnesses. The Sub-Committee will listen to evidence from both sides before deciding whether to grant the application. They may grant it as requested, grant with conditions (provided these are relevant to the licensing objectives) or refuse your application.

Any steps taken by the Sub-Committee will be appropriate for the promotion of the licensing objectives

## Appeals

If you are dissatisfied with a decision made by the Sub-Committee, you may appeal to the Lincoln Magistrates Court, within 21 days of being notified of the decision.

---

*The information and guidance contained in this leaflet is provided for information purposes only. However, in attempting to simplify the law, certain requirements have been omitted. Full details of what you must do are in the legislation itself. Every reasonable effort is made to make the information and commentary accurate and up to date, but East Lindsey District Council assumes no responsibility for its accuracy and correctness, or for any consequences of relying on it. Laws can and do change. This information was accurate when produced, but may have changed since. We must advise that only the Courts can give an authoritative opinion on statute law.*

*The information and commentary does not, and is not intended to, amount to legal advice to any person on a specific case or matter. You are strongly advised to obtain specific personal advice from a solicitor or licensing consultant about your case or matter and not to rely entirely on the information or comments in this leaflet.*

---

*Leaflet Last Revised June 2020*

## **Appendix 1 - Licensing Act 2003**

### **Application Fees Payable for new premises licence.**

The application fee is based on the Non-Domestic Rateable Value (NDRV) of the premises and is set out below:

Rateable Value	Band
No rateable value and up to £4,300	A
£4,300 to £33,000	B
£33,001 to £87,000	C
£87,001 to £125,000	D
£125,001 and above	E

Band	Fee
A	£100
B	£190
C	£315
D	£450
E	£635

If the premise is in Band D or E and is used exclusively or primarily for consumption of alcohol on the premise, the fees shall be as follows:

Band	Fee
D	£900
E	£1905

Information on the rateable value to which your application relates can be obtained from [www.gov.uk/correct-your-business-rates](http://www.gov.uk/correct-your-business-rates)

PLEASE NOTE:

If the premises licence relates to the provision of regulated entertainment only then no fee will be payable in respect of the following premise types:

- Schools and colleges
- Village, parish and community halls or similar buildings
- Church hall, chapels or similar buildings

### **Annual Fees for premises licence.**

An annual fee for premises licences will become due and payable each year on the anniversary of the date of the grant of the licence.

The annual fee is based on the Non-Domestic Rateable Value (NDRV) of the premises and is set out below:

<b>ANNUAL FEE</b>	
<b>BAND</b>	<b>FEE</b>
BAND A	£70
BAND B	£180
BAND C	£295
BAND D	£320
BAND E	£350

There are additional and multiplier fees for exceptionally large scale venues (5,000 people +) and premises used exclusively or primarily for the supply of alcohol for consumption on the premises (Bands D and E only). For further information please contact the Licensing Team by email.

The Government sets all fees centrally. East Lindsey District Council has no control over the level of licence fees.

## Appendix 2 - 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 extent of the boundary of the building, if relevant, and any external and internal walls of the building and, if different, the perimeter of the premises;
- the location of points of access to and egress from the premises;
- if different from the sub-paragraph above the location of escape routes from the premises;
- in a case where the premises is to be used for more than one licensable activity, the area within the premises used for each activity;
- fixed structures (including furniture) or similar objects temporarily in a fixed location (but not furniture) which may impact on the ability of individuals on the premises to use exits or escape routes without impediment;
- in a case where the premises includes a stage or raised area, the location and height of each stage or area relative to the floor;
- in a case where the premises includes any steps, stairs, elevators or lifts, the location of the steps, stairs, elevators or lifts;
- in the case where the premises includes any room or rooms containing public conveniences, the location of the room or rooms;
- the location and type of any fire safety and any other safety equipment including, if applicable, marine safety equipment; and
- the location of a kitchen, if any, on the premises.

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

**PLEASE NOTE: The plan must show the location and type of any fire safety and any other safety equipment.**

**THIS PAGE HAS BEEN LEFT INTENTIONALLY BLANK**

## **LICENSING ACT 2003 - APPLICATION FOR A PREMISES LICENCE**

**NOTICE IS HEREBY GIVEN** that an application a  
Premises Licence under the above-mentioned legislation  
has been made by

*(Name:)*

to East Lindsey District Council in respect of premises  
known as

*(Premises Name:)*

which are situated at

*(Premises Postal Address:)*

The licensable activity, which it is proposed to carry on at  
the premises, is as follows:

The record of the application may be inspected at the  
offices of The Licensing Team, East Lindsey District  
Council, Tedder Hall, Manby Park, Louth, LN11 8UP,  
during normal office hours.

Any representations by interested parties or responsible  
authorities regarding the application must be made in  
writing to the Licensing Team, East Lindsey District  
Council at the above address by

*# Insert correct date*

It is an offence, liable on summary conviction to a fine up  
to Level 5 (£5000) on the standard scale, to knowingly or  
recklessly make a false statement in connection with the  
application.

*\* Delete as appropriate*

*# Insert correct date (this must be 28 days after the day on  
which the application was given to the Council)*

**THIS PAGE HAS BEEN LEFT INTENTIONALLY BLANK**



## **LICENSING ACT 2003 - APPLICATION FOR PREMISES LICENCE**

**NOTICE IS HEREBY GIVEN** that an application for a Premises Licence under the above-mentioned legislation has been made by

to East Lindsey District Council in respect of premises known as

which are situated at

The licensable activity, which it is proposed to carry on at the premises, is as follows:

The record of the application may be inspected at the offices of The Licensing Team, East Lindsey District Council, Tedder Hall, Manby Park, Louth, LN11 8UP, during normal office hours.

Any representations by interested parties or responsible authorities regarding the application must be made in writing to the Licensing Team, East Lindsey District Council at the above address by

*# Insert correct date*

It is an offence, liable on summary conviction to a fine up to Level 5 (£5000) on the standard scale, to knowingly or recklessly make a false statement in connection with the application.

*\* Delete as appropriate*

*# Insert correct date (this must be 28 days after the day on which the application was given to the Council)*