

East Lindsey District Council – Licensing Team



Licensing Act 2003

Applying for a Premises Licence
for Regulated Entertainment
or the Supply of Alcohol

August 2017

Reply to: The Licensing Team
Tel: 01507 601111
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Website: www.e-lindsey.gov.uk

Overview of the Licensing Act 2003?

The Licensing Act 2003 transferred responsibility for the licensing of premises to sell and supply alcohol away from the Magistrates Court to the Council. Previous legislation concerning public entertainment and night café licensing was also replaced under the Act – all these activities are now administered by the Council (the Licensing Authority). The licensing regime was transferred to the Licensing Authority in 2005.

Planning Consent

Planning consent is not a matter that can be considered in determining your licence application. However you are strongly advised to contact the Council's Planning Officer 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.

Payment of Licence Application Fees

Cheques and postal orders should be made payable to East Lindsey District Council. Please note that we no longer accept cash for the payment of licence application fees.

The Licensing Team is able to provide facilities for licence payments by credit and debit cards. Further information on payment by credit or debit card is available by contacting the Licensing Team direct.

What do I need a premises licence for?

You need to obtain a premises licence for the following activities:

- To sell alcohol by retail
- If you are a qualifying club, to supply alcohol to a club member, or to sell alcohol to a guest of a club member
- To provide regulated entertainment (unless the entertainment is exempt from licensing)
- To sell late night refreshment - selling hot food or drink between 11.00pm and 5.00am for consumption on or off the premises (unless you are a hotel or staff canteen).

Are there any premises you cannot licence?

We cannot issue a licence to sell alcohol to a premises used primarily as a garage, (e.g. retailing petrol or selling and maintaining motor vehicles).

So what happens with my application for a premises licence and how do I fill the application form in?

This is explained later in this guidance leaflet.

Please note that this leaflet is aimed at applicants applying for a new premises licence. Separate guidance will be issued regarding variation applications using the premises licence variation arrangements provided under the Act.

What is regulated entertainment?

The following kinds of entertainment are subject to regulation:

1. Plays
2. Film exhibitions

3. Indoor sporting events
4. Boxing or wrestling exhibitions
5. Live music (karaoke included)
6. Recorded music
7. Dancing by performers
8. Any entertainment similar to that described in 5, 6 or 7 above.

But only where –

- The entertainment is provided in front of an audience or spectators and is for the purpose of entertaining those persons AND
- The entertainment is:
 - To any extent to members of the public OR
 - Exclusively to members of a qualifying club and their guests; OR
 - For consideration and with a view to profit. The charge must be made by or on behalf of the organisers or management of the entertainment or the premises, and must be paid for by or on behalf of some or all of the persons for whom the entertainment or facility is provided. This would include, for example, letting out a room in your premises for people to use for wedding receptions.

When do I not require a licence for regulated entertainment?

The following are exempt from licensing:

General Exemptions

- Films which are solely or mainly to demonstrate a product, advertise goods or services, or provide information, education or instruction;
- Films as part of an exhibition in a museum or gallery;
- TV and radio broadcasts, providing they are shown "live" and not recorded;

- Religious meetings or services;
- Entertainment in places of public religious worship;
- Garden fetes (unless held for private gain);
- Entertainment provided in a moving vehicle;
- Morris dancing;
- Incidental music.

Live and Recorded Music Exemptions

The following are also exempt from licensing:

- Unamplified live music provided between 8am and 11pm in any location (licensed or unlicensed);
- Amplified live and recorded music between 8am and 11pm for audiences of no more than 500 people, in a venue that has a Premises Licence or Club Premises Certificate that permits sale of alcohol for consumption on the premises;
- Amplified live and recorded music between 8am and 11pm for audiences of no more than 500 people, in workplaces which do not have a licence (or which are licensed but only for late night refreshment).

N.B. – If the Licensing Authority has to review a Premises Licence or Club Premises, on the grounds of public nuisance (e.g. noise nuisance), it can remove the above exemption and impose conditions restricting the above activities.

Performance of Plays and Dance Exemption

Plays and Dance Performances between 8 am and 11 pm for audiences of no more than 500 people in any location.

N.B. - This does not apply to dance performances of an adult nature.

Indoor Sport Events Exemption

- Indoor sport events between 8 am and 11 pm for audiences of no more than 1,000 people in any venue.

Exemptions for Specific Premises

Local Authority Premises, Hospitals and Schools

- All entertainment is exempt between 8 am and 11 pm but only if provided by (or on behalf of the local authority), health care provider or school.

Community Premises, Hospitals and Schools

- Live and Recorded Music is exempt between 8 am and 11 pm for audiences of no more than 500 people at:
 - Community Premises (not authorised by a premises licence that includes sale of alcohol)
 - Hospitals
 - Schools
- Films that are shown 'not for profit' (age classification ratings will still apply) are exempt between 8 am and 11 pm for audiences of no more than 500 people at Community Premises.

N.B. - The person organising the entertainment must get written consent from the community hall committee, health care provider or the school to use the premises for these purposes.

Circuses

- Any entertainment by a travelling circus is exempt between 8 am and 11 pm providing it is not film, boxing or wrestling and takes place within a moveable structure and is not located on the same site for more than 28 consecutive days.

What does "incidental music" mean?

Consent for regulated entertainment is not needed when the music is provided for background entertainment. This is sometimes a difficult area and if you are unsure you should contact us for advice. Examples of "incidental" music are:

- a supermarket playing background music (people go there to shop - the music is not an influencing factor);
- a pub jukebox playing in the background (people are there to drink, the music is not an influencing factor).

Drinking Up Time

There is no "drinking up" time under the 2003 Act. "Drinking up" or consumption of alcohol is not a licensable activity. Therefore, you may stop serving alcohol at the time shown on your premises licence and allow as much or as little drinking up time as you wish, providing no further sales take place.

What about one off events and special occasions?

If you are holding a licensable activity that falls into the following category:

- Less than 500 people attending
- Lasting for not more than 168 hours, with a break of at least 24 hours thereafter

You can hold your event by submitting a Temporary Event Notice (TEN) to the Council.

This notice allows you to hold a licensable activity on premises that are not currently licensed, or to hold activities your existing licence does not permit. This would allow you to occasionally open later than normal, for example.

Are there any restrictions on TENs?

- You can only have up to 50 TENs a year if you are a Personal Licence Holder (see section below on Personal Licences);
- You can only have up to five TENs a year if you are not a Personal Licence Holder;
- You must be aged 18 or over;
- Restrictions apply where the applicant is an "associated person" of someone who has already given a TEN, including spouses, close relations, agents and employees, and their spouses. The word "spouse" also includes someone living with the notice giver;
- You can only have a maximum of 12 TENs a year for any particular premises, subject to an

overall limit of no more than 21 days in total (where the TEN lasts for more than one day).

If your event/activity falls outside these restrictions, you will require a full Premises Licence.

If the number of TEN's you seek in a year exceeds the limits above, the Council must serve a counter notice prohibiting the event from going ahead.

The Police and/or the Council's Environment (Noise) Team can object to a TEN if they feel your event would undermine one or more of the licensing objectives. If they do object, we will hold a public hearing in front of a Licensing Sub-Committee (consisting of Councillors) to determine the application (unless all parties can agree a hearing is unnecessary). The Sub-Committee will listen to evidence from both sides before deciding whether the event can go ahead.

What is a Personal Licence?

Alcohol sales can only be made by, or under the authority of, a Personal Licence Holder. Not everyone who affects a sale has to hold a Personal Licence, so long as a Personal Licence Holder has authorised the sale. This does not apply to Qualifying Clubs, premises operating under a TEN or certain community premises.

You must apply for your Personal Licence to the Council in whose district you normally reside.

You can have as many Personal Licence Holders on the premises as you wish, providing there is only one Designated Premises Supervisor (see below). You can also choose to become a Personal Licence Holder if you wish to apply for more than five TENs a year.

Additionally, all premises operating under a Premises Licence to sell or supply alcohol must appoint a Designated Premises Supervisor (DPS) for the premises. There can only be one DPS per premises. The DPS will normally be held as the person in overall charge of the premises. You should therefore choose this person with care.

You have to nominate the DPS on your premises licence application form. This person does not have to be on the premises at all times, but they must take responsibility for what happens there. This means the DPS should ensure any staff they appoint are appropriately trained

in the requirements of the Licensing Act 2003 and of any specific conditions attached to the Premises Licence. A person cannot become a DPS unless he is also a Personal Licence Holder.

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 application form is available from the Licensing Team or the following website:

www.gov.uk

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). It is not required if you wish the licence to be of unlimited duration, in which case 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. pub, restaurant, nightclub, newsagent, grocer, guesthouse;
- 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 public house. Top floor used for hotel accommodation, first floor has a function room hired out for private parties. Ground floor consists of bar area and kitchen. Bar area used for public to drink and dance. A karaoke machine is provided in the bar area.”

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).

Let’s say you wanted to open from 11.00am to 11.00pm on Mondays to Thursdays, 11.00am to 2.00am on Fridays and Saturdays, and from 11.00am to 10.30pm on Sundays. You would fill the boxes in like this:

| Supply of alcohol | | |
|-------------------|-------|--------|
| Day | Start | Finish |
| Mon | 1100 | 2300 |
| | - | - |
| Tue | 1100 | 2300 |
| | - | - |
| Wed | 1100 | 2300 |
| | - | - |
| Thur | 1100 | 2300 |
| | - | - |
| Fri | 1100 | 0000 |
| | - | - |
| Sat | 0000 | 0200 |
| | 1100 | 0000 |
| Sun | 0000 | 0200 |
| | 1100 | 2230 |

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 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 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 premises have a garden (for example) and you would like licensable activities to take place in the garden, you would tick both boxes.

If the activities will take place in a marquee (or similar tented structure) then you must clarify this on the application form.

Further Details

You are expected to state the type of activity to be authorised and where applicable, the frequency of these activities. (If you intend to provide licensed activities regularly you do not need to specify this).

For example:

Plays – if the premises licence is for a one off event, you would put the play title here. Otherwise you would state, for example, whether the plays are for children only, a mixed audience, for an amateur dramatics association, and so on.

Film Exhibitions – if a cinema, you may say here how many screens you have. You may describe the type of films you intend to show, e.g. art films, mixed films for all age ranges, and so on.

Indoor Sporting Events – describe the type of sports you intend to provide.

Boxing and Wrestling Entertainments – the category of fights you may wish to provide, whether they will be professional or amateur and so on.

Performance of Live Music – how many musicians do you intend to have performing, what type of music will they play, and will the music be amplified or unamplified?

Playing of Recorded Music – what sort of recorded music? Will it be a DJ or a sound system? What is the power output of any sound system to be used? Will you be providing karaoke?

Performance of Dance – what type of dancing? Will there be a stage or will it be roaming dancers, such as strippers?

Entertainment of a Similar Description – describe the type of entertainment, e.g. comedy shows, hypnotism performances etc.

Late Night Refreshment – Say what you intend to do, e.g. selling food for takeaway purposes only, selling food for consumption on the premises, the type of food you sell etc.

You can also use this section to tell us how often you are likely to use the licence, e.g. "Plays will only be held once a month for no more than three days at a time".

Activities That May Give Rise to Concern in Respect of Children

This could include nudity or semi-nudity (such as exotic dancers) or the presence of gaming machines. The Council's Statement of Licensing Policy includes provisions regarding nudity and is available from the Council Website (www.e-lindsey.gov.uk) under the Business Licensing Section. If you are proposing to undertake activities of this type, then you are strongly advised to view the Council's policy.

You should also be aware that this Authority has adopted new licensing requirements for Sexual Entertainment Venues (SEVs). These new licensing powers came into force on 1 February 2011. The general effect of adopting these provisions is that it requires lap and pole dancing venues to hold a specific SEV licence. The application fee for a new SEV licence is currently £1,200.00.

However, premises which provide relevant (sexual) entertainment (e.g. lap and pole dancing, strippers, etc.) on an infrequent basis are not required to be licensed as a SEV by the Council. These exempted premises are defined as premises where:

- No relevant entertainment has been provided on more than 11 occasions within a 12 month period.

- No such occasion has begun within a period of one month beginning with the end of the previous occasions.
- No such occasion has lasted longer than 24 hours.

Such exempt premises are regulated and controlled under the Licensing Act 2003 (e.g. alcohol and regulated entertainment licensing), in so far as they are providing regulated entertainment under that Act.

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 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.

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. social-demographic characteristics, 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 4.18 - 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 2013)

In relation to outdoor music festivals the policy states the following:

Paragraph 10.27 (b) - When dealing with applications for large scale music events this Licensing Authority will not, generally, grant licences with terminal hours for music beyond 2300 hours when its discretion has been triggered by the receipt of relevant representations. In the limited circumstances that the Authority may decide to grant hours beyond 2300 hours it will need to be satisfied that the impact on the local community is likely to be negligible. (Licensing Policy - May 2013)

You should contact the Responsible Authorities (e.g. Lincolnshire Police, the Council's Environment Team, etc.) in advance of your licence application in order to obtain any advice that they feel is appropriate in your particular case. Contact details for the Responsible Authorities can be found later in this guidance leaflet.

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.

In particular we strongly advise you to discuss your draft application with the Police before sending the completed version to us.

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

General – All Four Licensing Objectives

- Providing SIA registered door supervisors;
- Having a Personal Licence Holder on the premises at all times the licence is being used;
- Staff training on licensing issues;
- Installing a CCTV and recording system.

The Prevention of Crime and Disorder

- Drugs policies/notices;
- Provision of an incident log;
- Providing adequate lighting;
- Age restrictions;
- Search policies;
- Bottle bans;
- Provision of toughened glass drinking vessels (when appropriate).

Public Safety

- Provision of emergency lighting;
- Provision of additional escape routes;
- Accommodation limits;
- Seating arrangements;
- Restrictions on the use of special effects;
- Number of attendants.

The Prevention of Public Nuisance

This area is particularly important if you are seeking licence hours extending beyond 2300 Hours.

- Provision and use of a noise limiting device set to a level agreed with the Council's Environmental Protection Team;
- Secondary glazing/soundproofing;
- Noise patrols of the local area;
- Keeping the music to a reasonable level;
- Litter clearance;
- Considerate loading/unloading arrangements;
- Not using external areas after a certain time;
- Restricting hours that amplified music can take place;
- Keeping doors and windows closed while the licence is being used;
- Prevention of light pollution;
- Notices asking patrons to leave quietly.

The Protection of Children From Harm

- Challenge 21 or 25 Proof of Age Scheme;
- Under age sales refusal register;
- Till prompts regarding age restricted products;
- Restricting access to adult entertainment, e.g. lap dancing, age restricted films etc;
- Provision of children's areas;
- DBS checks of staff involved in looking after young people;
- Proof of age cards (see below);
- Prevention of access to gaming machines;
- A limit on the hours during which children can be present on the premises;
- Requirement to be accompanied by an adult;
- Requirement for attendants to be present when children's activities are taking place.

You are not expected to address issues already covered by existing legislation, e.g. "I will not serve to people who are obviously drunk" or "I will not serve alcohol to under-18's".

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

Best Practice for Alcohol Sales

We advise applicants to take the following steps to prevent the sale of alcohol to under age customers:

- Clearly display signs advising that it is illegal to sell alcohol to people under 18.
- Clearly display signs advising that it is illegal for people under 18 to buy alcohol.
- Adopt a policy of requesting proof of age documents for anyone wanting to buy alcohol who appears to be under 21 or 25 years of age, and display signs to let staff and customers know about this policy.
- Keep an 'under age sales refusal register' to record incidents of people being refused alcohol because they appear to be under age.

We also advise you to take the following steps to ensure that your staff are aware of their responsibilities and carry out their duties correctly:

- Provide staff with written information about the age restrictions for the sale of alcohol and train them in what they should do to avoid selling it to under age people.
- All staff members should sign to show that they have received and understood the information, with new staff signing before they serve customers for the first time.
- Reissue the written information every 12 months and have staff sign to show that they have received it.
- Ensure that the written information includes details of the under 21 (or under 25) proof of age policy for alcohol, with examples of documents that can be used to verify proof of age (e.g. photo card driving licence, passport and a photo-id card bearing the PASS hologram) and information on how to complete the refusals register.
- Monitor staff regularly to check how they are dealing with customers who want to buy alcohol.
- Display reminder information about age restrictions on the sale of alcohol at the point of sale.
- If you have barcode and price scanning technology, and the system allows, set up an audible and visible reminder for staff to check the age of the customers who want to buy alcohol.

PASS Proof of Age Scheme

The Pass Proof of Age Scheme is a national retail volunteered initiative. The PASS scheme aims to reduce the illegal sale of alcohol, solvents, knives, cigarettes or fireworks to young people. The PASS card is an ID card showing a colour photograph of an individual with their date of birth and on what dates they will turn 16 and 18, if applicable.

Young people can get hold of PASS accredited cards from a number of the card issuers All cards that are PASS accredited carry the distinctive PASS logo in a hologram.

Further information can be found on the following website:

www.pass-scheme.org.uk

Documents to be Included with the Premises Licence Application Form

You must enclose the following

- The relevant licence application fee;
- A scaled plan of the premises. The plan should normally 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 (if alcohol is to be supplied)

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 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.

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).

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 (light blue copy at Appendix 3 of this leaflet). 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.

By law the notice must be printed on blue paper.

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: 01205 315000

Lincolnshire Standard Group of Newspapers

(published weekly) Telephone: 0207 023 7931

***Cleethorpes Chronicle**

(published weekly) Telephone: 01472 204020

***Grimsby Telegraph**

www.grimsbytelegraph.co.uk

*The Cleethorpes Chronicle and the Grimsby Telegraph - these newspapers are to be used only in relation to applications for premises licences in Holton le Clay and its immediate surrounding area.

We would 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.

The notice at the premises and in the newspaper must summarise the premises licence application and must set out matters such as the proposed hours of those activities and the proposed hours of opening.

The notice at the premises must be clearly displayed for the 28 day period during which representations may be made.

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

- Licensing (Alcohol), Police Headquarters, Lincolnshire Police, PO Box 999, LINCOLN, LN5 7PH (telephone: 01522 558437) (email: countylicensinggroup@lincs.pnn.police.uk)
- Health & Safety Team Manager, East Lindsey District Council, Tedder Hall, Manby Park, LOUTH, LN11 8UP (telephone: 01507 601111) (email: 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 Manager, East Lindsey District Council, Tedder Hall, Manby Park, LOUTH, LN11 8UP (telephone: 01507 601111) (email: commercial.team@e-lindsey.gov.uk)
- Development Control Manager, East Lindsey District Council, Tedder Hall, Manby Park, LOUTH, LN11 8UP (telephone: 01507 601111) (email: dev.control@e-lindsey.gov.uk)
- Trading Standards Service, Lincolnshire County Council, Myle Cross Centre, Macaulay Drive, St Giles, LINCOLN, LN2 4EL (telephone: 01522 782341) (email: tradingstandards@lincolnshire.gov.uk)
- CFP, Lincolnshire Fire & Rescue, Harlaxton Road, GRANTHAM, NG31 7SG (telephone: 01476 565441) (email: fire.safety@lincoln.fire-uk.org)
- Lincolnshire Safeguarding Children Board, Lincolnshire County Council, Room 131-County Offices, Newland, LINCOLN, LN1 1YL (telephone: 01522 782111) (email: clare.rowley@lincolnshire.gov.uk)
- Mr Simon Gladwin, Programme Officer (Substance Abuse), Public Health Division, Adult Care & Community Wellbeing, Room 3A, Orchard House, Orchard Street, LINCOLN, LN1 1BA (telephone: 01522 552796) (email: simon.gladwin@lincolnshire.gov.uk)

Home Office (Immigration Enforcement Section)

Premises licence applications, regarding the sale of alcohol and/or the provision of late night refreshment, must also be copied to the Home Office (Immigration Enforcement Section) at:

- Alcohol Licensing Team, Home Office (Immigration Enforcement Section), Lunar House, 40 Wellesley Road, Croydon, CR9 2BY (email: 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 (objections) 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 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 Licensing of Large Scale Outdoor Events

The Licensing Team has separate guidance available if you are seeking a premises licence for a large scale outdoor music event (or other similar event). The guidance literature is available by contacting the Licensing Team.

Applicants are reminded that this Authority's Licensing Policy states:

Paragraph 10.27 (b) - When dealing with applications for large scale music events this Licensing Authority will not, generally, grant licences with terminal hours for music beyond 2300 hours when its discretion has been triggered by the receipt of relevant representations. In the limited circumstances that the Authority may decide to grant hours beyond 2300 hours it will need to be satisfied that the impact on the local community is likely to be negligible. (Licensing Policy - May 2013)

Appendix 1

- Licensing Act 2003

The Licensing of Late Night Food Takeaway Premises

The Licensing Team has separate guidance available if you are seeking a premises licence for a late night food takeaway selling hot food or drink after 2300 Hours. The guidance literature is available by contacting the Licensing Team.

Please note:

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.

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.voa.gov.uk.

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:

| Annual Fee | |
|------------|------|
| Band | Fee |
| 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.

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

Details of plans to be submitted with applications.

A scaled plan of the premises (normally 1:100 scale) 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.

The plan should make clear the extent of the area(s) that will be used to provide licensable activities.

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

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)



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Notes

If you would like this information
in a different format, please
contact us on 01507 601111.