



## **Licensing Act 2003**

# **Guidance to Applicants for Premises, Personal Licences and Club Premises Certificates**

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## **SECTION 1**

### **The purpose of this guidance**

This guidance is aimed at individuals or businesses who may need to apply for licences granted under the 2003 Licensing Act such as premises licences to authorise specific licensable activities (see 2.1) and personal licences which allow the holder to authorise sales of alcohol.

The guidance explains what licences can be applied for, what those licences authorise, how to make an application, what fees are involved and where applications must be sent.

## **SECTION 2**

### **The Licensing Act 2003**

#### **2.1 Licensable activities**

Under the 2003 Licensing Act (the Act) West Lindsey District Council is the Licensing Authority for the district. The Licensing Authority issues premises licences which allow many types of business to carry out certain licensable activities:

- Sale or supply by retail of alcohol
- The provision of regulated entertainment
- The provision of late night refreshment between 11pm and 5am

This affects pubs, clubs, bars, restaurants, supermarkets, off licences, cinemas theatres, community premises and late night takeaways to name just a few.

Regulated entertainment includes the following activities:

- a) a performance of a play
- b) an exhibition of a film
- c) an indoor sporting event
- d) boxing or wrestling entertainment
- e) a performance of live music
- f) any playing of recorded music
- g) a performance of dance
- h) entertainment of a similar description to e), f) or g)

The above list gives a quick overview of what the Act defines as regulated entertainment. There is further guidance contained in the Act which explains in more detail how the above areas are defined. If you are un-sure if an activity is or is not licensable please speak to Licensing for further advice.

#### **2.2 The licensing objectives**

Under the Act the Licensing Authority must publish a statement of licensing policy showing how it will promote the licensing objectives of:

- Prevention of crime and disorder
- Protection of children from harm
- Public safety

- Prevention of public nuisance

This document is available on the West Lindsey District Council website at [www.west-lindsey.gov.uk](http://www.west-lindsey.gov.uk) or you can request a paper copy from the Licensing Section.

The licensing objectives have equal weight and form the entire basis of how the Act works. When you make an application particularly for a premises licence you must show how your proposed activities will not have an adverse effect on the licensing objectives. Likewise if individuals or businesses wish to object to your application they can only do so on the grounds of one or more of the four licensing objectives.

Responsible Authorities (see section 2.3) who must be sent copies of your application can also only object on the grounds of one or more of the four licensing objectives.

## **2.3 Responsible Authorities**

When you apply for a premises licence you will need to send entire copies of your application to the Responsible Authorities. These are agencies which the government has given specific powers to under the Act to promote the four licensing objectives. At section 7 of this document you can find contact details for all the responsible authorities.

## **SECTION 3**

### **Applying for a brand new Premises Licence or Club Premises Certificate**

#### **3.1 Overview of the application process**

To apply for a premises licence or certificate (the word 'premises' will include Club Premises Certificate where applicable) you need to complete all the stages listed below at 3.2. Before applying you need to consider what licensable activities you want your premises licence to authorise. There is a standard form which you need to use to apply for one or more licensable activities. Do not worry if large sections of the form are left blank. The form is designed for many business types so simply fill out the sections which relate to the activities you wish to apply for.

If you intend to apply for a premises licence allowing the sale and supply of alcohol then there are other matters which you will need to address.

- 1) You will need a personal licence holder to authorise the supply of alcohol in line with your premises licence (Not for a Registered Club).
- 2) You will need to nominate a designated premise supervisor (DPS) on your premises licence application. The premises supervisor must be a personal licence holder (Not for a Registered Club)

**See section 4** which explains more about personal licences and the role of the designated premises supervisor.

**On the application form you need to describe what steps you will take to promote the licensing objectives.** When you send copies of your application to the responsible authorities they will look at this section to check whether you have taken sufficient steps to promote the licensing objectives. If one or more of the agencies are not satisfied with the content of this section your application may receive a representation.

**SUGGESTION:** To reduce the risk of receiving a representation contact the responsible authorities before submitting your application and they will advise you on the appropriate measures required in order to meet the licensing objectives.

When you send your application to the Licensing Authority and the responsible authorities you will then need to fulfil a 28 day notice period. This is a period of time when your application is advertised (see section 3.4) and when responsible authorities and other persons such as councillors and members of the public can make representations to the licensing authority about your application.

If after this 28 day notice period your application has received no representations then your new licence will be granted subject only to certain conditions which are consistent with the measures you volunteered on your application form. The Licensing Authority must issue your new licence within two months of receiving your application. If representations are received during the notice period then your application will go to a hearing (see section 3.5)

Your new licence will remain in force from the date of issue indefinitely. There will be an annual fee for your licence which will be payable on the anniversary of the date of grant of your licence.

### **3.2 How to apply for a new premises licence:**

1. Complete the application form.
2. If your application includes alcohol, you must specify your premises supervisor. Ask your premises supervisor to fill out and sign the consent form, (see Section 4.1 for more information about this)
3. Prepare the following documents to accompany your application form:
  - A plan of your premises - see Section 3.3 (plan specifications)
  - The correct fee. (see Section 6 - application fees)
  - A declaration of Club Eligibility, and a copy of the club's rules (if applicable).
4. Send your completed application (including the plans and fee) to the Licensing Section, West Lindsey District Council.
5. On the same day as sending your application to the Council, you must also **send full copies of your application to the Responsible Authorities**. A list of the contact details can be found at Section 7.
6. Upon sending your application to the Licensing Authority and the Responsible Authorities you will then need to advertise your application (see Section 3.4)
7. If you wish to apply online for a new premises licence, you can do so at the link <https://www.west-lindsey.gov.uk/my-business/licensing/business-licences-and-licence-conditions/business-licences/premises-licence/>

### 3.3 Plan specifications

The plan of your premises should show:

- the boundary of the building with any external or internal walls; entrances and exits to the building;
- escape routes from the building;
- locations of different licensable activities in the building (if relevant); and where alcohol will be consumed in the premises;
- fixed or temporary structures which may block entrances or exits to the building;
- the location and height of any stages in the premises; any steps, stairs, elevators or lifts in the premises;
- the location of any public toilets in the building;
- fire safety equipment or any other safety equipment such as;
  - Location of fire alarm; type of sounder e.g. siren or bell
  - Whether it is a heat or smoke detector
  - Location of emergency lighting
  - Location of illuminated exit signs
  - Location of fire extinguishers and ID type
  - Position of any fire doors
  - Location of fire blanket
- the location of a kitchen.

The plan should be drawn to a standard scale with a key showing the items mentioned above. The standard scale is 1:100 (in exceptional circumstances an alternative scale may be agreed to in writing).

### 3.4 Advertising your application

When applying for a new premises licence, the Act requires you to advertise your application. The rules on advertising are strict and should be followed carefully.

#### 3.41 Advertising your application at the premises

You must display a notice about your application at or on your licensed premises. The notice must be displayed for 28 days. The 28 days run from the day after you sent your application to the Council.

The notice must be on pale blue A4 paper, although it can be larger, with black lettering. The lettering must be at least in 16 font. Do not obscure the notice in any way or make it difficult to read. Others must be able to read the notice from outside your premises.

If your premise is more than 50 metres square you must place a notice, identical to the one described above, every 50 metres along the external perimeter of your premises where it touches the highway.

When preparing your notices, please ensure they contain all of the prescribed information:

- A description of the activities which will be taking place on your premises which need to be licensed.
- Your name.
- The address of your premises

- The Council's internet address.
- That written objections about your application can be sent to the Council for a limited time.
- That making a false objection is a criminal offence.

A sample notice is available at section 8 of this document.

### **3.4.2 Advertising your application in a local newspaper**

You must also publish a notice about your premises licence application. It must be placed with a local newspaper which covers the area where the premises is located. The notice should appear within 10 working days of your application being sent to the Council. It must contain the same information as the notice placed on your premises but does not need to have the same lettering, dimensions, font size or colouring. A copy of this advertisement should also be sent to the Council.

### **3.5 Hearings**

If any representations (also known as objections) are received your application may be sent to a Licensing Sub Committee hearing.

The Licensing Sub Committee will be made up of three councillors.

You will be notified not more than ten days before the date of the hearing. You will be sent a report containing the representations that have been received in respect of your premises licence application. You will also be sent guidance explaining the format of the hearing. You will need to send back the form stating whether you will be attending the hearing or whether you will be sending a representative. During the hearing you will be able to put your case forward to the Licensing Sub Committee as will any other persons, or responsible authorities who have made representations. After this all parties are asked to leave the room while the Sub Committee deliberate. You will then be invited back into the room and will be told whether your application has been accepted, accepted with conditions or rejected.

### **3.6 Right to work/immigration status:**

#### **Entitlement to work/immigration status for individual applicants and applications from partnerships which are not limited liability partnerships:**

A licence may not be held by an individual or an individual in a partnership who is resident in the UK who:

- does not have the right to live and work in the UK; or
- is subject to a condition preventing him or her from doing work relating to the carrying on of a licensable activity.

Any premises licence issued in respect of an application made on or after 6 April 2017 will become invalid if the holder ceases to be entitled to work in the UK.

Applicants must demonstrate that they have an entitlement to work in the UK and are not subject to a condition preventing them from doing work relating to the carrying on of a

licensable activity. They do this by providing with this application copies or scanned copies of the following documents (which do not need to be certified).

### **Documents which demonstrate entitlement to work in the UK**

- An expired or current passport showing the holder, or a person named in the passport as the child of the holder, is a British citizen or a citizen of the UK and Colonies having the right of abode in the UK [please see note below about which sections of the passport to copy].
- An expired or current passport or national identity card showing the holder, or a person named in the passport as the child of the holder, is a national of a European Economic Area country or Switzerland.
- A Registration Certificate or document certifying permanent residence issued by the Home Office to a national of a European Economic Area country or Switzerland.
- A Permanent Residence Card issued by the Home Office to the family member of a national of a European Economic Area country or Switzerland.
- A **current** Biometric Immigration Document (Biometric Residence Permit) issued by the Home Office to the holder indicating that the person named is allowed to stay indefinitely in the UK, or has no time limit on their stay in the UK.
- A **current** passport endorsed to show that the holder is exempt from immigration control, is allowed to stay indefinitely in the UK, has the right of abode in the UK, or has no time limit on their stay in the UK.
- A **current** Immigration Status Document issued by the Home Office to the holder with an endorsement indicating that the named person is allowed to stay indefinitely in the UK or has no time limit on their stay in the UK, **when produced in combination with** an official document giving the person's permanent National Insurance number and their name issued by a Government agency or a previous employer.
- A **full** birth or adoption certificate issued in the UK which includes the name(s) of at least one of the holder's parents or adoptive parents, **when produced in combination with** an official document giving the person's permanent National Insurance number and their name issued by a Government agency or a previous employer.
- A birth or adoption certificate issued in the Channel Islands, the Isle of Man or Ireland **when produced in combination with** an official document giving the person's permanent National Insurance number and their name issued by a Government agency or a previous employer.

- A certificate of registration or naturalisation as a British citizen, **when produced in combination with** an official document giving the person's permanent National Insurance number and their name issued by a Government agency or a previous employer.
- A **current** passport endorsed to show that the holder is allowed to stay in the UK and is currently allowed to work and is not subject to a condition preventing the holder from doing work relating to the carrying on of a licensable activity.
- A **current** Biometric Immigration Document (Biometric Residence Permit) issued by the Home Office to the holder which indicates that the named person can currently stay in the UK and is allowed to work relation to the carrying on of a licensable activity.
- A **current** Residence Card issued by the Home Office to a person who is not a national of a European Economic Area state or Switzerland but who is a family member of such a national or who has derivative rights or residence.
- A **current** Immigration Status Document containing a photograph issued by the Home Office to the holder with an endorsement indicating that the named person may stay in the UK, and is allowed to work and is not subject to a condition preventing the holder from doing work relating to the carrying on of a licensable activity **when produced in combination with** an official document giving the person's permanent National Insurance number and their name issued by a Government agency or a previous employer.
- A Certificate of Application, **less than 6 months old**, issued by the Home Office under regulation 17(3) or 18A (2) of the Immigration (European Economic Area) Regulations 2006, to a person who is not a national of a European Economic Area state or Switzerland but who is a family member of such a national or who has derivative rights of residence.
- Reasonable evidence that the person has an outstanding application to vary their permission to be in the UK with the Home Office such as the Home Office acknowledgement letter or proof of postage evidence, or reasonable evidence that the person has an appeal or administrative review pending on an immigration decision, such as an appeal or administrative review reference number.
- Reasonable evidence that a person who is not a national of a European Economic Area state or Switzerland but who is a family member of such a national or who has derivative rights of residence in exercising treaty rights in the UK including:-

- evidence of the applicant's own identity – such as a passport,
- evidence of their relationship with the European Economic Area family member – e.g. a marriage certificate, civil partnership certificate or birth certificate, and
- evidence that the European Economic Area national has a right of [permanent residence in the UK](#) or is one of the following if they have been in the UK for more than 3 months:
  - (i) working e.g. employment contract, wage slips, letter from the employer,
  - (ii) self-employed e.g. contracts, invoices, or audited accounts with a bank,
  - (iii) studying e.g. letter from the school, college or university and evidence of sufficient funds; or
  - (iv) self-sufficient e.g. bank statements.

Family members of European Economic Area nationals who are studying or financially independent must also provide evidence that the European Economic Area national and any family members hold comprehensive sickness insurance in the UK. This can include a private medical insurance policy, an EHIC card or an S1, S2 or S3 form.

**Original documents must not be sent to licensing authorities.** If the document copied is a passport, a copy of the following pages should be provided:-

- (i) any page containing the holder's personal details including nationality;
- (ii) any page containing the holder's photograph;
- (iii) any page containing the holder's signature;
- (iv) any page containing the date of expiry; and
- (v) any page containing information indicating the holder has permission to enter or remain in the UK and is permitted to work.

If the document is not a passport, a copy of the whole document should be provided.

Your right to work will be checked as part of your licensing application and this could involve us checking your immigration status with the Home Office. We may otherwise share information with the Home Office. Your licence application will not be determined until you have complied with this guidance.

## SECTION 4

### Personal licences and premises supervisors (NOT required for a Registered Club)

#### 4.1 Designated Premises Supervisor

If you intend to apply for a premises licence allowing the sale and supply of alcohol, you must name a person who is responsible for the premises. This person is known as the “**designated premises supervisor**” and **must also be a personal licence holder (see 4.2 below)**. You will also need to ask this person to give their consent to be named as such on the premises licence.

The supervisor will be responsible for the premises on a day-to-day basis. This could be the premises licence holder or an employee. Only one supervisor is required for any premises although there is no restriction on the number of personal licence holders that a premises may have.

#### 4.2 Personal licences

A personal licence is granted to an individual and allows that person to supply, or authorise the supply of alcohol in line with a premises licence. Personal licences are issued by the local Authority where a person is ordinarily resident, **cost £37** and last indefinitely unless revoked or surrendered.

#### 4.3 Personal licence qualification

Before you can apply for a new personal licence you must first attend a course. There is a list of accredited qualification providers listed online at:

<https://www.gov.uk/government/publications/accredited-personal-licence-qualification-providers>

#### 4.4 How to apply for a new personal licence:

1. Complete the application form (including the disclosure of convictions and declaration form).
2. Prepare the following documents to accompany your application form:
  - original or certified copy of your licensing qualification certificate
  - two passport-sized, colour photographs of yourself, one of which is endorsed ‘as a true likeness’ of yourself (by a solicitor, notary, teacher or other professional person). The endorsement should be dated and show the capacity of the signatory. The photos should be taken on a light background with no sunglasses and without a head covering (unless for religious beliefs)
  - a basic criminal convictions check (this should be no greater than 1 month old)
  - copies of ID to prove your immigration status, as listed in the right to a licence section at 3.6 above
  - fee of £37
3. Send your completed application (including all the documents listed at point 2 above and the fee) to the Licensing Section.

## SECTION 5

### Temporary Event Notices

If you wish to hold an occasional event on your premises, you will need to notify the Council beforehand. **The Council requests at least 20 days' notice.** The Licensing Act 2003 clearly states that the application must be received by the Licensing Authority **10 clear working days** (excluding Bank Holidays and weekends) prior to the event. There is limited provision to give a late TEN no later than 5 working days but no earlier than 9 working days before the event. Any applications received without the prescribed notice will be returned and the event will not be able to go ahead. You will be required to give the Council a formal document called a **Temporary Event Notice**, and serve a copy of the same on the licensing team at Lincolnshire Police and the environmental protection team at West Lindsey District Council.

The Temporary Event Notice must be completed with details of your events, such as how long it will last and how many people you expect to attend. There will be a fee for this process.

In general, only the Police and Environmental Protection teams may intervene to prevent your event, or modify the arrangements for your event. The licensing authority will only intervene if your notice goes beyond the limitations set for temporary event notices. These limitations are as follows:

- Not more than 15 temporary event notices may be given in the same calendar year in respect of the same premises.
- The number of days covered by the 15 events must not exceed 21 days in the same year.

the number of times a person may give a late temporary event notice is 10 times per year for a personal licence holder and 2 times per year for other people

- The period during which the premises are to be used for each temporary event must not exceed 168 hours (7 consecutive days) and there must be a break of at least 24 hours between event periods.
- The number of times that any person may give a temporary event notice in a calendar year is 50 in the case of a personal licence holder or 5 for any other person.
- The maximum number of persons on the premises at any time during the event must be less than 500.

Where the Police or Council intervene there may be a hearing to consider your proposed event.

**If you cannot carry out your activities within these provisions (e.g. because you need more than 15 permissions in one year) you may need to apply for a Premises Licence.**

## SECTION 6

### The Operating Schedule

An operating schedule is a required document for all new applications for premises licences and club premises certificates. It forms part of the application. It is the documentation that outlines what activities are proposed to be permitted when and where these activities will take place, the overall opening hours when the public are permitted on the premises and how the activities will be managed, particularly in respect of the licensing objectives.

It is advisable to apply for a realistic number of hours for any activity. You should consider the effect of your hours not only on the residents and businesses in your vicinity but also the other service industries such as street cleaning, transport etc. The Police will look at their ability to provide resources and will make representations should it be felt that they are unable to make their limited resources available to suit your hours. Therefore, early discussion with the Police is essential.

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

One of the most critical parts of the operating schedule is the section where the applicant describes the steps intended to promote the four licensing objectives. Careful consideration of what is entered is advised. What is written in this section will be translated into conditions on the licence or certificate. However, as a guide the Council's Statement of Licensing Policy should be used to see what is expected to be addressed in the operating schedule. The list is not exhaustive and obviously, not all are appropriate to all premises.

The operating schedule will be examined by the responsible authorities to ensure that they are satisfied that the risks to the licensing objectives have been addressed and the steps you intend to take so as not to put the objectives at risk. You can expect a representation from responsible authorities or other persons if the operating schedule is not specific, sufficiently detailed and robust enough to address the issues.

The starting point of the operating schedule should be close liaison with the responsible authorities and other persons for their views and assistance before the application is submitted to the Licensing Authority. A risk assessment should be done on the proposed activities to identify the risks to the licensing objectives.

The operating schedule must include:-

- A description of the style and character of the business to be conducted on the premises;
- A risk assessment. Most premises which provide alcohol as part of their operation, will present some level of risk to the four licensing objectives. The level of risk and the impact on the local area / community need to be identified;
- A specific risk assessment for drinks promotions or 'happy hours' if these are to be held;

- The schedule should then set out the steps to be taken to reduce the impact factors identified in the risk assessment;
- The schedule should then show how the operation will promote the four licensing objectives;
- Where alcohol is provided for consumption on the premises, the type and amount of seating to be provided;
- The nature of any live entertainment;

The law requires that you need only submit the operating schedule as part of your application, but the Police have already stated that if a risk assessment is not forwarded as part of their copy of the application, they will make representations. They have not the resources to complete their own risk assessments and therefore need to see your risk assessment to ensure that you have considered each risk identified. Any representation unless resolved will lead to a hearing before the Licensing Committee which may cause unnecessary delay and expense.

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

Local Crime and Disorder initiatives, details of which are available from the Community Safety Unit at West Lindsey District Council;  
 Alcohol Harm Reduction Strategy for England;  
 Safer Clubbing Guide;  
 The Events Guide issued by LESAG at Lincolnshire County Council;  
 Managing Crowds Safely, ISBN 0 7176 1834 X;  
 Five Steps to Risk Assessment: Case Studies, ISBN 07 07176 15804;  
 The Guide to Safety at Sports Grounds (The Green Book), ISBN 0 11 300095 2;

Safety Guidance for Street Art, Carnival, Processions and Large Scale Performances, available online at <http://www.hse.gov.uk/event-safety>

Therefore, the steps that should be taken before submitting you application are:

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

## **General**

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

- Signage – Good signage can operate at many levels. At the door, clear signs can clarify the premises’ policy regarding any age restriction such as “over 18s only”, “over 21s only” or “no unaccompanied children”. Whether signs repeat the law or express the policy of the premises, it can act as a deterrent and as a tool

for staff enforcing the law or the premises policy in a non-confrontational manner. However, it is certainly not the wish of the Licensing Authority to turn all licensed premises into notice boards. Signs should be used if there are specific problems, or where there is a need to demarcate certain areas for particular activities. Some examples of signs that could be used may include:

- “CCTV operates in this area and all incidents will be reported to the police”
  - “These premises operate a zero tolerance drugs policy”
  - “Proof of age for purchase of certain goods may be required”
  - “Supervised children are welcome in the restaurant area before 8pm”
  - “No drinks allowed in this area/beyond this point”
- 
- Staff training – Well trained staff are a real asset to any business. Critical areas of staff training in licensed premises should include a good knowledge of what is and is not permitted on the premises. The chain of command of a licensed premise is very important and an operating schedule should have a well defined management structure especially for when the DPS is not physically on the premises. An example of best practice would be that the duty manager signs in for duty in a logbook so that it is clear for everybody who is in charge of the premises at any particular time. It would also be considered best practice for all duty managers to be personal licence holders so that the required knowledge level can be assured when the DPS is not physically present. Other key areas that should be covered include:
    - what to do if they think that there is a customer behaviour problem or one is likely to occur;
    - what to do and any special responsibilities in case of fire or any other emergency likely to lead to the evacuation of the premises;
    - where the supply of alcohol is concerned or where any age restriction is applicable training should be given and maintained.
    - what is acceptable proof of age identification and what is not, as the names of cards may change or and new cards introduced having gained the PASS accreditation;
    - staff should know what would be expected of them if an incident occurred and potentially that if a court case ensued that they may have to give evidence;
    - what the drug policy is and what to do if drug are found on the premises;
    - what to do if they feel threatened or feel they are at risk how best to deal with such situations

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

Drinks promotions should never encourage excessive or binge drinking. Consideration of the implications on the licensing objectives and the community should be considered whenever an alcoholic drinks promotion occurs. A statement to clarify the drinks promotion policy of the premises is advisable where one of the licensable activities is the sale or supply of alcohol.

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

### **The Prevention of Crime and Disorder**

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

- Membership of the appropriate Pubwatch Scheme. Membership and regular attendance of meetings of a crime reduction group such as Pubwatch can help stop known troublemakers entering your premises. As Pubwatch and the Police can share information between each other, incidents such as resale of stolen goods, recent outbreaks of trouble and information of crimes against businesses. Pubwatch bans do have serious repercussions on the social lives of the people affected. They may have to travel much greater distances to frequent licensed premises and as such they cannot socialise with their friends in the same way. As such, up to date Pubwatch signage can act as a deterrent. Pubwatch membership would be considered best practice for many premises located in the town centres where the supply of alcohol is an authorised activity.
- Physical security features should be considered e.g. use of toughened or plastic drinking glasses. Where appropriate, the operating schedule may specify details of when the use of plastic or toughened glass will be applied as defined by a risk assessment. Plastic may be very preferable for use in outside areas where broken glass could be difficult to clear up or where there may be an increased level of rowdiness such as when and where national sporting events are televised.
- Procedure for risk assessment of alcohol promotions such as 'happy hours' or procedure for risk assessment and drinks policy in respect of alcohol promotions. Please see the general heading above for further details.
- Whenever security operatives are employed at licensed premises to carry out any security function they must be licensed by the Security Industry Authority (SIA). Competent and professional door supervisors are key to public safety at licensed premises, and the provision of door supervisors is an action point for the leisure industry to consider in the Home Office Alcohol Harm Reduction Strategy. If a licensee directly employs security operatives he/she will need to be licensed by the SIA as a supervisor / manager. Licensees should seriously consider recruiting SIA licensed door supervisors from a company with SIA Approved Contractor Status. Licensees must also consider what measures will be taken and what procedures will be put into place for checking the SIA Register of licensed door supervisors, to ensure that their premises and customers are protected only by door supervisors with an SIA licence. For more information on the SIA please visit their website at <http://www.sia.homeoffice.gov.uk/Pages/home.aspx>. The decision when to

employ door supervisors and in what number depends on a risk assessment. Managers should be sensitive to local and national events such as major football events, even if the premises are not involved directly.

- The amount of seating to be provided to reduce high volume vertical drinking.
- Training given to staff in crime prevention and drug awareness measures. Please see the general heading above for further details.
- Measures agreed with the Police to reduce crime and disorder. The development of good relations with local police officers is beneficial in preventing incidents occurring on your premises. If customers become accustomed to policemen being frequent visitors, problem behaviour can be discouraged. Additionally, records kept of any crime or disorder incidents and where sales of alcohol have been refused will help the police and local authority monitoring.
- Measures to prevent the use or supply of illegal drugs. Ensuring adequate staffing at busy times so that staff members are regularly checking all areas of the licensed premises including toilets and other areas that are not easily visible from the bar.
- Search procedures. Effective searching not only prevents certain crimes by removing prohibited articles but also serves as a deterrent.
- Provision of CCTV in and around the premises. Details of any CCTV system and suitable signs associated with it. If installing a new CCTV system advice from the Crime Reduction Officer of the Lincolnshire Police should be sought.
- Formulation of a dispersal policy. You should ensure that when customers leave the premises, they do so in an orderly manner. A music and lighting policy which encourages a calming effect on customers before they leave can help. It may be that a transportation policy is required to get customers home after leaving the premises when there is no viable alternative.
- Measures to prevent glasses and bottles being taken away from the licensed premises. Open containers should not be taken from the premises. Signs to reinforce that only drinks purchased on the premises may be consumed on the premises could be advisable.

## Public Safety

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

- Suggested occupancy figures (including staff and performers). This can be based on a recent assessment completed by a fire officer/building control officer which was a requirement for a Public Entertainment Licence. **It is the responsibility of the licence holder to do a risk assessment of the business and expert advice may be required.** Not only does the size and number of emergency exits affect the occupancy figure, so does the floor area, ease of exit and the density and type of furniture and fittings. Please note that sanitary accommodation can affect occupancy figures. Please specify if your premises has a capacity of fewer than 200 people, as there is an exemption available under section 177 of the Licensing Act 2003.
- Use of equipment and effects. You should be able to demonstrate that equipment, whether fixed or temporary is safe and in working order such as the electrical, fire alarm and emergency lighting systems and fire fighting equipment. There are however, types of equipment and effects which require specific risk

- assessment and advice from experts such as the Environmental Health or Health and Safety officers.
- Levels of door supervision. Please see above in Crime and Disorder. When assessing the numbers of doorstaff, you should consider their safety and employ them in sufficient numbers to ensure that they are able to deal with all emergencies and evacuations, not just in their crime and disorder role.
  - Measures to prevent the supply and use of illegal drugs. Please see the General and Crime and Disorder headings.
  - Free availability of clean drinking water. It is recognised that some persons either in possession of or under the influence of drugs will gain entry to premises despite stringent search methods. Some drugs combined with dancing can cause overheating of the body and a craving for water. Free availability of clean drinking water and its controlled consumption can help to alleviate the effects of the drug. Water available in sanitary accommodation should not be used for this purpose.
  - Physical safety features e.g. use of toughened glass and plastic containers. Please see above in Crime and Disorder. ;
  - Fire safety, training and evacuation procedures;
  - Provision of CCTV;
  - Consider the effects of smoking in your premises on the health of employees and the public.

### **The Prevention of Public Nuisance**

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

- The location of premises and proximity to residential and other noise sensitive premises, such as hospitals, hospices and places of worship and the proximity of other sensitive areas such as schools, war memorials etc;
- The hours of opening, particularly between 23.00 and 07.00;
- The nature of the activities to be provided, including whether those activities are of a temporary or permanent nature and whether they are to be held inside or outside the premises;
- The design and layout of the premises and in particular the presence of noise limiting features;
- The occupancy capacity of the premises;
- The availability of public transport;
- The availability of parking in residential areas;
- 'Wind down period' between the end of the licensable activities and the closure of the premises;
- The formulation of a dispersal policy;
- Last admission time;
- The upkeep of the area immediately surrounding the premises such as litter collection.

Closure of outside areas after a certain time is encouraged to be included in your operating schedule. It is advisable that no regulated entertainment is carried out in outside areas in the evenings without prior consultation with the licensing authority. Noise can also be contained by keeping windows and doors shut, by installing double-glazing where appropriate and keeping ventilation equipment in good order. Using

performers of regulated entertainment to remind customers to respect the premises' neighbours and leave quietly has proved successful.

### **Protection of Children from Harm**

Do make a statement regarding the child admission policy of the premises detailing any restrictions. Good management and staff training are essential in dealing with this objective. Signage can be very important in the protection of children from harm. It is important that signage makes clear the restrictions on access to the premises or part of the premises by children. It is also important to have children supervised at all times in these types of premises.

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

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

- Limitations of the hours when children may be present;
- Limitations on the exclusion of the presence of children under certain ages when particular specified activities are taking place;
- Limitations on the parts of premises to which children might be given access;
- Age limitations (below 18);
- Requirements for accompanying adults (including for example, a combination of requirements which provide that children under a particular age must be accompanied by an adult); and
- Full exclusion of those people under 18 years of age from the premises when any licensable activities are taking place.

It should be noted that it is an offence;

- to permit children under the age of 16 unaccompanied by an adult (that is a person aged 18 or over) to be present on premises open for the supply of alcohol for consumption there and being used exclusively or primarily for the supply of alcohol for consumption on those premises under the authorization of a premises licence, club premises certificate or temporary event notice;
- to permit the presence of children under 16 who are not accompanied by an adult (that is a person aged 18 or over) between midnight and 5am to be on premises supplying alcohol for consumption on the premises under the authorization of any premises licence, club premises certificate or temporary event notice.

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

The Licensing Authority will therefore expect licensed premises to have adequate controls in place to prevent under age sales of alcohol and other age restricted products to children and young persons. Licensees should contact the Trading Standards Service (Tel 01522 552401) to obtain guidance on preventative control systems, including staff training, record keeping and proof of age cards. The Trading Standards Service, in liaison with the Police, conducts covert test purchasing exercises in response to complaints and information received, to check compliance with the law.

## SECTION 7

### Application fees

Licensing Act 2003 - Fee Levels

Band	A	B	C	D *	E *
Non-domestic rateable value	£0 - £4300	£4301 - £33,000	£33,001 - £87,000	£87,001 – £125,000	£125,001 and over
Fees payable for: Licence (but not changes of name and address or changes of designated premises supervisor)	£100	£190	£315	£450	£635
Annual fee	£70	£180	£295	£320 **	£350 **
Personal Licence	£37				

If town or city centre pub is in Band D or E, which is exclusively and primarily in the business of selling alcohol, Band D is multiplied x 2, and Band E is multiplied x 3.

\*Annual charge, multiplied as above, namely x 2 for Band D and x 3 for Band E.

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

**NB: Payments can be made by card over the phone with customer services (please call 01427 676676) or by bank transfer (please contact us for details) or by cheque (please make it payable to West Lindsey District Council).**

## SECTION 8

### Address list of where to send applications

<b>Responsible Authorities</b>		
<p><b>Licensing Authority:</b></p> <p>Licensing West Lindsey District Council Guildhall Marshall's Yard Gainsborough Lincolnshire DN21 2NA</p> <p>01427 676676 licensing@west-lindsey.gov.uk</p>	<p><b>Environmental Services:</b></p> <p>Food/Health and Safety West Lindsey District Council Guildhall Marshall's Yard Gainsborough Lincolnshire DN21 2NA</p> <p>01427 676676 food.healthandsafety@west-lindsey.gov.uk</p>	<p><b>Environmental Services:</b></p> <p>Environmental Protection West Lindsey District Council Guildhall Marshall's Yard Gainsborough Lincolnshire DN21 2NA</p> <p>01427 676676 environmental.protection@west-lindsey.gov.uk</p>
<p><b>Planning:</b></p> <p>Planning West Lindsey District Council Guildhall Marshall's Yard Gainsborough Lincolnshire DN21 2NA</p> <p>01427 676676 planning.customer.care@west-lindsey.gov.uk</p>	<p><b>Police:</b></p> <p>Lincolnshire Police Alcohol Licensing Team Myle Cross Centre Macaulay Drive Lincoln Lincolnshire LN2 4EL</p> <p>101 countylicensinggroup@lincs.pnn.police.uk</p>	<p><b>Fire:</b></p> <p>Fire Safety Administration Lincolnshire Fire and Rescue Harlaxton Road Grantham Lincolnshire NG31 7SG</p> <p>01476 565441 fire.safety@lincoln.fire-uk.org</p>
<p><b>Trading Standards:</b></p> <p>Lincolnshire Trading Standards Lincolnshire County Council Myle Cross Centre Macaulay Drive St Giles Lincoln LN2 4EL</p> <p>01522 552497 tradingstandards@lincolnshire.gov.uk</p>	<p><b>Protection of Children:</b></p> <p>Lincolnshire Safeguarding Children's Board 3<sup>rd</sup> Floor Orchard House Orchard Street Lincoln LN1 1BA</p> <p>01522 552222 lscb@lincolnshire.gov.uk</p>	<p><b>Public Health:</b></p> <p>Public Health Lincolnshire County Council Room 3.31, 3<sup>rd</sup> Floor Orchard House Orchard Street Lincoln LN1 1BA</p> <p>01522 552947 PublicHealthLicensing@lincolnshire.gov.uk</p>
<p><b>Home Office:</b></p> <p>Alcohol Licensing Team Home Office Lunar House 40 Wellesley Road Croydon CR9 2BY</p> <p><a href="mailto:alcohol@homeoffice.gsi.gov.uk">alcohol@homeoffice.gsi.gov.uk</a> (please include application type in subject line)</p>		

**LICENSING ACT 2003**  
**APPLICATION FOR A PREMISES LICENCE/CLUB PREMISES  
CERTIFICATE**

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

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to West Lindsey District Council in respect of premises known as

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which are situated at

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The proposed licensed activity to be carried on at the premises -is as follows:

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The record of the application may be inspected at the offices of The Licensing Section, West Lindsey District Council, Guildhall, Marshall's Yard, Gainsborough, Lincolnshire. DN21 2NA during normal office hours, (*by appointment only*).

Any representations by other persons or responsible authorities regarding the application must be made in writing to the Licensing Section, West Lindsey District Council at the above address by  
*# Insert correct date (this must be 28 days after the day on which the application was given to the Council)*

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

*\*Delete as appropriate*

**NOTE: This notice to be posted and remain on the premises for 28 consecutive days**

Example Plan - "Name of Pub".

