



# **LICENSING ACT 2003**

## **GUIDANCE TO APPLICANTS**

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## **PUBS, CLUBS AND SIMILAR PREMISES**

# Guidance to Applicants

## Introduction

This document is intended to offer Guidance to Holders of Licences or Certificates or those who have given notice of Temporary Events. It provides the basic information for Applicants to help make a successful Application and General Guidance to keep the operations of the Business, Club, Organisation or event within the Law.

East Staffordshire Borough Council has produced a separate Licensing Policy which Applicants should read and understand. The Licensing Policy explains what East Staffordshire Borough Council considers important.

The Guidance below gives information on the different licence types and processes.

## Personal Licences

A Personal Licence is a Licence held by a particular individual to permit that Person to Authorise the Sale of Alcohol from a Premises that is suitably licensed for the purposes of selling alcohol by retail.

To apply for a Personal Licence you must show that you have sufficient knowledge of Licensing Law and the social consequences of selling alcohol. This is proved by successfully completing an appropriate training course. A list of accredited training courses is available from the DCMS at <https://www.gov.uk/government/publications/accredited-personal-licence-qualification-providers/accredited-personal-licence-qualification-providers#accredited-personal-licence-qualification-providers>.

You should also submit evidence to prove that you have not been convicted of any relevant offences. This can be either the results of a subject access search of the police national computers by the National Intelligence Service or a Criminal Record Certificate. Information on how to obtain a Criminal Record Certificate can be obtained from DBS at <https://www.gov.uk/request-copy-criminal-record> or by telephone on 03000 200 190. In any case the Certificate or search results should be issued **no earlier than one calendar month** before giving the Application to the Licensing Authority.

If you have no Convictions, are suitably trained and are over 18 there is no reason why you should not qualify for a personal licence.

The Application should be submitted to the Local Authority in the area in which you are resident.

The Application must be submitted with the following items:

- Two photographs, one of which must be endorsed as a true likeness
- Original or certified copy of the Licensing Qualification
- Original or certified copy of Criminal Conviction Certificate or a Criminal Record Certificate or the results of a subject access search of the Police National Computer by the National Intelligence Service
- Completed Disclosure of Criminal Convictions and Declaration form
- Fee of £37

Should you change your name and/or address you must notify the original licensing authority, by returning your Personal Licence and Badge to them with the fee of £10.50. Once this has been amended the new Licence will be sent out to you.

A Personal Licence Holder may give consent to become a Designated Premises Supervisor (DPS) for a Licensed Premises where the activity of supply of alcohol is authorised. The DPS has a legal responsibility for authorising the sale of alcohol and control of the day to day management of that premises under the terms of the licence. Make sure that if the Designated Premises Supervisor is not physically on the Premises, there is a clear management structure with which staff are familiar. Personal Licences are not required in Qualifying Clubs, permitted Temporary Events and for Premises Licences that do not retail alcohol.

## **PLEASE NOTE:**

This Authority is required by Law to protect the public funds it administers. It may share information provided to it with other bodies responsible for auditing or administering public funds, in order to prevent and detect fraud.

The Audit Commission appoints the auditor to audit the accounts of this authority. It is also responsible for carrying out data matching exercises.

Data matching involves comparing computer records held by one body against other computer records held by the same or another body to see how far they match. This is usually personal information. Computerised data matching allows potentially fraudulent claims and payments to be identified. Where a match is found it may indicate that there is an inconsistency which requires further investigation. No assumption can be made as to whether there is fraud, error or other explanation until an investigation is carried out.

The Audit Commission currently requires us to participate in a data matching exercise to assist in the prevention and detection of fraud. We are required to provide particular sets of data to the Audit Commission for matching for each exercise, and these are set out in the Audit Commission's guidance, which can be found at [www.audit-commission.gov.uk/nfi](http://www.audit-commission.gov.uk/nfi).

The use of data by the Audit Commission in a data matching exercise is carried out with statutory authority under its powers in Part 2A of the Audit Commission Act 1998. It does not require the consent of the individuals concerned under the Data Protection Act 1998.

Data matching by the Audit Commission is subject to a Code of Practice. This may be found at <http://www.audit-commission.gov.uk/national-fraud-initiative/code-of-data-matching-practice/>

For further information on the Audit Commission's legal powers and the reasons why it matches particular information, see <http://www.audit-commission.gov.uk/fairprocessing>.

## **Premises Licence/Club Premises Certificate**

A Premises Licence permits licensable activities to take place on or from a defined area, a building, part of building, a vessel, vehicle or temporary structure. A Premises Licence can be made by an individual, several individuals, a Company or Organisation, or other prescribed persons such as individuals acting as representatives for a Company or individual. The Application for a Premises Licence is normally the responsibility for the owner of the Business or the Committee responsible for the building. If the premises are leased, the freeholder has a right to inform East Staffordshire Borough Council that they own, part own, or occupy the premises they have a right to know of any Applications, notices and request other information.

A Club Premises Certificate permits licensable activities to take place at the premises of a "Qualifying Club". A Qualifying Club applying for a Club Premises Certificate does not need a Personal Licence Holder identified as a Designated Premises Supervisor as there is no supply of alcohol by retail taking place. Alcohol may be bought for the Club by the members and the money being passed across the bar is to maintain equity between members. Please make sure that the Club Rule book makes clear the policy for guests. Clubs should carefully consider whether they should apply for a Club Premises Certificate or a Premises Licence. As Committee Members in Clubs change from time to time please ensure that the East Staffordshire Borough Council Licensing Team are kept abreast of these changes. Please be aware that it is an offence not to inform the Council that the person who fills the role of Secretary changes.

You may not apply for a Premises Licence or a Club Premises Certificate if you or any of your Committee members are under 18 years of age. The Applicant for a Premises Licence or Club Premises Certificate does not need to be a Personal Licence Holder.

## How to apply for a New Application?

### Written applications

A written Application for a Premises Licence/Club Premises Certificate must be made in the prescribed form and be copied to each of the appropriate Responsible Authorities. Contact details for the Responsible Authorities can be found at the end of this document.

The Application must be accompanied by:

- The required fee (fee details below)
- An operating schedule (see below)
- A plan of the premises that should include the following details:
  - The location and extent of the boundary of the building, if relevant, and any external and internal walls which comprise the premises, or in which the premises is comprised
  - The location of exits from the premises
  - If different from the location of exits, the location of escape routes from the premises
  - The locations on or from the premises is to be used for the licensable activity and in the case of an application where the premises is to be used for more than one licensable activity the location for each activity (For the avoidance of doubt the different areas/activities should be marked in different colours).
  - In a case where the application relates to the supply of alcohol, the location or locations on the premises which is or are to be used for the consumption of alcohol
  - Fixed structures (including furniture) or similar objects temporarily in a fixed location (but not furniture) which may impact on the ability of individuals on the premises to use exits or escape routes without impediment
  - In a case where the premises includes a stage or raised area, the location and height of each stage or area relative to the floor
  - In a case where the premises includes any steps, stairs, elevators or lifts, the location of the steps, stairs, elevators or lifts
  - In a 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 other safety equipment including, if applicable marine safety equipment
  - The location of a kitchen, if any on the premises

And:

- If the Premises Licence Application is to include the retail of alcohol, the consent of the individual Personal Licence Holder who wishes to be the Premises Supervisor is required,
- If a Club Premises Certificate Application, a copy of the Club rule book, and a declaration that the Club is a “qualifying Club”.

The Legislative Reform (Supervision of Alcohol Sales in Church and Village Halls &c.) Order 2009 amended the Act to allow certain community premises which have, or are applying for, a Premises Licence that authorises alcohol sales to also apply to include the alternative licence conditions instead of the usual mandatory conditions. Such an Application may only be made if the Licence Holder is, or is to be, a Committee or board of individuals with the responsibility for the management of the Premises.

### Electronic Applications

Applicants may apply using the Licensing Forms available on the Electronic Application Facility (EAF) which is part of Gov.uk.

The Licensing Authority must copy electronic Applications, made via Gov.uk or its own facility, to responsible Authorities no later than the first working day after the Application is given. However, if an Applicant submits any part of their Application in writing, the Applicant will remain responsible for copying it to Responsible Authorities.

## **How do I know if the Application is complete?**

Incomplete Applications will be dealt with in one of two ways. If the Application is simply missing one or two simple details, a letter requesting the missing documentation will be sent to the Applicant and the Application will be kept on hold. If there are more than a few simple details incomplete or the Applicant fails to submit the necessary documentation, the Application will be rejected and returned to the sender. The Application must be resubmitted.

## **What happens next?**

The Applicant has a duty to advertise their Application. A Blue Notice (available from the Licensing Office) must be displayed in a prominent position at or on the Premises concerned, which details the activities and hours applied for. This Notice must be displayed for not less than 28 consecutive days starting the day after the day the complete Application was given to the Authority. The Applicant must also advertise their Application in a local newspaper circulating in the relevant part of East Staffordshire. The newspaper notice must be circulated at least one occasion not more than 10 working days after the giving of the Application to East Staffordshire Borough Council Licensing Team, both the newspaper notice and the notice for the Application will contain the following information:

- The name of the Applicant or Club;
- The postal address of the Premises, or if not applicable a description of the premises concerned
- The relevant licensable activities proposed to carry on at the premises
- Details of where the register of East Staffordshire Borough Council is held and where it can be inspected
- The dates between which an interested party and a Responsible Authority may make representations to East Staffordshire Borough Council Licensing Team
- A statement that all representations must be made in writing
- A statement that it is an offence knowingly or recklessly to make a false statement in connection with an application and the maximum fine for which a person is liable on summary conviction for the offence

When we acknowledge receipt of the Application we will confirm the dates within which representations can be made. We will also send out an advertisement declaration, which must be completed and returned to confirm that the Application has been advertised in accordance with the Act.

If there are no representations within the 28 consecutive days, a complete Application Form has been submitted with the appropriate fees and other paperwork, and appropriate notices in the papers and on the Premises, the Licence will be Granted.

However, if a representation from any other person or Responsible Authorities has been received, the Licensing Team will decide whether the representation is relevant. If the Licensing Team find the representation relevant the matter will be referred to the Licensing Act Sub Committee for consideration. All relevant parties will be notified. A decision will be made by the Licensing Sub Committee and the details of that decision will be circulated to the parties concerned.

The Applicant does have a right to appeal and this should be made to the Magistrates appropriate to the location of the Premises concerned. Professional advice should be sought where it is uncertain what the best course of action should be.

## **Need Help?**

If you require help when completing the forms, please contact the Licensing Team at East Staffordshire Borough Council for either advice or to arrange an appointment to come and get help in completing the form. Alternatively you may feel that you wish to pass the job of making your Application to a reputable Licensing Professional such as a Solicitor or Consultant.

## Fees

Fees for all Licensing Act 2003 permissions have been set by Central Government. These are divided into 5 bands:

Band	A	B	C	D	E
<b>Non-Domestic rateable value</b>	£0 - £4300	£4,301 - £33,000	£33,001 - £87,000	£87,000 - £125,000	£125,001 and over

A	B	C	D	E
£100	£190	£315	£450*	£635*

\* - Where the premises is used exclusively or primarily for the supply of alcohol for consumption on the premises, the fee shall be

- For Band D premises, two times the amount shown above i.e. £900;and
- For Band E premises, three times the amount shown i.e. £1905.

Additional fees are payable for large events i.e. for occupancies of 5000 or greater (please contact the Licensing Team for details).

Fees will be annually payable by those holding Premises Licences and Club Premises Certificates as follows:

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

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).

There are other occasions that fees and charges must be paid to East Staffordshire Borough Council. Please see details below for other fees/licensing processes.

### New applications – overview:

Occasion on which a fee may be payable	Who should be sent copies of application other than ESBC Licensing Team	All fees are to be paid to East Staffordshire Borough Council
New Premises Licence or Club Premises Certificate	<ul style="list-style-type: none"> <li>• Staffordshire Police</li> <li>• Staffordshire Fire and Rescue Service</li> <li>• ESBC Planning Delivery</li> <li>• ESBC Environmental Health (Pollution Team)</li> <li>• ESBC Enforcement Team</li> <li>• ESBC Licensing Team</li> <li>• Health and Safety Executive (where the premises is enforced by the HSE)</li> <li>• Staffordshire County Council &amp; Staffordshire NHS – Director of Public Health</li> <li>• Staffordshire Safeguarding Children Board</li> <li>• Trading Standards</li> <li>• Alcohol Licensing Team - Immigration</li> <li>• Advertise in local paper</li> </ul>	Please see above as dependent of Non-domestic Rateable Value

## Variations

If you wish to extend the permitted hours, apply for additional licensable activities or remove any conditions that are currently on the Licence you will need to apply for a **Variation of a Premises Licence/Club Premises Certificate**. The Application process is the same as applying for a new Licence. See details above for Application process.

*Please note: the additional hours/activities will not be permitted until the new Licence is granted.*

### Variation application – overview:

Occasion on which a fee may be payable	Who should be sent copies of application other than ESBC Licensing Team	All fees are to be paid to East Staffordshire Borough Council
Variation of Premises Licence or Club Premises Certificate	<ul style="list-style-type: none"> <li>• Staffordshire Police</li> <li>• Staffordshire Fire and Rescue Service</li> <li>• ESBC Planning Delivery</li> <li>• ESBC Environmental Health (Pollution Team)</li> <li>• ESBC Enforcement Team</li> <li>• ESBC Licensing Team</li> <li>• Health and Safety Executive (where the premises is enforced by the HSE)</li> <li>• Staffordshire County Council &amp; Staffordshire NHS – Director of Public Health</li> <li>• Staffordshire Safeguarding Children Board</li> <li>• Trading Standards</li> <li>• Alcohol Licensing Team - Immigration</li> <li>• Advertise in local paper</li> </ul>	Please see above as dependent of Non-domestic Rateable Value

### Minor Variations

It is possible to make small changes to your Premises Licence or Club Premises Certificate through the Minor Variation process, which is quicker and easier than the full Variation process.

Minor variations will generally fall into four categories: minor changes to the structure or layout of a premises; small adjustments to licensing hours; the removal of out of date conditions or addition of volunteered conditions; and the addition of certain licensable activities.

The test of whether a proposed variation is ‘minor’ is whether it could impact adversely on any of the four Licensing Objectives.

Further information can be obtained by contacting a member of the Licensing Team on 01283 508310.

## Transfers

Should the Premises Licence Holder change you must apply for an **Application to Transfer Premises Licence**. The fee for this Application is shown on page 8. The Application Form and Consent Form to be completed by the existing Licence Holder and existing Licence (or statement if not produced) must be submitted to the Licensing Team and Staffordshire Police. If you are an individual applying you must also submit a copy of your Passport with the Application and also serve a copy on Immigration. Where the complete Application is submitted electronically via gov.uk the Licensing Authority is responsible for notifying the Police and Immigration of the Application.

You can request that the Transfer take immediate effect as long as you have obtained the Consent Form the existing Licence Holder or can show that all reasonable steps have been taken to obtain Consent.

The consultation period for this Application is 14 days. If there are no objections from Staffordshire Police within this time the Application will be granted and the Licence will be amended accordingly.

### Additional notes for transfer applications

If the Premises have Gaming Machines available for use at the Premise then in addition to the transfer of the Premise Licence, the relevant permission for the Gaming Machine will also require changing.

Under the Gambling act 2005, alcohol Licences premises have an automatic entitlement to two gaming machines (Category C or D). Should you wish to continue to offer up to two machines a new notification will need to be submitted in the name of the new Premises Licence Holder.

Should you wish to offer more than two gaming machines you will be required to either Transfer the existing Licensed Premises Gaming Permit, if one exists, or apply for a new permit.

Pubs, restaurant or hotels will be able to notify/apply for a permit, but if only they have a bar. Hotels and restaurants that are only permitted to sell alcohol as an accompaniment to food **will not** be able to provide gaming machines on the premises.

Applications forms and fees can be obtained from the Licensing Team. A copy of the form must also be sent to Staffordshire Police.

### How to change the person named as the Designated Premises Supervisor

If you need to change the person named as the Designated Premises Supervisor you need to submit an **Application to vary the premises licence to specify an individual as designated premises supervisor**. The fee for the Application is shown below. The Application Form, Consent Form (completed by the new Designated Premises Supervisor) and existing Licence (or statement if not produced) must be submitted to the Licensing Team and Staffordshire Police. Where the complete Application is submitted electronically via gov.uk the licensing authority is responsible for notifying the Police of the Application.

The Premises Licence Holder must notify the existing Designated Premises Supervisor (if there is one) of the Application on the same day as the Application is given to the Licensing Authority.

You can request that the change of Designated Premises Supervisor take immediate effect, but this must be indicated on the Application form.

The consultation period for this Application is 14 days. If there are no objections from Staffordshire Police within this time the Application will be granted and the Licence will be amended accordingly.



## **Temporary Event Notices (TEN's)**

**There are now two types of Notices:**

### **1. Standard Temporary Event Notices**

TEN's are the mechanism available under the Licensing Act 2003 to legitimately allow temporary or occasional events. They are only needed where the activity proposed goes beyond any existing Premise Licence or Club Premise Certificate or no such Licence or Certificate is in place for the Premises concerned.

TEN's apply to any of the Licensable Activities and therefore apply to: -

1. The supply of alcohol on or off the premises;
2. The provision of regulated entertainment; and
3. The provision of late night refreshment (i.e. after 11 p.m. and before 5 am).

### **Limitations**

The limitations that apply to temporary events are: -

1. The number of times that a person may give a TEN (50 times a year for a personal licence holder and 5 times a year for other people);
2. The number of times a TEN may be given in respect of any particular premises (15 times in a calendar year);
3. The length of time a temporary event may last for these purposes (Less than 168 hours or 7 days);
4. The maximum aggregate duration of the periods covered by TEN's at any individual premises (21 days);
5. At least 24 hours between events; and

The scale of the event in terms of the maximum number of people attending at any one time (less than 499 or less).

Should you wish to apply for a Temporary Event Notice then this must be done on the prescribed form and sent in to the Licensing Team, Pollution and one copy to Staffordshire Police. Where the complete Application is submitted electronically via gov.uk the Licensing Authority is responsible for notifying the Police and Pollution of the Application.

The Application must be submitted giving a minimum of ten working days notice. 'Ten working days' notice means ten working days exclusive of the day on which the event is to start, and exclusive of the day on which the notice is given.

The consultation period for a temporary event notice is three working days. If Staffordshire Police or Pollution feel that by allowing the event to go ahead it would undermine any of the licensable activities they can object and a counter notice will be issued. The matter will then be referred to the Licensing Act Sub Committee for consideration.

If there are no representations by Staffordshire Police or Pollution the event will be allowed to proceed.

### **2. Late Temporary Event Notices**

Late Notices will only be given under exceptional circumstances. They can be given no later than 5 working days but no earlier than 9 working days before the event in relation to which the Notice is given. A Late Notice given later than 5 working days before the event to which it relates will be returned as void and the activities described in it will not be authorised.

The number of Late Notices that can be given in any one calendar year is limited to 10 for personal licence holders and 2 for non-personal licence holders. These count towards the total number of temporary event notices (ie 50 notices per year for Personal Licence Holders and 5 notices for non-Personal Licence Holders).

If there is an objection from either the Police or Pollution, the event will not go ahead and a Counter Notice will be issued at least 24 hours before the event.

### **Additional note for Applications for Premises Licences / Club Premise Certificates and Temporary Event Notices**

If your application includes music you must also obtain a licence from the performing rights society more information can be obtained from the website, [www.prs.co.uk](http://www.prs.co.uk) or by telephone on 0845 300 60 33 and also a licence from Phonographic Performance Ltd further information can be obtained from the website [www.ppluk.com](http://www.ppluk.com) or by telephone on 020 7534 1000.

## Additional Fees

Occasion on which a fee may be payable	Who should be sent copies of Application other than ESBC Licensing	All fees are to be paid to ESBC
Application to Transfer Premises Licence	Police Immigration if an individual applying	£23.00
Application to Vary to specify individual as Premises Supervisor	Police	£23.00
Application for a Minor Variation to a Premises Licence or Club Premises Certificate	N/A	£89.00
Temporary Event Notices	Police and Pollution (Env Health)	£21.00
Supply of copies of information contained in register	N/A	Set By ESBC
Application for copy of licence or summary on theft, loss etc of premises licence or summary	N/A	£10.50 in all cases
Notification of change of name or address (holder of Premises Licence)	N/A	£10.50 in all cases
Interim Authority Notice	Police	£23.00
Application for making a provisional statement	<ul style="list-style-type: none"> <li>• Staffordshire Police</li> <li>• Staffordshire Fire and Rescue Service</li> <li>• ESBC Planning Delivery</li> <li>• ESBC Pollution Team – Env Health</li> <li>• ESBC Enforcement Team</li> <li>• ESBC Licensing Team</li> <li>• Health and Safety Executive (where the premises is enforced by the HSE)</li> <li>• Staffordshire County Council &amp; Staffordshire NHS – Director of Public Health</li> <li>• Staffordshire Safeguarding Children Board</li> <li>• Trading Standards</li> <li>• Alcohol Licensing Team - Immigration</li> <li>• Primary Care Trust</li> <li>• Advertise in local paper</li> </ul>	£315.00
Application for copy of certificate or summary on theft, loss etc of certificate summary	N/A	£10.50 in all cases
Notification of change of name or alteration of club rules	N/A	£10.50 in all cases
Change of relevant registered address of club	N/A	£10.50 in all cases
Application for copy of notice on theft, loss etc. of temporary event notice	N/A	£10.50
Application for copy of licence on theft, loss etc. of personal licence	N/A	£10.50
Notification of change of name or address (personal licence)	N/A	£10.50
Notice of interest in any premises	N/A	£21.00
Application to disapply DPS condition		£23.00

There are additional fees for premises licence applications, and the annual fee for exceptionally large scale events (5000+), unless certain conditions apply. Please contact the Licensing Team for further information:

<b>Number in attendance at any one time</b>	<b>Additional Premises licence fee</b>	<b>Additional annual fee payable if applicable</b>
5,000 to 9,999	£1,000	£500
10,000 to 14,999	£2,000	£1,000
15,000 to 19,999	£4,000	£2,000
20,000 to 29,999	£8,000	£4,000
30,000 to 39,999	£16,000	£8,000
40,000 to 49,999	£24,000	£12,000
50,000 to 59,999	£32,000	£16,000
60,000 to 69,999	£40,000	£20,000
70,000 to 79,999	£48,000	£24,000
80,000 to 89,999	£56,000	£28,000
90,000 and over	£64,000	£32,000

In cases where premises are in the course of construction premises shall be in Band C. In all other cases the Premises shall be in Band A. Subsequent annual fees will relate to the non-domestic rateable value given to the property.

Premises Licences sought for Community Centres and some schools that permit Regulated Entertainment but do not permit the supply of alcohol will not incur a fee.

For more information please contact the Licensing Team – see last page of this guidance for useful contact addresses.

## **Operating Schedule**

An operating schedule is a required document for all new and variation Applications for Premises Licences and Club Premises Certificates. It is the documentation that outlines what activities are proposed to be permitted, when the activities will take place, how the activities will be managed and the overall opening hours when the public are permitted on the premises.

It is advisable to apply for the maximum (but realistic) amount of hours for any activity. Particular thought should be given to Community Centres as these premises often have many different users and they 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. For example, if dance classes are held during the day, it is not inconceivable that dance classes may be held in the evening or at weekends. In these circumstances it is advised to apply for a general licence that would not limit the hall users in what they may offer.

One of the most critical parts of the operating schedule is the section is where the applicant describes the steps they intend to take to promote the four licensing objectives. Careful consideration of what is entered is advised. What is written in this section is likely to become a condition of the licence. However, as a guide the appendices to the Council's Statement of Licensing Policy could be used to see the sorts of things that should be addressed in the operating schedule. Obviously, not all are appropriate to all premises. For example, attendant ratios for seated audiences would not normally be a feature of a public house, and similarly use of two-way radios may not be relevant to licensed premises in rural settings as there is not the same customer migration patterns as in a town centre.

## General

Areas of Concern	Arrangements for Controlling Areas of Concern
Hours of operation	<p>The application form requires general operating hours to be submitted, together with details for the different types of entertainment. It is important to consider the potential impact of activities, particularly relating to public nuisance, when establishing operating hours.</p> <p>Provisions relating to drinking up time are not contained within the Act and therefore applicants have the ability to establish their own, these details need to be included in the application.</p>
Occupancy limits	<p>Occupancy limits should be considered where failure to set limits could impact upon public safety i.e. a serious risk of the premises being overcrowded. This may be because of the general use of the premises makes it prone to overcrowding, or there may be physical aspects of its design that would increase the risks if overcrowding were to occur i.e. limited exits or customers on more than one floor.</p> <p>Where these risks do occur the operational plan should include:-</p> <ul style="list-style-type: none"> <li>• Maximum occupancy limits for public areas.</li> <li>• Steps proposed to avoid overcrowding.</li> <li>• Arrangements to assess/record the number of people on the premises during licensed activities and for making that information immediately available on request by an authorised officer</li> </ul>
Signage	<p>Good signage can operate at many levels. At the door, clear signs can clarify the premises policy regarding any age restriction policies 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 East Staffordshire Borough Council 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:</p> <p>“CCTV operates in this area and lawlessness will be reported to the police”  “This premises operates 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”</p>
Designated Premises Supervisor (DPS)	<p>Proposals to ensure that the nominated DPS, or a Personal Licence Holder working under the authority of the DPS, is always responsible for the sale of alcohol on the premises and available when alcohol is being sold.</p> <p>Proposals for a nominated ‘reserve’ DPS.</p>
Personal Licence Holders (PLH)	<p>Details of the numbers and responsibilities of PLHs employed</p>
Under Age Drinking	<p>Arrangements for ensuring alcohol is not sold to persons under 18, including:</p> <ul style="list-style-type: none"> <li>- proof of age schemes</li> <li>- reference to the Portman Group Code of Practice</li> </ul>
Drinks Promotions	<p>Drinks promotions should never encourage binge drinking. Consideration of the implications on 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 relevant.</p>

High Volume Vertical Drinking Establishments (HVVD's)	<p>Specific arrangements and procedures in high capacity 'vertical drinking' establishments for promoting the licensing objectives, in particular:</p> <ul style="list-style-type: none"> <li>- prescribing occupancy limits and the ratio of tables and chairs to customers based on that capacity</li> <li>- providing security staff to prevent disorder and to ensure safety and compliance with occupancy limits</li> <li>- restricting access by children/minors</li> <li>- agreeing a Statement of Intent with the Police regarding best working practice</li> </ul>
Drugs	<p>Drug policy details with reference, where necessary, to:</p> <ul style="list-style-type: none"> <li>- the Safer Clubbing booklet issued by the London Drugs Policy Forum</li> <li>- advice by Staffordshire Police Drugs Liaison Officers</li> </ul>
Sanitary Accommodation	<p>Provision of safe, hygienic, separate and sufficient sanitary facilities for both sexes and for disabled persons</p>
Premises alterations	<p>Proposals for notifying the Licensing Authority of alterations to the layout or structure of the premises and for applying for variation of the licence where such alterations could affect compliance with existing licence conditions.</p>
Staff training	<p>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 premises is very important and in it's Statement of Licensing policy East Staffordshire Borough Council expects applicants, particularly of premises retailing alcohol which must have a designated premises supervisor, to have a well defined management structure especially for when the designated premises is not physically on the premises, an example of best practise 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 practise for all duty managers to be personal licence holders so that the required knowledge level can be assured when the designated premises supervisor is not physically present. Other key areas that should be covered include:</p> <ul style="list-style-type: none"> <li>• What to do if they think that there is a customer behaviour problem or is likely to occur.</li> <li>• What to do and any special responsibilities in case of fire or any other need to evacuate the premises.</li> <li>• Where the supply of alcohol is concerned or where any age restriction is applicable training should be given and maintained as to what is acceptable proof of age identification and what is not, as the names of cards may change over time and new cards offered the PASS accreditation.</li> <li>• Where applicable, 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.</li> <li>• What is the premises drug policy and what to do if drugs are found on the premises.</li> <li>• What to do if they feel threatened into making an illegal sale and how best to avoid such situations</li> </ul> <p>Moreover, if staff members are well trained they may feel more confident to be more proactive in keeping trouble out of the premises. The best way to arrange this is 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. This document may be referred to in the operating schedule. Where agency staff are used, be sure that they have received a thorough briefing of what their role is and where possible try and re-use the same staff so that they get to know the premises and clientele.</p>

Special Events	Special consideration should be made regarding the licensing objectives when special events such as football events or other local or national events and how these events will impact the local community and what can be done to minimise the negative impact.
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## The Prevention of Crime and Disorder

Applicants should, have regard to their own premises and operations, assess the risks of crime and disorder arising from each of the concerns identified below (and any others identified by themselves), in order to determine the arrangements needed, if any, to reduce or eliminate those risks.

Areas of Concern	Arrangements for Controlling Areas of Concern
Persons in the immediate vicinity of the Premises	<p>Security arrangements and procedures for addressing potential problems with customers arriving at/leaving the premises, or, using ancillary areas such as gardens and car parks, incorporating provision, where necessary, for:</p> <ul style="list-style-type: none"> <li>- ensuring orderly queues and access to the premises</li> <li>- preventing access by persons that are drunk or disorderly, or, have been previously barred from the premises</li> </ul>
	<ul style="list-style-type: none"> <li>- random searches/searching persons suspected of carrying illegal drugs or offensive weapons</li> <li>- a customer dispersal policy incorporating arrangements for drinking-up times, conclusion of entertainments, cloakroom/toilet access and transport facilities</li> <li>- displaying crime prevention notices</li> <li>- identifying and controlling all areas to which customers have access and those in which alcohol may and may not be consumed</li> <li>- restrictions on drinks being taken from the premises in bottles or open containers with consideration of waiter/waitress service only to licensed areas outside the building, or, the use of plastic or toughened glass responding to incidents of violence, drug use/dealing, theft etc</li> <li>- use of C.C.T.V.</li> <li>- use of security staff/door supervisors</li> </ul>
Persons on the premises	<p>Security arrangements and procedures for addressing potential problems with customers inside the licensed premises, incorporating provision, where necessary, for:</p> <ul style="list-style-type: none"> <li>- ejecting persons that are drunk or disorderly, or, have been previously barred from the premises</li> <li>- searching persons suspected of carrying illegal drugs or offensive weapons</li> <li>- using plastic or toughened glasses and restricting sales of drinks in bottles</li> <li>- identifying and controlling all areas to which customers have access and those in which alcohol may and may not be consumed</li> <li>- adequate supervision of all licensed and ancillary areas such as toilets, by security staff if necessary, with particular reference to discotheques/dance floors</li> <li>- responding to incidents of violence, drug use/dealing, theft etc.</li> <li>- use of C.C.T.V.</li> <li>- use of security staff/door supervisors</li> </ul>
Liaison and communication	<p>Provision for exchanging information and giving/receiving warnings from the Police and other licensees in the locality, e.g. through dedicated text/radio pager systems.</p> <p>Agreeing best working practices with the Police through a formal 'Statement of Intent'.</p> <p>Procedures for contacting Emergency Services.</p>

## Public Safety

Applicants should, having regard to their own premises and operations, assess the risks to public safety arising from each of the concerns identified below (and any others identified by themselves), in order to determine the arrangements needed, if any, to reduce or eliminate those risks.

Areas of Concern	Arrangements for Controlling Areas of Concern
Risk Assessment	<p>This is a requirement under the Health and Safety at Work Act 1974 where there are more than 5 employees. It may include a fire risk assessment as required under Fire Precautions (Workplace) regulations 1997 and will apply to all non-domestic premises following the Regulatory Reform Order.</p> <p>Applicants should consider, as a basic requirement, areas such as electrical safety, building integrity, and heating installations as a matter of course and reassess these following any major refurbishments, repairs, and general maintenance.</p>
Access and Egress	<p>Procedures to maintain the safety of entrance/exit areas and, in particular to avoid slip and trip hazards.</p> <p>Procedures for controlling queues and safe rates of entering and leaving the premises.</p> <p>Procedures for emergency evacuation of premises.</p> <p>Specific arrangements for disabled people.</p>
Other Public Areas	<p>Procedures to maintain the safety of all public areas, including passageways, stairways and, in particular, to avoid slip and trip hazards.</p>
Lighting, Heating and Ventilation	<p>Details of provision for normal lighting, heating and ventilation (including air conditioning) in public areas.</p> <p>Details of emergency lighting systems provided</p>
First Aid	<p>Provision for first aid/medical facilities and support.</p>
Emergency Procedures	<p>Risk assessments, contingency plans and testing arrangements for major incidents and alerts.</p> <p>Emergency vehicle access routes.</p> <p>Arrangements for contacting emergency services.</p>
Means of Escape	<p>Details of fire exits with procedures to ensure they are clearly marked, in good order, unobstructed and unlocked when the building is occupied.</p> <p>Details of escape routes with procedures to ensure they are clearly marked, free from slip/trip hazards with conspicuous steps and stair treads.</p> <p>Details of fire doors with procedures to ensure they are kept in good order and kept closed.</p>
Fire Fighting Equipment	<p>Details of fire fighting equipment and where sited.</p> <p>Training procedures on the use of fire fighting equipment.</p>
Fire and Other Warning Systems	<p>Details of warning systems that can be easily heard in all public areas at all times.</p>
Fire Retardant Materials	<p>Arrangements to ensure permanent and temporary fixtures and fittings such as curtains, hangings, decorations and upholstery are fire retardant.</p>



Safety Audits	Proposals for specialist inspection/certification and routine safety checks for: <ul style="list-style-type: none"> <li>- emergency lighting systems</li> <li>- heating systems</li> <li>- alarm systems</li> <li>- fixed and temporary electrical wiring systems</li> <li>- fire fighting equipment</li> <li>- escape routes and emergency exits</li> </ul> Arrangements for recording/logging details of the above and for making them immediately available on request by an authorised officer
Special Effects	Proposals and procedures for the safe use of : <ul style="list-style-type: none"> <li>- dry ice machines and cryogenic fog</li> <li>- smoke machines and fog generators</li> <li>- pyrotechnics</li> <li>- strobe lighting</li> <li>- lasers</li> <li>- real flame</li> <li>- other special effects</li> </ul>
Temporary Structures	Proposals and procedures for ensuring the safe erection, inspection and use of temporary structures, including the provision of specialist structural safety certification.
Temporary Electrical Systems	Proposals and procedures for ensuring the safe installation, inspection and use of temporary electrical systems, including: <ul style="list-style-type: none"> <li>- provision of specialist electrical safety certification</li> <li>- provision of residual current devices</li> <li>- special arrangements for external use.</li> </ul>
Theatre and Cinema Performances	Details of areas used for such activities including entrances and exits. Minimum lighting levels. Restrictions on flammable films. Plans of any close seating arrangements together with: <ul style="list-style-type: none"> <li>- proposals for the numbers and responsibilities of attendants</li> <li>- restrictions on sitting on floors, staircases, landings and exits</li> <li>- restrictions on the serving and consumption of drinks.</li> </ul>

## The Prevention of Public Nuisance

Applicants should, having regard to their own premises and operations, assess the risks of causing public nuisance arising from each of the concerns identified below (and any others identified by themselves), in order to determine the arrangements needed, if any, to reduce or eliminate those risks.

Areas of Concern	Arrangements for Controlling Areas of Concern
Customers Leaving Premises	Procedures for encouraging customers to have regard to occupiers of neighbouring property, such as: <ul style="list-style-type: none"> <li>- notices and announcements</li> <li>- door supervisors</li> </ul>
Noise and Vibration from Licensed Activities	Details of sound systems proposed/allowed. Procedures for controlling disturbance through: <ul style="list-style-type: none"> <li>- closing doors and windows</li> <li>- sound insulation schemes</li> <li>- automatic sound level limiting devices</li> <li>- restricting times and locations of sensitive activities</li> <li>- limiting/prohibiting use of pyrotechnics and other noise sensitive special effects</li> </ul>
Noise and Vibration from Other Activities	Procedures for controlling disturbance through: <ul style="list-style-type: none"> <li>- location of refuse areas and bottle banks</li> <li>- provision of off street parking</li> </ul>
Noxious Odours	Odour controls for catering activities.
Light Pollution	Controls on flashing or bright lights outside the premises

## Protection of Children from Harm

Applicants should, having regard to their own premises and operations, assess the risks of exposing children to harm arising from each of the concerns identified below (and any others identified by themselves), in order to determine the arrangements needed, if any, to reduce or eliminate those risks.

Areas of Concern	Arrangements for Controlling Areas of Concern
Access by Children	<p>Details of restrictions and procedures to prevent access by unaccompanied children under the age of 16 when alcohol is being sold for consumption on the premises.</p> <p>Details of restrictions and procedures to prevent access by persons under the age of 18 to premises/areas used for gambling or entertainment of an adult or sexual nature.</p>
Film/Video Shows and Theatre Performances	Procedures for restricting access of children and minors to age restricted films/videos or theatrical performances incorporating adult entertainment
Children's Areas, Activities and Performances	Specific arrangements to address the safety and supervision of children taking part in any performances
Signage	<p>Signage can be very important in the protection of children from harm – it can be helpful to remind parents and guardians that it is illegal to be intoxicated and in charge of children under the age of 7 years of age, particularly where the sale of alcohol is for consumption on the premises. It is also important to have children supervised at all times in these types of premises. It is expected in your operating schedule if children are permitted on the premises to demarcate any areas where children are not allowed, 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 that children needing to use the toilets can get there without crossing areas within which they are not permitted.</p>

## Offences

- To carry on or attempt to carry on a licensable activity on or from any premises other than under or in accordance to with the authorisation provided by a premises licence, a club premises certificate or temporary event notice meeting the required conditions.
- To knowingly allow such an activity to be carried on.
- Where an unauthorised activity has taken place, any performer or participant does not commit an offence unless they are involved in the organisation or arrangement of the unauthorised activity.
- It is an offence to expose alcohol for sale when not an authorised activity.
- To keep alcohol with the intention of selling it by retail or supplying it by or on behalf of a club or to the order of a member of a club where the sale of supply would be an unauthorised licensable activity.

Offences concerning children are as follows:

- Unaccompanied children are prohibited from certain premises such as premises at a time open for the purposes of being used for the supply of alcohol for consumption there and all relevant premises used for the supply of alcohol for the consumption there between the hours of midnight and 5am.
- Sale of alcohol by retail to an individual under the age of 18 is illegal.
- Clubs commit an offence if alcohol is supplied to a member or guest who is under the age of 18.
- It is an offence to allow the supply of alcohol to children from your premises.
- It is an offence for an individual aged under the age of 18 to buy or attempt to buy alcohol.
- It is an offence to buy or attempt to buy alcohol on behalf of an individual who is under 18.
- However, no offence is committed if a person over the age of 18 buys beer, wine or cider for an individual aged 16 or 17 if the purchase, or supply, is for consumption at a table meal on relevant premises and that the individual is accompanied at the meal by an individual aged 18 or over.
- An individual under the age of 18 commits an offence if he knowingly consumes alcohol on relevant premises.
- A person who works on relevant premises in any capacity, whether paid or unpaid commits an offence if he knowingly delivers to an individual aged under 18 alcohol sold on the premises, or alcohol supplied on the premises by or on behalf of a club to or to the order of a member of a club.
- A person commits an offence if he knowingly allows anyone else to deliver to an individual aged under 18 alcohol sold on relevant premises.
- A sending a child to obtain alcohol sold

## Contact Details – Responsible Authorities

Consultation with all responsible authorities is encouraged prior to the submission of the application.

<p>The Licensing Team Head of Regulatory Services East Staffordshire Borough Council The Town Hall King Edward Place Burton upon Trent Staffordshire DE14 2NS</p> <p>01283 508310 <a href="mailto:licensing@eaststaffsbc.gov.uk">licensing@eaststaffsbc.gov.uk</a></p>	<p>Southern Licensing Department Burton Police Station Staffordshire Police Horninglow Street Burton upon Trent Staffordshire DE14 1PA</p> <p>01785 238222 <a href="mailto:southern.licensing@staffordshire.pnn.police.uk">southern.licensing@staffordshire.pnn.police.uk</a></p>
<p>Staffordshire Safeguarding Children Board Wedgwood Building Tipping Street Stafford ST16 2DH</p> <p>01785 277151 <a href="mailto:michael.harrison@staffordshire.gov.uk">michael.harrison@staffordshire.gov.uk</a></p>	<p>Staffordshire Fire &amp; Rescue Service Eastern Service Delivery Group Lichfield Fire Station Birmingham Road Lichfield WS13 6HU</p> <p><a href="mailto:esdg.protect@staffordshirefire.gov.uk">esdg.protect@staffordshirefire.gov.uk</a></p>
<p>Planning Delivery Head of Regulatory Services East Staffordshire Borough Council The Town Hall King Edward Place Burton upon Trent Staffordshire DE14 2NS</p> <p>01283 508606 <a href="mailto:dcsupport@eaststaffsbc.gov.uk">dcsupport@eaststaffsbc.gov.uk</a></p>	<p>Environmental Health - Pollution Head of Regulatory Services East Staffordshire Borough Council The Town Hall King Edward Place Burton upon Trent Staffordshire DE14 2NS</p> <p>01283 508578 <a href="mailto:ehsupport@eaststaffsbc.gov.uk">ehsupport@eaststaffsbc.gov.uk</a></p>
<p>Enforcement Team Head of Regulatory Services East Staffordshire Borough Council The Town Hall King Edward Place Burton upon Trent Staffordshire DE14 2NS</p> <p>01283 508576 <a href="mailto:enforcement@eaststaffsbc.gov.uk">enforcement@eaststaffsbc.gov.uk</a></p>	<p>Trading Standards Staffordshire County Council Floor 1, Castle House, Barracks Road Newcastle under Lyme Staffordshire ST5 1BL</p> <p>01785 277888 <a href="mailto:licensing@staffordshire.gov.uk">licensing@staffordshire.gov.uk</a></p>
<p>Dr Aliko Ahmed Director of Public Health Staffordshire County Council and Staffordshire NHS Wedgwood Building Tipping Street Stafford ST16 2DH</p> <p>0300 111 8000 <a href="mailto:publichealth@staffordshire.gov.uk">publichealth@staffordshire.gov.uk</a></p>	<p>Alcohol Licensing Team (Immigration) Lunar House 40 Wellesley Road Croydon CR9 2BY</p> <p><a href="mailto:alcohol@homeoffice.gsi.gov.uk">alcohol@homeoffice.gsi.gov.uk</a></p>

<b><u>Local paper public notice contact details</u></b>	
Staffordshire Newspapers Ltd FAO Admin 65-68 High Street Burton upon Trent Staffordshire DE14 1LE  Tel 01283 512345	Uttoxeter Papers, Advance Business Centre, St George's, 19 Church Street, Uttoxeter, ST14 8AG  Tel 01889 565120
Derby Evening Telegraph Northcliffe House Meadow Road Derby DE1 2DW  Tel 01332 291111	

### **General Data Protection Regulation/ Data Protection Act 2018**

#### **How is your information used?**

We collect information to assess your suitability and fitness to be issued with a hackney carriage licence and to assist us in managing your licence. We may also use your contact details in the event that we need to contact you in relation to your licence(s).

#### **Who has access to your information?**

Information is shared with other regulatory and enforcement authorities including, but not limited to, other Council services; Councillors; the Police; HM Revenues and Custom; Home Office Immigration; Cabinet Office; National Anti-Fraud Network; NHS services, and other local authorities when allowed to by law for the purposes of the administration and enforcement of authorisations, and for the purposes of the prevention and detection of crime, public safety, public health, protection of the environment and prevention of fraud.

Certain information about licences (including in particular your name and the address of any premises to which a licence applies) may be published on a public register on our website when we are required to by law. Licences that have to be determined by our Councillors will be published in exempt minutes on our website.

For further information about how your personal information will be used, please visit [www.eaststaffsbc.gov.uk](http://www.eaststaffsbc.gov.uk) where you can see a full copy of our privacy notice. Alternatively you can request a hard copy from [licensing@eaststaffsbc.gov.uk](mailto:licensing@eaststaffsbc.gov.uk)