



Application for the Grant or Variation of a Premises Licence

Guidance Notes on How to Apply

A premises licence authorises the following licensable activities:

- Sale by retail of alcohol;
- Regulated entertainment;
- Late night refreshment.

The following guidance details how to apply for a premises licence.

If you wish to make any changes to the premises licence once granted, by extending the permitted hours, apply for additional activities and/or remove any conditions, you can do so by applying for a variation of the premises licence. The application process is the same as applying for a new premises licence as detailed below.

Before completing the prescribed application form, read through the form and all the guidance notes. Complete the application form in block capitals ensuring that you complete all relevant sections signing and dating where required.

Prior to submitting your application, it is advisable to have the application checked over by a member of the Licensing Team to ensure that the form is completed correctly. An appointment to see a Licensing Officer can be made on the contact details listed at the end of this guidance.

You may also apply online using the link on the Council's website. If you apply online, it is the Council's responsibility to serve a copy of the application form on all the Responsible Authorities.

Applicant

An application must be made to the Licensing Authority within whose area your premises is situated. This will normally be your local authority.

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 of the owner of the business.

The applicant must provide a document such as a passport as part of their application to prove that they are entitled to work in the UK. A full list of acceptable documents can be found on our website.

If the premises are leased, the freeholder has the right to inform South Derbyshire District Council that they own, part own or occupy the premises. If the freeholder formally notifies the Council then they have the right to know about any applications, notices and may request other information in relation to the premises.

You may not apply for a premises licence if you are under the age of 18 years. The applicant for a premises licence does not need to be a personal licence holder.

Operating Schedule

The operating schedule is contained with the prescribed application form for the grant and variation of the premises licence. The schedule outlines what activities are proposed to be permitted, when the activities take place, how the activities will be managed and the overall opening hours when the public will be permitted on the premises.

It is advisable to apply for the maximum (but realistic) amount of hours for any activity. This should cover both current and potential future uses for the premises in particular community centres or village halls.

One of the most critical parts of the operating schedule is the section where the applicant describes the steps they intend to take to promote the licensing objectives. Careful consideration of what is entered is advised as what is written in this section is likely to become a condition on the premises licence if granted. To assist in completing this section, the Licensing Department has produced a Pool of Model Conditions which is available on the Council's website. It is advised to only offer conditions that you are able to comply with.

Plans

All applications must be accompanied by a plan of the premises (except variation applications that are not requesting an amendment to the plan). The plan must be to scale and provide sufficient detail for the Licensing Authority to be able to determine the application and must show:

- the extent of the boundary of the building and any external and internal walls;
- the location of access to and egress from the premises;
- the location of escape routes, if different to the above;

- in a case where the premises is to be used for more than one licensable activity, the area within the premises used for each activity;
- the location of any fixed structures which may affect the ability of individuals on the premises to use exits or escape routes;
- the location of any stage or raised area and the height of each stage or area relative to the floor;
- the location of any steps, stairs, elevators or lifts;
- the location of any rooms containing public conveniences;
- the location of any fire safety and other safety equipment;
- the location of any kitchen.

Consent of Designated Premises Supervisor

If permission is being sought for the sale of alcohol, the consent form must be completed by the person named in the application form as the designated premises supervisor giving their permission to be named on the licence.

If not attached to the application form, additional copies of this consent form can be obtained from the Council's website at www.southderbyshire.gov.uk.

Certain community premises which have, or are applying for, a premises licence that authorises alcohol sales can 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. This will mean that there will be no need to nominate a person with a personal licence to act as the designated premises supervisor. Further details can be obtained from the Licensing Department.

Application Fee

The application form must be accompanied by the fee. The level of fee is based on the rateable value of the premises at the time the application is made. If you do not know the rateable value of the premises it can be found from the Valuation Office Agency website: <https://www.gov.uk/correct-your-business-rates>

The appropriate fee is shown in the table below:

| Band | A | B | C | D | E |
|------------------------------------|----------------|------------------|------------------|-------------------|-------------------|
| Non-domestic rateable value | £0 - £430 0 | £4,301 - £33,000 | £33,001- £87,000 | £87,001- £125,000 | £125,001 and over |
| Fee | £100 | £190 | £315 | £450 £900* | £635 £1905* |

- * This fee is payable where the premises is used exclusively or primarily for the supply of alcohol for consumption on the premises.

Additional fees are payable for large events i.e. for occupancies of 5000 or greater. Please contact the Licensing Department for further details.

There are certain exemptions to the payment of fees for applications in respect of premises that form part of a church hall, chapel hall or other similar building; or a village hall, parish hall or community hall or other similar building; or school or college. This exemption relates to applications for regulated entertainment only. A fee is payable if the application is also to include the sale of alcohol.

In cases where premises are under construction and have not been allocated a non-domestic ratable value but will be given a value as soon as a completion certificate is given, the fee for such a premises will be Band C. Subsequent annual fees will relate to the non-domestic ratable value given to the premises.

Fees will be due annually by those holding premises licence as follows:

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

If sending your application by post, payment should be made by cheque payable to South Derbyshire District Council. If you are delivering your application in person to the Council Offices then payment may be made by cash, credit, debit card or cheque.

Advertising your Application

If you are applying for a new premises licence or the full variation of an existing premises licence then you are required to advertise your application as follows once you have submitted your application to the Licensing Authority:

- **By displaying a notice** prominently on the premises where it can be conveniently read by the public for 28 consecutive days starting on the day after the day the application was received by the Licensing Authority. (if the premises cover an area over fifty metres square, a further notice is required in the same form every fifty metres along the external perimeter of the premises abutting any highway). The notice should be:
 - Of size A4 or greater;
 - On pale blue paper;
 - In black ink or type in a font size equal to or larger than 16.

- By publishing a **notice in a local newspaper** at least once, during the period of ten working days from the day after the day on which the application was received by the Licensing Authority. A list of accepted newspapers and their contact details is listed at the back of the document.

Both notices must contain the following information:

- The name of the applicant or club;
- The address of the premises;
- A statement of the licensable activities that you propose to carry on at the premises;
- The location of the Licensing Authority's register (This can be given as South Derbyshire District Council, Civic Way, Swadlincote, Derbyshire, DE11 0AH);
- The date between which representations about the application can be made (This is 28 consecutive days starting on the day after the day on which the application was submitted to the Licensing Authority);
- State that representations must be made to the Licensing Authority 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.

A template notice is attached at the end of this guidance.

A copy of the public notice showing the date of publication and the name of the newspaper should be provided to the Licensing Department as soon as possible after its publication.

Failure to comply with the notice requirements will result in your application being rejected.

Electronic Applications

Applicants may apply online via the gov.uk website. A link to the relevant application can be found on the Council's website.

If an application is made online, it is the Licensing Authority's responsibility to send the application to the Responsible Authorities no later than the first working day after the application is received. However, if the applicant submits any part of the application in writing, the applicant will remain responsible for copying it to Responsible Authorities.

Submitting your Application Form

To ensure that your application is valid, you must send a copy to the Responsible Authorities listed below on the day that you submit the application to the Licensing Authority.

If you are applying for a licence for a Council owned building, or for a vessel, there are additional service requirements. Please contact the Licensing Department for advice.

What happens next?

Once a complete application has been received, an acknowledgement letter will be sent.

Once the application has been received, there will be a 28 day representation period for any of the Responsible Authorities and other persons to raise a representation in relation to the application.

If there are no representations within the 28 day period, the premises licence will be granted as applied for subject to conditions attached by the operating schedule and relevant mandatory conditions.

If a representation from any other person or any of the Responsible Authorities has been received, the Licensing Department will decide whether the representation is relevant. If the Licensing Department determine that the representation is relevant, the application will be referred to the Licensing and Appeals Sub-Committee for determination. All relevant parties will be notified. A decision will be made by the Sub-Committee and the details of that decision will be circulated to the parties concerned.

The applicant does have a right of appeal and this should be made to the Magistrates Court appropriate to the location of the premises concerned. Professional legal advice should be sought if required.

Other Types of Applications

Minor Variations

It is possible to make minor changes to the premises licence through the minor variation process.

Minor variations will generally fall into four categories: minor changes to the structure or layout of a premises; small adjustments to the 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 would impact adversely on any of the four licensing objectives. For further advice, please contact the Licensing Department.

To apply for a minor variation, you need to submit the prescribed application form and return to the Licensing Department with the fee of £89, the original premises licence and the plan, if applicable.

You are not required to submit the application to any of the Responsible Authorities; the Licensing Department will determine who needs to be consulted depending on the type of minor variation applied for.

Once the application has been submitted, the application needs to be displayed by way of a white notice on the premises. The notice must contain certain information and a specimen notice is attached. The notice must be displayed for a period of ten working days starting on the working day after the application was submitted.

Responsible Authorities and other persons have 10 working days to raise any representations in relation to the application.

If no representations are received, the application is granted as applied for and the premises licence will be amended accordingly.

If relevant representations are received then the application is refused and a full variation application will be required.

The Licensing Department has 15 days to determine the application. If the application is not determined within 15 days, the application will be treated as refused.

Transfer of Premises Licence Holder

Should the premises licence holder change, you must apply for an application to transfer the premises licence holder. The fee for the application is £23. The application form, consent form completed by the existing licence holder and the original premises licence must be submitted to the Licensing Authority and Derbyshire Police.

The applicant must provide a document such as a passport as part of their application to prove that they are entitled to work in the UK. A full list of acceptable documents can be found on our website.

You can request that the transfer takes immediate effect as long as you have obtained the consent form from the existing licence holder or can show that all reasonable steps have been taken to obtain consent.

The consultation period for the application is 14 days. If there are no objections from Derbyshire Police within this time, the application will be granted and the licence will be amended accordingly.

If the premises have gaming machines available for use at the premises then in addition to the transfer of the premises licence holder, the relevant permission for the gaming machine will also require changing.

Under the Gambling Act 2005, alcohol licensed 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 machine permit, if one exists, or apply for a new permit.

Pubs, restaurant or hotels will be able to notify or 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 Council's website.

Variation of the Designated Premises Supervisor (DPS)

If you need to change the person named as the DPS you need to submit an application to vary the premises licence to specify an individual as the DPS. The fee for the application is £23. The application form, consent form (completed by the new DPS) and existing licence (or statement if not produced) must be submitted to the Licensing Team and Derbyshire Police. Where the application is submitted electronically, the Licensing Authority will forward the application to the Police.

The premises licence holder must notify the existing DPS (if there is one) of the application on the same day as the application is given to the Licensing Department.

You can request that the change of DPS take immediate effect but this must be indicated on the application form.

The consultation period for the application is 14 days. If there are no objections from Derbyshire Police within this time, the application will be granted and the licence will be amended accordingly.

Contact Details

If you would like to speak to a member of the Licensing Team for advice, guidance or to make an appointment then you can contact them on the following details:

Email: licensing@southderbyshire.gov.uk
Telephone: 01283 595724/765

Responsible Authorities Contact Details

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| <p><u>Licensing</u></p> <p>South Derbyshire District Council Civic Offices Civic Way Swadlincote Derbyshire DE11 0AH</p> <p>licensing@southderbyshire.gov.uk</p> | <p><u>Police</u></p> <p>Derbyshire Constabulary Licensing Section Derby Divisional HQ St. Mary's Wharf Prime Park Way Chester Green Derby DE1 3AB</p> <p>derby.licensing@derbyshire.pnn.police.uk</p> |
| <p><u>Fire And Rescue</u></p> <p>Derbyshire Fire & Rescue Service South Area Office Ascot Drive Community Fire Station Ascot Drive Derby DE24 8GZ</p> <p>SouthAreaAdmin@derbys-fire.gov.uk</p> | <p><u>Health & Safety Enforcement</u></p> <p>South Derbyshire District Council Civic Offices Civic Way Swadlincote Derbyshire DE11 0AH</p> <p>commercial.team@southderbyshire.gov.uk</p> |
| <p><u>Planning</u></p> <p>Head of Planning Services South Derbyshire District Council Civic Offices Civic Way Swadlincote Derbyshire DE11 0AH</p> <p>planning@southderbyshire.gov.uk</p> | <p><u>Environmental Health</u></p> <p>Environmental Health Division South Derbyshire District Council Civic Offices Civic Way Swadlincote Derbyshire DE11 0AH</p> <p>environmental.health@southderbyshire.gov.uk</p> |
| <p><u>Derbyshire Safeguarding Children Board</u> <u>Derbyshire Trading Standards Service</u> <u>Derbyshire Public Health</u></p> <p>County Hall Matlock Derbyshire DE4 3AG</p> <p>trading.standards@derbyshire.gov.uk</p> | <p><u>Home Office</u></p> <p>Alcohol Licensing Team Lunar House 40 Wellesley Road Croydon CR9 2BY</p> <p>alcohol@homeoffice.gov.uk</p> |

Local Paper Public Notice Contact Details

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|---|--|
| Staffordshire Newspapers Ltd FAO Admin 65-68 High Street Burton on Trent Staffordshire DE14 1LE Tel: 01283 512345 | Derby Evening Telegraph Northcliffe House Meadow Road Derby DE1 2DW Tel: 01332 291111 |
|---|--|

Swadlincote Post is also a newspaper circulating in the vicinity but this newspaper is weekly.

An applicant may also use any other local newspaper that circulates in the vicinity however please check with the Licensing Department to see if the proposed newspaper is acceptable.

LICENSING ACT 2003
NOTICE OF APPLICATION FOR NEW PREMISES LICENCE

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| Name of applicant(s): |
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| Postal address of premises: |
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| Summary of proposed licensable activities (hours and activities applied for): |
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| Dated: |
| The register can be viewed during office hours at South Derbyshire District Council, Civic Offices, Civic Way, Swadlincote, Derbyshire, DE11 0AH. Please contact 01238 595890 or 01283 595724 in order to make an appointment. Alternatively, the full application can be viewed at www.southderbyshire.gov.uk . |
| Any representation relating to this application must be made in writing to the Licensing Authority by 29 consecutive days after the date of this notice. |
| It is an offence knowingly or recklessly to make a false statement in connection with an application. The maximum fine on summary conviction for this offence is £5,000. |

LICENSING ACT 2003:
NOTICE OF APPLICATION FOR A VARIATION OF A
PREMISES LICENCE

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| Name of applicant(s): |
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| Postal address of premises: |
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| Summary of the variation to the existing licensable activities: |
| |
| Dated: |
| The register can be viewed during office hours at South Derbyshire District Council, Civic Offices, Civic Way, Swadlincote, Derbyshire, DE11 0AH. Please contact 01238 595890 or 01283 595724 in order to make an appointment. Alternatively, the full application can be viewed at www.southderbyshire.gov.uk . |
| Any representation relating to this application must be made in writing to the Licensing Authority by 29 consecutive days after the date of this notice. |
| It is an offence knowingly or recklessly to make a false statement in connection with an application. The maximum fine on summary conviction for this offence is £5,000. |

LICENSING ACT 2003:
MINOR VARIATION OF A PREMISES LICENCE

Name of applicant(s):

Postal address of premise

Summary of the minor variation to existing licensable activities being proposed:

Dated:

The register can be viewed during office hours at South Derbyshire District Council, Civic Offices, Civic Way, Swadlincote, Derbyshire, DE11 0AH. Please contact 01238 595890 or 01283 595724 in order to make an appointment. Alternatively, the full application can be viewed at www.southderbyshire.gov.uk.

Any representation relating to this application must be made in writing to the Licensing Authority by 10 working days from the date of this notice.

It is an offence knowingly or recklessly to make a false statement in connection with an application. The maximum fine on summary conviction for this offence is £5,000.

Additional Fees

| Application/Notification | Fee Due |
|---|----------------|
| Application to transfer premises licence | £23 |
| Application to vary to specify individual as premises supervisor | £23 |
| Application for a minor variation | £89 |
| Temporary Event Notice | £21 |
| Application for copy of premises licence or club premises certificate that has been lost, stolen or damaged | £10.50 |
| Notification of change of name or address (holder of premises licence) | £10.50 |
| Interim Authority Notice | £23 |
| Provisional Statement | £315 |
| Notification of change of name or alteration of club rules | £10.50 |
| Change of relevant registered address of club | £10.50 |
| Application for copy of temporary event notice if lost, stolen or damaged | £10.50 |
| Application for copy of personal licence if lost, stolen or damaged | £10.50 |
| Notification of change of name or address (personal licence) | £10.50 |
| Notification of interest | £21 |
| Application to disapply DPS condition | £23 |