



**THE LICENSING ACT 2003**

**INFORMATION FOR APPLICANTS  
AND LICENCE HOLDERS**

**Environmental Health and  
Community Safety**

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## **SECTION 1 - INTRODUCTION**

### **1.1 Introduction**

This document is intended to offer guidance to applicants. The Licensing Team are also able to provide advice on applications, or you may choose to employ a solicitor or similar to advise and/or assist you.

Whilst care has been taken to ensure that the information contained within this document is correct at the time of publication, we cannot be held liable for any errors. Please note that changes in legislation and guidance after the time of publication may impact on the accuracy of this information.

You can find further guidance on the Council's website: [www.torridge.gov.uk](http://www.torridge.gov.uk). You may also wish to refer to the Home Office guidance issued under 182 of the Licensing Act 2003. This is available from the government website: [www.gov.uk](http://www.gov.uk)

### **1.2 The Licensing Objectives**

The Act sets out four licensing objectives:

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

### **1.3 Licensable activities**

Activities which are licensable under the Licensing Act 2003 are as follows:

- Retail sale of alcohol
- Supply of alcohol to club members
- Provision of regulated entertainment – to the public, to club members or with a view to profit
  - A performance of play
  - An exhibition of a film
  - An indoor sporting event
  - Boxing or wrestling entertainment
  - A performance of live music
  - Any playing of recorded music
  - A performance of dance
- Late night refreshment – the supply of hot food and/or drink from any premises including mobile food stalls between 11pm and 5am.

The consumption of alcohol is not licensable. So an event at which people bring along their own alcohol doesn't require a licence. However, if the cost of an event ticket includes a glass of wine etc, or if alcohol is supplied as part of a service then authorisation is required.

Entertainment is only regulated entertainment when it takes place in the presence of an audience and is provided, at least partly, to entertain the audience. Events that are held in private are not licensable unless those attending are charged with a view to making a profit.

There are also various exemptions in place for certain types of regulated entertainment. Full details can be found on our website.

## SECTION 2 – NEW APPLICATIONS

### 2.1 Premises Licence

A premises licence application 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. A 'premises' means any place and can include a defined area, a building, part of building, a vessel, vehicle or temporary structure.

The application for a premises licence is usually made by the owner of the business or the committee or organisation responsible for the building. If the premises are leased, the freeholder has a right to inform the Licensing Authority of their interest in the premises and register to be notified of any applications and other matters that may affect the licence.

In respect of a community premises it may be beneficial for the licence to be held by the hall management committee rather than a named individual. This obviates the problem of having to transfer the licence every time the licence holder changes, steps down from the committee, moves away etc.

Premises licences which authorise the sale of alcohol also require a nominated Designated Premises Supervisor (DPS) who must hold a personal licence.

To apply for a premises licence you will need to provide:

- A completed application form including your operating schedule.
- A plan of the premises (see Section 3)
- In respect of a licence to sell alcohol, the form of consent for the Designated Premises Supervisor
- If you are an individual applicant or a partnership which is not a limited liability partnership you must include copies of relevant documents to demonstrate your right to work in the UK (see the application form notes or Council's website for details of acceptable documents)
- The licence fee (see Section 9)

You must send a copy of your application together with the supporting documents to all the Responsible Authorities (see Section 7)

### 2.2 Club Premises Certificates

The Licensing Act treats clubs differently from premises which are open to the general public. Home Office Guidance defines clubs as '*organisations where members have joined together for a particular social, sporting or political purpose*' and the Act sets out a number of conditions which clubs must satisfy in order to qualify as a bona-fide club.

To be a 'qualifying club', your organisation must satisfy the following conditions:

- persons may not become a member of the club until at least 48 hours after application for membership.
- the club is established in good faith
- the club must have a least 25 members
- alcohol must only be supplied to members by or on behalf of the club.

In addition, the club must meet the following conditions in relation of the sale of alcohol:

- the purchase and supply of alcohol must be managed by a committee whose members are members of the club, are at least 18 years old and are elected by members of the club,
- no person must receive, at the expense of the club, any commission, percentage or similar payment from the purchase of alcohol by the club, and
- no person must directly or indirectly derive any pecuniary benefit (other than a legitimate wage/salary) from the supply of alcohol

Note: There is no requirement for a qualifying club to have a Designated Premises Supervisor

To apply for a club premises certificate you will need to provide:

- A completed application form including a club operating schedule.
- A plan of the premises (see section 3)
- A copy of the club rules
- The fee (see Section 9)

You will also need to complete a Declaration for a Club Premises Certificate (available on our website).

You must send a copy of your application together with the supporting documents to all the Responsible Authorities (see Section 7).

### **2.3 Operating schedule and licence conditions**

Within the application for a new premises licence or club premises certificate, the applicant must submit an 'operating schedule' which should outline what activities are proposed, when the activities will take place, how activities will be managed and the opening hours of the premises. You should also consider if you wish to include any non standard timings. For example do you wish to open later on Bank Holidays?

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 four licensing objectives. It is accepted that the proposed steps will be dependent on the individual style and characteristics of the premises and/or activities to be held. The applicant should carefully consider what they include in this section as the steps will become conditions of the licence or certificate and must be relevant, workable and enforceable. The conditions must not duplicate existing legislation e.g. fire safety or health and safety legislation. Applicants may choose to volunteer conditions from the pool of model conditions found in section 5 of this document.

If you need advice on a technical or operating issue, please talk to the appropriate Responsible Authority (see section 8 for details). If you can resolve any difficult or contentious issues beforehand, your application is less likely to be subject of representations. A responsible authority may contact you during the consultation period and suggest amendments to your operating schedule. If agreement between both parties can be made this may prevent the responsible authority making a formal representation.

## SECTION 3 - PLANS

Your plan must be accurate and legible. Although the Act does not specify a particular scale, we recommend a scale of 1:100 as appropriate for most premises. Your plan should show:

- The extent of the boundary of the building, if relevant, and any external and internal walls of the building and, if different, the perimeter of the premises (e.g. an external area such as a beer garden, patio, smoking area etc).
- The location of access and egress from the premises (the Devon Fire and Rescue Service may wish to take scale measurements from the plans of exit routes).
- Any additional escape routes from the premises.
- Where premises are used for more than one existing licensable activity, the area within the premises used for such activity. Although it is not required by regulations, we recommend that you outline or hatch in different colours the perimeter or area used for different licensable activities as follows:

RED edge - the area used for the retail sale of alcohol.

RED hatching – the area used or intended to be used for the consumption of alcohol by your customers - for example a beer garden or patio area used for the consumption of alcohol.

BLUE edge - the area used for entertainment e.g. music, singing, dancing, playing films, indoor sports etc.

GREEN edge – any additional area intended to be included in a variation for a licensable activity which is not presently licensed.

BROWN edge – the area to be used for the supply of hot food or hot drinks between 11.00 pm and 5.00 am

- Fixed structures or similar objects temporarily in a fixed location which may impact on the ability of persons to use exits or escape routes (eg. serving counters, banquette seating, pillars, AWP's / jackpot machines, other fixed seating etc.) or furniture which may impact on exit.
- Any raised areas above floor level, the location and height etc (eg. stage area).
- Locations of steps, stairs, elevators or lifts.
- Locations of public toilets.
- The location of any fire extinguishers, fire doors, fire alarms and other similar equipment (this can be by the use of symbols on the plan).
- The location of the kitchen, if any.

Your plan does not have to be drawn to architect's standards but it must be accurate, to scale and contain all the information listed above. If it does not, your application may be rejected.

## **SECTION 4 – ADVERTISING YOUR APPLICATION**

For new premises licence and club premises certificate applications, provisional statements and full variation applications, the applicant must advertise the application on a public notice displayed at the premises and in a local newspaper.

The public notice must be displayed prominently at the premises where it can be conveniently read from the exterior of the premises for a period of not less than 28 consecutive days starting on the day following the day the application was given to the licensing authority. In the case of a premises covering an area of more than 50 metres square, a further notice in the same form and subject to the same requirements must be placed every fifty metres along the external perimeter of the premises abutting any highway. The notice must be at least A4 in size, printed on pale blue paper in black ink in a font size of at least 16 point.

The applicant must also advertise their application in a local newspaper circulating in the local area. The newspaper notice must be published during the period of 10 working days starting on the day after the day on which the application was given to the licensing authority.

Both the newspaper notice and the public notice must contain the following information:

- The name and address of the applicant or of the club
- The proposed licensable activities
- The postal address and website address of the Licensing Authority:
- The dates between which representations may be made to the Licensing Authority (28 consecutive days starting on day after application submitted to the Licensing Authority)
- A statement that representations shall be made in writing
- A statement that it is an offence to make a false statement in connection with an application and the maximum fine.

A template for the notices is available from the Licensing Team and can also be downloaded from the Council's website.

## SECTION 5 – VARIATIONS AND AMENDMENTS

There are certain circumstances that will require the licence holder to make an application to change their licence.

### 5.1 Minor Variations

Minor variations will generally fall into four categories:

- Minor changes to the structure or layout of the premises
- Small adjustments to licensing hours
- Removal of out of date, irrelevant or unenforceable conditions or addition of conditions volunteered by applicant
- Addition of certain licensable activities (except supply of alcohol) or removal of activities.

Variations to:

- add the retail sale of alcohol to a licence
- extend licensing hours for the sale or supply of alcohol for consumption on or off the premises between 23.00 and 07.00, or
- increase the amount of time on any day during which alcohol may be sold or supplied for consumption on or off the premises

are **excluded** from the minor variations process and must be treated as full variations. However, applications to reduce hours for the sale/supply of alcohol or to move (without increasing) the licensed hours between 07.00 and 23.00 will normally be treated as a minor variation.

**In all cases, the test will be whether the proposed variation could impact adversely on the licensing objectives.** We may consult the relevant Responsible Authority about your application and, if we do so, we will have regard to their comments. If the licensing authority is of the opinion that the variation will adversely affect the objectives, the application will be refused. There is no right of appeal but your fee will be refunded.

If you wish to apply for a minor variation of a premises licence/club premises certificate, you will need to provide:

- a completed application form,
- a copy of the plan (if the proposed variation affects the layout of the premises),
- the original premises licence or club premises certificate, and
- the fee (see section 9)

You must also advertise your application by prominently displaying a notice at the premises for 10 consecutive working days starting on the day after the application is given to the licensing authority (the 'initial day'). The notice must be printed on white paper in font size of at least 16 point. A model notice can be downloaded from our website. There is no requirement to advertise your application in a local newspaper. We will make a decision on your application within 15 working days from the initial day.

## 5.2 Full Variation

Any changes to a premises licence or club premises certificate which do not meet the criteria for a minor variation must be applied for by way of a 'full' variation of the existing authorisation. For example, the inclusion of the supply of alcohol as a new licensable activity or the extension of hours for the sale of alcohol beyond 23.00 would require a full variation.

You cannot use an application to vary a premises licence or club premises certificate to

- extend a time limited licence or certificate, or
- to substantially alter the premises.

Applications will be considered on a case-by-case basis but, as a general rule, any substantial alteration will require a new application.

To apply for a full variation of a premises licence or a club premises certificate you will need to provide:

- A completed application form including your Operating Schedule,
- A plan of the premises (see Section 3),
- The original premises licence or club premises certificate,
- The fee (see Section 9)

You must send a copy of your application together with the supporting documents to all the Responsible Authorities (see Section 7). You will also need to advertise your application (see Section 4).

## 5.3 Transfer of a premises licence

A premises licence may be transferred to another individual or organisation at any time. A transfer of the licence changes the identity of the licence holder but does not alter the licence in any other way. The Act makes provision for a transfer to come into immediate effect on application to enable the premises to continue trading without interruption. The existing licence holder must give their written consent to the transfer.

To apply to transfer a licence you will need to provide:

- A completed application form
- A completed consent to transfer form signed by the existing licence holder
- The original premises licence
- If you are an individual applicant or a partnership which is not a limited liability partnership you must include copies of relevant documents to demonstrate your right to work in the UK (see the application form or our website for acceptable documents)
- The fee (see section 9)

You must also send a copy of your application to the police and the Home Office who have the right to object if they believe the transfer will undermine the crime prevention objective. If the police or Home Office lodge an objection, the application will be determined at a hearing.

If the DPS is changing at the same time as the transfer of the licence you will also need to apply to vary the DPS (see section 5.4).

Note: If there are gaming machines on the premises, these must also be transferred into the name of the new licence holder. Please contact us for details of the process to transfer gaming machines.

There are no provisions within the Act for the transfer of a club premises certificate.

#### **5.4 Vary the Designated Premises Supervisor (DPS)**

Over time, the DPS at any given premises is likely to change. The Act makes provision for this by a simple variation process.

To apply to vary the DPS you will need to provide:

- A completed application form
- A completed form of consent signed by the proposed DPS
- The original premises licence
- The licence fee (see section 9)

You must also send a copy of your application to the police who have the right to object if they believe the variation will undermine the crime prevention objective. If the police lodge an objection, the application will be determined at a hearing before a Licensing sub-Committee.

#### **5.5 Change of Address**

The Act requires holders of a Premises Licence or a Personal Licence to notify the licensing authority of any change of address. This is particularly important if you are the Designated Premises Supervisor. You must notify us in writing, forms are available on the website, and pay the statutory fee (see section 9) to cover the cost of producing a new licence.

#### **5.6 Disapplication of DPS for Community Premises**

The requirement to have a Designated Premises Supervisor often causes difficulty for community premises such as village or church halls. Community premises which would like to be licensed for the sale of alcohol (or which intend to vary their licence to include the sale of alcohol) can apply to have the mandatory conditions relating to the DPS and the need for every sale of alcohol to be made or authorised by a Personal Licence holder to be removed from the licence. These are replaced by an 'alternative condition' which makes the sale and supply of alcohol the collective responsibility of the hall's management committee. In all cases, the licensing authority must be satisfied that the management committee have in place adequate controls to ensure the effective supervision of alcohol sales. We will require you to provide copies of the hall's constitution, management structure, hiring agreements etc.

To apply to remove the requirement for a DPS, you will need to provide:

- A completed application form
- Any accompanying documents requested by the licensing authority, and
- The fee (see section 9)

You must also send a copy of your application to the police who have the right to object if they believe the application will undermine the crime prevention objective. If the police lodge an objection, the application will be determined at a hearing before a Licensing sub-Committee.

## **SECTION 6 – SUBMITTING YOUR APPLICATION**

### **6.1 How to submit your application**

Application forms can be downloaded from our website:

[www.torridge.gov.uk/licensing](http://www.torridge.gov.uk/licensing)

Before submitting a formal application for a new premises licence you may wish to complete the form(s) in draft and make an appointment to see a member of the Licensing Team to make a final check of your documents. This will help to ensure your application is correct and reduces the risk of it being rejected.

You should submit your completed application form and supporting documents to:

The Licensing Team, Torridge District Council, Riverbank House, BIDEFORD. EX39 2QG

You may e-mail draft documents to us at: [licensing@torridge.gov.uk](mailto:licensing@torridge.gov.uk)

Online forms are available under 'Related Links' on the Council's relevant webpage. If you are using this facility, you do not need to send a hard copy of your application form to the Responsible Authorities – an electronic copy will be sent automatically via the Authority's website. You must, however, comply with all the other application requirements. You will need a debit or credit card to enable you to pay the licence fee on-line. Documents that can not be submitted online (e.g. plans, original licence) must be emailed or posted as appropriate.

### **6.2 Representations**

If a relevant representation is received, the Licensing team may, if possible, try and mediate between the relevant parties to try and find a reasonable compromise. If this informal process is unsuccessful, a hearing before a licensing sub-committee will be held to which all relevant parties will be invited. The sub-committee will determine the application.

### **6.3 What other licences will I need?**

If you intend to provide live or recorded music at your premises, you may also require a music licence from PPL PRS Ltd. PPL PRS Ltd are a joint company set up by Phonographic Performance Limited (PPL) and the Performing Rights Society (PRS). These organisations protect artists' copyright interests. You can obtain more information about these licences from their website: [www.pplprs.co.uk](http://www.pplprs.co.uk)

## SECTION 7 – POOL OF LICENSING CONDITIONS

The following examples may be relevant to your premises. Where you believe an example is relevant you may wish to include it in your operating schedule. The list is not exhaustive so please feel free to suggest your own conditions where appropriate.

### 7.1 Prevention of crime and disorder

#### Training

All staff engaged in licensable activity at the premises will receive training and information in relation to the following (*select from the following*):

- i. The *Challenge 21/25\** (*delete as appropriate*) scheme in operation at the premises, including the forms of identification that are acceptable.
- ii. The hours and activities permitted by *the premises licence / club premises certificate\** (*delete as appropriate*) issued under the Licensing Act 2003 and conditions attached to the *licence/certificate\** (*delete as appropriate*).
- iii. How to complete and maintain the refusal register in operation at the premises (in relation to the sale of alcohol).
- iv. Recognising the signs of drunkenness.
- v. The operating procedures for refusing service to any person who is drunk, under-age or appears to be under-age, or appears to be making a proxy purchase.
- vi. Action to be taken in the event of an emergency, including reporting an incident to the emergency services.

Training shall be recorded in documentary form and shall be regularly refreshed at no greater than (*insert*) intervals. Training records shall be made available for inspection and copying at reasonable times upon request of an authorised officer of a responsible authority.

Training records will be retained for at least 12 months.

#### Incident log

An incident log shall be kept and maintained at the premises which will include a log of the following, including pertinent details (*select from the following*):

- i. Any incidents of disorder or of a violent or anti social nature
- ii. All crimes reported to the venue, or by the venue to the police
- iii. All ejections of patrons
- iv. Any complaints received
- v. Seizures of drugs or offensive weapons
- vi. Any faults in the CCTV system
- vii. Any visits by a responsible authority (under the Licensing Act 2003) or emergency service.

Records must be completed within 24 hours of any incident, and will contain the time and date, the nature of the incident, the people involved, the action taken and details of the person responsible for the management of the premises at the time of the incident.

The logs shall be kept for at least 12 months following the date of entry and be made available for inspection and copying upon request of an authorised officer of a responsible authority.

#### Alcohol Consumption

After (*insert*) hours no drinks are to be taken to the outside area and no consumption of drinks will occur after (*insert*) hours.

Clear and legible signage must be prominently displayed in the outside area specifying that no drinks are to be taken into this area after (*insert*) hours.

### **Door Supervisors**

The number of SIA licensed door supervisors employed shall be in accordance with the following ratio: A minimum of (2) door supervisors will be employed for the first (150) customers and one door supervisor for every (75) thereafter.

A minimum of (2) SIA licensed door supervisors shall be on duty at the premises at all times whilst it is open for business.

A minimum of (*insert number*) SIA licensed door supervisors shall be positioned at the exit(s) from the premises at closing time.

A minimum of (*insert number*) SIA licensed door supervisors shall be on duty at the entrance of the premises at all times until the premises have closed and all customers have left.

All SIA licensed door supervisors shall wear distinctive clothing or insignia to clearly identify them as door supervisors. Door supervisors on duty at the entrance(s) shall wear 'high visibility' clothing (such as a jacket or waistcoat).

Where searches of persons are undertaken SIA licensed door supervisors of both sexes will be on duty.

SIA licensed door supervisors will be responsible for ensuring the safe, quiet and orderly dispersal of customers from the premises and the immediate vicinity of the premises.

Any queue to enter the premises which forms outside the premises must be supervised by SIA licensed door supervisors so as to ensure that it is orderly, there is no associated public nuisance, or obstruction to the public highway/footpath.

### **CCTV**

The premises shall install operate and maintain a comprehensive digital colour CCTV system to the satisfaction of the Police and Local Authority.

All recordings will be stored for a minimum period of 30 days with date and time stamping.

The CCTV system will be capable of downloading images to a recognisable viewable format and will be provided on request to the Police and Local Authority officers as soon as is reasonably practicable.

### **Drugs**

A written drugs policy shall be in place and operated at the premises. It must detail the actions taken to minimise the opportunity to use or supply illegal substances within the premises. The policy must be made available for inspection upon request by the licensing authority or the police.

Where door supervisors are used to search patrons as a condition of entry, a written drugs policy formulated in consultation with the Police will be in place. The policy will include an agreed procedure for the handling and retention of any article seized.

There must be at the premises a lockable drugs safe to which no member of staff, save the DPS or (*insert*) shall have access. All controlled drugs (or items suspected to be or to contain controlled drugs) found at the premises must be placed in this safe as soon as practicable. Whenever this box is emptied, all of its contents must be given to the police for appropriate disposal.

### **Restrictions on use of premises**

The licensable activities authorised by this licence and provided at the premises shall be ancillary to the main function of the premises as (*offices / delicatessen / museum / theatre / hairdressers / etc.\**) (*Delete as appropriate*)

Alcohol will only be sold or supplied to customers taking a table meal at the premises

Alcohol will only be served by waiter/waitress to customers who are seated at tables and who are consuming food purchased at the premises.

## 7.2 Public Safety

<b>Bottles and Glasses</b>
All drinks shall be served in plastic/paper/toughened glass or polycarbonate containers.
All drinks shall be served in plastic/paper/toughened glass or polycarbonate containers from the ( <i>specify areas</i> ).
All drinks shall be served in plastic/paper/toughened glass or polycarbonate containers during the following events or occasions ( <i>enter specified events</i> ).
No drinking vessel, glass or bottle may be taken from the premises.
No customers carrying open or sealed bottles cans or other receptacles containing alcoholic liquor shall be admitted to the premises at any time that the premises are open to the public.
The collection of glasses and bottles shall be undertaken at regular intervals to ensure there is no build-up of empties in and around the premises.
Patrons permitted to temporarily leave and then re-enter the premises, e.g. to smoke, shall not be permitted to take drinks or glass containers with them.

<b>Occupancy/Capacity Limits</b>
The maximum number of persons (including staff and entertainers) allowed at the premises shall not exceed ( <i>number</i> ).
The maximum number of persons (including staff and entertainers) allowed at the premises shall not exceed ( <i>number</i> ), subject to the following maximum occupancies: <i>For example</i> [ <i>First Floor</i> ] [ <i>number</i> ] persons [ <i>Ground Floor</i> ] [ <i>number</i> ] persons [ <i>Basement</i> ] [ <i>number</i> ] persons
The Premises Licence Holder or nominated person shall ensure that the accommodation limit(s) specified on the licence is/are not exceeded and shall be aware of the number of the people on the premises at all reasonable times. This information shall be immediately available on the request of an authorised officer of a responsible authority.
A suitable system must be in place to accurately indicate the number of customers (including staff, entertainers etc.) on the premises at any time.

<b>Lighting</b>
In the absence of adequate daylight, artificial lighting in any area accessible to the public shall be fully operational whilst the public are present.

<b>First Aid</b>
An adequate supply of appropriate first aid supplies will be available on the premises.

<b>Safety Certificates</b>
The licence holder will provide a satisfactory NICEIC or ECA periodic electrical installation report. The inspection will be carried out every three/five* years and a copy of the report kept on the premises and made available on request by an authorised person.
* the recommended interval for electrical inspections is: Hotels and pubs - every 5 years Places of public entertainment (e.g. theatres) - every 3 years Village and Community halls - every 5 years
The licence holder will provide a certificate of inspection from a Gas Safe registered engineer in respect of any gas appliance. The inspection will be carried out annually and a copy of the report kept on the premises and made available on request by an authorised person.

### 7.3 Prevention of public nuisance

#### Noise

Clear and legible notices shall be prominently displayed at all exits requesting patrons to respect the needs of local residents and businesses and to leave the vicinity as quickly and quietly as possible.

The handling of kegs, bottles cleaning equipment, bottle disposal and similar items shall not take place before 07:00 hours or after 23:00 hours.

No deliveries (in relation to licensable activities) to the premises shall take place between 23:00 hours and 07:00 hours.

All external doors and windows shall be kept shut at all times when the premises are open/during regulated entertainment. Doors may be opened for normal entrance and egress of people but must be shut immediately after.

All external doors and windows shall be acoustically glazed or suitably insulated to minimise noise breakout from the premises.

While live or recorded music takes place regular monitoring of noise levels at the nearest noise-sensitive locations shall take place. A record shall be kept of any monitoring, including:

- the date, time and location of the monitoring
- the name of the person monitoring
- any action taken

Records shall be kept for at least 6 months following the date of entry and be made available for inspection and copying upon request of an authorised officer of a responsible authority.

Noise limiters will be fitted to amplification equipment (at a level to be determined by an Environmental Health Officer of the Council) to ensure that noise emission levels can be properly controlled.

#### Noxious smells

No fumes, steam or odours shall be emitted from the licensed premises so as to cause a nuisance to any persons living or carrying on business in the area where the premises are situated.

#### Light Pollution

The windows and other glazed areas shall be fitted with heavy duty curtains or similar to prevent light breakout from strobe or other flashing lights equipment.

#### Litter

Sufficient measures must be in place to remove litter or waste arising from customers and to prevent such litter/waste accumulating in the immediate vicinity of the premises. Where necessary adequate measures must be in place to provide customers with sufficient receptacles for the depositing of waste materials such as food wrappings, drinks containers, smoking related litter etc.

A sufficient number of suitable receptacles must be located in appropriate locations for the depositing of waste materials such as food wrappings, drinks containers, smoking related litter, etc. by customers.

A purpose-made cigarette disposal unit will be installed adjacent to each entrance/exit to the premises and emptied regularly.

#### External Areas

After (*insert*) hours noise levels in outside areas will be monitored and controlled to minimise any potential impact on local residents. Customers will be advised of the need to respect local residents where appropriate. Any patrons continuing to cause any disturbance or disorder will be asked to leave the premises.

The (*insert name of area i.e. beer garden, upper patio, etc.*) shall only be open to customers (*insert days*) from (*insert commencement time*) until (*insert end time*). Clear and legible notices shall be prominently displayed in appropriate locations to ensure that this information is brought to the attention of patrons.

All outside areas must be closed and cleared of customers by (*insert*) hours. Adequate notices shall be displayed to inform patrons of this requirement.

## 7.4 Protection of children from harm

### **Proof of age scheme**

There will be in place a written age verification policy in relation to the sale or supply of alcohol, which will specify a Challenge 25 proof of age requirement. This means that staff working at the premises must ask individuals who appear to be under 25 years of age, attempting to purchase alcohol, to produce identification. The only acceptable identification documents will be:

- A photo driving licence
- A passport
- An identification card carrying the PASS hologram

Unless such identification is produced the sale of alcohol must be refused.

The premises shall display prominent signage indicating *(at any point of sale/ at the entrance to the premises/ in all areas where alcohol is located)\* (delete as appropriate)* that a Challenge 25 scheme is in operation.

### **Refusals Register**

An alcohol sales refusal register shall be kept at the premises and be maintained to include details of all alcohol sales refused. The register will include:

- i. the date and time of refusal
- ii. the reason for refusal
- iii. details of the person refusing the sale
- iv. description of the customer
- v. any other relevant observations.

The refusals register will be made available for inspection and copying on request of an authorised officer of a responsible authority.

## 7.5 General Conditions

### **Seasonal Timings**

On the morning that Greenwich Mean Time changes to British Summer Time one hour will be added to the terminal hour of any activities and to the closing time for the premises where the existing terminal hour for the activities and/or closing hour for the premises ends after 01.00hrs.

### **External Areas**

The outside area located at the front of the premises will only be used in accordance with the conditions of the street café/pavement licence issued by Devon County Council.

## SECTION 8 - RESPONSIBLE AUTHORITIES

<p><b>LICENSING AUTHORITY</b>  Licensing Team  Torrige District Council  Riverbank House  Bideford  Devon  EX39 2QG  Tel: 01237-428917/428979 Fax: 01237-428901  E-mail: <a href="mailto:licensing@torridge.gov.uk">licensing@torridge.gov.uk</a></p>	<p><b>POLICE</b>  Licensing Department  Devon &amp; Cornwall Constabulary  Launceston Police Station  Moorland Road  LAUNCESTON  PL15 7HY  Tel: 01566-771309 Fax: 01392-452447  E-mail:  <a href="mailto:licensing.team@devonandcornwall.pnn.police.uk">licensing.team@devonandcornwall.pnn.police.uk</a></p>
<p><b>FIRE AUTHORITY</b>  Fire Safety Manager  Devon &amp; Somerset Fire and Rescue Service  North Division  North Road  BARNSTAPLE  Devon  Tel: 01271-334400  E-mail: <a href="mailto:northdevonfiresafety@dsfire.gov.uk">northdevonfiresafety@dsfire.gov.uk</a></p>	<p><b>HEALTH AND SAFETY</b>  Food and Safety Team  Torrige District Council  Riverbank House  Bideford  Devon  EX39 2QG  Tel: 01237-428809  E-mail: <a href="mailto:foodandsafety@torridge.gov.uk">foodandsafety@torridge.gov.uk</a></p>
<p><b>POLLUTION CONTROL</b>  Environmental Protection Officer  Torrige District Council  Riverbank House  Bideford  Devon  EX39 2QG  Tel: 01271-428810  E-mail: <a href="mailto:environmental.protection@torridge.gov.uk">environmental.protection@torridge.gov.uk</a></p>	<p><b>HEALTH AUTHORITY</b>  Mr Kristian Tomblin  Devon DAAT  NHS Devon  Room 255, County Hall  Topsham Road  EXETER. EX2 4QL  Tel: 0845 002 3456  E-mail: <a href="mailto:alcohollicensing-mailbox@devon.gov.uk">alcohollicensing-mailbox@devon.gov.uk</a></p>
<p><b>PLANNING AUTHORITY</b>  Community Planning &amp; Development Manager  Torrige District Council  Riverbank House  BIDEFORD  Devon  EX39 2QG  Tel: 01237-428711  E-mail: <a href="mailto:Planning.support@torridge.gov.uk">Planning.support@torridge.gov.uk</a></p>	<p><b>TRADING STANDARDS</b>  Licensing Act 2003  Trading Standards Service  Devon County Council  County Hall  Topsham Road  EXETER EX2 4QD  Tel: 01392-381381  E-mail: <a href="mailto:tsadvice@devon.gov.uk">tsadvice@devon.gov.uk</a></p>
<p><b>CHILD PROTECTION</b>  Devon Safeguarding Children's Board Administration  Team  Follaton House  Plymouth Road  TOTNES  Devon TQ9 5RS  E-mail: <a href="mailto:cpchecks@devon.gov.uk">cpchecks@devon.gov.uk</a></p>	<p><b>HOME OFFICE</b>  Alcohol Licensing Team  Lunar House  40 Wellesley Road  CROYDON  CR9 2BY  E-mail: <a href="mailto:Alcohol@homeoffice.gsi.gov.uk">Alcohol@homeoffice.gsi.gov.uk</a></p>
<p><b>VESSELS ONLY</b>  Plymouth Marine Office  Suite 5, Endeavour House  Oceansgate, Vivid Approach,  Plymouth, PL1 4RW  Tel: 020 390 85245  Email: <a href="mailto:mcaplymouthadmin@mcga.gov.uk">mcaplymouthadmin@mcga.gov.uk</a></p>	

## SECTION 9 – FEES

Fees for all Licensing Act 2003 authorisations have been set by central government. The fees are based on the non-domestic rateable value (NDRV) of the premises. To find out the NDRV of a premises, please check using the Valuation Office's website:

<https://www.gov.uk/correct-your-business-rates>

These are divided into 5 bands:

Band	A	B	C	D	E
Non-domestic Rateable value	£0 - £4300	£4301 - £33,000	£33001 - £87000	£87001 - £125000	£125001 and over

The fees for new or variation applications for the premises licences and club premises certificates are set out below. An annual fee will also be due on the anniversary of the issue of the licence/certificate.

Rateable value bands	A	B	C	D	E
Application/Variation	£100	£190	£315	£450	£635
Annual Fee	£70	£180	£295	£320	£350

However the fees for new or variation applications for premises licences and club premises certificates where (a) the premises are in Band D or in Band E; and (b) the premises are used exclusively or primarily for the supply of alcohol on those premises, are set out below.

Rateable value bands	A	B	C	D	E
Application/Variation	n/a	n/a	n/a	£900	£1905
Annual Fee	n/a	n/a	n/a	£640	£1050

Also, new or variation applications for premises licences and club premises certificates where the capacity of the premises will exceed 5,000 are subject to additional fees. Please contact the Licensing Team for details.

Community buildings are exempt from paying an application fee, provided there is no sale of alcohol or late night refreshment. For more information about this exemption and to check whether you would qualify, please contact the Licensing Team.

### Other Fees

Type of application	Fee due
Minor variation of premises licence or club premises certificate	£89
Application for a personal licence	£37
Application to vary licence to specify individual as premises supervisor	£23
Application to transfer premises licence	£23
Interim Authority Notice	£23
Notice of interest in any premises	£21
Application for copy of licence, certificate, summary or TEN due to theft or loss	£10.50
Notification of change of name or address (personal or premises licence)	£10.50
Notification of change of name or alteration of club rules	£10.50
Change of relevant registered address of club	£10.50
Temporary Event Notice	£21.00

## SECTION 10 – PERSONAL LICENCES

A personal licence permits an individual to authorise the sale of alcohol from a premises that is suitably licensed for the purpose of selling alcohol by retail. A personal licence holder may give consent to be a designated premises supervisor (DPS) for a licensed premises where the activity of sale of alcohol is authorised.

Personal licences are not required in qualifying club situations, and for premises licences which do not authorise the sale of alcohol. Applications must be made to the authority in the area in which the applicant normally resides, and the licence holder should notify the original licensing authority of any changes of name or address. From 1 April 2015 it is no longer necessary to renew a personal licence. Any licences with an expiry date after 1 April 2015, or that bear no expiry date, shall remain valid indefinitely.

Applicant must be over the age of 18, and must prove that they have sufficient knowledge of licensing law and the social consequences of the sale of alcohol by providing a licensing qualification. Details of appropriate qualifications can be found on the application form.

Applicants must submit the following in order for the application to be deemed valid:

- Application form
- A completed disclosure of criminal convictions and declaration form.
- Original licensing qualification certificate
- The fee (see section 9)
- Two passport photographs
- A criminal conviction certificate (Basic DBS Check) or the results of a subject access search of the police national computer (PNC Check) – this document must be dated within the last month
- Evidence of right to work in the UK (see guidance on the application form)

Note: One of the passport photographs should be endorsed as a true likeness of the applicant by a solicitor or notary, a person of standing in the community or any individual with a professional qualification, worded as follows: “I confirm that this is a true likeness of (name of applicant)”. It should be followed by signature, printed name and date of signing.

Basic criminal record checks can be obtained from the Disclosure and Barring Service (DBS). For further details visit their website: <https://www.gov.uk/request-copy-criminal-record>

PNC checks can be obtained from the ACRO Criminal Records Office. For further information visit their website: [https://www.acro.police.uk/subject\\_access.aspx](https://www.acro.police.uk/subject_access.aspx)

If you have a conviction for a relevant offence, the licensing authority is required to notify the police. The police have the right to object to your application. If an objection is received from the police, the licensing authority will hold a hearing to determine the application.

Details of relevant offences can be found on the Council’s website.