

Licensing Act 2003

Under the Licensing Act 2003 ("the Act"), Chesterfield Borough Council becomes the Licensing Authority for buildings or grounds within the Chesterfield Borough area where one or more licensable activities take place.

The types of businesses and or organisation that may require licences include: pubs and bars, cinemas, theatres, nightclubs, late-opening cafes, takeaways, village and community halls, and supermarkets.

An individual (person over the age of 18) or business wishing to carry out one or more licensable activities will require a Premises Licence/Club Premises Certificate or Temporary Event Notice (TEN).

You are encouraged to contact the Licensing Section on 01246 345230 to discuss what you intend to do so that you can be advised on whether you require a licence.

You are encouraged to read the Statement of Licensing Policy which sets out the administration of the licensing functions required by the Council and the requirements for applicants to consider when applying for a Licence/Certificate or TEN.

What are the Licensable Activities?

- sale of alcohol by retail;
- supply of alcohol by or on behalf of a club to, or the order of, a member of a club;
- supply of hot food and/or drink between 11.00 p.m. and 5.00 a.m.;
- regulated entertainment

What is Regulated Entertainment?

This could include:

- performance of a play;
- an exhibition of a film;
- an indoor sporting event;
- boxing or wrestling;
- a performance of live music;
- any playing of recorded music;
- a performance of dance;
- or entertainment of a similar description to live music, recorded music or dance.

Amendments made to the 2003 Act by the Live Music Act 2012 and the Licensing Act 2003 (Descriptions of Entertainment) (Amendment) Order 2013, Legislative Reform Order 2014 and the Deregulation Act 2015, means that a licence is not required for the following activities to the extent that take place between 08:00-23:00 on any day:

- a performance of a play in the presence of any audience of no more than 500 people;
- an indoor sporting event in the presence of any audience of no more than 1,000 people, this includes Greco Roman or free style wrestling
- most performances of dance in the presence of any audience of no more than 500 people; and
- live music, where the live music comprises:
 - a performance of unamplified live music
 - a performance of live amplified music in a workplace with an audience of no more than 500 people; or
 - a performance of live or recorded music on licensed premises which takes place in the presence of an audience of no more than 500 people, provided that a number of conditions are satisfied.

Unauthorised Activity: It is a criminal offence under section 136 of the 2003 Act to carry on any of the licensable activities listed above other than in accordance with a licence or other authorisation under the 2003 Act. If an unauthorised activity takes place then the Police and local authorities have powers to take action.

Premises Licence/Club Premises Certificate.

A person (if an individual aged 18 or over), business, or partnership may apply for a Premises Licence/Club Certificate or Temporary Event Notice (TEN). This person or business becomes the **Premises Licence Holder** and will be responsible for all aspects of operating the premises including;

- Provide details on the operating schedule of how the Premises Licence Holder intends to promote the four licensing objectives.
- Responsible for the management and operation of the premises.
- Ensure that the four licensable objectives are being adhered to and complied with.
- Nominate a Designated Premises Supervisor (Not required if the application is for a Club Premises Certificate).

Requirements for applying for a Premises Licence/Club Premises Certificate?

The Premises Licence Holder (or Solicitor acting on their behalf) are required to complete:

- An application form.
- An operating schedule.
- A plan of the premises in the prescribed form.
- If the application requests the authorisation to supply alcohol, a form containing the consent of the proposed designated premises supervisor (DPS) in the prescribed form.
- The application fee.
- Provide proof of right to work in the UK

Application Form.

The following information should be provided:

- The licensable activities to be carried out;
- The proposed hours that the relevant licensable activities are to take place;
- Any other times that the premises are to be open to the public;
- The name and address of the Designated Premises supervisor if the licensable activities include the supply of alcohol, where applicable;
- Where alcohol is to be supplied, whether the supplies are proposed to be for consumption on and/or off the premises;
- Conditions that the applicant would like to volunteer which will assist in meeting the successful promotion of the licensing objectives;
- Where the licence is for a limited period, the period required.

Proof of right to work in the UK

The council require all applicants to provide documentary evidence they are entitled to work in the UK. Documents which can be accepted are provided at the back of the application form.

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

(The Proof of right to work in the UK does not apply to applications for a Club Premises Certificate).

What is an operating schedule?

The operating schedule is a document through which the applicant sets out details on how they propose to operate the licensable activities within the four licensable objectives.

The licensing objectives are:

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

The significance of the operating schedule is that if the application for the Premises Licence/Club Certificate is granted, then the wording on the Operating Schedule will be incorporated into the licence/certificate.

The applicant must complete the sections under the Operating Schedule to show how they will address and promote the four licensing objectives and how they will be complied and adhered to.

When the Responsible Authorities receive their copy of the application form they will consider the information you have put under the Operating Schedule. The Council therefore encourage applicants to discuss the proposed operating schedules with the Responsible Authorities before formally submitting applications to the Council.

This minimises the number of disputes which may arise after the application has been submitted.

All conditions must be precise and enforceable, unambiguous, and not duplicate other statutory provisions. The conditions should be clear in what the applicant intends to achieve and be appropriate, proportionate and justifiable. These proposals should reflect the necessary safeguards capable of being formulated into conditions which will be part of the licence or certificate.

The details provided in the operating schedule/club operating schedule accompanying any application for a premises licence, club premises certificate or variation, represent the key provision for an applicant to demonstrate to the Council and the responsible authorities the steps they intend to take to promote the four licensing objectives.

To minimise the possibility of relevant representations from responsible authorities and interested parties, applicants are encouraged to provide suitable and sufficient details based on the licensable permissions they seek and the location, character, condition, nature and extent of the proposed use and customer profile likely to resort to the premises and any other relevant matter.

The Local Authority may wish to make a representation as a responsible authority, in order to ensure that appropriate and proportionate conditions are included on a licence where it is not considered clear from an operating schedule.

If the Responsible Authorities or Interested Parties consider that you have not taken sufficient steps to promote the licensing objectives then they can object in writing to the Council and the application will be referred to the Licensing Committee for their determination.

List of Responsible Authorities.

Relevant Addresses & Phone Numbers for the 'Licensing Authority' and 'Responsible Authorities'
The original application form and plan needs to be submitted to:-

CHESTERFIELD BOROUGH COUNCIL (LICENSING AUTHORITY):

Licensing Authority
Customer Service Centre
85 New Square
Chesterfield, S40 1AH

Tel: (01246) 345230
Fax: (01246) 345235

A copy of the application form and plan needs to be submitted to:

1. SAFEGUARDING CHILDREN BOARD

Derbyshire Safeguarding Children Board
(Applications - Licensing Act 2003)
Derbyshire County Council
Chatsworth Hall
Chesterfield Road, Matlock
Derbyshire, DE4 3FW

Tel: (01629) 580000 trading.standards@derbyshire.gov.uk

2. FIRE AUTHORITY

Chesterfield Community Fire Station
Spire Walk Business Park
Braidwood Way
Chesterfield, S40 2WH

Tel: (01246) 223500

3. HEALTH & SAFETY ENFORCING AUTHORITY

Applications for non Council premises should be sent to the Council's Health and Safety Function. Applications for Council premises should be sent to Health & Safety Executive. The relevant addresses are given below;

Health & Safety Function
Environmental Services
Chesterfield Borough Council
Town Hall, Rose Hill
Chesterfield, S40 1LP

Tel: (01246) 345749/345755/345756
Fax: (01246) 345760

APPLICATIONS FOR COUNCIL PREMISES NEED TO BE SENT TO:-

Health & Safety Executive
HM Inspector of Health & Safety
Kingsley Dunham Centre
Nicker Hill, Keyworth
Nottingham, NG12 5GG

Tel: 0115 937 7544 (VPN 513 7544)
Fax: 0115 937 7501

4. PLANNING AUTHORITY

Planning Service
Development Management
Chesterfield Borough Council, Town Hall,
Rose Hill, Chesterfield, Derbyshire, S40 1LP

Tel: (01246) 345351

5. POLICE AUTHORITY

Derbyshire Constabulary
Chesterfield Police
Licensing Unit, Beetwell Street
Chesterfield, Derbyshire, S40 1QP

Tel: 0300 122 8517

6. POLLUTION CONTROL/ENVIRONMENTAL PROTECTION

Environmental Protection Team
Environmental Services
Chesterfield Borough Council
Town Hall, Rose Hill
Chesterfield, Derbyshire, S40 1LP

Tel: (01246) 345767
Fax: (01246) 345760

7. WEIGHTS AND MEASURES AUTHORITY

Derbyshire Trading Standards Service
Derbyshire County Council
(Licensing Act 2003 Applications)
Chatsworth Hall, Chesterfield Road, Matlock
Derbyshire, DE4 3FW

Tel: (01629) 580000 trading_standards@derbyshire.gov.uk

8. PRIMARY CARE TRUST

Derbyshire Public Health
(Licensing Act 2003 Applications)
Derbyshire County Council, Chatsworth Hall, Chesterfield Road
Matlock. DE4 3FW

Tel: (01629) 580000 trading_standards@derbyshire.gov.uk

9. HOME OFFICE

Alcohol Licensing Team
Lunar House, 40 Wellesley Road
Croydon, Surrey
CR9 2BY

Where the application relates to a vessel, the following are additional responsible authorities;

THE NAVIGATION AUTHORITY

Licensing Act 2003
British Waterways Board
East Midlands Office, The Kiln,
Mather Road, Newark

Tel: (01636) 675701

THE ENVIRONMENT AGENCY

Rio House, Waterside Drive
Aztec West, Almondsbury
Bristol, BS32 4UD

Tel: (08708) 506506

THE HOME SECRETARY

Home Office, 2 Marsham Street
London, SW1P 4DF

The plan.

The plan is not required to be submitted in any particular scale but they must be in a format, which is clear and legible in all material respects, and must show the following:

- a) 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;
- b) the location of points of access to and egress from the premises;
- c) if different from paragraph b), the location of escape routes from the premises;
- d) in a case where the premises are used for more than one existing licensable activity, the area within the premises used for each activity*;
- e) in a case where an existing licensable activity relates to the supply of alcohol, the location or locations on the premises which is or are used for consumption of alcohol*;
- f) 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;
- g) in a case where the premises include a stage or raised area, the location and height of each stage or area relative to the floor;
- h) in a case where the premises include any steps, stairs, elevators or lifts, the location of the steps, stairs, elevators or lifts;
- i) in a case where the premises include any room or rooms containing public conveniences, the location of the room or rooms;
- j) the location and type of any fire safety and any other safety equipment; and
- k) the location of a kitchen, if any, on the premises.

The plan may include a legend through which the matters mentioned or referred to in paragraph 3 are sufficiently illustrated by the use of symbols on the plan.

* To maintain consistency, could applicants please use the following colour code when identifying licensable areas on their plan and include a legend to that effect.

Red - Sale of alcohol

Purple – Consumption of alcohol

Green - Regulated entertainment (if different from above)

Blue - Late night refreshment (if different from above)

Brown - Cinema and Theatre

What is a Designated Premises Supervisor (DPS)?

Any application for a Premises Licence where alcohol is supplied must also include a form of consent given by the individual whom the applicant wishes to have specified in the Premises Licence as the Designated Premises Supervisor (DPS).

Any premises where alcohol is sold under a Premises Licence must have a DPS. This person will need to hold a Personal Licence and is the person who has day to day responsibility for the running of the premises. All businesses and organisations selling or supplying alcohol, except members clubs and certain community premises, must have a designated premises supervisor.

The Act specifies that there may only be one DPS registered for a premises, although that DPS can be the DPS for more than one premises if they wish to.

The person chosen to be DPS will act as primary contact for local government and the police. They must understand the social issues and potential problems associated with the sale of alcohol, and also have a good understanding of the business itself.

Whilst the DPS does not need to be on site at all times, they are expected to be involved enough with the business to be able to act as its representative. They must be contactable at all times. If the police or local government have any questions or concerns about the business, they will expect to be able to contact the designated premises supervisor.

If you run or are involved in a community, church or village hall that wishes to sell alcohol or already sells it, you can apply for the sale of alcohol to be made the responsibility of a management committee instead of a premises supervisor. Or you can also apply to replace the DPS, if you already have one, with the management committee.

Anyone who does not hold a personal licence must be authorised to sell alcohol by a personal licence holder. There is no such requirement for the supply of alcohol in a members' club.

Once you receive your personal licence, you can apply to be the designated premises supervisor for any business that sells or supplies alcohol.

Application Fee.

You will need to submit a fee with your application.

Premises Licence/Club Premises Licence

Grant/Variation

Band	Non-domestic rateable value	Application Fee	Annual Charge
A	£0-£4300	£100	£70
B	£4301-£33000	£190	£180
C	£33001-£87000	£315	£295
D	£87001-£125000	£450	£320
E	£125001 and over	£635	£350

A multiplier is applied to premises in bands D and E where they are exclusively or primarily in the business of selling alcohol;

Band	Application fee	Annual charge
D (x2)	£900	£640
E (x3)	£1905	£1050

Exemptions:

There are exemptions to the payment of fees. These are:

- No fee is to be payable by the proprietor of a school or college if the application is for the provision of regulated entertainment only and the entertainment is carried on by the school or college for or on behalf of the purposes of the school or college
- No fee is payable in respect of premises that are or 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 if the application is for the provision of regulated entertainment only

Miscellaneous/Other licences

Occasion on which fee may be payable	Fee
Application of copy of licence/notice on theft, loss etc.	£10.50
Application for a provisional statement where premises being built	£315
Application for minor variation of premises licence/club certificate	£89
Application to vary licence to specify individual as DPS	£23
Application to disapply DPS on premises licence	£23
Application for transfer of premises licence	£23

Interim authority notice	£23
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
Notification of change of the name or address (Personal Licence)	£10.50
Notice of interest in any premises	£21

Payment can be made by cash, cheque or by card payment. If payment is made by cheque then the cheque must be made payable to Chesterfield Borough Council.

Fees are based on the non-domestic rateable value of the premises which can be accessed at [Valuation Office Agency website](#).

Premises that do not have a NNDR because they are under construction are allocated to Band C.

An “addition fee” may be payable in respect of large scale events, where 5,000 or more people are due to attend at a venue that is not purpose-built.

Payment of Annual Fee.

The annual fee must be paid prior to the date that the annual fee is due. (Anniversary of the date the Licence/Certificate was issued/granted).

Once the application for a new Premises Licence/Club Premises Certificate has been granted the Premises Licence Holder is responsible for paying an annual fee. The Authority will suspend a Premises Licence/Certificate if the annual fee is not paid when it is due.

In cases of dispute of liability or administration error, 21 days will be given to allow for the dispute or error to be resolved. The licence will be suspended if this is not resolved during the 21 day period.

The Authority will notify the licence/certificate holder in writing and will give at least the minimum of two working days’ notice of the date on which the suspension will take effect.

During the suspension period no licensable activities can be carried out on the premises. Holding an unauthorised activity is a criminal offence under section 136 of the 2003 Act.

A suspension will cease to have effect when the Authority receives the outstanding fee from the licence/certificate holder. The Council will receipt the payment no later than two working days after the payment has been received.

The Council will contact Derbyshire Constabulary and advise them of any licence/certificates that are suspended or re-instated on payment of outstanding fee(s).

Requirements for Submitting the Application.

You must submit your application form, Form of Consent from the Designated Premises Supervisor (if alcohol is to be sold), the plan/layout of the premises and the prescribed fee to the Licensing Section, Chesterfield Borough Council, Customer Services Centre, 85 New Square, Chesterfield, Derbyshire, S40 1AH.

You must also give a copy of the Application Form and the plan to the Responsible Authorities on the same day that the Application Form is given to the Council.

Electronic Applications.

Applicants may apply using the licence application forms available on GOV.UK.

GOV.UK will send a notification to the licensing authority when a completed application form is available for it to download from GOV.UK. This is the day that the application is taken to be 'given' to the licensing authority.

When applications are made electronically it is the responsibility of the Council to copy the application form and plan to the Responsible Authorities.

Advertising the Application.

You are required to advertise the application in the local press and display a notice at or on the premises.

Advertisement in the local paper.

(a)An advert must be displayed in a local newspaper circulating in the vicinity of the premises on at least one occasion during the period of 10 working days starting on the day after the application was submitted to the Council and Responsible Authorities. Both the notice and the advert must state the following:

- The name of the applicant
- The postal address of the premises
- Licensable activities, i.e. sale of alcohol, late night refreshment, etc, which are to be held on the premises
- Times of the licensable activities including opening times.
- The date by which an interested party or responsible authority may make representations to the Council;
- The date that you are submitting the application to the Council and Responsible Authorities.

Display of Notice.

You must advertise by displaying a notice for a period of no less than 28 consecutive days starting on the day after the day on which the application was given to the Licensing Authority. (The notices are on blue paper and are provided by the Licensing Section please contact 01246 345230).

(b)The notice must be prominently displayed at or on the premises to which the application relates where it can be conveniently read from the exterior of the premises. A premises covering an area of more than 50 metres square, a further notice must be displayed at every 50 metres along the external perimeter of the premises abutting any highway.

Food Registration

To store, prepare, distribute or sell food in or from a premises you must be registered with the Local Authority.

Premises include restaurants, cafes, hotels, shops, canteens, market stalls, mobile catering vans and food delivery vans.

The “on” and “off” sale and supply of alcohol is also included in this requirement. This Food Registration must be completed at least 28 days before alcohol sales take place.

A copy of the Food Registration form is available from Chesterfield Borough Council's Licensing department and Health & Environment department or from the Council's website.

Incomplete Applications.

It will be the applicant's responsibility to ensure that applications are completed correctly. Any incomplete applications will not be accepted by the Council and will be returned to the applicant. If an applicant is in any doubt about completing an application form he or she should seek independent advice on the matter.

Rejection of Application.

Applications must be correctly submitted to the Council. Any applications that are incorrectly submitted will be rejected. If the application is rejected then the applicant will have to apply again to the Council by submitting an application form/plan and to repeat the application process which may mean processing another application form and fee, and a further advertisement which would be an additional cost between the applicant and newspaper.

Applicants will be informed of the reason(s) for rejection of the application.

Representations/Objections to Applications.

Relevant representations/objections can only be made by **interested parties** or **responsible authorities** within prescribed time periods.

An interested party is a member of the public/a local Councillor/or business.

The representation or objection can only be made with regard to matters about the likely effect of the grant of the premises licence on the promotion of the licensing objectives.

If one or more representations are made by a responsible authority or other person, it is for the licensing authority to decide whether those representations are relevant to the licensing objectives and not frivolous or vexatious. Where the Council is of the opinion that the representation(s) is frivolous or vexatious, the 2003 Act prohibits them being considered as relevant representations.

An individual wishing to approach Councillors to ask him/her to represent his/her views should ensure that the Councillor(s) is/are not part of the Licensing Committee who may determine the application. This can be checked by contacting Democratic Services, Chesterfield Borough Council, Town Hall, Chesterfield, Derbyshire, S40 1LP tel: 01246 345228/9 or democratic.services@chesterfield.gov.uk.

Following the making of relevant representations, any conditions that are imposed by the Licensing Authority to licences and certificates will be tailored to the individual style and characteristics of the premises and events concerned. Conditions will only be imposed where there is a need to promote the licensing objectives.

If the licensing authority decides that any representations are relevant, then it must hold a hearing to consider them.

Licensing Committee

If there is a relevant representation to your application for a Premises Licence then your application will be referred to the Licensing Committee for their determination.

The Committee has the option to grant the application as submitted to the Council, grant subject to modifying or adding conditions that are consistent with the operating schedule in a way it considers appropriate for the promotion of the licensing objectives, reject one or more requested licensable activities, refuse to specify a person as a designated premises supervisor, or reject the application.

The applicant has the right to appeal (within 21 days) against the decision the Licensing Committee have made. The appeal is made to North East Derbyshire and Dales Magistrates' Court, Tapton Lane, Chesterfield S41 7TW.

The procedures which will be followed by the Licensing Committee are appended to this Policy.

Conditions Placed on the Licence/Certificate.

The Premises Licence/Certificate will include **Mandatory Conditions** (Appendix 1) These will relate to the sale of alcohol ON and OFF the premises (if the application includes the sale by retail of alcohol).

For premises with ON sales the Mandatory Conditions will include the following requirements:

The need for a Designated Premises Supervisor to be registered on the Licence.
Alcohol needs to be sold or authorised by a Personal Licence Holder
Permitted price of alcohol
Age verification Policy
Irresponsible promotions
Free potable water
Measures of alcoholic drink
Exhibition of films
Door Supervision

For premises with OFF sales the Mandatory Conditions will include the following requirements:

The need for a Designated Premises Supervisor to be registered on the Licence.
Alcohol needs to be sold or authorised by a Personal Licence Holder
Permitted price of alcohol
Age verification Policy

The Licence/Certificate will include details of the **Operating Schedule** (steps that the applicant will take to promote the four licensing objectives) as part of the application form) which the Council will word into enforceable conditions approved by the Responsible Authorities.

The Licence/Certificate will include details of the timings and licensable hours for all licensed activities and opening times applied for or determined by the Licensing Committee.

Grant of Premises Licence/Club Premises Certificate.

If the objection period ends and no objections or representations have been received in writing to the Council then the application is deemed granted from the 28 days starting on the day after the day the application was submitted to the Council.

The Premises Licence/Certificate has effect until the licence is revoked, suspended or the Premises Licence Holder requests cancellation or surrender of the licence. This means that the licence is not time-limited (unless the applicant specifically requests this).

The application is issued and granted to the Premises Licence Holder (or to the Solicitor acting on their behalf).

Responsibility for the Premises Licence Holder once the Application has been granted.

To inform the Council of changes to any details shown on the Premises Licence/Certificate.

The **Summary** must be displayed on the Premises so that members of the public, interested parties and Responsible Authorities can easily see the Licence.

The **Premises Licence** must be kept on the Premises and available for inspection from any authorised officer.

Any **sale of alcohol must be authorised** by the Designated Premises Supervisor (The Council would encourage the authorisation to be in written format and available for inspection from authorised officers. The information should include the name and signature of all staff and the date they were authorised, and the name, signature and date of the DPS).

The **annual fee** must be paid before the due date.

Notification to the Council relating to any changes to the Premises Licence/Club Premises Certificate.

The Premises Licence Holder must contact the Licensing Authority if there are any changes to details that appear on the licence or plan of the premises:-

Change of name of Premises (letter and Licence/Summary to Council)

Change of name of address of Premises Licence Holder (letter, fee and Licence/Summary to Council)

Change of Premises Licence Holder (application to Transfer the premises)

Change of Designated Premises Supervisor (application to change the supervisor)

Alterations to timings of licensable activities or Opening Hours (application for Minor Variation, if relating to alcohol then a Full Variation)

Addition or removal of licensable activities (application for Minor Variation, if relating to alcohol then a Full Variation)

Addition or removal of conditions (application for Minor Variation)

Changes to plan/layout (Minor Variation if minor changes, anything more substantial will require a Full Variation)