

# Statement of Licensing Policy

Licensing Act 2003



## INDEX

		<b>Page</b>
1	Introduction, Powers and Duties	4
2	Aim of Licensing Policy Statement	4
3	Licensing Function	6
4	Licensing Objectives	6
5	Licensable Activities	6
6	Operating Schedule	8
7	Crime and Disorder	9
8	Public Safety	10
9	Public Nuisance	11
10	Protection of Children from Harm	12
11	Conditions placed on a Licence/Certificate	13
12	Application for new Premises/Club Premises Certificate	14
13	Electronic Applications	15
14	Licensing Hours	15
15	Plans and layout of the premises	15
16	Licence Fee	16
17	Designated Premises Supervisor (DPS)	17
18	Personal Licence	17
19	Temporary Event Notice (TEN)	19
20	Minor/Full Variation	20
21	Representations or Objections	21

22	Review of a Premises Licence/Club Premises Certificate	22
23	Enforcement	22
24	Pavement Licence	22
25	Cumulative Impact Zone (CIZ)	23
26	Designated Public Place Order	24
27	Promotion of Equality	24
28	Human Rights	25
29	Avoidance of duplication with other regulatory regimes	25
30	Administration	25
	Table of Delegation Scheme	27
	Appendix 1 – Mandatory Conditions (On and Off Licences)	28
	Appendix 2 - Plan of Cumulative Impact Zone (CIZ)	32
	Appendix 3 – Guidance Notes	33
	Appendix 4 – Licensing Committee Procedures - Premises Applications	67
	Appendix 5 – Licensing Committee Procedures – Summary Reviews	69
	Appendix 6 – Licensing Committee Procedures - Reviews, Temporary Event Notice, and Personal Licence	71

# **Licensing Act 2003**

## **Statement of Licensing Policy under the Licensing Act 2003**

### **1.0 Introduction**

#### **1.1 Powers and Duties.**

1.2 The Council's Statement of Licensing Policy is concerned with the administration of the licensing functions required of the Council under the 2003 Act.

1.3 Licensing is about regulating licensable activities on licensed premises, by qualifying clubs and at temporary events within the terms of the 2003 Act.

1.4 The licensing authority will review and publish a statement of its licensing policy at least every five years or as required by future legislation.

1.5 The licensing statement has been drawn up in consultation with representatives from the licensing trade, licensing Solicitors, Pub Companies, Councillors and Responsible Authorities. The Licensing Statement is approved by the Licensing Committee, Cabinet and Full Council.

### **2.0 Aim of Chesterfield Borough Council's Licensing Statement.**

2.1 The licensing statement sets out how the Council intend to administer and determine applications in accordance with Section 5 of the Licensing Act 2003.

2.2 The Council will ensure through their Policy and Guidance that the licensees will promote the four licensing objectives when operating their business.

2.3 Applicants are advised to read this licensing statement carefully when drawing up their operating schedule.

2.4 All applications for new premises licences/club premises certificates or variations, need to be supported by an operating schedule. The schedule must specify what steps the applicant will take to promote the four licensing objectives; the prevention of crime and disorder, prevention of public nuisance, public safety and protection of children from harm.

- 2.5 The applicant will need to consider ways of promoting the four licensing objectives relating to issues within their premises and the immediate area surrounding their premises.
- 2.6 The steps proposed by the applicant in the operating schedule will become licence conditions and will be enforceable.
- 2.7 The Authority must grant the application if it does not receive a valid objection/representation from a responsible authority or interested party.
- 2.8 Where there are relevant representations, the application will be referred to the Licensing Committee who will determine the application. The Licensing Committee must take such steps as it considers appropriate to promote the licensing objectives. These may include granting the application, adding to or modifying the conditions proposed in the operating schedule or refusing the application.
- 2.9 Where there have been relevant representations the Authority will always consider the merits of the case. Conditions will not be applied where the steps proposed by the applicant are sufficient to meet the licensing objectives.
- 2.10 Any words or expressions in this licensing statement have the meanings assigned to them under the Licensing Act 2003, Section 182 Guidance, other legislation in force since adoption of the Licensing Act, or Guidance produced by the Council. Nothing in the licensing statement can be regarded or interpreted so as to prejudice the 2003 Act or regulations made there under.
- 2.11 In adopting this licensing statement the Council recognises the need to;
- secure the safety and amenity of our communities
  - facilitate a safe and sustainable licensed trade that contributes to the economy and vibrancy of the Borough;
  - reflect the needs of the Borough's community in relation to its cultural needs and diversity by supporting licensable activities, including live music, dancing, theatre and the other cultural experiences offered by such activities.
- 2.12 To achieve this aim the Council is committed to partnership working with the Responsible Authorities, commerce, including the licensing trade, residents and others towards the promotion of the objectives as set out in this licensing statement.
- 2.13 The Council will secure proper integration with the Local Plan, local crime prevention, planning, community safety, transport, tourism and cultural strategies and plans in carrying out its licensing function and, more widely, in the interest of the Borough of Chesterfield.

2.14 When considering location, impact and operation/management of all proposed applications, the Authority will recognise the importance of attaching licensing conditions to reflect local crime prevention strategies and will have regard to the legislation and guidance contained within the Violent Crime Reduction Act 2006 and any other future relevant legislation.

2.15 Chesterfield Borough Council adopted the Council Plan 2019-2023 – Putting our Communities first. The vision to make Chesterfield a thriving borough, improve the quality of life for local people and to provide value for money services will be reflected in the Licensing Policy as well as future Aims of the Council.

### **3.0 The Council’s licensing function, licensing objectives and licensable activities.**

#### **3.1 Licensing function.**

3.2 The Council will carry out its licensing functions with a view to promoting the four licensing objectives in accordance with the requirements of the 2003 Act.

3.3 In carrying out its licensing functions, the Council will have regard to the Home Office Guidance issued under section 182 of the 2003 Act (Section 182 Guidance) and its licensing statement.

#### **4.0 Licensing Objectives.**

4.1 The licensing objectives are:

- *The Prevention of Crime and Disorder;*
- *Public Safety;*
- *The Prevention of Public Nuisance; and*
- *The Protection of Children from Harm*

The four licensing objectives have equal importance.

#### **5.0 Licensable Activities.**

5.1 The Council’s licensing functions are relevant to the control of licensed premises, qualifying clubs and temporary events within the terms of the 2003 Act, concerned with one or more of the following:

- Retail sale of alcohol
- Supply of alcohol by or on behalf of a club to, or to the order of, a member of the club

- The provision of **regulated entertainment** as defined in Schedule 1 of the 2003 Act
- The supply of **late night refreshment** as defined in Schedule 2 of the 2003 Act.

5.2 If carrying out retail sale of alcohol on a premises/ground then a Designated Premises Supervisor needs to be named as the person responsible for the day to day running/operation of the premises. This person must hold a personal licence. The issue of personal licences is also within the licensing function of the Authority to those resident in its area.

5.3 The provision of “regulated entertainment” to the public, to club members or with a view to profit, includes:

- A performance of a play
- An exhibition of a film
- An indoor sporting event
- Boxing or wrestling entertainment
- A contest, exhibition or display which combines boxing or wrestling with one or more martial arts
- A performance of live music
- Any playing of recorded music
- A performance of dance
- Entertainment or similar descriptions

5.4 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.

5.5 Where de-regulated activities take place on licensed premises any licence conditions relating to ‘live’ music or entertainment will be suspended, but it is possible to impose new, or reinstate existing conditions following a review of a premises licence or club premises certificate.

5.6 When considering whether an activity constitutes 'the provision of regulated entertainment, 'each case will be treated on its own merits. There will inevitably be a degree of judgement as to whether a performance is live music or not, so organisers of events are encouraged to contact the Licensing Authority to discuss whether a licence will be required.

5.7 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.

## **6.0 The Council's approach to applications for Premises Licences and Club Premises Certificates.**

### **6.1 Operating Schedule.**

6.2 The Council recognises that each licensing application must be dealt with on its own individual merits.

6.3 The Licensing Authority would encourage anyone wishing to carry out any of these licensable activities, to contact the Council directly. This is so that the appropriate advice can be given and that the appropriate application(s) can be applied for. This will also allow for appropriate advice to be given when other legislation is implemented during the duration of this policy.

6.4 The Council encourages applicants to seek the views of Responsible Authorities before submitting applications to the Licensing Authority. This minimises the number of disputes which may arise after the application has been submitted.

6.5 When the Responsible Authorities receive their copy of the application form they will consider the information the applicant has 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.**

6.6 This ensures that the Council and Responsible Authorities are satisfied that the applicant has demonstrated the steps they intend to take to promote the four licensing objectives and to ensure that the objectives will be adhered to and complied with.

6.7 Applicants may wish to provide supporting material, not forming part of their operating schedule, to assist the responsible authorities by confirming the arrangements in place under separate legislation which have the potential to inappropriately over-lap any licence conditions included in their operating schedule/club operating schedule.



- 6.8 Applications should set out their proposals for addressing and promoting the licensing objectives particularly in their operating schedule/club operating schedule, showing how they will adhere and comply to the conditions. 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.
- 6.9 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.
- 6.10 To minimise the possibility of relevant objections 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.
- 6.11 To ensure that the licensee is intending to promote the licensing objectives and to satisfy the responsible authorities that the Licensee will comply and adhere to the conditions, the Council will formulate the wording on the operating schedule into conditions approved by the Responsible Authorities.
- 6.12 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.
- 6.13 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.**

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

- 7.1 The Operating Schedule needs to show the steps that the Premises Licence Holder propose to take to ensure the prevention of crime and disorder. The Council would encourage the applicant to consider and include:-
- Prevention of anti-social behaviour inside and outside your premises, i.e. use of registered Security Industry Authority (SIA) door supervisors to control numbers and deny entry to those individuals who appear drunk or disorderly, or those intent of causing crime.

- Additional management, staff or door supervisors at particular events.
- Monitoring of customers inside and outside the premises, i.e. installation CCTV cameras (record, retain and access images as per police requirements).
- Communication facilities to ensure instant contact with Police to facilitate a rapid response to any disorder, i.e. provision of radio system
- Membership of Pub watch or any other similar organisation.
- Ensure that the managers appointed at the premises are competently and appropriately trained.
- To produce a risk assessment or action plan identifying, evaluating and estimating the level of risks involved in relation to crime and disorder on the premises.

The risk assessment will show how the applicant intends to reduce, remove or prevent crime and disorder on their premises.

- Ensure that the mandatory licensing conditions are being adhered to.

(these include the permitted price of alcohol, use of Designated Premises Supervisor, irresponsible promotions, free potable water, age verification policy, specific measures for drink, exhibition of films and the use of door supervisors).

- Clear policies and measures in place to prevent illegal drugs being brought onto and used in the premises.
- Mechanisms in place for combating drug dealing and drug use.
- Monitor or manage the impact on the behaviour of customers in the immediate vicinity of the premises or as they enter and leave.

## **8.0 Public Safety.**

8.1 The Operating Schedule needs to show the steps that the Premises Licence Holder propose to take to ensure the physical safety of people using the relevant premises. The Council would encourage the applicant to consider and include: -

- Prevention of accidents and injuries to staff and customers.
- Use of trained first aiders on the premises and access to first aid kits.
- Access for emergency services and how to deal with incidents and accidents on the premises.

- Ensure fire safety and appropriate limits on the maximum capacity of the premises.
- Waste disposal.
- Use of polycarbonate glasses.
- Ensure the safety of people entering and leaving the premises, provide adequate lighting by entrances and exits, and provide information of local taxi companies.
- The Director of Public Health is responsible for making objections and observations on applications on behalf of health bodies. Public health is not yet a licensing objective but is a responsible authority under the Licensing Act. The licensing authority believes that public health has much to add to licensing in relation to the local populations' alcohol related health needs and have unique access to data not available to other responsible authorities which may inform licensing decisions. Public Health is useful in providing evidence of alcohol related health harms particularly in relation to cumulative impact policies.

## **9.0 The Prevention of Public Nuisance.**

9.1 The Operating Schedule needs to show the steps that the Premises Licence Holder propose to take to prevent public nuisance under their direct control. The Council would encourage the applicant to consider and include:-

- Reducing noise levels so as to not annoy neighbours/residents such as keeping doors and windows closed after a particular time, restricting time and length of events involving live or recorded music.
- Use of sound proofing, air conditioning, acoustic lobbies, sound limitation devices, and a written noise management plan (approved by Council Environmental Protection Section).
- Use of outside area being closed after a particular time.
- Prevention of disturbance by customers arriving at, or leaving the premises, such as signage reminding customers to respect neighbours and residents when leaving the premises.
- Reduction in the generation of odour, for example from the preparation of food.
- Prevention of potential litter problems caused by activities from the premises, i.e. distribution of flyers, fly posting, food packaging left by customers from late night refreshment premises.

- Provide a balance between providing outside lighting to prevent crime and disorder, and accidents when entering and leaving the premises, with the issue of causing too much light for neighbours or residents.

#### 10.0 **The Protection of Children from Harm.**

10.1 Trading Standards, a responsible authority would expect the applicant to include in their Operating schedule, conditions relating to:

- Use of age verification scheme (i.e. Challenge 25 or similar).
- Use of reporting and recording incidents and refusals of the sale of alcohol.
- Use of signage to promote the age verification scheme.

10.2 The Council will expect the applicant to detail in their Operating Schedule the steps they propose to take to protect children from harm and would encourage the applicant to consider and include :

- Forms of ID to be checked to ensure that alcohol is not sold to underage customers.
- Provisions of training staff and management in relation to the sale of alcohol, health and safety, etc. Retention of records confirming time and date of training.
- Specific times when children may be present on the premises, or limitations or exclusions when certain activities are taking place, restrictions on parts of the premises to which children may have access, or requirements for when a child must be accompanied by an adult.
- Where no restriction on access by under 18's is on the licence, it is for the individual licensee or club to ensure the licensing objectives are observed.
- The Council will encourage Licensees to consider ways that children can be protected from moral, psychological and physical harm. This could include protecting children from harms associated directly with alcohol consumption but also wider harms such as exposure to strong language and sexual expletives (i.e. exposure to certain films or adult entertainment). The Council will consider the need to protect children from sexual exploitation when undertaking licensing functions and it will aim to support the relevant agencies in this duty.

## **11.0 Conditions Placed on a Licence/Certificate.**

### **11.1 Mandatory Conditions.**

11.1.1 Mandatory conditions are provided by the 2003 Act, amended by the (Mandatory Licensing Conditions) (Amendment) Order 2014 and should be included in every Licence and/or Club Premises Certificate.

11.1.2 The Mandatory Conditions are attached to this Policy. These need to be adhered to and complied with by the Premises Licence Holder.

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.

Mandatory Conditions also refer to:-

Permitted price of alcohol

Age verification Policy

Irresponsible promotions

No drinking games (encouraging people to drink too much or within specific time limits).

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.

Mandatory Conditions also refer to:-

Permitted price of alcohol

Age verification Policy

### **11.2 Conditions proposed by the applicant within the Operating Schedule.**

11.2.1 The Authority will include the conditions offered by the applicant on the operating schedule onto the Licence/Certificate. Where there have been no relevant representations the Authority will grant the Premises Licence/certificate accordingly.

### **11.3 Imposed by Council at a hearing.**

11.3.1 Conditions may be placed on a Licence/Certificate following the Licensing Hearing when representations or objections have been made against an

application for a new Premises Licence/Certificate or against an application for a Review of a Licence/Certificate.

## **12.0 Application for New Premises/Club Premises Certificate.**

### **12.1 Application Form.**

- 12.2 Application forms and guidance notes are available on the Council's web site [www.chesterfield.gov.uk](http://www.chesterfield.gov.uk)
- 12.3 Applications should be correctly completed, dated and signed when submitted to the Council. The applicant needs to confirm the name of the Premises Licence Holder and where applicable the name of the Designated Premises Supervisor and details of the Personal Licence Holder. (The details of the DPS are not required if applying for a Premises Club Certificate or a TEN) and provide proof of their right to work in the UK.
- 12.4 The application form must include all times and details for licensable activities.
- 12.5 The Council would encourage applicants to include opening hours on their application form and to allow 30 minutes drinking up time on the licensable activity, if including the retail sale of alcohol on the licence/certificate.
- 12.6 Applications will not be valid unless properly completed, signed, and dated as in accordance with the Licensing Act Regulations 2005.**
- 12.7 The process for applying for a Premises Licence or a Club Premises Certificate includes the completion of an application form, enclosing supporting documents, the payment of a fee and submitting the application to the Council (and at the same time, applicants are required to serve the Responsible Authorities with a copy of the plan and application form).
- 12.8 Applicants are required within a specific time period to advertise applications in the local press and display the prescribed notice on the premises.
- 12.9 Full details of the application process are included in the attached Guidance.
- 12.10 Applicants will be informed of the reason(s) for rejection of the application.**
- 12.11 If an application is rejected then the applicant will be required to complete and submit a fresh application including payment of the application fee, advertising application details in the local press and displaying the prescribed notice on the premises. Resubmitting an application will incur additional costs(s) to the applicant.**

### **13.0 Electronic Applications.**

- 13.1 Applicants may apply electronically using the licence applications forms available on [www.chesterfield.gov.uk](http://www.chesterfield.gov.uk) or [www.gov.uk](http://www.gov.uk). However applications must be complete and include any relevant paperwork such as Consent form, details of Designated Premises Supervisor, and a copy of the plan of the premises.
- 13.2 Payment must be made to the Council on the same day that the application was submitted to the Council.
- 13.3 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/submitted' to the licensing authority.
- 13.4 The application must be advertised from the day after the day the application was submitted to the Council. Details of the application must be displayed on the premises on the prescribed notice. The licensing authority must acknowledge the application as quickly as possible, specifying the statutory time period and giving details of the appeal procedure.
- 13.5 The licensing authority must display details of the application on the Council's website.

### **14.0 Licensing Hours.**

- 14.1 The Council will determine licensing hours on the individual merits of each application.
- The Council recognises that longer licensing hours for the sale of alcohol can avoid large numbers of people leaving premises at the same time, which in turn reduces the friction at late night fast food outlets, taxi ranks and other sources of transport which can lead to disorder and disturbance. With later opening hours comes greater responsibility, however, and applicants should be prepared to display that responsibility in their applications. The Council will not impose conditions that artificially fix opening hours for any premises or area of the Borough (so-called zoning).
- 14.2 With regard to shops, stores and supermarkets, the Council will allow the sale of alcohol for consumption off the premises at any time when the retail outlet is open for shopping unless there is a very good reason for restricting them, such as disorder or disturbance. Derbyshire Constabulary would normally be asked to make comment on any alleged patterns of disorder or disturbance.
- 14.3 Where specific restrictions on trading hours have been applied by the planning authority, licensing hours will not be permitted beyond these times.

## **15.0 Plans and layout of the Premises and indication of the Licensable Activities.**

- 15.1 It is a requirement under the section 23 (3) of the Licensing Act 2003 that plans are provided with an application for a Premises Licence or Club Premises Certificate.
- 15.2 The Council and Responsible Authorities need to understand the locality and layout of the premises to ensure that the licensing objectives are being adhered to, and that the premises are safe to be used as a public building.
- 15.3 The plan is not required to be submitted in any particular scale but must be in a format, which is clear and legible. The Council require plans to be provided in colour so that licensable activities for different areas can be identified on the plan. The Council would encourage plans to be available in an electronic form.
- 15.4 Applicants must show the locality of the premises, and a plan of the premises showing the extent of the boundary of the building, access to and egress from the premises, escape routes, areas where licensable activities will take place, fixed structures, stage or raised areas, steps, stairs or lifts, public conveniences, other rooms such as office, kitchen, store, etc, any fire safety equipment, etc.
- 15.5 Failure to show these requirements will result in the application being refused.

## **16.0 Licence Fee.**

- 16.1 Licence fees are prescribed in regulations (the Licensing Act 2003 (Fees) Regulations 2005). The fees paid in respect of applications for new or full variations to premises licences and club premises certificates; and annual fees in respect of premises licences and club premises certificates vary dependent on the national non-domestic rateable value (NNDR) "band" of the premises. You can check your rateable value at the [www.gov.uk/government/organisations/valuation-office-agency](http://www.gov.uk/government/organisations/valuation-office-agency).
- 16.2 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.
- 16.3 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.
- 16.4 The Authority will notify the licence/certificate holder in writing and will give at least 48 hours' notice of the date on which the suspension will take effect.



- 16.5 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.
- 16.6 A suspension will cease to have effect when the Authority receives the outstanding fee from the licence/certificate holder.
- 16.7 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).

#### **17.0 Designated Premises Supervisor (DPS).**

- 17.1 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.
- 17.2 The Act specifies that there may only be one DPS registered for a particular premises, although that DPS can be the DPS for more than one premises if they wish to.
- 17.3 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.
- 17.4 Although 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.
- 17.5 All supplies of alcohol under a Premises Licence must be made by or under the authority of a Personal Licence holder. The Council would encourage (as good practice) the Designated Premises supervisor to retain a document on site which confirms the authorisation given to staff to sell alcohol on the premises. (including names, dates and signatures of members of staff and DPS)

#### **18.0 Personal Licence Holder.**

- 18.1.1 All Premises Licences authorising the supply of alcohol must have an identified Personal Licence holder, known as the designated premises supervisor. More than one individual at the licensed premises may hold the Personal Licence, although it is not necessary for all staff to be licensed.
- 18.1.2 The Personal Licence relates only to the supply of alcohol under a Premises Licence. An individual will not require a Personal Licence for other licensable activities, such as the provision of regulated entertainment or late night

refreshment, or for the supply of alcohol under a Club Premises Certificate or Temporary Event Notice.

- 18.1.3 The applicant for a Personal Licence must be aged 18, live in the area of Chesterfield Borough and provide documentary evidence they are entitled to work in the UK.
- 18.1.4 The applicant must submit the required documents to the Council when applying for a Personal Licence as in accordance with the Regulations 2005 and subsequent legislation. This will include the application form, 'disclosure and declaration form', a Licensing Qualification as accredited by the Home Secretary, a criminal check, two photographs (endorsed), and the prescribed fee.
- 18.1.5 Where an applicant for the grant of a personal licence is convicted of a Relevant Offence or a Foreign Offence during the application period, or once they have received their Personal Licence, they must notify the conviction to the authority to which the application was made as soon as reasonably practicable.
- 18.1.6 A person commits an offence if they fail to comply without a reasonable excuse.
- 18.1.7 Where a new applicant is found to have a relevant or foreign offence and the police object to the application on the grounds of crime prevention, the applicant is entitled to a hearing before the council.
- 18.1.8 Refusal of an application will be the normal course of action, unless, in the opinion of the Licensing Committee, exceptional and compelling circumstances justify the granting of the application. Applicants will be given all the reasons for any decision that is made.

## **18.2 Responsibility once Personal Licence has been granted.**

- 18.2.1 The holder of the licence is required by the 2003 Act to notify the licensing authority of any changes in their name and/or address.
- 18.2.2 The holder is also under a duty to inform the Licensing Authority of any convictions for a foreign offence/relevant conviction.
- 18.2.3 If the holder is referred to the Magistrates Court/Crown Court then they must in accordance with the Licensing Act 2003, inform the Magistrates Court/Crown Court that they hold a Personal Licence.

## **18.3 Renewal of Personal Licence.**

- 18.3.1 The Deregulation Act 2015 has removed the requirement to renew a personal licence with effect from 1<sup>st</sup> April 2015. All previous licences (prior to 1<sup>st</sup> April 2015) will be regarded as being licensed for an 'indefinite' period even though the paper licence and ID card may show an expiry date. The expiry date will be amended to show 'indefinite' if the applicant requests to change any details on their licence.

## **19.0 Temporary Event Notice (TEN)**

- 19.1 Where a person wishes to hold a licensable activity which is either outside the permissions on their current Premises Licence/Club Premises Certificate, or the premises/ space are not already licensed in accordance with the Licensing Act 2003, then the person is required to apply for a Temporary Event Notice (TEN).
- 19.2 If applying for a Standard TEN then the applicant must allow at least ten working days between submitting the form to the licensing authority and the date of the event.
- 19.3 If applying for a Late TEN then the applicant must allow at least five to nine working days between submitting the form to the licensing authority and the date of the event.
- 19.4 With regard to the statutory guidance issued under Section 182 of the Licensing Act 2003, the Act specifies limitations which include:-**
- The number of Standard and Late TEN's that a Personal Licence Holder can apply for.
  - The number of Standard and Late TEN's that a non-Personal Licence Holder can apply for.
  - The number of TEN's allowed at one premises/space/area.
  - The minimum period between events authorised under separate TEN's in relation to the same premises.
  - The maximum duration in time of a TEN event.
  - The maximum total of days authorised by TEN's in relation to individual premises.
  - The maximum number of people attending.
  - A TEN will not apply to larger scale events and applicants should contact the Authority leaving sufficient time to apply for a premises licence.
- 19.5 Specific details relating to these limitations are set out in the Guidance appended to this Policy. Any further amendments to the 182 Guidance will be incorporated in the Council's Policy and Guidance.
- 19.6 The TEN must be given to the licensing authority in the form prescribed in regulations made under the 2003 Act.
- 19.7 Unless electronically submitted (either by e-mail or via Gov.uk), the applicant is required to send a copy of the application form to the Police and Environmental Protection who have a period of three working days in

which they can object to the application if they consider that one or more of the four licensing objectives will be undermined.

19.8 If applying for a Standard TEN and objections have been made then the application is referred to the Licensing Committee.

19.9 If applying for a Late TEN and objections have been made then the application is refused and the event cannot take place.

## **20.0 Minor/Full Variations.**

20.1 Once an application for a Premises Licence or Club Premises Licence is granted, Sections 41A to 41C allow the Premises Licence Holder to apply for a Minor variation that will not impact adversely on the licensing objectives.

20.2 Minor variations will generally fall into one of these categories:

- 1) Minor changes to the structure or layout of the premises.
- 2) Small adjustments to the licensing hours.
- 3) The removal of out of date, irrelevant or unenforceable conditions or addition of volunteered/agreed conditions.
- 4) The removal or addition of certain licensable activities.

20.3 The application is required to be submitted to the Council with the prescribed fee.

20.4 Details of the application are required to be displayed on the premises on the prescribed notice available from the Licensing Section or access via [Chesterfield.gov.uk](http://Chesterfield.gov.uk) website. The notice must be displayed for no less than 10 working days, starting on the working day after the minor variation was given to the Authority (or in accordance with any future Regulations).

20.5 The applications do not need to be advertised in the local press or copied to the Responsible Authorities.

20.6 Upon receipt of a Minor Variation application, the authority shall consider whether the variation could adversely impact upon the licensing objectives. In considering the application, the Authority will consult with Responsible Authorities if there is any doubt about the impact that the variation will have on the licensing objectives.

20.7 In cases where objections/representations have been received, or it is considered that the changes are not Minor or cannot be processed under a Minor Variation Application, or the variation could adversely impact upon one or more of the licensing objectives, then the application will be refused. There is no right to a hearing under the minor variation process. The

Premises Licence Holder will be advised to consider applying for a Full Variation if they still wish to continue to make changes to their current Licence/Certificate.

- 20.8 In cases where the Minor Variation is accepted and processed, the application must be determined no later than 15 working days, beginning on the first working day after the application was received by the Authority. There is no right to appeal against the decision of the Authority.
- 20.9 When applying for a Full Variation the application is required to be submitted to the Council with the prescribed fee and copied with the plan to Responsible Authorities. The details of the application are required to be advertised in the local press and displayed on the premises on the prescribed notice.
- 21.0 Representations or Objections**
- 21.1 In relation to a Premises Licence and Club Premises Certificate, the Council must consider relevant representations (objections) as part of its determinations, in accordance with the 2003 Act.
- 21.2 Relevant representations** can only be made by **interested parties** or **responsible authorities** in writing to the Council within the objection period. An interested party is a member of the public/a local Councillor/or Business. The Responsible Authorities include Police, local Fire and Rescue, Primary Care Trust (PCT) or local health board, the relevant Licensing authority, Health and Safety, Environmental Health, Planning, body responsible for the protection of children from harm, local Trading Standards and any other licensing authority as determined by future legislation.
- 21.3 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 one or more of the licensing objectives.
- 21.4 Where the Council is of the opinion that representations are frivolous or vexatious, the 2003 Act prohibits them being considered as relevant representations.
- 21.5 Any relevant representations received will be referred to the Licensing Section for their determination.
- 21.6 Conditions will only be imposed where there is a need to promote the licensing objectives. These will need to be tailored to the individual style and characteristics of the premises and events concerned.

## **22.0 Review of a Premises Licence or Club Premise Certificate**

- 22.1 The Council recognises the importance of its ability to review the premises licence/certificate. The proceedings set out in the 2003 Act for reviewing premises licences represent a key protection concerning problems associated with crime and disorder, public safety, public nuisance or the protection of children from harm.
- 22.2 The review of a premises licence or a club premises certificate can be requested at any time by an interested party or a responsible authority provided it is relevant to one or more of the licensing objectives, and is not frivolous, vexatious or is a repetition.
- 22.3 The Council will hold a hearing to determine the application for a review.

## **23.0 Enforcement.**

- 23.1 The Council will provide adequate resources to enforce the requirements of the 2003 Act in accordance with Environmental Service's Enforcement Policy, any enforcement protocols agreed with other agencies and any guidance to enforcement authorities issued by the Government.
- 23.2 In determining the most appropriate course of action to secure the licensing objectives, the Council will be mindful of other separate legislation and other enforcement bodies' powers. Additionally, the Council will take into account any enforcement protocols developed with these organisations and our partners, including Derbyshire Constabulary.

## **24.0 Pavement Licence**

- 24.1 From 22 July 2020, The Business and Planning Act 2020 gained Royal Assent and has come into effect.
- 24.2 Pavement Licences allow the licence holder to place removable furniture over certain highways adjacent to their premises.
- 24.3 Premises which are used for either of the following may apply for a pavement licence:
- a public house, wine bar or other drinking establishment; or
  - for the sale of food or drink for consumption on or off the premise
- 24.4 To apply for a Pavement Licence the applicant will need to complete an application form and email this along with the following documents to [licensing@chesterfield.gov.uk](mailto:licensing@chesterfield.gov.uk)
- A copy of the public liability insurance documents showing how the applicant is covered for this activity on the pavement
  - A copy of the public notice that has been placed on the pavement in a visible, and obvious location

- A plan or set of plans fully showing the dimensions of the pavement and the furniture that is intended to be placed on the pavement.
- A fee of £100

24.5 It will be the applicant's responsibility to ensure that all the information required is provided, and any documents are clearly readable. If there is any missing information or the information is illegible, the application may be refused.

24.6 The licence will expire no later than 30 September 2021 or earlier date where specified within the licence and shall remain the occupier of the premises or until withdrawn by the Council under the Act or surrendered to the Council by the Licensee.

24.7 When considering any Pavement Licence application, Chesterfield Borough Council will consult with any or all of the following responsible authorities;

- Derbyshire County Council Highways
- Derbyshire Police
- Derbyshire Fire & Rescue Service
- Chesterfield Borough Council Planning
- Chesterfield Borough Council Environmental Health
- Chesterfield Borough Council Health & Safety

24.8 Applicants should be aware that all details given on their application and documents submitted will be shared with the above agencies to enable full consultation with statutory partners, and in the interest of ensuring effective administration of the licensing scheme. Redacted versions will be published on the Council's website for public consultation.

## **25.0 Cumulative Impact Zone/Special Policy.**

25.1 "Cumulative impact" means the potential impact on the promotion of the licensing objectives of a significant number of licensed premises concentrated in one area.

25.2 The Council recognises where the number, type and density of premises selling alcohol for consumption on the premises are unusual in a particular area, serious problems of nuisance and disorder may arise or begin to arise outside or some distance from the licensed premises. In such circumstances the impact of those premises when taken as a whole may be greater than that arising from individual premises. It may not be possible to distinguish individual premises as being the sole cause, or even a major contributing factor, of a particular problem. It is the combined effect of all of the premises, which causes problems for a wider area and potentially undermines the licensing objectives. In such circumstances the Council may consider it both necessary and appropriate to adopt a *Special Policy* to address cumulative impact.

- 25.3 A *Special Policy* would not prevent the Council considering further applications for premises licences, as these would need to be assessed on their individual merits taking into account the foreseeable impact on the relevant area. It would be incumbent on the applicant to provide the proportionate level of detail to address these special circumstances.
- 25.4 Applicants would need to address the *Special Policy* issues in their operating schedule/club operating schedule in order to rebut such a presumption. However, it must be stressed that this presumption does not relieve responsible authorities or interested parties of the need to make a relevant representation before the council may lawfully consider giving effect to its *Special Policy*. If no representation is received, it would remain the case that any application must be granted in terms that are consistent with the operating schedule/club operating schedule submitted.
- 25.5 The Council has adopted a Special Policy (a Cumulative Impact Policy) with effect from 1 January 2012 in relation to part of Chesterfield town centre which is covered by the following roads: Cavendish Street, Church Walk, Church Way, Corporation Street, Elder Way, Holywell Street, Knifemithgate, part of Saltergate, St. Mary's Gate and Stephenson Place. This is referred to as "the designated area".
- 25.6 The Cumulative Impact Policy creates a rebuttable presumption that a new application relating to premises in the designated area will be refused if objections are received from Responsible Authorities and/or Interested Parties. Applicants for licences or certificates will need to demonstrate that they will not add to the problem in the designated area. If no objections are received to an application for premises within the designated area, the application must be granted even though the policy exists. The Cumulative Impact Policy will not apply to existing licensed premises or club premises in the designated area unless an application is made to vary the licence or certificate and the effect of the variation is likely to add to the existing cumulative impact. A map showing the designated area is appended to the Licensing Policy."

## **26.0 The Designated Public Place Order.**

- 26.1 The Designated Public Place Order (DPPO) will be replaced by the Public Spaces Protection Order (PSPO) in the Anti-social Behaviour Crime and Policing Act 2014.
- 26.2 PSPOs can be used to restrict the drinking of alcohol in a public space where this has or is likely to have a detrimental effect on the quality of life on those in the locality, be persistent or continuing in nature, and unreasonable.
- 26.3 A DPPO can continue for three years from the adoption of the Act, during which time the council can consider replacing it with a PSPO.



## **27.0 Promotion of Equality**

### **27.1 Equality Legislation.**

27.2 The Council recognises that the Equality Act 2010 places an obligation on all public authorities to have regard to the need to eliminate unlawful discrimination, harassment and victimisation; to advance equality of opportunity; and to foster good relations, between persons with different protected characteristics (such as age, disability, gender reassignment, pregnancy and maternity, race, religion or belief, sex, and sexual orientation). The Council will consider relevant legislation implemented during the period of this Policy.

## **28.0 Human Rights.**

### **28.1 Human Rights Legislation.**

28.2 The Council will implement the 2003 Act in a manner consistent with the Human Rights Act 1998 or any other relevant legislation implemented during the period of this Policy.

## **29.0 Avoidance of Duplication with other regulatory regimes.**

### **29.1 Duplication.**

29.2 The Council acknowledges the efforts and responsibilities of other regulators, for instance Derbyshire Constabulary, Derbyshire Fire and Rescue Service, Health and Safety Enforcing Authority, under other legislation, which benefit the promotion of the licensing objectives. The Council is minded to only impose conditions on premises licences and club premises certificates where other legislation does not include sufficient scope to ensure the promotion of the licensing objectives.

29.3 Where other legislation does not cover the unique circumstances of some licensable activities, the Council will consider attaching conditions to premises licences and club premises certificates where these are necessary for the promotion of the licensing objectives and if relevant representations have been received.

## **30.0 Administration, Exercise and Delegation of Functions**

### **30.1 Administration.**

30.2 The Council recognises many of the decisions and functions under the 2003 Act are purely administrative in nature. In the interest of speed, efficiency and cost-effectiveness, the delegation in the Council's Constitution sets out various duties of its licensing committee and officials. (Table 1 illustrates the Council's Constitution in this respect).

30.3 In special cases applications normally dealt with by officers will be passed up for committee determination.

30.4 The Council will place a copy of this Policy Statement and appropriate application forms on the Council's website, [www.chesterfield.gov.uk](http://www.chesterfield.gov.uk) to be available for downloading electronically.

**Table 1****Licensing Delegation Scheme – To be taken from the Council’s Constitution**

<b>Matter to be dealt with</b>	<b>Licensing Committee</b>	<b>Officers</b>
<b>Application for personal licence</b>	If an objection from Derbyshire Constabulary	If no objection made
<b>Application for personal licence with unspent convictions</b>	All cases	
<b>Application for premises licence/club premises certificate</b>	If a relevant representation made	If no relevant representation made
<b>Application for provisional statement</b>	If a relevant representation made	If no relevant representation made
<b>Application to vary premises licence/club premises certificate</b>	If a relevant representation made	If no relevant representation made
<b>Application to vary designated premises supervisor</b>	If an objection from Derbyshire Constabulary	All other cases
<b>Request to be removed as designated premises supervisor</b>		All cases
<b>Application for transfer of premises licence</b>	If an objection from Derbyshire Constabulary	All other cases
<b>Applications for Interim Authorities</b>	If an objection from Derbyshire Constabulary	All other cases
<b>Application to review premises licence/club premises certificate</b>	All cases	
<b>Decision on whether a complaint is irrelevant frivolous vexatious or repetitious</b>		All cases
<b>Decision to object when the Council is a consultee and not the relevant authority considering the application</b>	All cases	
<b>Determination of an objection from Derbyshire Constabulary to a temporary event notice</b>	All cases	
<p><b>Where a premises licence or club premises certificate application (or variation application) is uncontested and any relevant representations have been withdrawn subject to conditions which are agreed by the parties then the granting of the application will be dealt with by officers.</b></p>		

## **STATEMENT OF LICENSING POLICY**

### **APPENDIX 1 - MANDATORY CONDITIONS FOR ON AND OFF LICENCES.**

#### **MANDATORY CONDITIONS FOR 'ON' AND 'OFF' LICENCES.**

##### **Retailing of Alcohol**

1. No supply of alcohol may be made under the premises licence -

(a) at a time when there is no designated premises supervisor in respect of the premises licence, or

(b) at a time when the designated premises supervisor does not hold a personal licence or his personal licence is suspended.

2. Every supply of alcohol under the premises licence must be made or authorised by a person who holds a personal licence.

#### **The Licensing Act 2003 (Mandatory Conditions) Order 2014** **Conditions in force from 28<sup>th</sup> May 2014**

- (1). A relevant person shall ensure that no alcohol is sold or supplied for consumption on or off the premises for a price which is less than the permitted price.
- (2). In this condition:—
- a. “permitted price” is the price found by applying the formula  $P = D + (D \times V)$ , where—
    - i. P is the permitted price,
    - ii. D is the amount of duty chargeable in relation to the alcohol as if the duty were charged on the date of the sale or supply of the alcohol, and
    - iii. V is the rate of value added tax chargeable in relation to the alcohol as if the value added tax were charged on the date of the sale or supply of the alcohol;
  - b. “duty” is to be construed in accordance with the Alcoholic Liquor Duties Act 1979;
  - c. “relevant person” means, in relation to premises in respect of which there is in force a premises licence—
    - i. the holder of the premises licence,
    - ii. the designated premises supervisor (if any) in respect of such a licence, or
    - iii. the personal licence holder who makes or authorises a supply of alcohol under such a licence;

- d. “relevant person” means, in relation to premises in respect of which there is in force a club premises certificate, any member or officer of the club present on the premises in a capacity which enables the member or officer to prevent the supply in question; and
  - e. “value added tax” means value added tax charged in accordance with the Value Added Tax Act 1994.
- (3). Where the permitted price would not be a whole number of pennies, the permitted price shall be taken to be the price rounded up to the nearest penny.
- (4). Where the permitted price on a day (“the first day”) would be different from the permitted price on the next day (“the second day”) as a result of a change to the rate of duty or value added tax, the permitted price which would apply on the first day applies to sales or supplies of alcohol which take place before the expiry of the period of 14 days beginning on the second day.

**‘ON’ LICENCE ONLY**

**The Licensing Act 2003  
(Mandatory Licensing Conditions) (Amendment) Order 2014  
In force from 1<sup>st</sup> October 2014  
Mandatory Licensing Conditions**

1. (1) The responsible person must ensure that staff on relevant premises do not carry out, arrange or participate in any irresponsible promotions in relation to the premises.
- (2) In this paragraph, an irresponsible promotion means any one or more of the following activities, or substantially similar activities, carried on for the purpose of encouraging the sale or supply of alcohol for consumption on the premises—
- (a) games or other activities which require or encourage, or are designed to require or encourage, individuals to—
    - (i) drink a quantity of alcohol within a time limit (other than to drink alcohol sold or supplied on the premises before the cessation of the period in which the responsible person is authorised to sell or supply alcohol), or
    - (ii) drink as much alcohol as possible (whether within a time limit or otherwise);
  - (b) provision of unlimited or unspecified quantities of alcohol free or for a fixed or discounted fee to the public or to a group defined by a particular characteristic in a manner which carries a significant risk of undermining a licensing objective;
  - (c) provision of free or discounted alcohol or any other thing as a prize to encourage or reward the purchase and consumption of alcohol over a period of 24 hours or less in a manner which carries a significant risk of undermining a licensing objective;

(d) selling or supplying alcohol in association with promotional posters or flyers on, or in the vicinity of, the premises which can reasonably be considered to condone, encourage or glamorise anti-social behaviour or to refer to the effects of drunkenness in any favourable manner;

(e) dispensing alcohol directly by one person into the mouth of another (other than where that other person is unable to drink without assistance by reason of disability).

2. The responsible person must ensure that free potable water is provided on request to customers where it is reasonably available.

### **'ON' AND 'OFF' LICENCES.**

3. (1) The premises licence holder or club premises certificate holder must ensure that an age verification policy is adopted in respect of the premises in relation to the sale or supply of alcohol.

(2) The designated premises supervisor in relation to the premises licence must ensure that the supply of alcohol at the premises is carried on in accordance with the age verification policy.

(3) The policy must require individuals who appear to the responsible person to be under 18 years of age (or such older age as may be specified in the policy) to produce on request, before being served alcohol, identification bearing their photograph, date of birth and either—

(a) a holographic mark, or

(b) an ultraviolet feature.

### **'ON' LICENCE ONLY**

4. The responsible person must ensure that—

(a) where any of the following alcoholic drinks is sold or supplied for consumption on the premises (other than alcoholic drinks sold or supplied having been made up in advance ready for sale or supply in a securely closed container) it is available to customers in the following measures—

(i) beer or cider: ½ pint;

(ii) gin, rum, vodka or whisky: 25 ml or 35 ml; and

(iii) still wine in a glass: 125 ml;

(b) these measures are displayed in a menu, price list or other printed material which is available to customers on the premises; and

(c) where a customer does not in relation to a sale of alcohol specify the quantity of alcohol to be sold, the customer is made aware that these measures are available.”

### **If the Premises Licence allows Exhibition of Films**

1. Where a premises licence authorises the exhibition of films, the licence must include a condition requiring the admission of children to the exhibition of any film to be restricted in accordance with recommendations given by;
  - a) a 'film classification body' designated under Section 4 of the Video Recordings Act 1984 specified in the licence (currently only the British Board of Film Classification – BBFC) or by the licensing authority itself.

### **If the Premises Licence has conditions in respect of Door Supervision.**

(except theatres, cinemas, bingo halls and casinos)

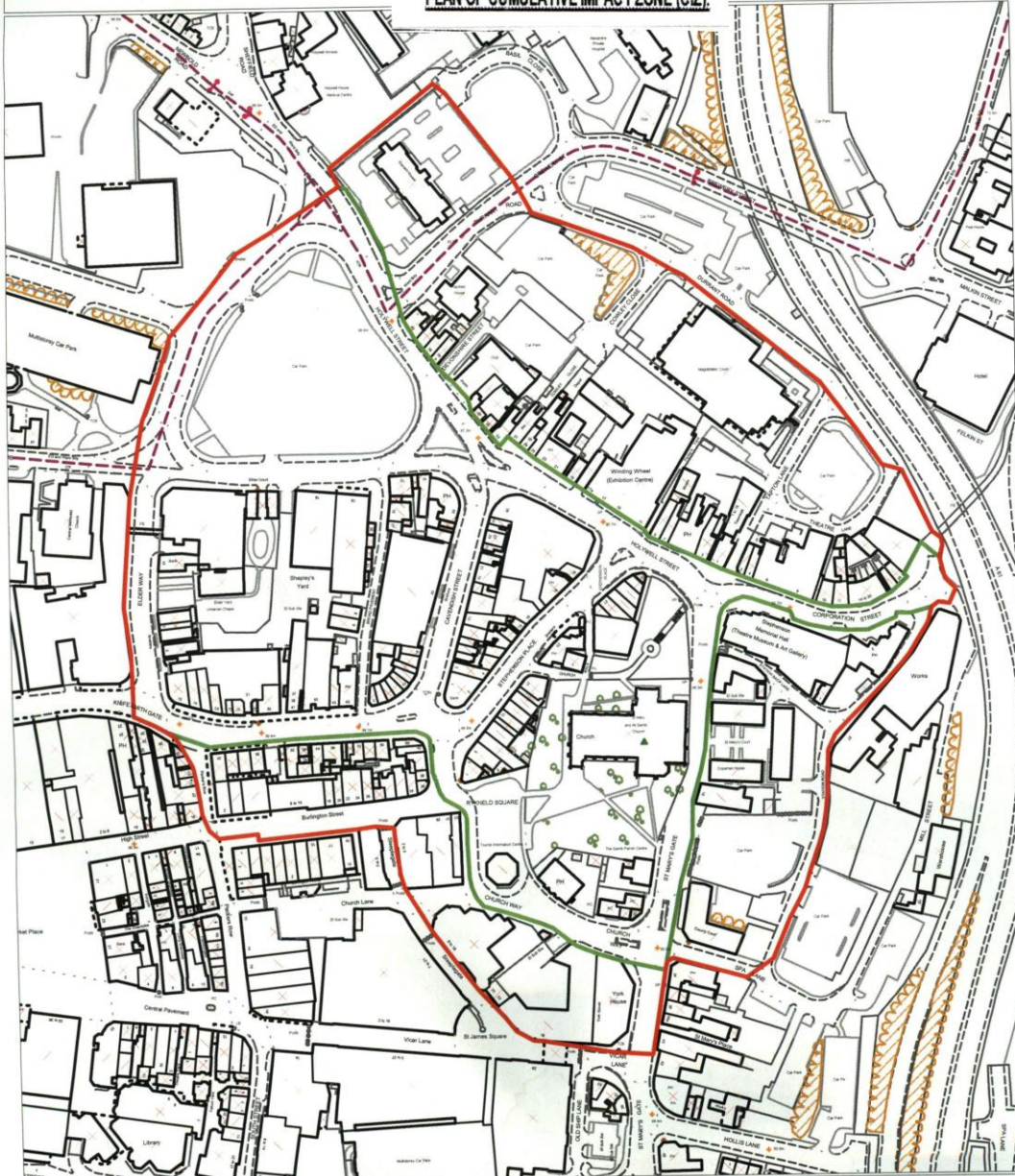
1. Where a premises licence includes a condition that at specified times one or more individuals must be at the premises to carry out a security activity, each such individual must:
  - a) be authorised to carry out that activity by a licence granted under the Private Security Industry Act 2001; or
  - b) be entitled to carry out that activity by virtue of Section 4 of the Act.
2. But nothing in subsection (1) require such a condition to be imposed:
  - a) in respect of premises within paragraph 8(3)(a) of Schedule 2 to the Private Security Industry Act 2001 (c12) (premises with premises licences authorising plays or films); or
  - b) in respect of premises in relation to:
    - (i) any occasion mentioned in paragraph 8(3)(b) or (c) of that Schedule (premises being used exclusively by a club with a club premises certificate, under a temporary event notice authorising plays or films or under a gaming licence), or
    - (ii) any occasion within paragraph 8(3)(d) of that schedule (occasions prescribed by regulations under that Act).
3. For purposes of this section;
  - a) "security activity " means an activity to which paragraph 2(1) (a) of that Schedule applies, and which is licensable conduct for the purposes of that Act, ( see Section 3(2) of that Act) and
  - b) paragraph 8(5) of that Schedule (interpretation of references to an occasion) applies as it applies in relation to paragraph 8 of that schedule.

STATEMENT OF LICENSING POLICY

APPENDIX 2

NIGHTTIME ECONOMY AREA

PLAN OF CUMULATIVE IMPACT ZONE (CIZ)





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Scale 1:2500 Date Plotted 12/10/2011

Plot centred at 438460 371238

ref.dw/eh/nteda

 Building line for Cumulative Impact Zone  
 Roads covered within zone



# Appendix 3

## CHESTERFIELD BOROUGH COUNCIL

### LICENSING ACT 2003

### GUIDANCE NOTES

Licensing Address	Telephone number
Licensing Environment Services Customer Service Centre 85 New Square Chesterfield S40 1AH	01246 345230
Opening Times	Web Address
<b>Monday</b> - am: 10.00am - 12.00pm - pm: 13.00pm - 16.00pm <b>Tuesday</b> - am: <b>CLOSED</b> - pm: 13.00pm - 16.00pm <b>Wednesday</b> - am: 10.00am - 12.00pm - pm: 13.00pm - 16.00pm <b>Thursday</b> - am: <b>CLOSED</b> - pm: 13.00pm - 16.00pm <b>Friday</b> - am: 10.00am - 12.00pm - pm: 13.00pm - 15.30pm	<a href="http://www.chesterfield.gov.uk">www.chesterfield.gov.uk</a>



**CHESTERFIELD**  
BOROUGH COUNCIL

## **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

### **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).**

### **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.

### **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](mailto: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

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](mailto: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

**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 form 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](mailto: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)

## **Minor Variation.**

A Premises Licence Holder can apply for a Minor Variation if they wish to make minor alterations to the current Licence/Certificate. A Minor Variation could be applied for if the variation(s) to the premises licence or club premises certificate would not impact adversely on the licensing objectives.

The Licensing Authority must consult relevant responsible authorities if there is any doubt about the impact on the variation on the licensing objectives and need to take their specialist advice, or views into account for reaching a decision.

If there is any doubt or concern from the responsible authorities then they may object to the Minor Variation and the applicant will be required (if they wish to pursue with their variation) to submit and apply for a full variation.

Minor Variations will generally fall into four categories:

- Minor changes to the structure or layout of the premises;
- Small adjustments to licensing hours;
- The removal of out of date, irrelevant or unenforceable conditions or addition of volunteered conditions;
- and the addition of certain licensable activities.

The application fee is £89 and can be paid by cash, cheque (payable to Chesterfield Borough Council) or by card.

There is no requirement to place an advert in the local newspaper or to send copies of the application form to the Responsible Authorities.

An application form and plan of the premises, and application fee are required to be submitted to the Council.

There is a requirement for the applicant to advertise details on the prescribed notice on the premises for ten working days starting on the day after the day on which the application was given to the Licensing Authority. (The notices are on white paper and are provided by the Licensing Section please contact 01246 345230).

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.

The Council have to decide (within 15 working days from the day after the day the application was submitted to the Council) whether to grant or refuse the application.

### **Full Variation.**

A Premises Licence Holder can apply for a Full Variation if they wish to make major alterations to the current Licence/Certificate.

An application for a full variation could include:

- increase in the capacity for drinking on the premises;
- affect the access between the public part of the premises and the rest of the premises or the street or public way, for instance, block emergency exits or routes to emergency exits, or;
- impede the effective operation of a noise reduction measure such as an acoustic lobby.
- Addition of the licensable activity to allow the sale by retail or supply of alcohol.
- To extend licensing hours for the sale or supply of alcohol for consumption on or off the premises between the hours of 23.00 and 07.00; or
- To increase the amount of time on any day during which alcohol may be sold or supplied for consumption on or off the premises.

An application form and plan of the premises, and application fee are required to be submitted to the Council. The process is the same as for applying for a new Premises Licence/Certificate.

There is a requirement to send copies of the application form and plan to the Responsible Authorities.

The application fee is calculated the same as for an application for a new Premises Licence/Certificate.

### **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.**

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).

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.

### **Provisional Statement.**

The 2003 Act provides a mechanism whereby those engaged in or about to engage in construction or development work at premises to be used for licensable activities, or already used for those activities, can obtain a certain degree of assurance about their potential trading conditions. By obtaining a provisional statement the applicant can receive, at an early stage, a statement describing the likely effect of the intended licensable activities on the licensing objectives and an indication of the prospects of any future application for a premises licence. The process for a Provisional Statement is the same as for applying for a new Premises Licence/Certificate although the fee will be £315 and not calculated against the non-domestic rateable value.

### **Interim Authority Notice**

The 2003 Act provides special arrangements for the continuation of permissions under a premises licence when the holder of a licence dies suddenly or becomes bankrupt or mentally incapable. In the normal course of events, the licence would lapse in such circumstances. However, there may also be some time before, for example, the deceased person's estate can be dealt with or an administrative receiver appointed. This could have a damaging effect on those with interests in the premises, such as an owner, lessor or employees working at the premises in question; and could bring unnecessary disruption to customers' plans. The 2003 Act therefore provides for the licence to be capable of being reinstated in a discrete period of time in certain circumstances.

In such circumstances, an "interim authority" notice may be given to the licensing authority within 28 consecutive days beginning the day after the licence lapsed. Where applications are made in writing, the applicant must give notice of the application to the chief officer of police. If an application is made electronically via GOV.UK or the licensing authority's electronic facility, the licensing authority must notify the police no later than the first working day after the notice is given.

## **Transfer of Premises Licence Holder**

If the premises is sold or leased to a new owner, and they are going to become the Premises Licence Holder then an application must be applied for immediately.

An application form can be obtained from the council by contacting the licensing team or on Chesterfield Borough Council's website. If areas of the form are left blank or items omitted, the form will be returned to the applicant as an invalid application.

The new premises licence holder must complete and sign the application form to change the premises licence holder (an applicants agent i.e. Solicitor may sign the form on their behalf provided they have actual authority to do so).

The current premises licence holder stated on the premises licence must complete the consent form to transfer the licence to the new premises licence holder.

Problems obtaining consent:-

You may find that, in some cases, the previous licence holder will refuse to sign the consent form or they cannot be found. The following procedure must be followed: The new applicant must send a letter and consent form to the last known address (even if that is the licensed premises) of the premises licence holders and/or their agent, asking them to complete the form and advise them that, should they not send the form within seven days or contact the Licensing Unit, the council, as the licensing authority, has the right to grant the transfer without the need for the consent form.

You will need to provide the council with a copy of your letter and provide proof of postage (for example, a recorded delivery slip).

There is no provision made in legislation for a failure to obtain consent to constitute a criminal offence. The Act states that consent is not required if: the new applicant already holds an interim authority or the applicant has taken all reasonable steps to obtain consent and is in a position to use the premises immediately for the licensable activities authorised by the licence.

The applicant can indicate on the application form whether they wish to have the request with 'immediate effect'. The application is effective from the date the application form has been submitted to the Council, and copy to Derbyshire Constabulary.

If the application is not with 'immediate effect' then the application is issued and granted by the Authority after fourteen days from the submission date, and provided Derbyshire Constabulary have approved the application.

## **Application process**

To apply to transfer the premises licence holder you must complete the following:

### **Application form.**

£23 payment (cash, cheque (payable to Chesterfield Borough Council) or by card.

Consent form or reasons why you cannot produce consent from previous Premises Licence Holder, detailing what action you have taken to obtain consent (i.e. date of letters, telephone numbers, etc).

Proof of right to work in the UK. The Council requires 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.

You will need to attach the existing Premises Licence. If you do not have the original or a certified copy, you must pay the appropriate fee of £10.50 for a duplicate copy.

On submitting your application to the council's Licensing Section at Customer Service Centre, you must pay the appropriate application fee of £23 by cash, cheques (payable to Chesterfield Borough Council), or card).

You will be required to submit a copy of your application to the following (on the same day that you have submitted your application to the Council);

Derbyshire Constabulary, Licensing Unit, Chesterfield Police Station, Beetwell Street  
Chesterfield, S40 1QP and to;

Alcohol Licensing Team, Lunar House, 40 Wellesley Road, Croydon, Surrey, Cr9 2BY

Once the Licensing Unit has accepted the application as complete and you have ticked the relevant box to indicate that you would like the application to take immediate effect you will be allowed to continue with the licensable activities immediately, as set out in the licence.

### **Objection to the application.**

The police or Home Office can object to the transfer if they feel it undermines the crime prevention objective. Such objections are rare and arise because the police have evidence that the business or individuals seeking to hold the licence are involved in crime or disorder.

## **Change of Supervisor**

If you wish to change the person who is appointed as the Designated Premises Supervisor (DPS) then you are required to apply for a 'Change of Supervisor'.

If the DPS has left a premises, a new one must be appointed immediately. There is an application process that must be completed before you are authorised to sell alcohol on the premises (it must be indicated on the form that you wish this application to take immediate effect).

To apply for a change of supervisor, the premises licence holder must complete the following:

### **Application form.**

£23 payment (cash, cheque (payable to Chesterfield Borough Council) or by card.

The original premises licence. If you do not have the original or a certified copy you must pay £10.50 fee for a duplicate copy.

The person who is applying to be DPS will need to complete and sign a DPS consent form.

You will need to attach the existing Premises Licence. If you do not have the original or a certified copy, you must pay the appropriate fee of £10.50 for a duplicate copy.

On submitting your application to the council's Licensing Section at Customer Service Centre, you must pay the appropriate application fee of £23 by cash, cheques (payable to Chesterfield Borough Council), or card).

You will also be required to submit a copy of your application to:  
Derbyshire Constabulary, Licensing Unit, Chesterfield Police Station, Beetwell Street  
Chesterfield, S40 1QP on the same day that you have submitted your application to the Council.

Once the Licensing Section has accepted the application as complete and you have ticked the relevant box to indicate that you would like the application to take immediate effect, you will be allowed to sell alcohol immediately and will not be in breach of the mandatory conditions.

### **Breach of mandatory condition**

If you are authorised under the Premises Licence for the retail sale of alcohol the following mandatory condition is placed on your licence.

No supply of alcohol may be made under this licence at a time when: there is no DPS; or the DPS does not hold a personal licence or his or her personal licence is suspended.



Every retail sale or supply of alcohol made under this licence must be made or authorised by a person who holds a personal licence.

The government considers it essential that police officers, fire officers and the council as the licensing authority can immediately identify the DPS so that any problems can be dealt with swiftly. The police can, at any stage after the appointment of a DPS, seek a review of a premises licence on any grounds relating to the licensing objectives if anxieties arise about the performance of the supervisor.

**Objection to the application.**

The police can object to the 'change of supervisor' if they feel it undermines the crime prevention objective. Such objections are rare and arise because the police have evidence that the business or individuals seeking to hold the licence are involved in crime or disorder.

## **Making an Objection**

### **How to make an objection in respect of an application**

The type of applications that members of the public are permitted to comment on are as follows:

- Application for a new Premises Licence or Club Premises Certificate (28 days)
- Application to Vary an existing Premises Licence or Club Premises Certificate (28 days)

The numbers that appear in brackets indicate the duration of the Consultation Period in respect of each type of application.

In addition, this Licensing Authority, as well as, Responsible Authorities (RA's), which include Derbyshire Police, Derbyshire Fire & Rescue Service and other statutory bodies also have the ability to make a Representation in respect of each type of application listed above.

For a Representation to be considered Relevant and therefore accepted by this Authority it must meet the following criteria, as set out by the Act:

- Relate to one or more of the 4 Licensing Objectives;
- Be submitted in writing within the Consultation Period; and
- Not be frivolous, repetitive or vexatious in nature.

The four Licensing Objectives are as follows:

- Prevention of Crime & Disorder
- Prevention of Public Nuisance
- Public Safety
- Protection of Children from Harm

A Representation may be considered to be vexatious if it appears to be intended to cause aggravation or annoyance, whether to a competitor or other person, without reasonable cause or justification.

A frivolous Representation would be categorised by a lack of seriousness.

## **Review of a Premises Licence or Club Premise Certificate**

For an application for a Review to be considered relevant and therefore accepted by this Authority it must meet the following criteria, as set out by the Act:

- Relate to one or more of the 4 Licensing Objectives;

The four Licensing Objectives are as follows:

- Prevention of Crime & Disorder
- Prevention of Public Nuisance
- Public Safety
- Protection of Children from Harm

The following persons can apply for a review if they consider that the premises are not being operated or promoting one or more of the licensable objectives.

- Responsible Authority (Police, Fire, Environmental Health, Health and Safety, Trading Standards, Development and Building Control and Children Services).
- Interested Party (an individual, Councillor, or business).

A review application triggered by an interested party must provide evidence to present to the council in support of their application. Any documents or photographs should be provided before the review hearing.

An interested party can nominate a representative (solicitor, friend or local ward Councillor) to express their comments on their behalf at the hearing. Any costs relating to solicitor/legal representation will be the responsibility of the applicant.

### **Application process.**

An applicant seeking a review must give written notice of the application to the Licensing Authority. The government has set a prescribed application for review which must be completed in full by the person(s) applying for a review.

On completion of the review form, the applicant must, on the same day, serve:

- an original application for review to the Licensing Unit;
- a photocopy of the application to the Licence Holder of the premises that are to be reviewed;
- a photocopy of the application on all the responsible authorities.

It is advisable for applicants to keep either proof of postage, recorded delivery certificate or if delivered by hand, a short statement to confirm the time and date of when they served the application.

If they fail to serve the application for review to all the people above, the application becomes invalid and will be rejected.

**Advertising details of the application.**

The council is responsible for advertising the review application for 28 days as follows:

- notices to be displayed on and around the premises that is being reviewed;
- notices to be displayed in the council offices;
- a copy of the public notice to be placed on the council website.

Please note under the legislation the council **do not have to** advertise in a local newspaper.

## **Personal Licence Holder.**

All Premises Licences authorising the supply of alcohol must have an identified Personal Licence holder, known as the designated premises supervisor. More than one individual at the licensed premises may hold the Personal Licence, although it is not necessary for all staff to be licensed. All supplies of alcohol under a Premises Licence must be made by or under the authority of a Personal Licence holder.

The Personal Licence relates only to the supply of alcohol under a Premises Licence. An individual will not require a Personal Licence for other licensable activities, such as the provision of regulated entertainment or late night refreshment, or for the supply of alcohol under a Club Premises Certificate or Temporary Event Notice.

## **How do I qualify for a Personal Licence?**

To qualify for a Personal Licence, the applicant must fulfill certain criteria;

- the applicant is aged 18 or over;
- no Personal Licence held by him or her has been forfeited within the period of five years before making the application;
- he or she possesses an accredited licensing qualification, or is a person of a prescribed description; and
- he or she has not been convicted of any relevant or foreign offence.
- Hold a criminal check (issue date must be within one month when applying for the application for a Personal Licence).
- Provide proof of right to work in the UK

If the applicant meets all these criteria, the Licence will be granted. If any of these are not met, the Council must reject the application. The Council must notify the Chief Officer of Police for its area if it appears that an applicant has been convicted of any relevant or foreign offence.

## **Documentation required.**

The application for a Personal Licence must include:-

- a personal licence application form;
- the Original Qualification Certificate – Level 2 National Certificate for Personal Licence;
- an Original Criminal Check (Basic Disclosure Check or Subject Access Check);
- a Disclosure of Criminal Convictions and Declaration Form;
- two photographs;
- the relevant fee of £37 by cash, cheque (payable to Chesterfield Borough Council) or by card.
- Proof of right to work in the UK

### **Application Form.**

You must make the application to the Licensing Authority where you live. The applicant must submit a completed application form with all documentation to the Licensing Section. If areas of the form are left blank or items omitted, the form will be returned to the applicant as an invalid application.

### **Qualification.**

The application must be accompanied by a Licensing Qualification that has been accredited by the Home Secretary. This ensures that licence holders are aware of licensing law and the wider social responsibilities attached to the sale of alcohol.

The qualification must be obtained and the original certificate submitted with a complete application. The original certificate will be returned to the applicant once the council has accepted the application as complete.

### **Acceptable Accredited Qualifications (by the Home Office) include:-**

**BIIAB** (QCF Recognition number RN5118)

**CIEH** (QFC recognition number RN5238)

**HABC** (QCF Recognition number RN5219)

**IQ** (QCF Recognition number:RN5330)

**Laser (QCF Recognition number RN5326)**

**Pearson Education Ltd** (QCF Recognition number RN5133)

**QNUK** (RQF Recognition number RN5159)

**SQA** (QCF Recognition number RN5167)

### **Training Qualifications UK**

### **Professional Bodies offering Courses for a Personal Licence:-**

Professional Licence Training (UK) Ltd (PLT)

Telephone Number 01242 222188

(Courses taken at Jurys Inn Hotel, 119 Eyre Street, Sheffield, S1 4QW)

John Gaunt Solicitors

Telephone Number 0114 266 3400

(Courses taken at their at their office Omega Court, 372 Cemetery Road, Sheffield, S11 8FT)

## **Criminal Check.**

You have two options.

You can apply for a: Basic Disclosure Check; or Subject Access Search.

The issue date on the criminal check must be less than one month when applying for the Personal Licence.

You can apply for a basic disclosure check online from Disclosure Scotland (There is a fee charged which is payable direct to Disclosure Scotland). To apply online you must visit [www.gov.uk/request-copy-criminal-record](http://www.gov.uk/request-copy-criminal-record). The check usually takes up to 14 days.

You can apply for a Subject Access Check which can take up to 40 days. At the present time you must apply to Derbyshire Constabulary Force Headquarters, Butterley Hall, Ripley, Derbyshire, DE5 3RS. Contact Tel no 101. There is a fee charged which is payable direct to Derbyshire Constabulary).

## **Disclosure of Convictions and Declaration.**

The applicant must complete a disclosure and declaration form to be submitted along with the application form. This form must be dated and signed by the applicant.

A Relevant Offence is an offence listed in Schedule 4 of the Act. The Secretary of State may, by order, amend that list so as to add, modify or omit any entry.

Foreign Offence - This is an offence other than a Relevant Offence under the law of any place outside England and Wales.

Where an applicant for the grant or renewal of a personal licence is convicted of a Relevant Offence or a Foreign Offence during the application period, they must notify the conviction to the authority to which the application was made as soon as reasonably practicable.

A person commits an offence if they fail to comply without a reasonable excuse.

## **Hearings.**

Where an applicant is found to have a relevant or foreign offence and the police object to the application on the grounds of crime prevention, the applicant is entitled to a hearing before the council.

Refusal of an application will be the normal course of action, unless, in the opinion of the Licensing Committee, exceptional and compelling circumstances justify the granting of the application. Applicants will be given all the reasons for any decision that is made.

## **Photographs.**

The council requires two photographs of the applicant (any charge is payable by the applicant direct to the provider). The two photographs must meet the following criteria: taken against a light background, so that the applicant's features are distinguishable and contrast against the background; sized 45 mm x 35 mm;

showing the applicant's full face, uncovered, without sunglasses, without a hat or other head-covering unless the applicant wears a head-covering due to their religious beliefs; endorsed with a statement verifying the likeness of the photograph to the applicant by a solicitor, notary, a person of standing in the community or any individual with a professional qualification but not a family member.

### **Proof of right to work in the UK**

The Council requires 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.

### **Responsibility once Personal Licence has been granted.**

The holder of the licence is required by the 2003 Act to notify the licensing authority of any changes to a holder's name or address.

They must confirm their previous address, current address and date of move, in writing to the Council as soon as practicable enclosing the fee of £10.50. The holder must enclose the original paper licence and ID Card, or a reason as to why these cannot be produced to the Council.

The holder is also under a duty to inform the Magistrates Court if you are referred to Court for any offence or conviction that you hold a Personal Licence.

You are also under a duty to inform the licensing authority of any convictions for a foreign offence/relevant conviction.



## **Temporary Event Licence.**

If you wish to hold a licensable activity and do not hold a Premises Licence/Premises Certificate or the timings and licensable activities you wish to carry out as the temporary event are not included on your current Premises Licence or covered by any other Act (i.e. Live Music Act 2012) then you are required to apply to the Council for a Temporary Event Notice (TEN).

There are two types of Temporary Event Notice; Standard TEN and Late TEN.

A standard TEN means that you can hold an event allowing at least ten working days between the day of submitting the application to the Council (and a copy to the Responsible Authorities) and the date of the event.

A late TEN means that you can hold an event allowing between five – nine working days between the day of submitting the application to the Council (and a copy to Derbyshire Constabulary and Noise Pollution (Chesterfield Borough Council).

### **Limitations include:-**

- A personal licence holder may apply for 50 Standard TEN notices within a calendar year and 10 Late TEN notices.
- A person who does not hold a personal licence may apply for 5 Standard TEN per year and 2 Late TEN notices. (Late TENs count towards the total number of permitted TENs).
- The premises may be granted a TEN for up to 15 (events) times per calendar year
- The maximum duration of an event authorised by a TEN is 168 hours (seven days).
- The maximum total duration of the events authorised by TENs in relation to individual premises is 21 days in a calendar year.
- The maximum number of people attending at any one time is 499.
- The minimum period between events authorised under separate TENs in relation to the same premises (not including withdrawn TENs) by the same premises user is 24 hours.

The original application for a TEN must be submitted to the Council with £21 payment (cash, cheques payable to Chesterfield Borough Council) or payment by card.

Copies must be submitted to the following Responsible Authorities; Derbyshire Constabulary at the Licensing Unit, Chesterfield Police Station, Beetwell Street, Chesterfield, Derbyshire, S40 1QP and to Environmental Protection Section at Chesterfield Borough Council, Town Hall, Rose Hill, Chesterfield, Derbyshire, S40 1LF **on the same day you have submitted the application to the Council.**

The Responsible Authorities (Police and Noise Pollution) can object to a Standard TEN if the event is likely to undermine the crime and disorder objective or the prevention of public nuisance. In this case the application is referred to the Licensing Committee for their determination.

If a Responsible Authority objects to a late TEN then the event is not permitted to take place (this is due to the fact that a late TEN does not allow enough time for a hearing to be held).

**APPENDIX 4**  
**LICENSING ACT 2003**  
**PROCEDURE BEFORE THE LICENSING COMMITTEE**  
**PREMISES APPLICATIONS**

1. These procedures are subject to the Licensing Act 2003 ("the Act") and regulations made under the Act.
2. The Committee comprises of the Chair and members. The quorum is 3 members.
3. The Committee is serviced by a Legal Adviser, a Democratic and Scrutiny Officer and a Licensing Officer.
4. The application will be heard in public (except where the Committee considers that it is in the public interest to exclude the public (including the parties and their representatives) from all or part of the hearing).
5. The determination is made in private. The pronouncement of the determination is made in public.
6. The Chair, members and officers will introduce themselves.
7. The Chair will explain the domestic arrangements - location of toilets, emergencies and fire alarms, switch off mobile phones etc.
8. The Chair or the Legal Adviser will then explain the procedure which is set out below.
9. If any party has given notice that he wishes any other person (other than his representative) to appear at the hearing, the Legal Adviser will explain the details of the notice to the Committee and the Committee shall then give or refuse permission for that other person to appear at the hearing.
10. The Legal Adviser will explain whether or not the Licensing Authority has given notice to any party for clarification of any particular point at the hearing.
11. The Legal Adviser will ask the parties for an estimate of time in presenting their case to the Committee. The Committee shall then give the parties an equal maximum period of time in presenting their case to the Committee.
12. The Licensing Officer will read the report which will have been sent to the Committee and the parties in advance of the hearing.
13. The Applicant will be asked to address the Committee.

14. The members of the Committee may ask any question of the Applicant (or any other person appearing at the hearing).
15. With the permission of the Committee, any party who has made relevant representations may question the Applicant.
16. Any party who has made relevant representations will be asked to address the Committee.
17. The members of the Committee may ask any question of any party who has made relevant representations (or any other person appearing at the hearing).
18. With the permission of the Committee, the Applicant may question any party who has made relevant representations.
19. Any party who has made relevant representations will be given the opportunity to sum up their case.
20. The Applicant will be given the opportunity to sum up his case.
21. The Committee shall retire in private to consider their determination of the application. The Legal Adviser and the Democratic and Scrutiny Officer shall also retire with the Committee.
22. The Legal Adviser shall explain to the parties the nature of any legal advice given to the Committee during their determination of the application.
23. The notification of the determination shall be given in public and, where required to do so, it will be given forthwith on the making of the determination and a written decision notice will be given as soon as possible.

**APPENDIX 5**  
**LICENSING ACT 2003**  
**PROCEDURE BEFORE THE LICENSING COMMITTEE**  
**SUMMARY REVIEWS**

1. Within 48 hours of receipt of Derbyshire Constabulary's application, the licensing authority must give the premises licence holder and responsible authorities a copy of the application for review and a copy of the certificate, and must also consider whether it is necessary to take interim steps.
2. The licensing authority may want to consult the police about the steps that it thinks are appropriate, pending the determination of the review, to address the immediate problems with the premises, in particular the likelihood of serious crime and/or serious disorder. The licensing authority may consider the interim steps without the holder of the premises licence having been given an opportunity to make representations. This does not, of course, mean that the licensing authority cannot afford such an opportunity if it thinks it appropriate and feasible to do so in all the circumstances.
3. The determination of interim steps is not a matter that may be delegated to an officer of the licensing authority. The relevant decisions will be taken by the Licensing Committee. It should also be noted that there is no requirement for a formal hearing in order to take interim steps. This means that the relevant Licensing Committee members can communicate by telephone or other remote means in order to reach a decision. A written record should always be produced as soon as possible after a decision is reached.
4. The interim steps that the licensing authority must consider taking are:
  - the modification of the conditions of the premises licence;
  - the exclusion of the sale of alcohol by retail from the scope of the licence;
  - the removal of the designated premises supervisor from the licence; and
  - the suspension of the licence.
5. If the Licensing Committee the decision takes effect immediately, or as soon after it as the licensing authority directs. The licensing authority must give immediate notice of its decision and its reasons for doing so to the holder of the premises licence and the chief officer of police who made the application. The 2003 Act does not specify that the immediate notice has to be in writing. However, in an individual case the licensing authority may consider that the need for immediate communication at least initially requires a non-written approach, such as a telephone call. This may happen when, for example, the authority decides that the decision should have immediate effect.

In such a case, the decision and the reasons for it should be explained clearly and in full to the licence-holder (or someone who may properly act for the licence-holder), and the call followed up as soon as possible with a written version of the decision and the reasons (for example, by email or fax) which is identical to, or not significantly different from, the version given by telephone.

6. The premises licence holder may make representations against the interim steps taken by the licensing authority. There is no time limit for the premises licence holder to make representations on the interim steps, although in practice this would at some point be superseded by the full review which would have to be completed within 28 days of the application being received by the licensing authority. On receipt of such representations, the licensing authority must (if the representations are not withdrawn) hold a hearing within 48 hours of their receipt. When calculating the 48 hour period, any non-working day can be disregarded.
7. The licensing authority must give advance notice of the hearing to the premises licence holder and the chief officer of police. Given that these measures are designed to deal with serious crime and serious disorder on an interim basis only, the process is designed to avoid delay and, as such, significant portions of the Licensing Act 2003 (Hearings) Regulations 2005 (SI 2005/44) (which set out the usual processes governing the conduct of licensing authority hearings) do not apply in order to streamline the hearing process. One result of this is that licensing authority cannot adjourn the hearing to a later date if the licence holder fails to attend at the scheduled time, as is the case under the normal review procedure. And as is the case with that procedure, the licence holder does not have to be present for the hearing to take place. In addition, there is no timescale for notifying the licence holder of the hearing under the modified process, providing the notification takes place before the hearing is held. However, it is imperative that the licence holder be given as much notice as is possible in the circumstances to afford the holder a maximum practicable opportunity to prepare for and attend the hearing. Licensing authorities should bear in mind that the usual principles of public law decision-making will apply to interim determinations, in a form that has regard to the statutory context of an expedited process.
8. At the hearing the licensing authority must:  
consider whether the interim steps are appropriate for the promotion of the licensing objectives; and determine whether to withdraw or modify the steps taken.
9. When considering the case the licensing authority must take into account:  
the senior officer's certificate that accompanied the application;  
the chief officer's representations (if any); and  
any representations made by the premises licence holder.
10. There is no right of appeal to a magistrates' court against the licensing authority's decision at this stage.
11. The full review of the premises licence will be held within 28 days after the day of receipt of Derbyshire Constabulary's application. The procedures that apply to ordinary reviews will apply to the full review hearing.

**APPENDIX 6**  
**LICENSING ACT 2003**  
**PROCEDURE BEFORE THE LICENSING COMMITTEE**  
**REVIEWS, TEMPORARY EVENT NOTICES AND**  
**PERSONAL LICENCE APPLICATIONS**

1. These procedures are subject to the Licensing Act 2003 ("the Act") and regulations made under the Act.
2. The Committee comprises of the Chair and members. The quorum is 3 members.
3. The Committee is serviced by a Legal Adviser, a Democratic and Scrutiny Officer and a Licensing Officer.
4. The application will be heard in public (except where the Committee considers that it is in the public interest to exclude the public (including the parties and their representatives) from all or part of the hearing).
5. The determination is made in private. The pronouncement of the determination is made in public.
6. The Chair, members and officers will introduce themselves.
7. The Chair will explain the domestic arrangements - location of toilets, emergencies and fire alarms, switch off mobile phones etc.
8. The Chair or the Legal Adviser will then explain the procedure which is set out below.
9. If any party has given notice that he wishes any other person (other than his representative) to appear at the hearing, the Legal Adviser will explain the details of the notice to the Committee and the Committee shall then give or refuse permission for that other person to appear at the hearing.
10. The Legal Adviser will explain whether or not the Licensing Authority has given notice to any party for clarification of any particular point at the hearing.
11. The Legal Adviser will ask the parties for an estimate of time in presenting their case to the Committee. The Committee shall then give the parties an equal maximum period of time in presenting their case to the Committee.
12. The Licensing Officer will read the report which will have been sent to the Committee and the parties in advance of the hearing.
13. The Applicant (Responsible Authority or Interested Party) will be asked to address the Committee.

14. The members of the Committee may ask any question of the Applicant (or any other person appearing at the hearing).
15. With the permission of the Committee, the Premises Licence Holder (or Temporary Event Notice applicant or Personal Licence applicant as the case may be) and any party who has made relevant representations may question the Applicant.
16. Any party who has made relevant representations will be asked to address the Committee.
17. The members of the Committee may ask any question of any party who has made relevant representations (or any other person appearing at the hearing).
18. With the permission of the Committee, the Applicant and the Premises Licence Holder may question any party who has made relevant representations.
19. The Premises Licence Holder will be asked to address the Committee.
20. The members of the Committee may ask any question of the Premises Licence Holder (or any other person appearing at the hearing).
21. With the permission of the Committee, the Applicant and any party who has made relevant representations may question the Premises Licence Holder.
22. The Applicant will be given the opportunity to sum up his case.
23. Any party who has made relevant representations will be given the opportunity to sum up their case.
24. The Premises Licence Holder will be given the opportunity to sum up their case.
25. The Committee shall retire in private to consider their determination of the application. The Legal Adviser and the Democratic and Scrutiny Officer shall also retire with the Committee.
26. The Legal Adviser shall explain to the parties the nature of any legal advice given to the Committee during their determination of the application.
27. The notification of the determination shall be given in public and, where required to do so, it will be given forthwith on the making of the determination and a written decision notice will be given as soon as possible.