

**SURREY HEATH BOROUGH COUNCIL**

**Licensing Act 2003**

**Applicant Guidance**

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## **Introduction**

This document is intended to offer guidance to applicants. It provides the basic information to help applicants to make a successful application under the Licensing Act, 2003 and give general guidance to keep the operations of the business, club, organisation or event within the law.

Surrey Heath Borough Council has a duty to supply guidance for applicants. However, by reading the Council's Statement of Licensing Policy, applicants should understand how Surrey Heath Borough Council will administer the licences and authorisations and what Surrey Heath Borough Council considers as important. Pages 1 - 11 may be of particular assistance when completing the operating schedule.

## **Licensable Activities**

Premises and Club premises must be licensed when used for one or more of the following activities:

|                                     |                   |                        |
|-------------------------------------|-------------------|------------------------|
| Plays                               | Films             | Indoor Sporting Events |
| Boxing or Wrestling Entertainment   | Live Music        | Recorded Music         |
| Performances of Dance               | Making Music      | Dancing                |
| Provision of Late Night Refreshment | Supply of Alcohol |                        |

Provision of late night refreshments where hot food or hot drink is provided at premises (including vehicles) between the hours of 11pm to 5am for consumption by the public on or off the premises. Mobile food vans trading in streets may also require a street trading consent in addition to the premise licence.

## **Personal Licences**

A personal licence is a licence held by a particular individual to permit that person to authorise the sale of alcohol from a premises that is suitably licensed for the purposes of selling alcohol by retail.

If you wish to apply for a personal licence, the form is available from this Authority and on this website.

***You will normally be expected to make your application to the authority in the area, which you normally reside.***

For an application to be deemed complete and valid, the following information must accompany the application forms.

- The application form
- A recognised qualification certificate
- The fee of £37.
- A criminal conviction certificate or criminal record certificate or the results of a subject access search of the Police Intelligence Service. Contact Disclosure Scotland on 0870 609 6006 or [www.disclosurescotland.co.uk](http://www.disclosurescotland.co.uk) for more information.
- A completed disclosure of criminal convictions and a declaration form.
- Two photographs.

The photographs of the applicant shall be:

- a) Taken against a light background so that the applicant's features are distinguishable and contrast against the background;
- b) 45 millimetres by 35 millimetres;
- c) Full face uncovered and without sunglasses and, unless the applicant wears a head covering due to his/ her religious beliefs, without a head covering;
- d) On photographic paper and;
- e) Endorsed by:
  - (i) The chief executive of the licensing justices for the relevant licensing authority
  - (ii) A Solicitor or notary
  - (iii) A person of standing in the community; or
  - (iv) An individual with a professional qualification

Providing that you have not had any relevant convictions and you meet the above criteria, the grant and issue of your personal licence shall be a formality. Information as to what is regarded as relevant conviction is available from the DCMS website. [www.culture.gov.uk/alcohol](http://www.culture.gov.uk/alcohol)

Lists of suitable training courses to obtain a recognised qualification are available from the DCMS website. [www.culture.gov.uk/alcohol](http://www.culture.gov.uk/alcohol)

Persons in the following categories are exempt from the requirement to provide a qualification certificate:

- a) A member of the company of the Master, Wardens, Freeman and Commonality of the Ministry of the Vintners of the City of London;
- b) A person operating under a licence granted by the University of Cambridge; or

c) A person operating premises under a licence granted by the Board of Green Cloth,

If you have no convictions, a suitable qualification and are over 18, there is no reason why you should not qualify for a personal licence.

A personal licence lasts for ten years. Subsequent renewals will have to be made to the original authority.

When you change your name or address, you must write to the original licence issuing authority with one photo and a fee of £10.50, and an updated licence will be issued.

A personal licence holder may give consent to become a designated premises supervisor (DPS) for a licensed premises where that activity of supply of alcohol is authorised. The DPS has a legal responsibility for authorising the sale of alcohol and control of the day-to-day management of that premises under the terms of the licence. Make sure that if the designated premises supervisor is not physically on the premises, there is a clear management structure with which staff are familiar.

Personal licences are not required in qualifying club situations, and for premises licences that do not retail alcohol.

## **Premises Licences/ Club Premises Certificates**

A premise licence permits licensable activities to take place on or from a defined area, a building, part of building, a vessel, vehicle or temporary structure. A premises licence application can be made by an individual, several individuals, a company or organisation, or other prescribed persons such as individuals acting as representatives for a company or individual. The application for a premises licence is normally the responsibility of the owner of the business or the committee responsible for the building. If the premises are leased, the freeholder has a right to inform Surrey Heath Borough Council, Licensing Authority that they own, part own, or occupy the premises, and they have a right to know of any applications, notices and requests for any other information.

A club premises certificate permits licensable activities to take place at the premises of a “qualifying club”. A qualifying club applying for a Club Premises Certificate does not need a personal licence holder identified as a designated premises supervisor as there is no supply of alcohol by retail taking place. Alcohol may be bought for the club by the members and the money being passed cross bar is to maintain equity between members. Please make sure that the club rulebook makes clear the policy for guests. Clubs should carefully consider whether they should apply for a club premises certificate or a premises licence, or both. As committee members in clubs change from time to time, please ensure that Surrey Heath Borough Council Licensing authority are kept abreast of these changes. Please be aware that it is an offence not to inform the Licensing Authority if the person who fills the role of secretary changes.

You may not apply for a premises licence or a club premises certificate if you or any of your committee members are under 18 years of age. The applicant for a premises licence or club premises certificate does not need to be a personal licence holder.

### **Submitting the Application form**

The additional information required to be submitted with the application is listed on the last page of the application form. Please ensure that you attach everything to your application otherwise it will be invalid.

Please send:

- A completed application form, including operating schedule and any changes to conditions and activities if submitting a variation.
- The correct fee
- A plan of 1:100 (unless a different scale is agreed with the Licensing section)
- The plan should show the location and extent of the boundary of the building, the exits, the areas used for licensable activities, any stage, the fire safety equipment and the location of any kitchen.

And:

- If the premise licence application is to include the retail of alcohol, the consent of the individual personal licence holder who wishes to be the premises supervisor is required,
- If a club premises certificate application, a copy of the club rulebook, and a declaration that the club is a “qualifying club”.

The original application and all accompanying information as details on the application form must be served to Surrey Heath Borough Council, Licensing section. For your own benefit, you may wish to get a receipt for the delivery of the application or send the application by registered post and keep the tickets as evidence it has been sent

A copy of the completed forms and all accompanying documentation must also be sent to all “Responsible Authorities”. Contact details can be found on page 21.

The responsible authorities must confirm to the Council's Licensing section that they have received copies of the application. Without this confirmation the Licensing section will not consider the application complete.

Incomplete applications will be dealt with in one of two ways. If the application is missing one or two simple details, a letter requesting the missing documentation will be sent to the applicant and the application will be kept on hold. If there is more than one or two simple details, the application will be rejected and returned to the sender.

### **Advertising the Application**

When a complete application has been submitted, the applicant has a duty to advertise said application for a period of no less than 28 consecutive days starting the day following the day the application was served on the licensing authority.

The Notice shall be:

- Of a size equal or larger than A4
- Of a pale blue colour
- Printed legibly in black ink or types in black in font size 16 or bigger.

The application must also be advertised in the local newspaper circulating in the relevant parts of the Borough of Surrey Heath. The newspaper notice must be circulated at least on one occasion not more than 10 working days after the application has been submitted to the licensing authority.

Both the newspaper notice and the notice from the application will contain the following information:

- The relevant licensable activities proposed to carry out at the premises
- The proposed changes of the application ( If a variation)
- The name of the applicant
- The postal address of the premises, or if not applicable a description of the premises concerned
- Details of where the register of the Surrey Heath Borough Council is held and where it can be inspected
- The dates between which an interested party and a responsible authority may make representations to Surrey Heath Licensing Section
- A statement that all representations must be made in writing
- A statement that it is an offence knowingly or recklessly to make a false statement in connection with an application and the maximum fine for which a person is liable on summary conviction for the absence.

Where a complete application form has been submitted with the appropriate fees and other paperwork, including the display of appropriate notices in the papers and on the premises, and there are no representations within the 28 consecutive days deadline, the licence will be granted.

However, if there is an adverse representation from any interested party or responsible authority has been received, the licensing section will decide whether the representation is relevant. If the licensing section find the representation relevant they may arrange a hearing before the licensing committee will be held. All relevant parties will be notified. A decision will be made by the licensing committee or sub-committee and the details of that decision will be circulated to the parties concerned.

The applicant does have the right to appeal and this should be made to the South-east Magistrates' Court. Professional advice should be sought where it is uncertain what the best course of action should be.

## **Operating Schedules**

An operating schedule is a required document for premise licences, club premise certificates and temporary event notices. It is the documentation that outlines what activities are proposed to be permitted, when the activities will take place and how the activities will be managed and the opening hours when the public are permitted on the premises.

It is advisable to apply for the maximum amount of hours for any activity. Particular thought should be given to community centres as these premises often have many different users and they change on a fairly frequent basis. It may be prudent to apply for activities that currently do not take place as hirers may request those activities in the future.

One of the most critical parts of the operating schedule is the section where the applicant describes the steps they intend to take to promote the four licensing objectives. Careful consideration of what is entered is advised. What is written in this section may become a condition on the licence. Surrey Heath's Licensing policy can be used as a guide to the sorts of things that may be expected to be addressed in the operating schedule. Obviously, not all of the matters highlighted will be appropriate to all premises, nor are they exhaustive.

Ultimately you will know what the problems are associated with your premises.

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

The Licensing Authority, Police and Licensees are encouraged to work in partnership with a local Pub and Drug Watch Scheme to help licensees to form strategies for actively preventing crime and disorder issues. This scheme will encourage the sharing of information through effective communication and will seek to address matters such as under-age sales, problems associated with drunkenness, prevention of illegal drug use, and anti-social behaviour.

It is imperative that all forms of crime are prevented in licensed premises. A responsible licensee or their staff shall deter, prevent and report other instances of crime such as offences under the Theft Acts (e.g. handling stolen goods), violence related to any other activity likely to constitute or conspiring to commit crime, including activities associated with the sex industry.

In considering licensing application, the Licensing Authority will expect applicants to set out, where necessary and based on individual risk assessment:

- Measures to prevent bottles being carried from the premise
- Use of drinks' promotions
- Measures to prevent binge drinking
- Participation in the Pub Watch Scheme
- Use of door supervisors
- Training staff in crime prevention measures
- Search Policies
- Use of Close Circuit Television
- Lighting
- Where premises are new, designing out crime
- Quality of surveillance of premises

## **Public Safety**

When visiting licensed premises, members of the public have a right to be confident that due consideration has been given to their physical safety. Where an applicant identifies an issue in regard to public safety (Including fire safety) which is not covered by existing legislation, the applicant should identify in their operating schedule the steps which will be taken to ensure public safety. Such steps will be dependent on the individual style and characteristics of the premises and/or event(s) to be held.

The licensing authority will consider the implications relating to Fire Safety of each individual application for, or variation of, a premise licence. The licensing authority, with the aim of protecting the safety of persons, both public and employees at all licensed premises, will expect the applicant to have carried out a suitable and sufficient risk assessment and put into place measure:

- To reduce the risk of fire in the premise and the risk of the spread of fire on the premise;
- In relation to the means of escape from the premise;
- For securing that, at all material times, the means of escape can be safely and effectively used;
- In relation to the means for fighting fires on the premises;
- In relation to the means for detecting fire on the premises and giving warning in case of fire; and
- In relation to the arrangements for action to be taken in the event of fire on the premises including measures relating to the instruction and training of staff.

The Licensing Authority has a Safety Advisory Group and, where appropriate, applicants are encouraged to seek the group's advice on issues of public safety. For example, a licensee who wishes to stage a licensable public event, which is not specifically indicated in the Operating Schedule, may be invited to approach the Safety Advisory Group.

The licensee may have a responsibility to develop a Drugs Policy. Advice on methods of preventing the misuse of drugs and related matters can be sought from Surrey Heath's Drug Action Team. For example, the use of sharp boxes and personal protective equipment in the disposal of drug related articles on licensed premises.

## **The Prevention of Public Nuisance**

The licensing Authority is committed to minimising the level of public nuisance in the Borough by working in close partnership with the Surrey Police, planning, Environmental services and licensees. The licensing Authority interprets 'Public nuisance' in its widest sense, and takes it to include such issues as noise, light, odour, litter and anti-social behaviour.

Where premises are located near to noise-sensitive areas, e.g. residential premises, nursing homes, hospitals, or places of worship, the licensee should initially identify any particular issues (having regard to their particular type of premises and/or activities) which are likely to adversely affect the promotion of the objective to prevent public nuisance. Such steps as are required to deal with these identified issues should be included within the applicant's operating schedule.

- Measures taken or proposed to be taken to reduce noise and vibration escaping from the premises. This would include music, noise from fixed or mobile equipment (e.g.: air conditioning, generators), and human voices, whether or not amplified.
- Measures taken or proposed to be taken to prevent unreasonable disturbances by customers and staff arriving or departing from the premise and delivery of goods and services
- Measures taken to control light to ensure that it does not stray outside the boundary of the premises so as to give rise to problems of local residents and businesses.
- In the absence of locally available public transport, sufficient provision for access to taxis and private hire services. For example, lists of licensed taxi companies displayed by the public telephone.
- Measures taken to encourage patrons to arrive and disperse quickly and quietly from the immediate vicinity of the premises. This might include, for example in nightclubs and discotheques, lowering the volume of the music and raising lights during the last 30 minutes before closing time.
- Measures taken to ensure the safe removal and dispersal of persons ejected from the premises

The applicant will be expected to show what measures will be taken to prevent individuals from consuming excess alcohol whilst on the premises. The training of staff in alcohol abuse awareness is necessary in order for this control to be effective and meet the Public Safety, Prevention of Crime and Disorder, and the Prevention of Public Nuisance Licensing Objectives.

## **Protection of Children from Harm**

When addressing the protection of children, the applicant should initially identify any particular issues (having regard to their particular type of premises and/ or activities) which are likely to cause concern in relation to children. Such steps as are required to deal with these identified concerns should be included within the applicant's operating schedule.

Applicants are required, where appropriate, to set out in the Operating Schedule the arrangements they have in place to prevent the sale of alcohol and illegal substances to children. This should include an age-monitoring scheme.

The licensing Authority would accept that the licensee obtains any of the following as an acceptable proof of age scheme:

- a) Passport
- b) Photo Card driving licence issued in the European Union
- c) Proof of Age Standards Scheme Card (PASS)
- d) Official ID card issued by HM Forces or by a European Union country bearing a photo and date of birth of holder.

Where there are off-licence sales. The Licensing Authority would expect the Operating Schedule to demonstrate how the licensee will discourage the sale of alcohol to customers on behalf of children in the vicinity. For example, if the licensee has any suspicions of this activity to ask the customer if they have been approached by children to purchase alcohol and if necessary contact the Police.

With regard to children, licensees will be expected to consider and deal with in the Operating Schedule the risk of children being exposed to and the steps that will be taken to protect them from:

- a) The purchase, acquisition and consumption of alcohol;
- b) Likely exposure to drugs, drug-taking or drug dealing;
- c) Exposure to gambling;
- d) Exposure to activities of an adult and/ or sexual nature;
- e) Exposure to incidents of violence and disorder;
- f) Exposure to environmental pollution such as the effects of passive smoking and excessive noise;
- g) The sale of cigarettes to Under- 16s.

In appropriate cases, the Licensing Authority will expect the licensee to show how they will supervise children who are performing in a Regulated Entertainment event and what consideration will be given to the welfare of children as performers and customers. Where children are supervised, the Licensing Authority will expect the Operating Schedule to demonstrate that these supervisors have been appropriately checked by the Criminal Records Bureau. These will need to be enhanced checks.

## Offences

It is an offence:

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

Offences concerning children are as follows:

- Unaccompanied children are prohibited from certain premise such as premises at a time open for the purposes of being use
- Sale of alcohol by retail to an individual under the age of 18 is illegal.
- Clubs commit an offence if alcohol is supplied to a member or guest who is under the age of 18 (***NB this is a change to the current law***)
- It is an offence to allow the supply of alcohol to children from your premises.
- It is an offence for an individual aged under the age of 18 to buy or attempt to buy alcohol.
- It is an offence to buy or attempt to buy alcohol on behalf of an individual who is under 18.
- However, no offence is committed if a person over the age of 18 buys beer, wine or cider for an individual aged 16 or 17 if the purchase, or supply, is for consumption at a table meal on relevant premises and that the individual is accompanied at the meal by an individual aged 18 or over.
- An individual under the age of 18 commits an offence if he/she knowingly consumes alcohol on relevant premises.
- A person who works on relevant premises in any capacity, whether paid or unpaid commits an offence if he knowingly delivers to an individual aged under 18 alcohol sold on the premises, or alcohol supplied on the premises by or on behalf of a club to or to the order of a member of a club.
- A person commits an offence if he knowingly allows anyone else to deliver to an individual aged under 18 alcohol sold on relevant premises.

## Fees

Fees for all Licensing Act, 2003 permissions have been set out by central government. The fees are based on the non-domestic rateable value (NDRV) of the premises. These are divided into 5 bands:

| <b>Band</b> | <b>A</b>   | <b>B</b>         | <b>C</b>          | <b>D</b>           | <b>E</b>          |
|-------------|------------|------------------|-------------------|--------------------|-------------------|
| NDRV        | £0 - £4300 | £4,301 - £33,000 | £33,001 - £87,000 | £87,001 - £125,000 | £125,001 and Over |

To find a non-domestic rateable value of a premise, please enter a postcode into the Valuation Office's website [www.voa.gov.uk](http://www.voa.gov.uk) or call the licensing section on (01276) 707626.

The fees for new, and for variation to, premises licences or club premises certificates are shown below:

| <b>Rateable Value Band</b> | <b>A</b> | <b>B</b> | <b>C</b> | <b>D</b> | <b>E</b> |
|----------------------------|----------|----------|----------|----------|----------|
| New Application fee        | £100     | £190     | £315     | £450     | £635     |
| Annual Fee                 | £70      | £180     | £295     | £320     | £350     |

Fee for applications for new or variations to premises licences and club premises certificates where the premises are (a) in Band D or Band E and (b) are exclusively or primarily used for the supply of alcohol for consumption on the premises, the fees are as follows:

| <b>Rateable value Band</b> | <b>A</b> | <b>B</b> | <b>C</b> | <b>D</b> | <b>E</b> |
|----------------------------|----------|----------|----------|----------|----------|
| Application Fee            | N/A      | N/A      | N/A      | £900     | £1905    |
| Annual Fee                 | N/A      | N/A      | N/A      | £640     | £1050    |

Where the capacity of the premises exceeds 5,000, the holder of the licence/ certificate shall pay an additional fee:

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

There are other occasions that fees and charges must be paid to Surrey Heath Borough Council (SHBC).

| <b>Occasions on which a fee may be payable</b>  | <b>Who should be sent copies of the application other than SHBC Licensing Section</b>   | <b>All fees are to be paid to Surrey Heath Borough Council</b>      |
|---|---|---|
| New Premises Licence or Club Premises Certificate   | <ul style="list-style-type: none"> <li>• Police</li> <li>• Fire Authority</li> <li>• Planning</li> <li>• Environmental Health</li> <li>• Trading Standards</li> <li>• Crime Reduction Body</li> <li>• Child Protection Committee</li> <li>• Advertise in Local paper</li> </ul> | Please see list of Fees as dependant on Non-domestic Rateable Value |
| Variation of Premises licence of Club Premises Certificate  | <ul style="list-style-type: none"> <li>• Police</li> <li>• Fire Authority</li> <li>• Planning</li> <li>• Environmental Health</li> <li>• Trading Standards</li> <li>• Crime Reduction Body</li> <li>• Child Protection Committee</li> <li>• Advertise in Local paper</li> </ul> | Please see list of Fees as dependant on Non-domestic Rateable Value |
| Personal Licence Application  | <ul style="list-style-type: none"> <li>• Police</li> </ul>  | £37   |
| Application for copy of licence or summary on theft, loss etc of premise/ club licence or summary | N/A   | £10.50  |
| Notification of change of name or address of premise/ club licence                                | <ul style="list-style-type: none"> <li>• Police</li> </ul>  | £10.50  |
| Notification of change of name or address of premises/club licence holder                         | <ul style="list-style-type: none"> <li>• Police</li> </ul>  | £10.50  |
| Notification of change of rules of club   | N/A   | £10.50  |
| Application to vary specific individual as premises supervisor                                    | <ul style="list-style-type: none"> <li>• Police</li> </ul>  | £23   |
| Interim Authority Notice  | <ul style="list-style-type: none"> <li>• Police</li> </ul>  | £23   |
| Application to transfer premises/ club licence  | <ul style="list-style-type: none"> <li>• Police</li> </ul>  | £23   |
| Application for making a provisional statement  | <ul style="list-style-type: none"> <li>• Police</li> <li>• Fire Authority</li> <li>• Planning</li> <li>• Environmental Health</li> <li>• Trading Standards</li> <li>• Crime Reduction Body</li> <li>• Child Protection Committee</li> </ul>                                     | £315  |
| Temporary Event Notice  | <ul style="list-style-type: none"> <li>• Police</li> </ul>  | £21   |
| Application for copy of licence on theft, loss etc of personal licence                            | N/A   | £10.50  |
| Notification of change of name or address (Personal licence)                                      | N/A   | £10.50  |

|                                    |     |     |
|------------------------------------|-----|-----|
| Notice of interest in any premises | N/A | £21 |
|------------------------------------|-----|-----|

**Please note that fee for unsuccessful applications for Licences and Temporary Event Notices will not be refunded.**

### **Exemptions**

There is an exemption from the payment of fee in relation to the provision of regulated entertainment at church halls, chapel halls or premises of a similar nature. Village halls, parish or community halls or other premises of a similar nature. If however, the licence also authorises the use of the premises for the supply of alcohol or the provision of late night refreshment, a fee will be required for those activities.

School and sixth form colleges are also exempt from the fees associated with the authorisation of regulated entertainment where the entertainment is provided by and at the school or college and for the purposes of the school or college.

## **Temporary Event Notices**

Temporary event notices (TENs) replace the previous system of occasional permissions and licences.

In general, only the police may intervene on crime prevention grounds to prevent the occurrence of an event at which permitted temporary activities are to take place or to agree a modification of the arrangements for such an event. However, the licensing authority may intervene of its own volition by issuing a counter notice if the first, second and fourth of the limits set out below would be exceeded. If any of the limits below are breached or if a counter notice has been issued, any licensable activities taking place would be unauthorised and the premises user would be liable to prosecution. The limitations apply to:

- the number of times a person (the “premises user”) may give a temporary event notice (50 times per year for a personal licence holder and 5 times per year for other people);
- the number of times a temporary event notice may be given in respect of any particular premises (12 times in a calendar year);
- the length of time a temporary event may last for these purposes (96 hours);
- the maximum aggregate duration of the periods covered by temporary event notices at any individual premises (15 days per calendar year); and
- the scale of the event in terms of the maximum number of people attending at any one time (a maximum of 499).

For the purposes of determining the overall limits of 50 temporary event notices per personal licence holder (in a calendar year) and of 5 for a non-personal licence holder (in a calendar year), temporary event notices given by an associate or a person who is in business with a premises user (and that business involves carrying on licensable activities) count towards those totals. Note 13 below explains the definition of an “associate”

When permitted temporary activities take place, a premises user must ensure that either:

- a copy of the temporary event notice endorsed as acknowledged by the licensing authority is prominently displayed at the premises; or that
- the temporary event notice endorsed as acknowledged by the licensing authority is kept at the premises either in his own custody or in the custody of a person present and working at the premises and whom he has nominated for that purpose.

Where the temporary event notice is in the custody of a nominated person, a notice specifying that fact and the position held by that person must be displayed prominently at the premises.

Where neither the temporary event notice nor a notice specifying the nominated person are displayed, a constable or an authorised person (for example, a licensing officer, fire officer or environmental health officer) may require the premises user to produce the temporary event notice for examination. Similarly, where the nominated person has the temporary event notice in his custody, a constable or authorised person may require that person to produce it for examination. Failure to produce the temporary event notice without reasonable excuse would be an offence.

It should also be noted that the following, among other things, are offences under the Licensing Act 2003:

- the sale or supply of alcohol to children under 18 years of age (maximum fine on conviction is a fine up to level 5 on the standard scale, currently £5,000);

- allowing the sale of alcohol to children under 18 (maximum fine on conviction is a fine up to level 5 on the standard scale, currently £5,000);
- knowingly allowing the consumption of alcohol on the premises by a person aged under 18 (maximum fine on conviction is a fine up to level 5 on the standard scale, currently £5,000);
- allowing disorderly behaviour on the premises (maximum fine on conviction is a fine up to level 3 on the standard scale, currently £1,000);
- the sale of alcohol to a person who is drunk (maximum fine on conviction is a fine up to level 3 on the standard scale, currently £1,000);
- obtaining alcohol for a person who is drunk (maximum fine on conviction is a fine up to level 3 on the standard scale, currently £1,000);
- knowingly allowing a person aged under 18 to make any sale or supply of alcohol unless the sale or supply has been specifically approved by the premises user or any individual aged 18 or over who has been authorised for this purpose by the premises user (maximum fine on conviction is a fine up to level 1 on the standard scale, currently £200); and
- knowingly keeping or allowing to be kept on the premises any smuggled goods which have been imported without payment of duty or which have otherwise been unlawfully imported (maximum fine on conviction is a fine up to level 3 on the standard scale, currently £1,000).

In addition, where the premises are to be used primarily or exclusively for the sale or supply of alcohol for consumption on the premises, it is an offence to allow children under 16 to be present when the premises are open for that purpose unless they are accompanied by an adult. In the case of any premises at which sales or supplies of alcohol are taking place at all, it is an offence for a child under 16 to be present there between the hours of midnight and 5am unless accompanied by an adult. In both instances, the penalty on conviction is a fine not exceeding level 3 on the standard scale, currently £1,000.

A temporary event notice may only be given by an individual and not, for example, by an organisation or club or business. The individual giving the notice is the proposed “premises user”. Within businesses, clubs or organisations one individual will therefore need to be identified as the proposed premises user.

If you include an e-mail address in section 1(7) or 1(9) the licensing authority may use the address to send any counter notice it is required to give under section 107 of the Licensing Act 2003.

For the purposes of the Licensing Act 2003, “premises” means any place. Premises will therefore not always be a building with a formal address and postcode. Premises can include, for example, public parks, recreation grounds and private land.

A temporary event notice can be given for part of a building, such as a single room or a plot within a larger area of land. You should provide a clear description of the area in which you propose to carry on licensable activities. This is important as any licensable activities conducted outside the area of the premises protected by the authority of this temporary event notice would be unlawful and could lead to prosecution.

In addition, when holding the proposed event, the premises user would need to be able to restrict the number of people on the premises at any one time when licensable activities are taking place to less than 500. If more than 499 are on the premises when licensable activities are being carried on, the licensable activities would be unlawful and the premises user would be liable to prosecution. The maximum figure of 499 includes, for example, staff, organisers, stewards and performers.

A description of the nature of the premises assists the chief officer of police in deciding if any crime prevention issues are likely to arise. You should state clearly that the premises to be used are, for example, a public house, a restaurant, an open field, a village hall or a beer tent.

A description of the nature of the event similarly assists the chief officer of police in making his decision whether or not to make an objection. You should state clearly that the event taking place at the premises would be, for example, a wedding with a pay bar, the supply of beer at a particular farmers' market, a discotheque, the performance of a string quartet, a folk group or a rock band.

The licensable activities are:

- the sale by retail of alcohol;
- the supply of alcohol by or on behalf of a club to, or to the order of, a member of a club;
- the provision of regulated entertainment; and
- the provision of late night refreshment.

Please refer to Schedules 1 and 2 to the Licensing Act 2003 for fuller details of the definitions and exemptions relating to regulated entertainment and late night refreshment.

Regulated entertainment, subject to specified conditions and exemptions, includes:

- (a) a performance of a play;
- (b) an exhibition of a film;
- (c) an indoor sporting event;
- (d) a boxing or wrestling entertainment;
- (e) a performance of live music;
- (f) any playing of recorded music;
- (g) a performance of dance;
- (h) entertainment of a similar description to that falling within (e), (f) or (g).

Regulated entertainment also includes the provision of "entertainment facilities" for:

- (a) making music;
- (b) dancing; and
- (c) entertainment of a similar description to that falling within (a) or (b).

If you are uncertain whether or not the activities that you propose are licensable, you should contact your licensing authority for further advice.

The maximum period for using premises for licensable activities under the authority of a temporary event notice is 96 hours (four days).

You should state here the times during the event period, for example 48 hours, when you intend to carry on licensable activities. For example, you may not intend to carry on licensable activities throughout the entire 48 hour event period, and may intend to sell alcohol between 8.00 hrs and 23.00 hrs on each of the two days.

No more than 499 may be on the premises for a temporary event at any one time when licensable activities are being carried on. If you intend to have more than 499 attending the event, you should obtain a premises licence for the event. Your licensing authority should be able to advise you. The maximum figure of 499 does not just include the audience, spectators or consumers and includes, for example, staff, organisers, stewards and performers who will be present on the premises.

If you indicate that alcohol will be supplied only for consumption on the premises, you would be required to ensure that no person leaves the premises with alcohol supplied there. If such a supply takes place, the premises user may be liable to prosecution for carrying on an unauthorised licensable activity. Similarly, if the premises user gives notice that only supplies of alcohol for consumption off the premises will take place, he/she must ensure that alcohol supplied is not consumed on the premises. The premises user is free to give notice that he/she intends to carry on both types of supplies. For this purpose the supply of alcohol includes both of the first two licensable activities listed in note 6 above.

The holder of a valid personal licence issued under the Licensing Act 2003 may give up to 50 temporary event notices in any calendar year subject to the other limitations in the 2003 Act. A proposed premises user who holds such a licence should give the details requested.

As stated under Note 11 the holder of a valid personal licence holder issued under the Licensing Act 2003 may give up to 50 temporary event notices in any calendar year. An individual who does not hold a valid personal licence may only give 5 temporary event notices in England and Wales within a calendar year. A calendar year is the period between 1 January to 31 December, inclusive, in any year.

If an event straddles two calendar years, it will count against the limits on temporary event notices (12 for each premises, 15 days for each premises, 50 per personal licence holder and 5 for non-holders) for each year, however, only one notice needs to be given.

For the purposes of determining the overall limits of 50 temporary event notices per personal licence holder (in a calendar year) and of 5 for a non-personal licence holder (in a calendar year), temporary event notices given by an associate or a person who is in business with a premises user (and that business involves carrying on licensable activities) count towards those totals. Note 13 below sets out the definition of an “associate”.

If a temporary event notice has been given for the same premises, by the same premises user, and would have effect within 24 hours before the start of the event period under the current proposal or within 24 hours after the end of that period, the temporary event notice given would be void and any licensable activities carried on under it would therefore be unlicensed.

For the purposes of determining whether or not the required gap of 24 hours is upheld, temporary event notices given by an associate or a person who is in business with a premises user (and that business involves carrying on licensable activities) count as if they had been given by the premises user himself. Note 13 below sets out the definition of an “associate”.

An “associate” of the proposed premises user is:

- a. the spouse of that person;
- b. a child, parent, grandchild, grandparent, brother or sister of that person;
- c. an agent or employee of that person; or
- d. the spouse of a person within (b) or (c).

For these purposes, a person living with another as that person’s husband or wife is to be treated as that person’s spouse.

These provisions will be subject to amendment by the Civil Partnerships Act. These amendments are due to take effect from 5<sup>th</sup> December 2005.

It is a requirement that you send two copies of this notice to the licensing authority at least ten working days before the commencement of the proposed licensable activities. The authority will endorse one of the two copies and return it to you as an acknowledgement. This will be important proof that you gave the notice and when you gave it for the purposes of the Act. Some premises may be situated in two licensing authority areas, for example, where a building or field straddles the local authority boundary. Where this is the case, two copies must be sent to each of the licensing authorities identified, together with the appropriate fee in each case. In such circumstances, you need to receive acknowledgements from all the relevant licensing authorities.

One copy must be sent to the chief officer of police for the area in which the premise is situated at least ten working days before the commencement of the proposed licensable activities. Where the premises are situated in two police areas, a further copy will need to be sent to the second police force.

**Mr R Carnie  
Camberley Police Station  
Portesbury Road  
Camberley  
Surrey  
GU15 3SZ**

Under the Licensing Act 2003, all temporary event notices are given subject to a mandatory condition requiring that where the licensable activities involve the supply of alcohol, all such supplies must be made by or under the authority of the named premises user. If there is a breach of this condition, the premises user and the individual making the supply in question would be liable to prosecution. For this purpose the supply of alcohol includes both of the first two licensable activities listed in note 6 above.

It is an offence knowingly or recklessly to make a false statement in, or in connection with, a temporary event notice. (A person is to be treated as making a false statement if he produces, furnishes signs or otherwise makes use of a document that contains a false statement). To do so could result in prosecution and a fine not exceeding level 5 on the standard scale.

You should not complete section 10 of the notice, which is for use by the licensing authority. They will complete this section and return one of the copies that you have sent to them as an acknowledgement of the notice you have given.

## Contact Details for Responsible Authorities

- **The Police**  
Licensing Officer  
Camberley Police Station  
Portesbury Road  
Camberley  
Surrey GU15 3SZ  
  
Tel: 01483 655228  
Fax: 01483 655270  
Email: 4217@surrey.pnn.police.uk
- **The Fire Authority**  
Surrey Fire and Rescue Service  
Fire Safety  
South West Area Office  
Grosvenor House  
London Square  
Cross Lanes  
Guildford GU1 1FA  
  
Tel: 01483-517600  
Fax: 01483-517627  
e-mail: guildfordfiresafety@surrey-fire.gov.uk
- **The Child Protection Committee**  
Ms R Everley,  
Head of Statutory Child Protection and Child  
Care Child Protection & Independent Review  
Unit,  
Fairmount House, Bull Hill,  
Kingston Road,  
Leatherhead, Surrey,  
KT22 7AH  
  
Tel: 01372 833310  
Email: [ruth.everley@surreycc.gov.uk](mailto:ruth.everley@surreycc.gov.uk)
- **The Environmental Health Services - food safety matters, Health and Safety and the Environmental Protection Act**  
Mr R Ashworth  
Senior Environmental Health Officer  
Surrey Heath Borough Council  
Surrey Heath House  
Knoll Road  
Camberley  
Surrey GU15 3HD  
  
Tel: 01276 707170  
Fax: 01276 707365  
Email: Richard.ahsworth@surreyheath.gov.uk
- **Trading Standards**  
Surrey County Council  
Trading Standards  
Mid Surrey Area Office  
Bay Tree Avenue  
Kingston Road  
Leatherhead  
Surrey  
KT22 7SY  
Tel: 01372 371700  
Email: trading.standards@surreycc.gov.uk
- **The Planning Authority**  
Head of Built Environment  
Planning Department  
Surrey Heath House  
Knoll Road  
Camberley  
Surrey  
GU15 3HD  
  
Tel: 01276 707222  
Fax: 01276 707218  
Email: [planning.policy@surreyheath.gov.uk](mailto:planning.policy@surreyheath.gov.uk)  
  
In the case of any property that has strong involvement with, or is owned by the local authority, or any nursing home that may have a licence, a copy should be sent to:;
- **The Crime Reduction Body**  
PC Wood  
Crime Reduction Officer  
Camberley Police Station  
Portesbury Road  
Camberley  
Surrey GU15 3SZ  
  
Tel: 01483 571212  
Email: 971@surrey.pnn.police.uk
- **The Health and Safety Enforcement Agency**  
Enforcement Liaison Officer  
Service Dept  
Phoenix House  
23-25 Cantaloupe Road  
East Grinstead  
West Sussex RH19 3BE  
Tel: 01342 334200

