



LICENSING ACT 2003 - GUIDANCE CLUB PREMISES CERTIFICATES NEW APPLICATIONS AND VARIATION

These guidance notes, issued on behalf of Eastleigh Borough Council as licensing authority, are intended to provide further information to applicants to enable them to submit an application that complies with the provisions of the Licensing Act 2003 (“the Act”) and the associated regulations.

However, these notes do not constitute a full statement of the law and **all applicants are strongly advised to consult their own independent legal advisor before making any application.**

Please note that the application forms and fees are those prescribed by law and that the licensing authority has no discretion to change them.

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What do these notes deal with?

- Applications for new club premises certificates
- Variations of existing club premises certificates

Please see the separate guidance notes for details of the minor variations process.

What is a club premises certificate?

The Act recognises that premises to which the public has restricted access and where alcohol is supplied other than for profit give rise to different licensing issues than where alcohol is sold to the public. It is for this reason that the Act preserves aspects of the previous regime as it applied to “club registration certificates” under the new guise of a club premises certificate. “Club premises” includes a vehicle, vessel or moveable structure or any place (including in the open air) or part of a club premises. The certificate can be either on a permanent basis or for a time-limited period.

Where can I get the application form?

Copies of the application form and other notices can be obtained from our website at licensing.eastleigh.gov.uk

How can I contact the Licensing Authority?

The contact details are as follows:

Southampton and Eastleigh Licensing Partnership Civic Centre, Southampton SO14 7LY	Direct: Fax No: Email: DX No:	023 8083 3002 (option 4, then option 1) 023 8083 4061 licensing@eastleigh.gov.uk 115710 Southampton 17
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Can I send my application by Email or Fax?

The regulations made under the Act prescribe that every application shall be given in writing. However, they do permit the receipt of applications by electronic means, subject to the following criteria that the application:

- (a) is capable of being accessed by the recipient;
- (b) is legible in all material respects;
- (c) is capable of being read and reproduced in legible form and used for subsequent reference.

Please note that when an application is sent by electronic means, it is not deemed to have been given until the licensing authority has received the fee and all accompanying documents.

What information do I have to provide in the Operating Schedule?

The application form sets out the information required from an applicant, which is necessary to enable any responsible authority or interested party to assess whether the steps to be taken to promote the licensing objectives are satisfactory.

An applicant should give careful consideration to the information submitted in respect of the steps that are proposed to be taken to promote the licensing objectives. Applicants should make themselves aware of the expectations of the licensing authority and the responsible authorities (such as the Police, Fire & Rescue Service, Environmental Health etc.) in respect of the licensing objectives and seek further advice from those authorities on any draft proposals before formally submitting an application. This will involve the preparation of comprehensive risk assessments for the use of the premises. By adopting such an approach, an applicant will minimise any disputes and may prevent the need for formal representations to their application that will lead to a possibly time-consuming hearing.

What happens if I have filled in the form incorrectly or have not submitted all the documentation?

The Licensing Team will check the application when it is received to ensure that all the paperwork and associated documentation is correct and complete. If there are any errors or omissions, the application and documents will be sent back to the applicant for corrections and/or additional documentation. The time period for consideration will not begin until a valid application has been received.

Please note that if you fail to include something on the form, such as a licensable activity, which you require, your only option is either to withdraw the application and resubmit, or apply to vary at a later stage, both incurring additional costs. Substantive amendments cannot be made to applications in progress.

Statement of Licensing Policy

All applicants should also have regard to the Statement of Licensing Policy published by the licensing authority at licensing.eastleigh.gov.uk and the pool of model conditions contained in the Statutory Guidance published at www.homeoffice.gov.uk/drugs/alcohol/.

What do I need to submit?

The applicant must submit the following information to the licensing authority:

1. The prescribed application form;
2. The prescribed fee - see [Table 2](#) below (cheques etc. should be made payable to Eastleigh Borough Council);
3. An up-to-date scale plan of the premises - see [Table 3](#) below for information to be shown on the plan;
4. A copy of the rules of the club.
5. A qualifying status declaration, certifying that the club qualifies under the legislation for the grant of a certificate.

Note: A person commits an offence if he/she knowingly or recklessly makes a false statement in or in connection with an application.

Will the new or varied club premises certificate be issued with any conditions?

The Act requires that mandatory conditions are imposed on club premises certificates in respect of:

- (a) the supply of alcohol;
- (b) exhibition of films;
- (c) irresponsible promotions;
- (d) free potable water;
- (e) age verification policy

Please see our web pages at licensing.eastleigh.gov.uk for further details.

Any other conditions imposed will reflect the operating schedule contained in the application or will be agreed conditions or those considered appropriate by the Licensing Committee, if there has been a hearing.

What differences are there between the two processes?

The process and fees for variation of an existing certificate or the grant of a new certificate are similar, except that the forms differ slightly.

Do I have to give a copy of the application to any responsible authority?

An applicant **MUST** give notice of the application to each relevant responsible authority by giving to each authority copies of the application and accompanying documents on the same day as the day on which the application is given to the licensing authority.

A list of all the contact details for the relevant responsible authorities is set out in our Responsible Authorities' Guidance document at www.eastleigh.gov.uk/licensing

Do I have to publicly advertise my application?

When an application is made for a new club premises certificate or to vary a club premises certificate, the applicant must advertise the application in both the following ways:

- (a) for a period of no less than 28 consecutive days starting on the day after the application was given to the licensing authority, by displaying a notice which is –
 - (i) of a size equal or larger than A4,
 - (ii) of a pale blue colour,
 - (iii) printed legibly in black ink or typed in black in a font size equal to or larger than 16 point.

The notice must be displayed prominently at or on the premises to which the application relates where it can be conveniently read from the exterior of the premises and in the case of a premises covering an area of more than fifty square metres, a further notice in the same form and subject to the same requirements must be displayed every fifty metres along the external perimeter of the premises abutting any highway; and

- (b) by publishing the notice in a local newspaper on at least one occasion during the period of 10 working days starting on the day after the application was given to the licensing authority.

Please note that applications for minor variations must be advertised as at (a) above, but on white paper, with the notice being displayed for 10 consecutive days.

The licensing authority will also give notice of applications for new licences or variation of licences (but not minor variations or variations of DPS) on its website at

www.eastleigh.gov.uk/licensing. **What information does the notice have to contain?**

The regulations prescribe that in respect of an application for a new club premises certificate or to vary a club premises certificate, the notice shall contain the following information:

- (a) a brief description of the proposed new application or variation;
- (b) the name of the applicant;
- (c) the postal address of the premises, if any, or if there is no postal address for the premises, a description of those premises sufficient to enable the location and extent of the premises to be identified;
- (d) the postal address and, where applicable, the web site address where the register of the licensing authority is kept and where and when the application may be inspected;
- (e) the date by which an interested party or responsible authority may make representations to the licensing authority;
- (f) that representations shall be made in writing; and

- (g) that it is an offence knowingly or recklessly to make a false statement in connection with an application and a person guilty of an offence is liable on summary conviction to a fine not exceeding level 5 on the standard scale.

How long will it take for my application to be processed?

Providing you have sent us all the necessary information required for us to consider your application, have submitted the relevant fee, sent a copy of your application to all the responsible authorities and have properly advertised your application, it will take at least 28 days from the day on which your application is received.

However, if the licensing authority fails to determine the application within the period of two months beginning with the day on which the application is received, then the application is to be treated as rejected by the licensing authority.

Who can make representations about my application?

Written representations can be made by any of the responsible authorities in respect of the proposed new licence or variation if they consider that the proposal undermines any of the licensing objectives. In addition, an "interested party" is also entitled to make written representations to the licensing authority for the same reasons. "Interested party" means any of the following:

- (a) a person living in the vicinity of the premises,
- (b) a body representing persons who live in that vicinity,
- (c) a person involved in a business in that vicinity,
- (d) a body representing persons involved in such businesses.

If no representations are received within the time limits prescribed by the Act (28 days from the date the application is received), the licensing authority must grant the application. However, where relevant representations are made, the licensing authority must hold a hearing to consider them, unless the licensing authority, the applicant and each person who has made such representations agree that a hearing is unnecessary.

The licensing authority, having regard to the representations, may take the following steps if it considers them necessary for the promotion of the licensing objectives:

- (a) modify the conditions of the certificate (i.e. alter, omit or add a new condition);
- (b) reject the whole or part of the application.

Where an application (or any part of an application) is granted after a hearing, the licensing authority must give the applicant, any person who made relevant representations in respect of the application and the Police a notice to that effect stating the authority's reasons for its decision and the date and time when the variation will take effect.

Where an application is rejected (in whole or in part) after a hearing, the licensing authority must give a notice to that effect stating its reasons for rejecting the application to the applicant, any person who made relevant representations and the Police.

When an application is made to vary a club premises certificate, the licensing authority may not do anything to reduce the effect of the "grandfather rights" afforded by the transitional provisions in respect of permitted hours for the supply of alcohol. For example, it could not reduce the hours of trading to less than the permitted hours under the Licensing Act 1964. The only exception to this is where there has been a material change in circumstances since the club registration certificate was granted or last renewed and relevant representations have been made by the Police that, for the purposes of promoting the crime prevention objective, the club premises certificate ought to authorise the supply of alcohol during more restricted hours than the existing permitted hours.

What happens if my application is rejected?

Where a licensing authority rejects an application in whole or in part, an applicant may appeal against that decision to the Magistrates' Court within 21 days beginning with the day on which the applicant was notified of the decision by the licensing authority.

When does the new certificate or the variation take effect?

New certificates and any variations granted in relation to a club premises certificate take effect on the date of issue shown in the certificate.

Where can I obtain information about the rateable value of my premises?

Information as to rateable value can be obtained either from your National Non-Domestic Rates bill or from the Valuation Office Agency via www.voa.gov.uk or by phone: 023 8053 8500.

Table 2 – Prescribed Fees for New or Variation of Club Premises Certificates:

The prescribed fees payable in respect of club premises certificates are based upon the non-domestic rateable value of the premises concerned. For certain types of premises not specified with a non-domestic rateable value, the fee shall be calculated in accordance with band A. The bands and fees are as follows:

Rateable Value Bands	A 0 - £4,300	B £4,301 - £33,000	C £33,001 - £87,000	D £87,001 - £125,000	E £125,001 and above
Main Application Fee	£100	£190	£315	£450	£635
Main Annual Charge	£70	£180	£295	£320	£350

Table 3 – Information to be shown on scale plan:

Unless the licensing authority has previously agreed in writing with the applicant, following a request by the applicant that an alternative scale plan is acceptable, in which case the plan shall be drawn to that alternative scale, the plan shall be drawn in standard scale 1:100 (1mm represents 100mm).

The plan shall show:

- (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 (b) above, the location of escape routes from the premises;
- (d) in a case where the premises is 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 the 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 includes a stage or raised area, the location and height of each stage or raised area relative to the floor;
- (h) in a case where the premises includes any steps, stairs, elevators or lifts, the location of the steps, stairs, elevators or lifts;
- (i) in a case where the premises includes any room or rooms containing toilet facilities, the location of the room or rooms;
- (j) the location and type of any fire safety and any other safety equipment (which includes fire extinguishers, fire doors, fire alarms and other similar equipment) and;
- (k) the location of a kitchen, if any, on the premises.

The items referred to above may be illustrated by the use of a legend and related symbols on the plan. It would be of assistance if all plans could additionally be made available by electronic means. The preferred format is as an Adobe Acrobat PDF document.