

Welcome

Since 24 November 2005, all premises selling alcohol, providing regulated entertainment or providing hot food and drink after 11.00 pm need a premises licence or a club premises certificate. Most applications have now been processed and you are now conducting your business under the authority of this new licence/certificate.

As the Council has taken over this new role, the Licensing team are anxious to build up a good working relationship with the trade and members clubs and will help in any way possible.

We plan to publish regular newsletters giving up to date information and items of general interest. Here are some of the items of interest that have cropped up during recent months:

Displaying the Premises Summary



Please be aware that you must keep the premises licence, or certified copy, at the premises. You must also display the summary part of the licence on the premises at all times where it can be clearly seen! This summary must include the licence holder's name or the name of the person who you have nominated in writing to be in control, usually the Designated Premises Supervisor (DPS). The same rules apply to Club Premises Certificates.

Producing the Licence upon Request

You must also allow a police officer or other authorised person to inspect the licence if they request to do so. If you do not recognise this official, you can ask to see their I.D. but you should be aware that if you do not allow inspection without reasonable excuse, you will be committing a criminal offence. The same rules apply to Club Premises Certificates.



Clubs

Please note that, although under the old Act you were allowed to supply alcohol to persons under the age of 18 years, the new Act makes it an offence to do so.

Transfers and DPS Changes

Some people may have taken over licensed premises that include late night refreshment establishments and village halls (not just pubs) and not applied to transfer the licence into their name. This means that the premises could be operating without a correct licence. It is imperative that if you take over licensed premises you send us the correct transfer forms. If you are taking over premises that sell alcohol you must also let us know of any change of DPS. You are not permitted to sell alcohol if the DPS is no longer at the premises.

If a routine inspection takes place and you have not carried out this procedure, you will be guilty of a criminal offence and could be prosecuted.

New Years Eve and other Seasonal Variations

Please check your entitlements for New Years Eve and other Bank Holidays. If you have converted your old licence with no variation you will still be allowed to open from normal opening time on New Years Eve until normal closing time on New Years Day but you will not have any of the other bank holiday extensions previously granted by the court. If you converted and varied your licences and didn't specifically request extended times, you will be restricted to your normal every day hours for New Years Eve and other Bank Holidays. You should therefore check your new licences carefully to ensure you have the licensing hours you need to operate your business or club.



Temporary Event Notices (TENS)

Some of you have used the TEN system to extend your hours on certain days over the Christmas/New Year holiday period and recent bank holidays. Most TENS have been processed without a hitch but some have failed to give the 10 working days notice that the legislation requires. We hope you understand that 10 days is not a very long period to process these notifications and we advise that you give the Police and us at least one months notice whenever possible for any special events planned for the future, i.e. summer fetes, wedding parties, etc.

Gaming Machines

Premises that currently have gaming machines licensed by the court will also need to renew their permits with us in future. These permits are renewable every three years and if you have recently renewed with the court there will be no need to contact us until you wish to renew the permit when it expires.



The Council's Licensing & Enforcement Committee recently passed a resolution in general terms similar to that previously exercised by the court. This means that permits will normally be granted for up to two gaming machines but fresh applications for three or more machines will go before a Licensing Sub Committee for the applicant to explain the need for additional machines.

Later next year the law relating to gaming and gambling will change when the new Gambling Act 2005 comes into force and all the remaining gaming and betting licences currently administered by the court will transfer to the District Council. This new legislation does make some changes but, although the permission for only two machines being located in licensed premises does not change, you will still need to make a new application for more than two machines. There will be more on the new gambling law in future newsletters but please check the Licensing pages of the District Council's website for the most up to date information on this and other licensing news.

Website Information

You may find it useful to access the internet to check Licensing Pages of the Council's website to keep up to date with news and future developments. From the Council's homepage click on the 'Licensing' quick link on the right of the screen to access the licensing pages including the Licensing Registers. The Premises Register shows for example the permitted hours for each premises, together with the premises Operating Schedule. Watch out for further developments including applications on line.

Alterations

Please be very careful about making alterations to licensed premises as any alterations to the areas where the public or guests have access may need permission from the Licensing Authority. This is in addition to any planning or building control approval you need to obtain. If you are unsure, please speak to your legal advisor or, alternatively, seek advice from the Council's Licensing Department.

Future

Over the coming months, licensing officers, the police and fire officers will be visiting premises to ensure that everything is in order. We will try to assist and advise wherever possible but if you have any queries or problems you wish to discuss please don't hesitate to contact us on the numbers listed.



Please understand that although we have pointed out certain offences earlier in this newsletter, we do not mean to sound threatening. We are trying to inform you of the pitfalls that the new legislation has created and would much prefer to help you understand the requirements.

Annual Licensing Fee

All holders of premises licences/certificates must pay an annual fee to the Licensing Authority on the anniversary of the grant of the licence. The only exceptions to this are some school halls and village halls which hold a premises licence for entertainment activities but not for the sale of alcohol. The Licensing Authority will write to each premises licence/certificate holder when this fee becomes due.

Current fees are based on the non-domestic rateable value of the property and will remain the same each year, subject to a review or change in the rateable value of the premises. The Government will monitor fee levels to ensure that they are allowing Licensing Authorities to recover their costs, without placing an unreasonable burden on licence/certificate holders. Some premises, because of their nature, may not have a non-domestic rateable value and where that is the case the government has instructed that the annual fee calculation should be based on the lowest band (Band A).

Unless a licence holder requests otherwise, a licence will be valid until it is surrendered or forfeited, lapses or is revoked, so no new application is required when the annual fee is paid.

For further information please contact us at:

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