



# **GUIDANCE NOTES FOR APPLICANTS**

## **The Licensing Act 2003**

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## **Introduction**

If you are concerned with one or all of the following 'Licensable Activities':

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

you need to be aware that the Act may affect you and you may need to apply to Cambridge City Council (the "Licensing Authority") for one or more of the following types of licence:

- Premises Licence
- Personal Licence
- Club Premises Certificate
- Temporary Event Notice

## **Guidance Notes**

These guidance notes and the index on page 2 will assist you in determining:

- What type of licence/s you can apply for;
- What documentation you need to submit with your application;
- What other actions you need to undertake as part of your application;
- What information to include within your operating schedule

## **Other Guidance**

When reading this guide, you may need to refer to the Licensing Act 2003 & Explanatory Notes [www.legislation.hmsso.gov.uk](http://www.legislation.hmsso.gov.uk) Government Guidance (and application forms) [www.culture.gov.uk](http://www.culture.gov.uk) or Cambridge City Council's Statement of Licensing Policy and other Council Policies [www.cambridge.gov.uk](http://www.cambridge.gov.uk) (Alternatively a copy of the policy can be obtained from our offices)

## **Advice**

You may wish to seek independent legal advice. The onus is on the applicant to make sure that any application is correctly and fully completed. Any applications incorrectly made may result in the application being returned by the licensing authority, unprocessed.

Any pre-application/pre-decision discussions should be addressed to officers of the Licensing Authority in the first instance. Applicants should not approach Licensing Sub-Committee Members to engage them in pre-application/pre-decision discussions. Any pre-application/pre-decision discussions do not bind the Licensing Authority to any particular decision.

## **2. Licensable Activities**

The following are licensable activities:

- The sale by retail of alcohol
- The supply of alcohol by or on behalf of a club to, or the order of, a member of a club
- The provision of regulated entertainment as defined in the Act (Please see glossary of terms).
- The provision of late night refreshment. (The supply of hot food or hot drink between 11pm and 5am)

## **3. Licensing Objectives**

The licensing authority has a duty under the Licensing Act 2003 to carry out its licensing functions by promoting the four licensing objectives, which are:

- The prevention of crime and disorder
- Public Safety
- The prevention of public nuisance
- The protection of children from harm

Each objective is of equal importance. These four objectives must be addressed in every case as they apply to the consideration of all licensing matters.

## **4. Personal Licence**

### **Introduction**

A personal licence is a licence granted by the licensing authority to an individual that will authorise that person to sell or supply alcohol by retail or to supply alcohol in accordance with a premises licence.

A personal licence is not required for the provision of late night refreshment, regulated entertainment, or where alcohol is supplied at premises operating under a club premises certificate (previously a registered club).

Not every person retailing alcohol at premises licensed for that purpose needs to hold a personal licence, but every sale or supply must be authorised by a personal licence holder. Premises may have a number of personal licence holders.

### **Applications**

Applications for a personal licence must be made;

- on the correct form and
- accompanied by the correct fee. Please see Appendix 1 for details.

Application should be made to the Council where the applicant normally resides. Individuals applying to Cambridge City Council must therefore be

ordinarily resident within the area covered by Cambridge City Council. (If you live in South Cambridgeshire District Council, but trade in the City, for example, then you need to apply to South Cambridgeshire District Council). Where the applicant is not normally resident in England or Wales, the application can be sent to any licensing authority.

The applicant must meet the following criteria:

- be aged 18 or over;
- possess a licensing qualification accredited by the Secretary of State;
- not have forfeited a personal licence within 5 years of the application;
- not have been convicted of any relevant or foreign offence. Please see Appendix 2 for details.

The application must also be accompanied by the following documents:

- two photographs of the applicant, which must be:
- taken against a light background so that features are distinguishable and contrast against the background;
- 45millimetres by 35 millimetres
- full face uncovered and without sunglasses and, unless the applicant wears a head covering due to religious beliefs, without a headcovering;
- on photographic paper;

one must be endorsed with a statement verifying the likeness of the photograph to the applicant by one of the following:

- a solicitor or notary;
- a person of standing in the community (includes bank or building society official, a police officer, a civil servant or a minister of religion), or
- (iii) an individual with a professional qualification.
  
- either:
  - (i) a criminal conviction certificate issued under section 112 of the Police Act 1997,
  - (ii) a criminal record certificate issued under section 113A of the Police Act 1997 or
  - (iii) the results of a subject access search under the Data Protection Act 1998 of the Police National Computer by the National Identification Service andin any case such certificate or search results shall be issued within one month of submitting the application to the licensing authority, and
- a declaration from the applicant, in the required form, stating that you have not been convicted of a relevant offence or a foreign offence, or that you have been convicted of a relevant offence or a

foreign offence accompanied by details of the nature and date of the conviction and any sentence imposed in respect of it.

An individual is only permitted to hold one personal licence. No connection with any licensed premises is needed to apply for a personal licence.

A licence lasts for ten years beginning on the date it is granted and it can be renewed for further periods of ten years at a time. It can be revoked, declared forfeit or suspended in certain circumstances.

All application forms can be downloaded from our website <http://www.cambridge.gov.uk/ccm/content/ehws/licensing/downloadable-forms-leaflets.en;jsessionid=74BBD795E2A7D7EBD18FCB5F5B73C3F2> or the Dept. of Culture Media and Sport (DCMS) website [www.culture.gov.uk](http://www.culture.gov.uk)

### **Renewal**

An application to renew a personal licence must be made to the licensing authority, which granted the original personal licence. Cambridge City Council can only accept renewal applications if the original application for the grant of the personal licence was made by it.

An application to renew can only be made during the period of two months beginning three months before the date on which the licence would expire. If an application for renewal is not correctly made, then it will be returned to the applicant unprocessed.

The renewal application must be submitted in the correct form and accompanied by the appropriate fee and current personal licence, or if not practicable, by a statement of the reasons for failing to provide the licence. Applicants are also required to comply with provisions a-c given above, in the same way as for an initial application.

### **Surrender**

A personal licence issued by the licensing authority may be surrendered upon notice to the same, provided the notice is accompanied by the licence or if not practicable, a statement of the reasons for failing to provide the licence. The personal licence will lapse upon receipt of the notice by the authority.

### **Theft, Loss etc**

In the event of a personal licence being lost, stolen, damaged or destroyed, a personal licence holder can apply to the licensing authority for a copy, provided it is the authority that issued the original licence. You must satisfy the licensing authority that the licence has been lost, stolen, damaged or destroyed and that where lost or stolen, the holder has reported such to the

Police. Applications for a replacement should also be accompanied by the correct fee and photographs, in the correct form and endorsed as in a) above.

### **Change of Name/Address**

The holder of a personal licence has a duty to inform the licensing authority, as soon as reasonably practicable, of any change of name or address as stated in the personal licence. The personal licence and the correct fee (please see Appendix 1 for details) should accompany this. Any person failing to do this will be committing an offence.

### **Convictions**

The holder of a personal licence has a duty to notify the licensing authority of any convictions for relevant offences, or for any conviction for a foreign offence as soon as reasonably practicable following conviction. Please see Appendix 2. Similarly the courts are required to inform the licensing authority of convictions, whether or not they have ordered the suspension or forfeiture of the licence. If a licence is suspended or declared forfeit, then the licensing authority will contact the personal licence holder, requesting the licence. Any licence declared forfeit will be retained by the licensing authority.

### **Records**

The licensing authority will maintain accessible records of licences held. It will also provide a service that will enable the Police in any area and other licensing authorities to be advised of details on personal licence holders. A national database containing the details of all personal licence holders may be developed in due course.

## **5. Premises Licence**

### **Introduction**

The Act provides a unified system of regulation for the licensing of premises that supply alcohol, provide entertainment to the public or provide hot refreshment after 11pm. A premises licence granted by the licensing authority permits activities identified as being licensable under the Licensing Act 2003, to be carried out at those premises.

Each application will be considered on its own merit. The premises must be situated within Cambridge City Council's boundaries.

### **Applications**

- can be made by any person aged 18 or over if they propose to carry on a business which involves the use of premises for licensable activities.
- A premises licence covers any place, including one in the open air.

- A 'person' can include a business or a partnership. It does not have to be an individual, e.g. hospitals, charities, schools, pub operating companies and cinema chains.
- A husband and wife, or partners can apply jointly as applicants.
- Premises can have more than one licence. E.g. a premises licence authorising the sale of alcohol may be held by one individual and another can apply for a premises licence relating to the same premises or part, which would authorise regulated entertainment.

An application for a premises licence must be made on the correct form and forwarded to the licensing authority for processing. Application forms are available to download from our website.

The application must be accompanied by:

- a completed application form;
- the correct fee. Please see Appendix 1;
- a completed operating schedule (see below);
- a plan of the premises drawn on a scale of 1:100 (in the prescribed form – please see section on plans) to which the application relates;
- if the application involves the supply of alcohol, a form of consent from the person who is to be specified in the licence as the designated premises supervisor (a personal licence holder).

### **Operating Schedule**

The operating schedule forms a part of the completed application form and must include the information necessary to allow the responsible authorities to assess whether the steps taken to promote the licensing objectives are satisfactory.

Our Statement of Licensing Policy contains a special policy on cumulative impact. If the application falls within a cumulative impact area, the applicant should demonstrate why the operation of the premises involved will not add to the cumulative impact already being experienced.

Please see Appendix 3 for additional matters to be taken into consideration when completing the operating schedule. The licensing authority will not consider an application without a fully completed operating schedule.

An operating schedule must set out:

- the licensable activities conducted on the premises;
- the times the relevant licensable activities are proposed to take place;
- any other times the premises are open to the public;
- the period the licence is required for, if for a limited period;
- where the licensable activities include the retail sale of alcohol, the name and address of the individual to be specified as the



- designated premises supervisor (this person must hold a personal licence);
- where the licensable activities include the retail sale of alcohol, whether consumption is on or off the premises, or both;
  - the steps which the applicant proposes to take to promote the licensing objectives. (It is important that the operating schedule should be precise and clear about the measures it is proposed to take to promote the protection of children from harm. E.g. plans for regulated entertainment of an adult nature or with sexual content should be disclosed. In addressing this objective, the design and layout of the premises should also be considered).

The operating schedule should also include:

- a general description of the style and character of the business to be conducted on the premises.
- where alcohol is being sold for consumption on the premises, it would be valuable to know what seating is to be provided, as research has shown that this can be relevant to the prevention of crime and disorder.
- the type of entertainment available on the premises, whether licensable under the Act or not. The type of entertainment provided may give rise to issues concerning the steps needed to protect children from harm and it should be disclosed whether this involves striptease or lap dancing. It should be made clear whether dancing is to be by the public and/or performers and in what setting. If music is to be provided, then the type of music must also be stated. In the case of passenger vessels, it will be valuable for the area within any vessel where licensable activities take place to be described. This type of information is essential so that the responsible authorities and 'interested parties' (please see Glossary of Terms) can form a proper view as to what measures may be necessary to ensure public safety and prevent public nuisance.

Examples of specimen operating schedules and other details to be included can be viewed on the DCMS website [www.culture.gov.uk](http://www.culture.gov.uk).

### **Steps to promote the Licensing Objectives (in the operating schedule)**

The licensing authority and responsible authorities will expect applicants to properly address the steps that are necessary to promote the four licensing objectives in their operating schedule.

If uncertain, applicants should seek advice from the relevant authority before submitting their operating schedule, for example; on matters relating to crime prevention, the police; crime & disorder, the police and local community safety officers; public safety, the fire authority and on matters of noise, environmental health officers. Where permission is sought for regulated entertainment, applicants may wish to consult with the Musicians Union or the Council Arts and Entertainment Department. Liaison in this way may

minimise the risk of representations being made by those authorities if they have concerns about the operating schedule submitted as part of your application.

Any steps to be taken should be realistic and within the control of the applicant, as if a licence is granted with conditions requiring the implementation of such steps, then the conditions will be enforceable in law and it will be a criminal offence to fail to comply with them.

It may be that no steps will need to be taken to promote parts of the licensing objectives if they are covered by other legislation e.g. Health and Safety at Work Act 1974.

Please refer to the operating schedule section and Appendix 3 for further information.

### **Advertising applications (see separate section for minor variations)**

The applicant is required to advertise an application for:

An application for a premises licence (section 17 of the Act)

A provisional statement (section 29 of the Act)

A variation of a premises licence (section 34 of the Act)

An application for a club premises certificate (section 71 of the Act)

A variation of club premises certificate (section 84 of the Act)

- a) 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 relevant licensing authority, which is:
  - of a size equal or larger than A4
  - of a pale blue colour
  - printed legibly in black ink or typed in black in a font of a size equal to or larger than 16.

It must be prominently at or on the premises to which the application related where it can be conveniently read from the exterior of the premises. If the premises covers an area more than 50 square metres, further notices should be displayed every 50m along the external perimeter of the premises abutting any highway; and

- b) by publishing a notice-

In the Cambridge Evening News on at least one occasion during the period of ten working days starting on the day after the day on which the application was given to the licensing authority.

In each case the above notices must contain:

- a) the name of the applicant or club;
- b) the postal address of the premises or club premises (if no postal address a description sufficient to enable location);
- c) the postal address of Cambridge City Council (see front sheet) where a register of applications is kept and where a record of the application may be inspected.

- d) the day by which an interested party or responsible authority may make representations to the licensing authority;(see representations)
- e) that representations may be made in writing; and
- f) 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 offence.

Notices must also contain in addition:

Applications for a premises licence or club premises certificate – a statement of the relevant licensable activities or relevant qualifying club activities, which it is proposed will be carried on or from the premises. Please state hours.  
Variation applications – must briefly describe the proposed variation/hours.  
Provisional statements – state that representations are restricted after the issue of the provisional statement and where known, the relevant licensable activities, which it is proposed, will be carried on or from the premises.

There are different advertising requirements for minor variations.

### **Notice to responsible authorities**

The applicant must give notice to each relevant responsible authority by giving each authority a copy of the application together with its accompanying documents, if any, on the same day as the day on which the application is given to the licensing authority. Please see Appendix 4 for contact details.

In addition to applications, this also applies to provisional statements, variations and reviews.

### **Plan of the premises**

Applications for premises licences (section 17 of the Act) and club premises certificates (section 71 of the Act) must be accompanied by a plan of the premises to which the application relates.

Unless the licensing authority has previously agreed in writing with the applicant that an alternative scale plan is acceptable to it, in which case the plan shall be drawn in that alternative scale, the plan shall be drawn in standard scale of 1:100.

The plan shall show:

- 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;
- the location of points of access to and egress from the premises;
- the location of escape routes from the premises;

- in a case where the premises is to be used for more than one licensable activity, the area within the premises used for each activity;
- fixed structures (including furniture) or similar object 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;
- 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;
- in a case where the premises includes any steps, stairs, elevators or lifts, the location of the steps, stairs, elevators or lifts;
- in a case where the premises includes any room or rooms containing public conveniences, the location of the room or rooms;
- the location and type of any fire safety and any other safety equipment including, if applicable, marine safety equipment and the location of a kitchen, if any on the premises.

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

These details are important to make clear which premises or parts of premises have been licensed if the application is granted and to enable the responsible authorities to better consider the adequacy of the operating schedule.

### **Planning Considerations**

The planning, building control and licensing regimes are properly separated to avoid duplication and inefficiency. Applications for premises licences for permanent commercial premises should normally be from businesses with planning consent for the property concerned. However, applications for licences may be made before any relevant planning permission has been sought or granted by the planning authority.

The granting by the licensing committee of any variation of a licence which involves the material alteration to a building would not relieve the applicant of the need to apply for planning permission or building control where appropriate. When as a condition of planning permission, a terminal hour has been set for the use of premises for commercial purposes and the hours are different to the licensing hours, the applicant must observe the earlier closing time. Premises in breach of their planning permission would be liable to prosecution under planning law.

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

Each premises licence will state one DPS who must hold a personal licence. The main purpose of the DPS is to ensure there is always one specified individual among the personal licence holders who can be readily identified for the premises where a premises licence is in force.

The DPS will normally be the person charged with the day to day running of the premises by the premises licence holder and is responsible for sales of alcohol on the licensed premises.

Although the DPS does not have to be present at every sale of alcohol, they must be easily contactable when not on the premises.

A single premises licence can have only one DPS who must hold a personal licence.

A person who wishes to cease acting as a DPS in respect of any premises licence may give notice to the Council. If the DPS is also the premises licence holder, then the premises licence must accompany the notice or a statement of the reasons for failure to provide the licence.

If the DPS is not also the premises licence holder, then they must no later than 48 hours after giving the licensing authority notice of their desire to be replaced: send a copy of the notice to the premises licence holder and a note directing the premises licence holder to send to the licensing authority within 14 days notice of receiving the notice, the premises licence (or appropriate part, or a statement for the reasons for the failure to provide the licence).

Failure to submit a premises licence by the premises licence holder or a statement for reasons to the licensing authority within 14 days is an offence.

Where a DPS has served notice on the licensing authority and where necessary on the premises licence holder, then they are treated, from either the time the notice was received by the licensing authority or, if later, the time specified in the notice, as if they were no longer the DPS.

The only exception to the above requirement is for a community premises which has successfully made an application to disapply. In this case the supply of alcohol can be authorised by the management committee. Please contact the licensing team for further details.

## **Renewal**

The licence, once granted, will last for the duration of the business. Premises licence holders will be required to pay an annual fee on the anniversary of the date of grant of the premises licence. Please see Appendix 1 for details.

## **Change of Name/Address**

Holders of premises licences must, as soon as is reasonably practicable, inform the licensing authority of any change of name or address of the premises licence holder or of the designated premises supervisor. The notification must be accompanied by the licence and by the correct fee. Any person failing to do this will be committing an offence.

## Variation

Applications to vary the licence must be:

- made to the licensing authority in the prescribed form, as for a new application (please see application section);
- accompanied by the correct fee (please see Appendix 1);
- advertised in the prescribed format (please see application section);
- accompanied by the premises licence.

### **Application to vary a premises licence to specify an individual as designated premises supervisor**

Applications to specify a new DPS do not constitute a variation and are subject to different arrangements. Application forms are available to download from our website and should be submitted with a further form completed by the individual consenting to be the premises supervisor. Please submit both forms to the Council with the appropriate fee.

### **Minor variation of premises licence (came into effect 29<sup>th</sup> July 2009)**

To be used for:

- minor changes to the structure or layout of a premises
- small adjustments to licensing hours
- Conditions: removal of out of date, irrelevant or unenforceable conditions, or the addition of volunteered conditions.
- Licensable activities: adding certain licensable activities, including live music

In all cases the overall test is whether the proposed variation could impact adversely on any of the four licensing objectives.

An application **may not be made** under the minor variation provisions to:

- Vary substantially the premises to it relates,
- Extend the period for which a licence or certificate has effect,
- Transfer the licence or certificate from one premises to another,
- Specify and individual as the premises supervisor,
- Add the supply of alcohol as an activity authorised by the licence,
- Authorise the supply of alcohol at any time between 23.00 and 07.00 hrs, or
- Authorise an increase in the amount of time on any day during which alcohol may be sold by retail or supplied, or
- Include the alternative licence condition referred to in Section 41D(3) - Community Premises

Applications must be made to the licensing authority on prescribed forms which can be downloaded from our website and submitted with the appropriate fee. There is no requirement for the applicant to advertise in a local paper or inform the responsible authorities, but they must display a notice (see section below). Interested parties may make representations

based on the licensing objectives, but representations do not trigger a hearing. There are no hearings under the minor variation process, although the licensing authority must take into account any representations in arriving at a decision.

### **Advertising a minor variation**

The person making the application must advertise the application by displaying a notice prominently at or on the premises so that it can be conveniently read from the exterior of the premises. If any part of the external perimeter of the premises that is 100 or more metres in length abutting a public highway or other place accessible to the public, then a notice must be displayed at distances of at least every 50 metres.

- (a) The notice must be:
  - (i) white
  - (ii) of a size equal to or larger than A4
  - (iii) printed legibly in black ink or types in black
- (b) and include the following information:
  - (i) in the case of an application under Section 41A, at or near the top of the notice the heading 'Licensing Act 2003: Minor Variation of Premises Licence', (printed or typed in a font equal to or larger than 32)
  - (ii) in the case of an application under Section 86A, at or near the top of the notice the heading 'Licensing Act 2003: Minor Variation of Club Premises Certificate', (printed or typed in a font equal to or larger than 32)
  - (iii) a brief description of the proposed variation or variations,
  - (iv) The name of the applicant or club,
  - (v) The postal address of the premises or club premises, or if of no postal address, a description sufficient to enable location and extent of the premises,
  - (vi) The postal address and where applicable, the worldwide web address where the register of the relevant licensing authority is kept and where and when the record of the application may be inspected\*
  - (vii) The date by which an interested party may make representations to the licensing authority,
  - (viii) That it is an offence to 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 offence

A suggested template can be downloaded from our website.

The notice must be displayed for a continuous period beginning on the first working day after the day on which the application was given to the licensing authority and ending at the expiry of the ninth consecutive working day after that day. (i.e. ten consecutive working days starting on the working day after the application was given to the authority).

A copy of the application (and supporting documents, if any) must also be given to the police on the same day as given to the licensing authority.

### **Transfer (section 42 of the Licensing Act 2003)**

If you wish to transfer the premises licence into another name, you can apply for the transfer of a premises licence.

Applications to transfer the licence must be:

- made to the licensing authority in the prescribed form;
- made by persons aged 18 or over;
- accompanied by the correct fee;
- accompanied by the premises licence or relevant part for explanation as to why the premises licence is not able to be produced
- accompanied by a consent form signed by the existing premises licence holder or a statement as to why it is not enclosed

The applicant must notify the DPS specified in the licence of the application to transfer the licence and if successful, details of the transfer of the premises licence. Failure to do so is an offence.

The applicant must give notice of the application to the Police by sending a copy of the application together with accompanying documents (if any) on the same day on which the application was given to the council.

The applicant can request that the transfer be given immediate effect and generally requires the consent of the holder of the premises licence, although no consent is required if the applicant can demonstrate that you have taken all reasonable steps to obtain that consent and that you are in a position to use the premises straight away for licensable activities authorised by the licence. This will allow licensable activities to be carried on at the premises without interruption, pending the determination of the transfer application. If the application to transfer is rejected, then the applicant ceases to be treated as the holder and the licence reverts to the person holding it before the application was made.

### **Interim Authority (section 47 of the Licensing Act 2003)**

A premises licence will remain in force for as long as the holder continues to operate the business. In the event of the licence holder dying, becoming mentally incapacitated or insolvent, persons with an interest in the premises or connected to the licence holder can give an 'interim authority' to the licensing authority. It should be made in the prescribed form and accompanied by the correct fee.

The notice will have the effect of reinstating the licence, allowing the provision of the licensable activities to continue, pending the application to transfer the licence. An interim authority only has effect for two months.



## **Provisional Statements (section 29 of the Licensing Act 2003)**

A provisional statement can be applied for where premises are being constructed, extended or substantially changed structurally. The provisional statement is designed to provide some assurance that a premises licence covering the desired licensable activities would be granted for the premises when the building work is completed.

Applications for a provisional statement can be made by any person aged 18 or over, (which can also include a firm of architects, construction company or financier). They should describe the work to be done and the planned licensable activities. Applications will be dealt with in a similar manner to an application for a premises licence and should be advertised and copied to the responsible authorities in the same manner, with the correct fee. Applicants should note that a Schedule of Works giving details of the work (including plans) being done or about to be done at the premises must be enclosed with the application.

## **Vehicles (section 189 of the Licensing Act 2003)**

Under the Licensing Act 2003, alcohol may not be sold on a moving vehicle. The licensing authority may consider applications for the supply of alcohol from a vehicle when it is parked or stationary. E.g. parked at a special event. Any permission granted will relate to the place where the vehicle is parked and sales are to take place.

## **Representations**

Representations can be made by a 'responsible authority' or an 'interested party'. Please see attached Glossary of Terms for definitions.

Representations about the licence will be considered relevant if it relates to the likely effect of the grant of the licence on the promotion of at least one of the licensing objectives. A representation that fails to do this is not relevant for the purposes of the Act and cannot therefore be considered.

Representations must not be vexatious or frivolous e.g. vexation may arise from disputes between rival businesses. Please see the reviews section below for information on repetition.

An interested party or responsible authority can make representations to the licensing authority at any time during a period of 28 consecutive days starting on the day on which the application to which it relates was given to the authority. However in the case of a review of a premises licence following a closure order, the period is 7 days from receipt of the closure order by the authority. Information and an optional representation form is available on our website [www.cambridge.gov.uk/ccm/content/ehws/licensing/licence-object.en](http://www.cambridge.gov.uk/ccm/content/ehws/licensing/licence-object.en)

## **Reviews**

The review of a premises licence or club premises certificate represents a key protection for the community where problems are occurring associated with crime and disorder, public safety, public nuisance or the protection of children from harm.

At any stage, a responsible authority or interested party (e.g. resident living in the vicinity of the premises) may apply to the licensing authority to review the licence because of a matter arising at the premises in connection with any of the licensing objectives. The application must not be repetitious, i.e. identical or substantially similar to:

- a ground for review specified in an earlier application for review;
- representations considered when the premises licence was first granted;
- representations made when the application was first made, which were excluded as being not relevant, vexatious or frivolous.

A reasonable interval must have elapsed since an earlier application for a review or the grant of the licence as the case may be. Government guidelines recommend 12 months, save in exceptional and compelling circumstances.

Upon receipt of a request for a review, which meets the criteria, a hearing will be arranged, unless all parties agree that a hearing is not necessary. There is a range of powers available to the licensing authority, including:

- no action
- informal warning issued in writing to the licence holder
- modify the conditions of the premises licence;
- exclude a licensable activity;
- remove the designated premises supervisor;
- suspend the licence for a period not exceeding three months;
- revoke the licence.

A person asking for a review of a premises licence or club premises certificate must give each responsible authority a copy of the review request in the prescribed format, together with any accompanying documents, on the same day as the application is given to the licensing authority. They must also give notice of the application to the premises licence holder. More information is available on our website:

[www.cambridge.gov.uk/ccm/content/ehws/licensing/licence-object.en](http://www.cambridge.gov.uk/ccm/content/ehws/licensing/licence-object.en)

## **6. Temporary Event Notices (“TEN”) (sections 100-110 of the Licensing Act 2003)**

A TEN is required for the sale of alcohol by retail, provision of regulated entertainment and/or the provision of late night refreshment, which is to take place at premises, which are currently unlicensed for the activities involved. There is nothing to stop a temporary event notice being given for premises where a premises licence is already in force (but it does not cover the temporary event).

A temporary event is subject to the following conditions and limitations:

- duration – up to 96 hours (with at least 24 hrs between TEN's);
- scale – no more than 499 people at any one time (including any staff);
- use of same premises on no more than 12 occasions per calendar year (subject to overall aggregate of 15 days);
- the number of notices given by an individual – personal licence holders up to 50 in one year, non personal licence holders up to 5 in a similar period.

If the above criteria cannot be fulfilled then the temporary event will require a premises licence. The legislation does not permit the authority to accept TEN's with less than ten full working days notice.

Whilst a minimum of 10 working days notice must be given to the licensing authority and the Police for applications, it should be noted that this gives very little time for the licensing authority to process the application and for the Police to respond. Applicants are encouraged to provide the earliest possible notice of licensable events.

Only the Police can intervene to prevent an event-taking place if it undermines the crime prevention objective. The licensing authority's role is to record the events, ensuring that number quotas have not been exceeded.

### **Larger Events**

The licensing authority would also expect to receive the earliest possible notification of larger local events or festivals to allow discussions to take place with the other responsible authorities and the organisers on the operating schedules, before a formal application is submitted. If there are over 499 persons attending an event of this nature, then the event will fall outside the provisions of a temporary event notice and a premises licence will be required. An additional fee is payable. Please see Appendix 1 for details.

## **7. Registered Clubs**

The Licensing Act recognises that private premises to which the public have restricted access and where alcohol is supplied to members and their guests rather than sold for profit, should be treated differently from commercial enterprises selling direct to the public.

These clubs are organisations where members have joined together for particular social, sporting or political purposes and then combined to buy alcohol in bulk as members of the organisation for supply in that context. These include political clubs, the Royal British Legion, ex-service clubs, working men's clubs and social and sports clubs.

To qualify, a club must meet five conditions (section 62 of the Act):

- 1) that under the rules of the club persons may not be admitted to membership or be admitted, as candidates to membership, to any of the privileges, without an interval of at least 2 days between their nomination or application for membership and their admission
- 2) that under the rules of the club persons becoming member without prior nomination or application may not be admitted to the privileges of membership without an interval of at least 2 days between their becoming members and their admission
- 3) the club is established and conducted in good faith as a club
- 4) the club has at least 24 members
- 5) that alcohol is not supplied or intended to be supplied, to members on the premises otherwise that by or on behalf of the club.

A club must also satisfy the additional conditions referred to in section 64 of the Act which in brief are that the purchase of alcohol for the club and the supply of alcohol, are managed by a committee of elected club members aged 18 years or over; no arrangements are made for any person to receive at the expense of the club any commission relating to purchases of alcohol by the club and finally that no arrangements are made for any person to derive a pecuniary benefit from the supply of alcohol other than that which accrues to the club as a whole. (Please note that there is special provision for industrial and provident societies, friendly societies etc.).

The grant of a club premises certificate entitles a club to certain benefits, including:

- The authority to supply alcohol to members and to sell it to guests without the need for a member or employee to hold a personal licence;
- No requirement to specify a designated premises supervisor;
- No requirement for a personal licence.

A qualifying club may admit associate members and their guests in addition to their own members and guests without affecting the Club Premises Certificate.

Clubs run commercially by individuals, partnerships or businesses for profit are not regarded as qualifying clubs and require a normal premises licence.

The arrangements for an application or variation for a Club Premises Certificate should be made as for a Premises Licence. An operating schedule is required; showing the steps the club intends to take to promote the licensing objectives.

## **8. Regulated Entertainment (Schedule 1 of the Licensing Act 2003)**

Under the Licensing Act 2003, the provision of Regulated Entertainment is a licensable activity. Schedule 1 of the Act covers these provisions. Please also see the definitions of entertainment and entertainment facilities under 'regulated entertainment' in the glossary of terms.

A licence is required where entertainment facilities are provided for members of the public, a section of the public, members of a qualifying club, or any other entertainment provided for profit, where the premises are made available to enable the entertainment to take place.

There are some exemptions, including:

- Film exhibitions for the purpose of advertisement, information, education etc.
- Film exhibitions, museums and art galleries
- Music incidental to certain other activities
- Use of television or radio receivers
- Religious meetings or services or at places of religious worship
- Garden fetes etc.
- Morris dancing
- Vehicles in motion
- Demonstration of a product e.g. guitar in a music shop
- Rehearsal of a play or rehearsal of a performance of music to which the public are not admitted

Pub games e.g. pool, darts etc do not constitute public entertainment and are not licensable as they are for the private enjoyment of the participants. Games staged for spectators e.g. championship competitions are licensable.

The provision of a jukebox, where the public can self-select background music for their own enjoyment is not an entertainment facility and therefore not licensable. However, this exemption does not apply where the jukebox music is played at high volume.

A karaoke machine provided for the use of and entertainment of customers, or a dance floor provided for use are entertainment facilities and are licensable.

Musical instruments made available for the purpose of being entertained constitutes an entertainment facility and are licensable.

Private entertainment events can involve licensable activities. Private entertainment events to which the public are not admitted (e.g. a wedding reception) are generally not licensable unless they are held for consideration and with a view to profit (e.g. provision of a bar at the wedding reception operated for profit as opposed to free alcohol provided by the family). Recovery of the cost of entertainment is not regarded as making a profit. However private events held in separate rooms of a Public House or hotel, would normally be an event, which needs to be covered by the premises licence held by the public house or hotel. Here the management are making available entertainment facilities (e.g. a dance floor) and the premises (a room) for the performance of music and entertainment of those attending. This would be at a charge and for profit and is therefore licensable.

## **9. Late Night Refreshment**

Under the Licensing Act 2003, the provision of late night refreshment is a licensable activity and covers businesses selling hot food or hot drink between the hours of 11pm and 5am. The Act is mainly aimed at licensing takeaways, and late night cafes, including mobile vans.

The Act exempts:

- premises selling immediately consumable food such as bread, milk or cold sandwiches in an all night grocers shop, unless they are selling hot food or hot drink;
- the supply of a hot drink by means of a vending machine, so long as it is operated by members of the public without the involvement of the staff on the premises.
- the supply of hot food or hot drink free of charge
- supplies by a registered charity
- supplies on vehicles, other than when they are permanently or temporarily parked

Additionally, the following are exempt if there is no admission to the public and supplies are to:

- persons staying overnight in a hotel, guest house, lodging house, hostel, caravan or camping sites etc where the main purpose is providing overnight accommodation;
- staff canteens;
- a person engaged in a profession or vocation (e.g. tradesman carrying out work at a particular premises)
- a guest of any of the above.

The provision of hot food for a charge by a vending machine is licensable when the food has been heated, even though no staff on the premises may have been involved.

A personal licence is not required if there is no supply of alcohol.

## **10. Glossary of Terms**

**DCMS:** Department for Culture Media and Sport

**Interested parties:**

- a person living in the vicinity of the premises in question;
- a body representing persons living in that vicinity, e.g. a residents association;
- a person involved in a business in the vicinity of the premises in question;
- a body representing persons involved in such a business e.g. a trade association.

**Licensing Authority:**

- is the licensing function of Cambridge City Council

**Relevant Licensing Authority:**

- is the Authority in the area the premises are situated.

**Regulated Entertainment (Schedule 1 of the Act):**

Entertainment of the following description:

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

The above are regulated when taking place before an audience with a purpose of entertaining them.

**Or** the provision of entertainment facilities:

Facilities for enabling persons to take part in entertainment of the following description for the purpose or purposes, which include the purpose of being entertained:

- making music
- dancing
- entertainment of a similar description

**Responsible Authorities:**

- Please see appendix 4

**Supply of alcohol:**

- the sale by retail of alcohol, or
- the supply of alcohol by or on behalf of a club to, or to the order of, a member of the club.

**Licensing Act 2003 – Fees**

**Personal licences (grant or renewal)                    £37**

**Premises licences**

Rateable value bands	A	B	C	D	E and above
Non-domestic rateable value	£0-£4,300	£4,301-£33,000	£33,001-£87,000	£87,001-£125,000	£125,001 and over
Main application	£100	£190	£315	£450	£635
Annual fee*	£70	£180	£295	£320	£350

Types of premises which do not have non-domestic rateable value are allocated to Band A.

**Multiplier applied to premises in bands D & E where the use of the premises are exclusively or primarily carrying on the supply of alcohol for consumption on the premises.**

Band	D (x 2)	E and above(x 3)
Application fee	£900	£1,905
Annual fee*	£640	£1,050

**Additional premises fee for exceptionally large events:**

Number in attendance	Additional fee		
<b>Application</b>			
5,000 to 9,999	£1,000	50,000 to 59,999	£32,000
10,000 to 14,999	£2,000	60,000 to 69,999	£40,000
15,000 to 19,999	£4,000	70,000 to 79,999	£48,000
20,000 to 29,999	£8,000	80,000 to 89,999	£56,000
30,000 to 39,000	£16,000	90,000 and over	£64,000
40,000 to 49,999	£24,000		
<b>Annual fee*</b>			
5,000 to 9,999	£500	50,000 to 59,999	£16,000
10,000 to 14,999	£1,000	60,000 to 69,999	£20,000
15,000 to 19,999	£2,000	70,000 to 79,999	£24,000
20,000 to 29,999	£4,000	80,000 to 89,999	£28,000
30,000 to 39,000	£8,000	90,000 and over	£32,000
40,000 to 49,000	£12,000		

\*annual fee payable one year from grant of licence.



## Other fees

<b>Occasion on which fee is payable</b>	<b>Fee</b>
Application for a minor variation to a premises licence or club premises certificate	£89
Supply of copies of information contained in register	To be set
Copy of licence on theft, loss etc. of premises licence or summary	£10.50
Notification of change of name or address	£10.50
Application to vary licence to specify individual as premises supervisor	£23
Transfer of premises licence	£23
Application to vary premises licence to include alternative licence condition (where the only variation sought is the inclusion of the alternative licence condition) (Alcohol sales in church/village halls)	£23
Interim authority notice following death etc. of licence holder	£23
Application for provisional statement where premises being built	£315
Copy of licence on theft, loss etc of certificate or summary	£10.50
Notification of change of name or alteration of club rules	£10.50
Change of relevant registered address of club	£10.50
Temporary event notices	£21
Copy of licence on theft, loss etc of temporary event notice	£10.50
Copy of licence on theft, loss etc of personal licence	£10.50
Notification of change of address (personal licence)	£10.50
Notice of interest in any premises/ right of freeholder to be notified	£21

## **N.B. Exemptions**

No application, variation or annual fees are payable for the following **for regulated entertainment only**:

- church halls, chapel halls, village halls, parish halls or community halls or other similar building.
- educational schools or colleges (providing full-time education up to age 19), where the provision of regulated entertainment is carried on by the educational institution for the purposes of the educational institution.

“rateable value” is the value for the time being in force for the premises entered in the local non-domestic rating for the purposes of Part III of the Local Government Finance Act 1988

## Cheques to be made payable to Cambridge City Council

### APPENDIX 2

#### Personal Licence: Relevant offences

1. An offence under this Act.
2. An offence under any of the following enactments:-
  - (a) Schedule 12 to the London Government Act 1963 (c. 33) (public entertainment licensing);
  - (b) the Licensing Act 1964 (c. 26);
  - (c) the Private Places of Entertainment (Licensing) Act 1967 (c. 19);
  - (d) section 13 of the Theatres Act 1968 (c. 54);
  - (e) the Late Night Refreshment Houses Act 1969 (c. 53);
  - (f) section 6 of, or Schedule 1 to, the Local Government (Miscellaneous Provisions) Act 1982 (c. 30);
  - (g) the Licensing (Occasional Permissions) Act 1983 (c. 24);
  - (h) the Cinemas Act 1985 (c. 13);
  - (i) the London Local Authorities Act 1990 (c. vii).
3. An offence under the Firearms Act 1968 (c. 27).
4. An offence under Section 1 of the Trade Descriptions Act 1968 (c. 29) (false trade description of goods) in circumstances where the goods in question are or include alcohol.
5. An offence under any of the following provisions of the Theft Act 1968 (c. 60):-
  - (a) section 1 (Theft);
  - (b) section 8 (Robbery);
  - (c) section 9 (burglary);
  - (d) section 10 (aggravated burglary);
  - (e) section 11 (removal of articles from places open to the public);
  - (f) section 12A (aggravated vehicle-taking), in circumstances where subsection (2)(b) of that section applies and the accident caused the death of any person;
  - (g) section 13 (abstracting of electricity);
  - (h) section 15 (obtaining property by deception)
  - (i) section 15A (obtaining a money transfer by deception);
  - (j) section 16 (obtaining pecuniary advantage by deception);
  - (k) section 17 (false accounting);
  - (l) section 19 (false statements by company directors etc.);
  - (m) section 20 (suppression, etc. of documents);
  - (n) section 21 (blackmail);
  - (o) section 22 (handling stolen goods);
  - (p) section 24A (dishonestly retaining a wrongful credit);
  - (q) section 25 (going equipped for stealing etc.).

6. An offence under section 7(2) of the Gaming Act 1968 (c.65) (allowing child to take part in gaming on premises licensed for the sale of alcohol)
7. An offence under any of the following provisions of the Misuse of Drugs Act 1971 (c. 38):-
  - (a) section 4(2) (production of a controlled drug);
  - (b) section 4 (3) (supply of a controlled drug);
  - (c) section 5(3) (possession of a controlled drug with intent to supply);
  - (d) section 8 (permitting activities to take place on premises).
8. An offence under either of the following provisions of the Theft Act 1978 (c. 31):-
  - (a) section 1 (obtaining services by deception);
  - (b) section 2 (evasion of liability by deception).
9. An offence under either of the following provisions of the Customs and Excise Management Act 1979 (c. 2):-
  - (a) section 170 (disregarding subsection (1)(a)) (fraudulent evasion of duty etc.);
  - (b) section 170B (taking preparatory steps for evasion of duty).
10. Any offence under either of the following provisions of the Tobacco Products Duty Act 1979 (c. 7):-
  - (a) section 8G (possession and sale of unmarked tobacco);
  - (b) Section 8H (use of premises for sale of unmarked tobacco).
11. An offence under the Forgery and Counterfeiting Act 1981 (c. 45) (other than an offence under section 18 or 19 of that Act).
12. An offence under the Firearms (Amendment) Act 1988 (c. 45)
13. An offence under any of the following provisions of the Copyright, Designs and Patents Act 1988 (c. 48):-
  - section 107(1)(d)(iii) (public exhibition in the course of a business of article infringing copyright);
  - section 107(3) (infringement of copyright by public performance of work etc.);
  - section 198(2) (broadcast etc. of recording of performance made without sufficient consent);
  - section 297(1) (fraudulent reception of transmission);
  - section 297A(1) (supply etc. of unauthorised decoder).
14. An offence under any of the following provisions of the Road Traffic Act 1988 (c. 52):-
  - section 3A (causing death by careless driving while under the influence of drink or drugs);
  - section 4 (driving etc. a vehicle when under the influence of drink or drugs);

section 5 (driving etc. a vehicle with alcohol concentration above prescribed limit).

15. An offence under either of the following provisions of the Food Safety Act 1990 (c. 16) in circumstances where the food in question is or includes alcohol:-
  - (a) section 14 (selling food or drink not of the nature, substance or quality demanded);
  - (b) section 15 (falsely describing or presenting food or drink).
16. An offence under section 92(1) or (2) of the Trade Marks Act 1994 (c. 26) (unauthorised use of trade mark, etc. in relation to goods) in circumstances where the goods in question are or include alcohol.
17. An offence under the Firearms (Amendment) Act 1977 (c. 5).
18. A sexual offence, being an offence –
  - (a) listed in Part 2 of Schedule 15 to the Criminal Justice Act 2003 (b), other than the offence mentioned in paragraph 95 (an offence under section 4 of the Sexual Offences Act 1967 (procuring others to commit homosexual acts));
  - (b) an offence under section 8 of the Sexual Offences Act 1956 (intercourse with a defective);
  - (c) an offence under section 18 of the Sexual Offences Act 1956 (fraudulent abduction of an heiress).
19. A violent offence, being any offence which leads, or is intended or likely to lead, to a person's death or to physical injury to a person, including an offence which is required to be charged as arson (whether or not it would otherwise fall within this definition).
20. An offence under section 3 of the Private Security Industry Act 2001 (c. 12) (engaging in certain activities relating to security without a licence).
21. An offence under S46 of the Gambling Act 2005, if the Child or Young person was invited, caused or permitted to gamble on the premises in respect of which a premises licence under this Act had effect.
22. An offence under the Fraud Act 2006.

### **Personal Licence: Foreign offences**

A foreign offence means an offence (other than a relevant offence) under the law of any place outside England and Wales.

## **Matters to take into consideration when completing the operating schedule**

### **The prevention of crime & disorder**

The Council is committed to reducing crime and disorder within the City and creating an environment where people feel safe. The Council will expect applicants to demonstrate in their operating plan that suitable and sufficient measures have been identified and will be implemented and maintained, to regulate behaviour and prevent crime and disorder on the premises or in the immediate vicinity of the premises, when people seek entry or to leave.

Although influencing factors and control measures will be individual to the premises and events, applicants should demonstrate consideration for

- underage drinking
- drunkenness on the premises
- public drunkenness
- misuse of drugs
- violent behaviour
- anti-social behaviour

The following examples of control measures are considered to be of importance and are given to assist applicants:

- CCTV both inside and immediately outside premises can actively deter disorder, anti-social behaviour and crime generally.
- Not using glass bottles, the use of plastic glasses
- Text and radio pagers may be considered necessary for public houses, bars and nightclubs operating in the city area. Participation in the city's Barlink Scheme.
- A sufficient number of door supervisors conducting stewarding activities, duly authorised by a licence granted under the Private Security Industry Act 2001 or in accordance with Section 4 of the Licensing Act 2003.
- Although most common on public safety grounds, capacity limits and/or an appropriate ratio of tables and chairs to customers based on the capacity may be necessary to prevent overcrowding which can lead to disorder and violence.
- Participation in responsible management schemes .
- Provision of litterbins and security measures such as lighting outside premises
- Adoption of existing and future best practice guidance (see below for Safer Clubbing)
- Joining voluntary Pubwatch schemes (see below)
- Avoidance of irresponsible drinks promotions or discounting which can lead to drunkenness and disorder, which in turn can lead to crime and disorder.

- Preparation and implementation of a dispersal policy to minimise the potential for disorder and disturbance as customers leave the premises. This could include measures to disperse customers over an extended period and ensure they leave in an orderly fashion and without bottles or glasses.
- Proof of age policies may be applied including the Proof of Age Standards Scheme (PASS) accreditation system, photo driving licences, Cambridgeshire County proof of age scheme and passports.
- Crime prevention notices
- Signage (e.g. any restrictions on the admission of children)

See Annex D of the Guidance issued by the Secretary of State under section 182 of the Licensing Act 2003. The guidance is at [www.culture.gov.uk](http://www.culture.gov.uk)

### **Safer Clubbing – drugs policy**

Nightclubs are an inherent part of social life for young people. Premises should have regard for the Safer Clubbing Guide, which the licensing authority fully endorses and in particular the checklist of important measures contained in Annex E of the guidance issued under section 182 of the Act. e.g. providing free cool water, ‘chill out’ areas, considering the provision of safe transport home etc. Premises may wish adopt a written drugs policy and refer to these matters in their operating plan.

### **Pubwatch**

In support of the Government’s Alcohol Harm Reduction Strategy the police would wish to see an undertaking in the operating plan that any new licensee will join and be a member of the Pubwatch scheme, support its aims and objectives and actively participate in/attend meetings.

### **Public Safety**

The public safety objective is concerned with the physical safety of people using the premises. To this end, applicants will be expected to demonstrate in their operating schedule that sufficient measures have been identified and will be implemented and maintained to ensure public safety, relevant to the individual style and characteristics of their premises and events. It is not concerned with public health, which is adequately dealt with in other legislation.

A satisfactory fire risk assessment should be undertaken and submitted with the operating schedule covering the following items (taken from the Guide to Fire Precautions in existing places of entertainment and like premises):

- satisfactory means of escape (taking into account the number of persons likely to be in the premises and the adequacy of the available escape routes and exit doors)

- means of giving warning in case of fire (taking into account the size and layout of the premises)
- portable fire fighting equipment (taking into account the general requirement and equipment provided to cover specific risks)
- normal and secondary lighting (taking into account all areas that may be used)
- signs and notices (taking into account all fire safety related signs and notices required to indicate the escape routes and ensure the integrity of the escape routes)
- management responsibilities (taking into account staff fire training and other related responsibilities including assisting persons with disabilities)
- seating arrangements (taking into account the number, location and type)
- fire resistance, surface finishes, furniture and furnishings (taking account of relevant guides, codes of practice and British standards)
- the use and safe management of Pyrotechnics and other special effects, including dry ice machines, cryogenic fog, fog generators, real flame, firearms, motor vehicles, strobe lighting, lasers, explosives and highly flammable substances.
- any other information relevant to the premises.

Other considerations may include:

- Safe occupancy capacities. These will only be imposed where necessary for public safety. e.g. if a fire certificate for premises includes certain conditions, it would be unnecessary to repeat these in the premises licence. If however the fire certificate were granted when the premises future use was not known, the licensing authority and Fire Authority may consider it appropriate to impose a new capacity to apply when the licensable activities are taking place. Capacities attached to premises licences may also be beneficial in preventing crime and disorder as overcrowded venues can increase the risks of disorder and crowds become frustrated and hostile. See also the small premises section for capacities of up to 200.
- Effective and responsible management of the premises
- Provision of a sufficient number of stewards engaged to secure the safety of persons attending the premises or event
- Appropriate instruction and training of those employed to secure the safety of persons attending.
- Implementation of crowd management measures
- Regular testing (and certification where appropriate) of procedures, safety equipment, alarms, appliances and systems etc, pertinent to safety.

Not all of the above will necessarily apply to an application, but neither should the list be seen as exhaustive. Please see Annex D of the Guidance issued by the Secretary of State under section 182 of the Licensing Act 2003. The Guidance is at [www.culture.gov.uk](http://www.culture.gov.uk)

Advice on fire risk assessment is available in 'FIRE SAFETY: An Employer's Guide (ISBN 0-11-341229-0).

As an employer you are required to carry out a fire risk assessment under the Fire Precautions (Workplace) Regulations 1997 (as amended). A copy of your assessment will probably be the best method to show that you will achieve a satisfactory standard.

Cambridgeshire Fire and Rescue Fire Safety Officers will give as much advice and assistance as necessary to help you meet a satisfactory standard.

Failure to comply with the above to a satisfactory standard may result in your application being returned incomplete or objected to.

### **Public Safety relating to Vessels**

Where a premises is on a vessel for which a current passenger ship certificate is in force, the public safety objective can generally be considered to be met in respect of the layout, structure, access arrangements and operation of the vessel. It should not be necessary for operators to restate all the statutory safety measures in place under the passenger ship regime on the operating schedule in order to demonstrate how they are meeting the public safety objective for their premises licence. Conditions will not be attached which duplicate or contradict these requirements.

### **The prevention of public nuisance**

Under the prevention of public nuisance objective, the licensing authority and other responsible authorities will focus on impacts of the licensable activities at specific premises on people living, working and sleeping in the vicinity that are disproportionate and unreasonable. The issues will mainly concern noise nuisance, light pollution, noxious smells, litter and anti-social behaviour. Public nuisance in this context retains the broad common law meaning so can include comparatively low-level nuisance affecting a few people living locally, as well as a major disturbance affecting the whole community. Simple mechanisms can be put in place e.g. ensuring that doors and windows are kept closed to more sophisticated ones like sound level limiters on amplification equipment or sound proofing, where appropriate.

See Annex D of the Guidance issued by the Secretary of State under section 182 of the Licensing Act 2003. The Guidance is at [www.culture.gov.uk](http://www.culture.gov.uk)

### **The protection of children from harm**

The protection of children from harm includes the protection of children from moral, psychological and physical harm. This includes the protection of children from too early an exposure to strong language and entertainment of a sexual nature, e.g. film exhibitions where adult entertainment is provided.



The operating schedule could include:

- where alcohol is sold, requirements for the production of a proof of age card
- limitations on the hours when children may be present
- limitations on the presence of children under certain ages when specified activities are taking place
- age limitations (below 18)
- limitations or exclusions when certain activities are taking place
- requirements for an accompanying adult
- full exclusion of people under 18 when licensable activities are taking place
- design and layout of the premises

Proof of age policies may be applied (see also Crime and Disorder above) and support of the Portman Group's code of practice, which seeks to ensure that drinks are packaged and promoted in a socially responsible manner to those 18 years old or over.

Films would normally be classified by the British Board of Film Classification or the local authority and age restrictions strictly adhered to. Many films are unsuitable for viewing by children.

Entertainment specifically for children may require a sufficient number of adult staff to ensure the well being of any children in an emergency.

A small number of Amusement with Prizes machines in traditional pubs and bars are not considered to constitute a 'strong element of gambling' as referred to in paragraph 7.3 of the City Council's statement of licensing policy.

See Annex D of the Guidance issued by the Secretary of State under Section 182 of the Licensing Act 2003. The guidance is at [www.culture.gov.uk](http://www.culture.gov.uk)

### **Cumulative Impact**

Cambridge City Council's statement of licensing policy contains a cumulative impact policy.

A cumulative impact policy seeks to address the potentially detrimental effects of one or more licensing objectives on a concentration of licensed premises in a particular area.

This means that if relevant representations are received, which indicate that the grant of a licence will have a negative cumulative impact on the area, there is a presumption that the application will be refused unless the applicant can show that they will not add to the cumulative impact already being experienced.

If your premises fall within a cumulative impact area, then you may wish to demonstrate that your application will not add to the cumulative impact

already being experienced. For more information on the policy and areas involved, please read our Statement of Licensing Policy.

### **Disabled people**

Licence holders and clubs are encouraged to provide facilities enabling the admission of Disabled people and should be mindful of the duties imposed by the Disability Discrimination Act 1995.

### **Door Supervisors**

Security operatives directly employed at licensed premises to carry out a security function must be authorised to carry out that activity by authority granted under the Private Security Industry Act 2001, or be entitled to carry out that activity under Section 4 of the Licensing Act 2003. Competent and professional door supervisors are key to public safety at licensed premises. Licensees may consider:

- a) recruiting licensed door supervision staff from a reputable company with SIA Approved Contractor Status;
- b) measures taken/ procedures in place for licensees to check the SIA register of licensed door supervisors to ensure premises and customers are protected by door supervisors with an appropriate licence.

### **Copyright and Royalties**

Offences relating to copyright are 'relevant offences' under the Act. Where applicable, you should be aware of the need to obtain Performing Rights Society licences and Phonographic Performances Ltd licences and to ensure other copyright arrangements. Further details are available on the organisations websites [www.prs.co.uk](http://www.prs.co.uk) and [www.ppluk.com](http://www.ppluk.com)

## **Contact Details**

Please send your completed application and accompanying documents to Cambridge City Council (the licensing authority) and where applicable, to the relevant responsible authorities.

### **Licensing Authority**

#### **Cambridge City Council**

Licensing, Environmental Services, Cambridge City Council, PO Box 700, Cambridge, CB1 0JH  
Telephone 01223 457879 Fax: 01223 457909  
E-mail [licensing@cambridge.gov.uk](mailto:licensing@cambridge.gov.uk)

### **Responsible Authorities under Section 13(4) of the Licensing Act 2003**

#### **The Chief Officer of Police**

The Chief Officer, Cambridgeshire Constabulary, Southern Division, Police Station, Parkside, Cambridge, CB1 1JG  
Telephone: 01223 823397 Fax: 01223 823232

#### **The Fire Authority**

The Chief Fire Officer, Cambridgeshire Fire & Rescue Service, Cambourne Fire Station, Back Lane, Great Cambourne, Cambridgeshire, CB23 6FY  
Attention: Licensing  
Telephone: 01954 714030

#### **Health & Safety**

The Food & Occupational Safety Team, Environmental Services, Cambridge City Council, PO Box 700, Cambridge, CB1 0JH  
Telephone: 01223 457900 Fax: 01223 457909  
E-mail: [env.services@cambridge.gov.uk](mailto:env.services@cambridge.gov.uk)

#### **Planning**

Environment & Planning, Cambridge City Council, The Guildhall, Cambridge, CB2 3QJ  
Telephone: 01223 457100 Fax: 01223 457109  
E-mail: [planning@cambridge.gov.uk](mailto:planning@cambridge.gov.uk)

#### **Environmental Services**

The Environmental Health Manager, Environmental Services, Cambridge City Council, PO Box 700, Cambridge, CB1 0JH  
Telephone: 01223 457890 Fax: 01223 457909  
E-mail: [env.services@cambridge.gov.uk](mailto:env.services@cambridge.gov.uk)

**Child Protection**

Audit Manager, Child Protection and Review Unit, Licensing Applications, Box SS1035, 18-20 Signet Court, Swann's Lane, Cambridge, CB5 8LA

Telephone: 01223 718637 Fax: 01223 718153

E-mail: [peter.wilson@cambridgeshire.gov.uk](mailto:peter.wilson@cambridgeshire.gov.uk)

**Trading Standards**

Trading Standards, Cambridgeshire County Council, PO Box 450, Cambridge City, CB3 6ZR

E-mail: [trading.standards@cambridgeshire.gov.uk](mailto:trading.standards@cambridgeshire.gov.uk)

**In addition, for vessels only****Environment Agency**

The Team Leader, Great Ouse & Stour Waterways, The Environment Agency, Kingfisher House, Goldhay Way, Orton Goldhay, Peterborough, PE2 5ZR.

Telephone: 01733 464072

E-mail: [enquiries@environment-agency.gov.uk](mailto:enquiries@environment-agency.gov.uk), quoting Great Ouse & Stour Waterways

**Conservators of the River Cam**

The River Manager, Conservators of the River Cam, Baits Bite Lock, Fen Road, Milton, Cambridge, CB24 6AF

Telephone: 01223 863785 Fax: 01223 863847

E-mail: [river.manager@camconservators.org.uk](mailto:river.manager@camconservators.org.uk)

**Maritime & Coastguard Agency**

Surveyor in Charge, Harwich Marine Office, Maritime & Coastguard Agency, East Terrace, Walton-on-Naze, Essex, CO14 8PY