



GUIDANCE SHEET

TAKEAWAYS AND LATE NIGHT REFRESHMENTS HOUSES

What is changing?

From **24th November, 2005** any premises selling hot food / drink at any time between 11pm and 5am will need a Premises Licence.

After that date you will not legally be able to trade after 11pm without a licence. The type of licence you will need is called a Premises Licence and it enables you to carry out the provision of hot food/drink at any time between 11pm and 5am.

Who can apply for a Premises Licence?

Individuals, businesses or partnerships can apply. In the case of an individual, the applicant must be aged 18 or over.

Who needs a Premises Licence?

All of the following types of businesses because they do one or more licensable activity (sale of alcohol; provision of regulated entertainment; provision of late night refreshment - this would apply to takeaways who are open at any time between 11pm and 5am and at the moment do not require a licence) will need a Premises Licence to operate.

- pubs, café-bars and nightclubs
- distributors of alcohol via the internet
- restaurants, hotels and guesthouses that serve alcohol
- shops and supermarkets that sell alcohol for consumption off the premises including wholesalers who sell to the public
- late night cafes, takeaways and other premises that supply hot food or hot drink at any time between 11pm and 5am to members of the public for consumption on or off the premises
- cinemas, theatres, concert halls and amateur dramatic groups
- venues providing live entertainment, live music or dancing, or which play recorded music
- major art and pop festivals, carnivals, fairs and circuses.

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When do you apply for a Premises Licence?

There are three basic scenarios that determine when you need to apply:

1. You already sell or supply alcohol and / or provide regulated entertainment and want to carry on trading as you are now.
2. You already sell or supply alcohol and / or provide regulated entertainment and want to change how you currently operate.

If you want to vary the conditions of your existing licence(s) – perhaps you want to have some form of entertainment or change your hours – then you must allow two calendar months from the time you apply to the time you wish to start trading with the variation.

3. You do not presently have a licence.

If you do not presently have a licence which relates to one of the licensable activities, you will need to make a new application at least two calendar months before you want to trade with your new licence.

Please note: even if your application for a licence is granted before **24th November, 2005** you cannot start trading with new hours, activities etc. until that date. You must keep all other licences up to date until this time.

Why should you apply for a Premises Licence?

If you carry out a licensable activity without a Premises Licence (or Club Premises Certificate) after the **24th November, 2005** you will be breaking the law.

A Premises Licence also brings with it considerable freedoms: the possibility of carrying out extra activities, the opening hours you and your community want and greater flexibility.

How do you apply for a Premises Licence?

You may request application forms from us by calling 01900 702720 or email licensing@allerdale.gov.uk. You may also download an application form from our website www.allerdale.gov.uk.

There are four key parts to your application:

- the fee
- the Operating Schedule section of your application form
- the plan of your premises
- the consent given by the person whom the applicant wishes to be the Premises Supervisor

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What information do you need to include on your application form?

Your application should be as detailed as possible, telling us about you, your premises and the activities you plan to carry out there after the **24th November, 2005**. It should also tell us what measures you intend to put in place to promote the licensing objectives.

What are the licensing objectives?

- Prevention of Crime and Disorder;
- Public Safety;
- Prevention of public nuisance; and the
- Protection of children from harm

Who can you speak to for advice on promoting the licensing objectives?

Advice on promoting those objectives is available in our licensing policy or from guidance available on our website. You can call 01900 702720 if you have any problems accessing our website. Advice on each of the licensing objectives is also available from the responsible authorities who will be assessing your application.

When you are making a variation to your existing licence(s) – new activities, new operating hours etc. – then your application may be subject to representations from all of the "responsible authorities" and "interested parties".

As well as looking carefully at what measures you intend to put in place to promote the licensing objectives; responsible authorities will be a very useful contact when you need help and expert guidance to fill out this part of your form.

- **Cumbria Constabulary** (for matters concerning preventing crime and disorder) Tel: 01900 602422.
- **Cumbria Fire and Rescue Service** (for matters concerning public safety) Tel: 01900 602543.
- **Environmental Health** (for matters concerning public safety and preventing public nuisance) Tel: 01900 702593.
- **Planning Department** (for matters concerning public safety and preventing public nuisance) Tel: 01900 326539 North – Wigton, Thursby, Maryport District Tel: 01900 702748 South – Workington, Cockermouth District Tel: 01900 702749 (or LDNPA (01539 724555) as appropriate according to the planning authority for your premises)
- **Health & Safety Executive** for matters concerning public safety where they are the responsible authority) Tel: 01228 539321.
- **Social Services** (for matters concerning protecting children from harm) Tel: 01900 325300.
- **Trading Standards** (for matters relating to under age drinking etc.) Tel: 01900 325980.

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We would also recommend that you speak to "interested parties", that is local residents / local businesses to get their input on what you are planning to do and how you plan to promote the licensing objectives. In this way you can look to tackle any of their concerns in your Operating Schedule.

Do you need to advertise your application?

1. You must advertise by displaying a notice for a period of no less than 28 consecutive days starting on the day after the day on which the application was given to the relevant licensing authority, which is:

- of a size equal or larger than A4,
- the notice must be displayed on pale blue colour, and
- printed legibly in black ink or typed in black in a font of a size equal to or larger than 16.

in all cases, 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 metres square, a further notice in the same form and subject to the same requirements every fifty metres along the external perimeter of the premises abutting any highway; and

2. You must also advertise by publishing a notice:

- in a local newspaper or, if there is none, in a local newsletter, circular or similar document, circulating in the vicinity of the premises;
- 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 relevant licensing authority.

What do you need to include on your advertisement?

1. Both notices must contain a statement of the relevant licensable activities, which it is proposed will be carried out at or from the premises.
2. Both notices must also state:
 - i. the name of the applicant or club;
 - ii. the postal address of the premises or club 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 or club premises to be identified;
 - iii. 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;
 - iv. the date by which an interested party or Responsible Authority may make representations to the relevant Licensing Authority;
 - v. that representations shall be made in writing; and

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- vi. 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.

Who are the "Responsible Authorities"?

"Responsible Authorities" have responsibility for assessing your application and making representations. Once granted, they can also request a review of your licence. The Responsible Authorities are:

- Cumbria Constabulary
- Cumbria Fire and Rescue Service
- Environmental Health
- Health and Safety Executive
- Planning Department
- Trading Standards
- Social Services

Who are "interested parties"?

- Local residents / residents associations or body representing
- Local businesses / trade groups or body representing

What is a representation?

A representation is a statement of information relating to the whole of your application or to part of it. For example, if it was felt you were not putting sufficient control measures in place to prevent your customers from disturbing local residents, then any one of the seven responsible authorities, or any interested parties, could make a representation.

When can a representation be made?

Representations must be made within twenty eight consecutive days of receipt of your application.

Who can make a representation?

Where you are a new applicant, for example, you run a takeaway / late night café or you are opening a new bar or where you are applying to change the way you operate your business (a "variation") any of the seven Responsible Authorities or interested parties can make a representation.

How do you complete the application form?

When you come to fill out your application, please note there are guidelines at the back of each form, as well as a checklist at the end of each section within the form.

Please ensure that your application is legible and in **black** ink. Typed applications would be preferable.

Please note: if your application is found to be incomplete it will be returned to you for further information.

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What information do you need to include in the plan of your premises?

For conversion the plan of your premises must be 1:100 scale (unless previously agreed in writing by the Licensing Authority) and must 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), the location of escape routes from the premises;
- d. where the premises is to be used for more than one existing licensable activity, the area within the premises used for each activity;
- e. where an existing licensable activity relates to the supply of alcohol, the location or locations on the premises which is or are to be 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. where the premises includes a stage or raised area, the location and height of each stage or area relative to the floor;
- h. where the premises includes any steps, stairs, elevators or lifts the location of the steps, stairs, elevators or lifts;
- i. where the premises includes any room or rooms containing public conveniences, the location of the room or rooms;
- j. the location and type of any fire safety and any other safety equipment including; and
- k. the location of a kitchen, if any, on the premises.

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

How much is the fee?

The Government sets the fee. It is based on the non-domestic rateable value of your premises and will put you into a specific band.

RATEABLE VALUE	BAND
No rateable value to £4,300	A
£ 4,301 to £ 33,000	B
£ 33,001 to £ 87,000	C
£ 87,001 to £125,000	D
£125,001 and above	E

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BAND	INITIAL APPLICATION FEE	VARIATION FEE	ANNUAL FEE
A	£100	£100	£ 70
B	£190	£190	£180
C	£315	£315	£295
D	£450	£450	£320
E	£635	£635	£350

Please note: if you are in band D and your premises is primarily in the business of selling alcohol, multiply your initial application fee / annual fee by two to calculate the value you need to pay.

If you are in band E and your premises is primarily in the business of selling alcohol, multiply your initial application fee by three to calculate the value you need to pay.

Where can you find out the non-domestic rateable value of your premises?

You can find out your non-domestic rateable value (NDRV) through the Valuation Office Agency. For further information you can [visit their website](#) or call their enquiry help line on 0845 602 1507.

What do you need to send to the Licensing Department?

Make sure you send all of the following to the Licensing Department:

- Completed application forms
- Payment Fee (postal order, cheque or cash)
- The plan of the premises (in the prescribed format)
- If applicable, the consent of the person to be named as the Designated Premises Supervisor
- Disclosure of convictions and declaration

We cannot accept applications by email. All applications must be made by post to:

Licensing Department
Allerdale Borough Council
Allerdale House,
Workington,
Cumbria
CA14 3JY

Please note: if you do not include all of the above information, or your application is found to be incomplete, it will be returned to you for correction and resubmission.

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Where else do you need to send a copy of your application?

<p>Chief of Police Cumbria Constabulary West Cumbria H.Q. Hall Brow Workington Cumbria CA14 4EH</p> <p>Tel: 01900 602422</p>		<p>Cumbria Fire and Rescue The Divisional Officer A Division H.Q. 1-2 Frances Croft Workington Cumbria CA14 4DQ</p> <p>Tel: 01900 602543</p>
<p>Allerdale Borough Council Planning & Development Manager Allerdale House Workington Cumbria CA14 3YJ</p> <p>North – Wigton, Thursby, Maryport District Tel: 01900 702748 South – Workington, Cockermouth District Tel: 01900 702749</p>	<p><u>OR</u></p>	<p>Lake District National Park Authority Planning Team Murley Moss Oxenholme Road Kendal Cumbria LA9 7RL</p> <p>Tel: 01539 724555</p>
<p>Senior Management Secretary Safeguarding & Review Social Services New Oxford Street Workington Cumbria CA14 2LW</p> <p>Tel: 01900 325300</p>		<p>Allerdale Borough Council Environmental Health Unit Manager Allerdale House Workington Cumbria CA14 3YJ</p> <p>Tel: 01900 702593</p>
<p>Health and Safety Executive 2 Victoria Place Carlisle Cumbria CA1 3ER</p> <p>Tel: 01228 634100</p>		<p>Trading Standards Fairfield Station Road Cockermouth Cumbria CA13 9PZ</p> <p>Tel: 01900 325980</p>