



GUIDANCE NOTES FOR APPLICATIONS MADE UNDER THE LICENSING ACT 2003

Premises Licence

Club Premises Certificate

If you are making an application for a Licence under the Licensing Act 2003, please note the following points:

1. Our website contains links to dedicated pages of information regarding the Council's licensing responsibility. Of special interest is the Licensing Act 2003 Toolkit and the interactive licensing web pages helping us deliver a 24-hour licensing service.
2. Before completing the application paperwork, please ensure you have read and fully understood this guidance document that forms part of your application pack, as well as the notes, which come with your application documents. You can help us to help you by ensuring that when we first receive your application, everything is in order. This will allow us to progress your application to the next step. Where applicable, please ensure you have enclosed any checklists provided as part of the guidance documentation and included the necessary application fee.
3. Please ensure that your application where applicable is also copied to the other relevant responsible authorities that must be informed of your licence application to the Council. A list of responsible authorities is provided below to help you with this requirement. The copies should be served on the Responsible Authorities at the same time as you serve the Council with your application.
4. The Council has a range of useful leaflets available on its website. Hard copies are available by contacting the Customer Services Centre on 01271 388870.
5. The Council will answer specific enquiries from applicants regarding the requirements of the Act in relation to the application process. An applicant seeking specific Legal advice or help with putting their application together is recommended to seek independent advice. This may be via a Legal Practice or a Licensing Consultant. (The Council is unable to recommend.)

List of Responsible Authorities

Police

Chief Officer of Police
Crime Prevention Team
Devon & Cornwall Constabulary
Police Station
North Walk
Barnstaple
North Devon
EX31 1DU

Tel. No. (08452 777444)
Email: NorthDevonLicensing@devonandcornwall.pnn.police.uk

Environmental Protection

Environmental Protection Team
Environmental Health
North Devon District Council
Civic Centre
North Walk
Barnstaple
North Devon
EX31 1EA

Tel. No. (01271) 388870
Fax No. (01271) 388328
E-mail customerservices@northdevon.gov.uk

Planning

Planning Department
North Devon District Council
Civic Centre
North Walk
Barnstaple
North Devon
EX31 1EA

*Exmoor National Park if
falls within their
boundaries:*

Exmoor National Park Authority
Exmoor House
Dulverton
Somerset
TA22 9HL

Tel. No. (01398) 323665
Fax No. (01398) 323150

Tel. No. (01271) 388288
Fax No. (01271) 388293
E-mail planning@northdevon.gov.uk

Fire Authority

Devon and Somerset Fire & Rescue Service
North Division
North Road
Barnstaple
North Devon
EX31 1PA

Tel. No. (01271) 334400
Fax No. (01271) 334400

Email: northfiresafety@devfire.gov.uk

Health & Safety

Commercial Services Team
Environmental Health
North Devon District Council
Civic Centre
Barnstaple
North Devon
EX31 1EA

Or HSE:

Health & Safety Executive
Ballard House
West Hoe Road
Plymouth
Devon
PL1 3BL

Tel. No. (01752) 276300

Fax No. (01752) 226024

Tel. No. (01271) 388870

Fax No. (01271) 388328

E-mail: customerservices@northdevon.gov.uk

Social Services

Child Protection Officer
Independent Reviewing Unit
Children & Young Persons Services
Room 603
Civic Centre
Barnstaple
Devon
EX31 1EA

Tel. No. (01271) 388669

Email: CPChecks@devon.gov.uk

Weights and Measures (formerly Trading Standards)

Licensing Act 2003
Devon County Council
Weights and Measures
County Hall
Topsham Road
Exeter
Devon EX2 4QH

Tel. No. 01392 382818

Email: tsslicensingact2003@devon.gov.uk

**If you need clarification regarding relevant responsible authorities,
please contact the Customer Service Centre on 01271 388870.**

PREMISES LICENCE/CLUB PREMISES CERTIFICATE

New Applications and Variations

Those applicants in the following categories will need to comply with the requirements set out in this section:

- (i) Applicants seeking new licences;
- (ii) Applicants seeking variations of their existing licences. Variations could include alterations to the opening times of the premises or changes to the physical shape of the premises covered by the licence. More probably, it will relate to the licensable activities of the licence or conditions attached to the licence.

Applications must be made to North Devon District Council and must include the following:

- Relevant completed application form;
- If a club premises certificate application, a copy of the club rule book, and a declaration that the club is a "qualifying club" is required;
- Consent of individual to being specified as a Premises Supervisor, if this is a person other than the applicant;
- An operating schedule;
- A plan of the premises (see detail below regarding requirements);
- If alcohol is to be sold, the name of **Designated Premises Supervisor** must be supplied (unless it is a qualifying club, which is exempt);
- The prescribed fee.

The operating schedule must also include details of all licensable activities, which will, if the licence is granted, take place at the premises.

Plans:

A premises plan must be of the standard scale - 1mm = 100mm (unless previously agreed by the Council in another format). **The Council's preference is also that plans should not be larger than A3 in size.**

The premises plan shall include the following:

- the location of the extent of the boundary of the building, if relevant, and any external and internal walls which comprise the premises, or in which the premises is comprised;
- the location of points of access to and egress from the premises;
- if different from the above, the location of escape routes from the premises;
- in cases 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 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;

- in a case where the premises includes a stage or raised area, the location and height of each stage or area relative to the floor;
- in the case where the premises includes any room or rooms containing public conveniences, the location of any of these;
- 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 where indication of the above is by the use of symbols.

Applicants must send copies of applications to **responsible authorities** and advertise their application for the benefit of **interested parties**, as set out below.

Advertising Applications

To advertise the application, the applicant must clearly display a Notice of a size equal or larger than A4 (on pale blue paper) printed legibly in black ink or typed in black in a font size equal to or larger than size 16. This should be immediately on or outside the premises for a period of no less than twenty eight consecutive days starting on the day following the day on which the application was given to the North Devon District Council and during which time interested parties may make representations.

For properties with a frontage onto a highway more than 50 metres long, the Notice should be displayed at 50 metre intervals.

Additionally, a Notice must be published in a local paper such as the North Devon Gazette and Advertiser or North Devon Journal. This should be on at least one occasion during the period of 10 working days starting on the day following the day on which the application was given to North Devon District Council.

North Devon District Council must also display the Notice in a central and conspicuous place. This will be on the first floor of the Civic Centre.

Content of Notice

The Notice should clearly contain a brief summary of the application setting out details as follows:

- Proposed relevant licensable activities to be carried on or from the premises;
- In the case of an application for a club premises certificate proposed details of the qualifying club activities to be carried on or from the premises;
- In the case of an application to vary a premises licence or a club premises certificate, the notices shall describe the proposed variation.
- In the case of an application for a provisional statement:

(a) shall state that representations are restricted after the issue of a provisional statement; and

(b) where known, may state the relevant licensable activities which it is proposed will be carried on or from the premises.

Provisional Statement Note – where premises are being or are about to be constructed/altered, the necessary investment may not be committed unless investors have some assurance not only that the project has appropriate planning permission, but that they have some degree of assurance that a Premises Licence covering the desired licensable activities would be granted for the premises when the building work is completed.

Applicants may apply therefore for a provisional statement, which acts as an indicator whether a premises licence is likely to be granted upon completion of the construction work or alterations in accordance with the plans.

In all cases, the notices shall contain:

- the name of the applicant or club;
- 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 to be identified;
- the postal address and, where applicable, the world-wide web address where the North Devon District Council register is kept and where the record of the application may be inspected (see footer of this guidance document);
- the dates between which an interested party and responsible authorities may make representations to North Devon District Council (see advertising applications above);
- a statement that representations shall be made in writing; and
- a statement that it is an offence knowingly or recklessly to make a false statement in connection with an application and the maximum fine for which a person is liable on summary conviction for the offence - £5,000.

The Licensing Team will supply the Notice to be displayed on the Premises. The applicant is required to make arrangements for the advertisement to appear as detailed above within the required timescale.

SEE NEXT PAGE FOR CHECKLIST TO ACCOMPANY APPLICATIONS

**CHECKLIST TO BE RETURNED WITH
PREMISES LICENCE/CLUB PREMISES CERTIFICATE APPLICATIONS**
(TO BE COMPLETED IN ADDITION TO THAT ON THE APPLICATION FORM)

Name of Applicant (s):	
Name and Address of Premises:	
REQUIRED	Please <input checked="" type="checkbox"/>
Relevant completed application form (Incomplete applications will be returned and delay determination.)	
Consent of individual to being specified as a Premises Supervisor – New only	
Payment of the appropriate fee	
If a Club Premises Certificate application, a copy of the club rule book, and a declaration that the club is a 'qualifying' club - New only	
A premises plan of the standard scale (unless different format previously agreed with the Council)	
Operating Schedule	
Application forms and documentation served on Responsible Authorities:	<input checked="" type="checkbox"/>
The Chief Officer of Police	
The Devon Fire and Rescue Service	
Social Services – Child Protection Manager	
North Devon District Council Planning Department, if applicable	
The Exmoor National Park Planning Authority, if applicable	
North Devon District Council Environmental Protection Team	
North Devon District Council Health and Safety Team, if applicable	
The Health and Safety Executive, if applicable	
Weights and Measures – formerly Trading Standards	
The Maritime and Coastguard Agency – vessels only	

Declaration

I declare that the Responsible Authorities as **ticked** above have been given a copy of the application paperwork and accompanying documentation at the same time as given to the Licensing Authority, North Devon District Council.

Signature of First Applicant:

NAME (Please Print):

Date Responsible Authorities served: