

■ Will Village Halls that have entertainment need a new licence?

You will need a **premises licence** if you intend to hold events which feature music and dancing, but village halls are exempt from an application fee. If alcohol is to be served on an occasional basis, you will need a Temporary Events Notice.

■ What is a Temporary Events Notice (TEN)?

A Temporary Events Notice replaces the old occasional licences for selling alcohol or holding public entertainment. It is designed to cover small scale events attended by less than 500 people and lasting no longer than 96 hours.

■ I operate a mobile burger van - what sort of licence will I need?

You will need a **premises licence** if you operate after 11.00pm.

■ As a member of the public, can I object to our local pub extending its operating hours?

Yes, but only if your objection is relevant to the promotion of the licensing objectives (crime & disorder, public nuisance, public safety, protection of children etc).

■ How can someone object to an application?

The only persons who can object to a straight forward application to convert any of the existing licences, during the transitional period, are the police.

Applications for a variation of a premises licence or a club premises certificate will need to be advertised by the applicant. If there are valid objections from a recognised body or by local residents (not frivolous or vexatious) that cannot be resolved through negotiation, the application will have to be referred to the Council's Sub-Committee for decision.

Objections must be sent (in writing) to the Council.

■ What happens if my application is refused?

If your application is refused, you have a right of appeal within 21 days to the Magistrates Court.

For further information on the new legislation visit the Department of Culture, Media and Sport website:
www.culture.gov.uk/alcohol_and_entertainment

Please note that the information in this leaflet is accurate at the time of going to press but it may be liable to change.

For all other enquiries please contact:

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Additional information can also be found on our website:
www.northdevon.gov.uk/licensing

The information in this leaflet is available in alternative formats such as large print or on audiotape. Please telephone 01271 388260 for information.

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**North Devon District Council
Licensing Act 2003**

**Frequently Asked
Questions**

Ref: LAG 12

Frequently Asked Questions

■ When does the new Act come into force?

Between 7th February 2005 and 7th August 2005, licensees must apply for their **personal licences** and convert or vary their existing licences to the new **premises licences**. Your existing licence(s) will remain in force until 7th November 2005 (date to be confirmed by Government) thereafter your new licence(s) will take effect. If the application(s) for new licences have not been granted by this date (probably 7th November 2005) then no trading may take place.

■ What type of licence do I have to apply for?

- You will need a **personal licence** in order to authorise the sale or supply of alcohol to the public. This will be valid for ten years and is transferable to any part of the country.
- You will need a **premises licence** for any place where licensable activities (sale of alcohol, music, dancing, cinema, stage play, sale of hot food and drink after 11pm etc) take place.
- For registered clubs (rugby clubs etc) a **club premises certificate** is required.

■ How much will a licence cost me?

The fee structure for both personal and premises licences has not yet been announced by the government. When we have information we will publish details on our website.

■ For how long are licences valid?

A personal licence will be valid for ten years. A premises licence will last indefinitely unless revoked (as long as the business continues in its current form or unless you wish to vary the terms of the licence).

■ When I apply for my new premises licence what are my options on opening times etc?

There are two clear options.

- You can apply for a complete transfer of your existing hours and conditions and you will be entitled to a new licence on exactly the same terms. This is known as a **conversion** and only the police can object to your application.

- You can apply for a variation or number of variations, to take advantage of the new opportunity the law allows. However, you will have to submit extra information and others will have the opportunity to make representations if they have concerns about your application.

■ Will the conversion process affect the way I operate?

The conditions that will be put on your new licence will reproduce the conditions already on your existing licence(s). Where the new licence authorises the supply of alcohol, the new licence will refer to the person named in the application as the **designated premises supervisor** for premises that sell alcohol.

The exemption in the current Licensing Act, which allows up to two performers in a bar without the need for a public entertainment licence, has been removed by the new legislation. If you currently provide live music under the exemption and wish to continue to do so after the second appointed day you will need to apply to vary your existing licence.

■ Is it true that 24-hour drinking will be available everywhere?

No. There will no longer be set licensing hours for the sale of alcohol under the new legislation. Licensees can therefore request longer opening hours, up to 24-hour opening, when they apply for a variation. But if they do, they will be required to submit an **operating schedule** which will be copied to responsible authorities.

This schedule will require detailed information about how the premises will operate such as capacity, opening and closing times, which will enable any responsible authority or interested party to assess whether the steps taken to promote the licensing objectives are satisfactory.

■ I currently have a late hours certificate - will I still be able to open to the same time?

Under “grandfather rights” you will be able to keep exactly the same existing hours by a straightforward conversion of your existing licence or alternatively you can apply to vary them.

■ Can I request extended opening hours?

Yes. You can apply for extended opening hours but you will need to demonstrate in your operating plan how you intend to meet the licensing objectives, eg: how you prevent your neighbours from being inconvenienced by your extended opening hours.

■ Am I still exempt from needing a licence if I only have duos or solo performers in my pub?

No. The “two-in-a-bar” rule which gives exemption from the need to have a public entertainment licence will cease when the new Act comes into force (November 2005).

■ Do I have to employ licensed door supervisors?

This will depend on whether you feel they are necessary to help you comply with achieving the licensing objectives (Crime & Disorder, Public Safety). If you do employ door supervisors, they must be licensed by the **Security Industry Authority (SIA)**. Existing premises which are required to employ door supervisors will have to continue to meet this requirement.

■ How much “drinking up” time will apply under the new legislation?

Drinking up time will not be specified by the new Act like it is at present. In your operating schedule, you will have to address the issue of how long you wish the public to remain on your premises after the time at which the sale of alcohol ends (**the terminal hour**).

■ If I am licensed until 1.00am can I close earlier if there is no custom?

Yes. The licence holder is entitled to close the premises if there is no trade.

■ Do I still need a public entertainment licence?

Public entertainment licences continue to be necessary until the Act comes into force, likely to be 7th November 2005. However, if you have **regulated entertainment** such as live music or dancing you will need to include this in your operating schedule when you apply for your licence.

