



Licensing Act 2003
(as amended)

Guidance for Applicants

**Grant of Club
Premises
Certificate**

www.cornwall.gov.uk

1 - INTRODUCTION

This guidance has been produced to assist you in applying for the grant of a club premises certificate under the Licensing Act 2003. The contents are intended as a guide to applicants; it is not a full authoritative statement of the law and does not constitute legal advice.

Please refer to the www.cornwall.gov.uk and/or www.GOV.uk for further information.

The Licensing Act 2003 brings increased flexibility to the licensed trade in terms of operating hours and activities. However, it should be remembered that, with this flexibility comes greater responsibility. Licensees must address the four licensing objectives when preparing their club operating schedules and always be mindful of the need to be "good neighbours".

Where examples of methods of fulfilling the licensing objectives are provided it must be understood that they are **only there as a guide** to applicants. There will be many more options available but the applicant must identify measures appropriate to the proposed premises operation.

2 – CLUB PREMISES CERTIFICATE

A club applying for a club premises certificate on or before making the application must make a declaration to the licensing authority on the form specified by the regulations.

Applications must also be made on the form prescribed by regulations and must be accompanied: -

- by a club operating schedule (this forms part of the prescribed form)
- by a plan of the premises to which the application relates in the prescribed form (**see Note 1**)
- a copy of the rules of the club
- the application fee (**see Note 2**)
- Fire risk assessment declaration

Applications & declaration forms in the specified form are available from the Council and will normally accompany this document.

3 – CLUB OPERATING SCHEDULE

As mentioned earlier, a club operating schedule will be required as part of the application. The club operating schedule enables the applicant to put forward measures they intend to implement, which can be attached as conditions to the certificate, in order to control licensable activities so as to promote the licensing objectives.

3.1 Licensing Objectives

The Licensing Objectives specified in the Licensing Act 2003 are: -

- **Prevention of Crime & Disorder**
- **Public Safety**
- **Prevention of Public Nuisance**
- **Protection of Children from Harm**

3.2 Policy

Examples of measures which can be considered to promote the licensing objectives are listed in the Council's Licensing Policy Document.

3.3 Additional Guidance

Additional information and assistance is available from the responsible authorities listed at the end of this guidance. You are strongly recommended to contact them prior to making your application.

4. NOTICE / ADVERTISEMENT

4.1 Notification of application

Unless applying online* via www.GOV.uk the person making the application must give notice of the application to each Responsible Authority by giving to each authority a copy of the application together with its accompanying documents, if any, on the same day on which the application is given to the licensing authority. **A list of the Responsible Authorities that will have to be served a copy of the application and any documents is available from the Licensing Office.**

*Please note if application is submitted online, the Licensing Authority will serve copies on the Responsible Authorities on the applicant's behalf.

4.2 Advertisement of application

Regulations require the application to be advertised on the premises and in the press. **See Note 3 for the requirements of the regulations.**

The Licensing Authority has a duty to advertise details of your application on its website.

Unless applying online please ensure the application, accompanying documents and appropriate application fee is sent to the relevant licensing office.

Please email licensing@cornwall.gov.uk or telephone 0300 1234 212 for further details

NOTES

Note 1 – Plan of the premises

Plans must be clear and legible. The plan shall 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 **(please indicate in brown on the plan)**;
- (b) the location of points of access to and egress from the premises;
- (c) if different from paragraph (b), the location of escape routes from the premises;
- (d) in a case where the premises is to be used for more than one existing licensable activity, the area within the premises used for each activity **(please indicate in red on the plan for retail/supply of alcohol, blue for entertainment and purple for late night refreshment)**;
- (e) 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;
- (f) 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;
- (g) in a case where the premises includes any steps, stairs, elevators or lifts, the location of the steps, stairs, elevators or lifts;
- (h) in a case where the premises includes any room or rooms containing public conveniences, the location of the room or rooms;
- (i) the location and type of any fire safety and any other safety equipment including, if applicable, marine safety equipment; and
- (k) the location of a kitchen, if any, on the premises.

The plan may include a legend through which the matters mentioned or referred to above are sufficiently illustrated by the use of symbols on the plan. **It is requested that if using symbols that they are in the format of British Standard 1635.1990 (Graphic Symbols & Abbreviations for Fire Protection Drawings).**

Note 2 – Fees

General

In the case where a premises has a rateable value specified in row 1, the premises shall be in the band indicated in row 2

Row 1 Rateable Value	No rateable value to £4,300	£4,300 to £33,000	£33,001 to £87,000	£87,001 to £125,000	£125,001 and above
Row 2 Band	A	B	C	D	E

Note A1. In all other cases the premises shall be in Band A.

Note A2. Where a premises forms part only of a hereditament in the local non-domestic rating list, the premises is treated as having a rateable value equal to the rateable value for the hereditament.

Note A3. Where the premises comprises of two or more hereditaments the premises shall be treated as having a rateable value equal to the rateable value for the hereditament with the highest rateable value.

Grant of Club Premises Certificate Application Fee

Row 1 Band	A	B	C	D See Note B1	E See Note B1
Row 2 Fee	£100	£190	£315	£450	£635

Note 3 – Advertisement of Application

Regulations prescribe the way in which applications are to be advertised and are as follows:

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Regulation 25 of Statutory Instrument 2005 No 42.

25. In the case of an application for a **premises licence under section 17**, for a provisional statement under section 29, to vary a premises licence under section 34, for a club premises certificate under section 71 or to vary a club premises certificate under section 84, the person making the application shall advertise the application, in both cases containing the appropriate information set out in regulation 26: -

(a) 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, by displaying a notice,

(i) which is—

(aa) of a size equal or larger than A4,

(bb) of a pale blue colour,

(cc) printed legibly in black ink or typed in black in a font of a size equal to or larger than 16;

(ii) 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

(b) by publishing a notice—

(i) in a local newspaper or, if there is none, in a local newsletter, circular or similar document, circulating in the vicinity of the premises;

(ii) 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.

Regulation 26 of Statutory Instrument 2005 No 42.

26 (1) In the case of an application for a premises licence or a club premises certificate, the notices referred to in regulation 25 shall contain a statement of the relevant licensable activities or relevant qualifying club activities as the case may require which it is proposed will be carried on or from the premises.

26 (2) In the case of an application for a provisional statement, the notices referred to in regulation 25

(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.

26 (3) In the case of an application to vary a premises licence or a club premises certificate, the notices referred to in regulation 25 shall briefly describe the proposed variation.

26 (4) In all cases, the notices referred to in regulation 25 shall state—

(a) the name of the applicant or club;

(b) 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;

(c) 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; **(the register will not initially be available on the Council's website)**

(d) the date by which an interested party or responsible authority may make representations to the relevant licensing authority; **(this is prescribed by regulation which states that representations may be made on the application at any time during a period of 28 consecutive days starting on the day after the day on which the application was given to the authority by the applicant)**

(e) that representations shall 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.

CHECKLIST

- Application for grant of club premises certificate under the Licensing Act 2003**
- Declaration of club premises certificate**
- Fire Risk Assessment Declaration**
- Copy of advertisement**
- Fee (based on non domestic rateable value)**
- Plans of the premises**

WHERE TO SEND YOUR APPLICATION

Please ensure the application, accompanying documents and appropriate application fee is sent to the relevant licensing office.

Licensing Area	Address	Telephone/Email
West (Camborne, Falmouth, Hayle, Helston, The Lizard, Penryn, Penzance, Redruth, St Ives)	Licensing Cornwall Council Dolcoath Avenue CAMBORNE TR14 8SX	01209 615055 licensing@cornwall.gov.uk
Central (Fowey, Lostwithiel, Newquay, Par, Perranporth, Porthtowan, Roseland, St Agnes, St Austell, Truro)	Licensing Cornwall Council Chy Trevail Beacon Technology Park BODMIN PL31 2FR	01726 223433 licensing@cornwall.gov.uk
East (Bodmin, Bude, Callington, Camelford, Launceston, Liskeard, Padstow, Saltash, Torpoint, Wadebridge)	Licensing Cornwall Council Chy Trevail Beacon Technology Park BODMIN PL31 2FR	01208 893346 licensing@cornwall.gov.uk

RESPONSIBLE AUTHORITIES

Please ensure a copy of your application and accompanying documents are also sent to:-

Responsible Authority	Address	Telephone/Fax/ Email
Local Safeguarding Children Board	Children, Schools & Families (FAO Andy Jory) 1st Floor, East Wing New County Hall Treyew Road Truro TR1 3AY	tel. 01872 323926 ajory@cornwall.gov.uk
Trading Standards	Cornwall Council Trading Standards Service Unit 6 Threemilestone Industrial Estate Truro TR4 9LD	tel. 0300 1224 191 tradingstandards@cornwall.gov.uk
Police	Licensing Department Launceston Police Station Moorland Road Launceston PL15 7HY	tel: 01566 771309 fax: 01566 771388 licensing.team@devonandcornwall.pnn.police.uk
Fire & Rescue Authority	Central Division Headquarters St Austell Fire Station Carlyon Road St Austell PL25 4LD	tel. 01726 72582 fax. 01726 67093 csadmin@fire.cornwall.gov.uk
Health & Safety	Health & Safety Unit 6 Threemilestone Industrial Estate Truro TR4 9LD	tel. 01209 616990 businesscompliance@cornwall.gov.uk
Environmental Control	Environmental Health Cornwall Council Dolcoath Avenue CAMBORNE TR14 8SX	tel. 01209 616990 communityandenvironmentalprotection@cornwall.gov.uk
Local Planning Authority	Planning Enforcement Service Cornwall Council Chy Trevail Beacon Technology Park BODMIN PL31 2FR	tel. 01208 265712 planning.enforcement@cornwall.gov.uk

Public Health	Jez Bayes Alcohol Strategy Lead CIOS DAAT, Helford House May Court Truro Business Park Threemilestone TRURO TR4 9LD	tel. 01726 223400 jbayes@cornwall.gov.uk
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Additional Responsible Authorities for vessels

Maritime and Coastguard Agency	MCA Falmouth Pendennis Point Castle Drive Falmouth TR11 4WZ	tel. 01326 310800
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Please note the Responsible Authorities are subject to Regulations and may change

CORNWALL COUNCIL FIRE BRIGADE

THE REGULATORY REFORM (FIRE SAFETY) ORDER 2005 **LICENSING ACT 2003**

To enable the Fire and Rescue Authority to process the application promptly it is essential that the applicant confirms that a Fire Risk Assessment under the Regulatory Reform (Fire Safety) Order 2005 has been carried out for the premises and the significant findings recorded (if applicable). As part of the Fire Risk Assessment it will be necessary to set occupancy limits for the licensed areas of the premises and to record these on the Fire Risk Assessment.

It will not be necessary for the Fire Risk Assessment to be sent with the application but the applicant must sign the declaration below, confirming that a Fire Risk Assessment for the premises has been carried out and the significant findings recorded (if applicable) and that the Fire Risk Assessment will be regularly reviewed. The occupancy limits for the licensed area of the premises must be shown in the declaration.

NB

For technical detail and guidance on **how to complete a Fire Safety Risk Assessment** you are strongly advised to refer to one of the two following guidance documents: Fire Safety Risk Assessment for Small and Medium Places of Assembly (for premises with a maximum occupancy of 300 persons) or Fire Safety Risk Assessment for Large places of Assembly (occupancy over 300 persons). These guidance documents are available online at www.firesafetylaw.communities.gov.uk or hard copies may be purchased from the Stationery Office. When purchasing or installing equipment, compliance with the relevant British Standards is normally taken as being adequate. Should your risk assessment identify that you may need to carry out major changes which may involve substantial costs then you are advised to take professional advice before proceeding. Information on how to calculate occupancy figures for your premises are available on Cornwall County Fire Brigade website: www.cornwall.gov.uk/fire.

Confirmation (to be signed by the applicant)

Name and Address of premises:

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I confirm that a Fire Risk Assessment has been carried out for the above premises. The significant findings of the Fire Risk Assessment have been recorded and the findings will be regularly reviewed and available for inspection by inspecting officers on request.

Occupancy limits for licensed areas:

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.....

Print Name:

Signed:

Position:

Date: