

Licensing News



Summer 2014

Late Annual Fees for LA2003 authorisations Pay on time or face SUSPENSION

Ensure your fee is paid on time. With past LA2003 changes this Licensing Authority will now suspend a Premises Licence or Club Premises Certificate if the annual fee is not paid by the due date. There is a grace period of 21 days, after which this Licensing Authority will give notice that the Licence or Certificate is suspended. We do send reminders of annual fees at least one month in advance, but please be aware of the annual fee due date. You can pay the fees online at:- www.southglos.gov.uk or call 01454 868001.

Please also remember to notify us of any changes of contact details, so that we can get in touch if necessary.

Noise Prevention

Top Ten Tips to avoid noise problems from Pubs or Clubs

- Provide notices requesting the co-operation of patrons particularly when leaving the premises.
- Control your customer's behaviour in order to make it sure does not give rise to noise nuisance.
- Consider placing staff at exits when the premises to close to encourage patrons to leave quietly.
- Avoid holding events in rooms with windows and/or doors facing or near residential property.
- Keep windows closed at all times when entertainment is taking place.
- Keep doors closed as much as possible when entertainment is taking place.
- Consider the quantity, location and direction of speakers to avoid noise nuisance.
- Reduce noise levels after 11.00 pm.
- Patrol the boundary of your premises regularly to ensure that noise escaping is not excessive.
- Avoid cleaning / bottling out late at night to prevent any additional disturbance to neighbours.

A well-managed pub or club need not give rise to noise nuisance.

Are You Correctly Authorised?

There have been recent incidences where Premises Licence or Club Premises Certificate holders have not notified this Licensing Authority of building works etc, which have required a variation to the authorisation. Examples where a variation may be required include moving, or extending a bar area, or increasing the footprint of a premises.

In addition there have been circumstances where activities are taking place at licensed premises, for which a licence or certificate is not held. For example premises solely being authorised for recorded music yet hiring live bands, or premises authorised solely for recorded music but providing a karaoke machine.

Please be sure to apply for a variation before undertaking any work, or commencing a new licensable activity for which you are not authorised or ask this Licensing Authority to clarify the position if you are unsure.

Changes for which an application has not been submitted are likely to cause disruption to your business and could leave you open to enforcement action such as prosecution.

As a reminder changes to your Licence or Certificate which require an application to vary under section 34 of the Licensing Act 2003 include:

- Varying the hours during which a licensable activity is permitted;
- Amending, adding or removing conditions within a licence;
- Adding or removing licensable activities;
- Altering any aspect of the layout of the premises which is shown on the plan.

Temporary Event Notices

We include the advice on TEN's again as there have been a number of Late TEN's submitted too late and then deemed improperly made; so to save the wasted time and frustration in telling a customer that they cannot submit a TEN for an event please read this and save the newsletter for reference. Licensable activities include:

- sale of alcohol
- providing entertainment (e.g. films, plays music or dancing)
- serving hot food or drink between 11pm and 5am

You may also need a TEN if a particular licensable activity is not included in the terms of your existing licence or certificate, e.g. holding a wedding reception at a community centre.

Restrictions

Your event must:

- have less than 500 people at any one time – including staff running the event
- last no more than 168 hours, or 7 days
- You must be aged at least 18 to submit a Temporary Event Notice.

Number of notices you can apply for

- You will need a TEN for each event you hold on the same premises.
- If you already have a Personal Licence to sell alcohol, you can submit up to 50 TEN's each calendar year.
- A single premise can have up to 12 TEN's applied to it in a calendar year, as long as:
- the total length of the events is not more than 21 days
- 1 person doesn't make more than 5 applications for the premises

Late TEN's

You can submit a 'Late TEN' up to 5 working days before the event. You can submit up to 10 Late TEN's per calendar year.

If you are organising separate but consecutive events, there must be at least a 24 hour gap between them.

If you hold a Personal Licence you can submit up to 50 TEN's (of which up to 10 may be Late TEN's). If you don't hold a Personal Licence you can submit up to 5 TEN's (of which up to 2 may be Late TEN's).

How to submit your TEN

Please contact the Licensing Team for a TEN form which is also on our website or available at One Stop Shops in Patchway, Thornbury, Kingswood or Yate. We strongly advise you do this at least 10 working days before your event.

You will have to pay a fee of £21 to this Licensing Authority.

You must send a copy of the completed TEN to the Police and Environmental Health (noise pollution) at least 10 working days before the event – if you apply online, the Licensing Team will send a copy to the Police for you.

Please be aware that the date of submitting the TEN and the day of the event are not included in the total number of working days before the event.

Objections

This Licensing Authority can't refuse a TEN unless the Police or Environmental Health object to it. They must do this within 3 working days of receiving it and they can only object if they think your event could:

- lead to crime and disorder
- cause a public nuisance
- be a threat to public safety
- put children at risk of harm

If there is an objection, a Licensing Sub-Committee will consider the TEN at a hearing no later than 24 hours before the event.

After consideration at the hearing, the Sub-Committee will either grant, grant with conditions or refuse the TEN.

Appeals

If you disagree with the Licensing Sub-Committee's decision, you can appeal to your local Magistrates' Court. You must do this within 21 days of receiving the decision notice, and at least 5 working days before the date of your event.

Fines and penalties

You could be fined up to £5,000 if you make any false statements on your TEN, or face prosecution if you breach the conditions of the TEN.

If you don't have a TEN and carry out a licensable activity that you should have an authorisation for (or allow your premises to be used for a licensable activity), you can be fined £20,000 and/or sent to prison for up to 6 months.

CCTV news

New Guidance for CCTV

The Home Office has produced new guidance in respect of CCTV, which gives advice on the sighting and proportionality of responsible authorities requesting CCTV. The link to this document is:- <https://www.gov.uk/government/publications/code-of-practice-relating-to-surveillance-cameras--11>

Police and Home Office CCTV specifications

Avon and Somerset Police have released a document which can help you in ordering and fitting of CCTV. It lists the requirements of the system in quality, storage, playback and exporting the image. A copy of this broadsheet can be found by following this link. http://www.avonandsomerset.police.uk/information/documents/cache/PDF/Document317_403487.pdf

Pubwatch Constitutions

Who should run the Pubwatch?

Pubwatch members have the ability and vested interest in managing their schemes; not only to ensure that their money and effort is focused on issues that cause them the greatest problems but also because it's about the standards of behaviour they wish to maintain in their premises. Pubwatch has always been a voluntary activity, engaged in by operators of licensed premises primarily for their own benefit. As a voluntary body they will avoid some of the Human Rights and Freedom of Information Act obligations faced by the police and other public bodies. Public bodies such as the Police should not be involved in the management of a scheme, decision making or the banning processes which could possibly put the Pubwatch at risk of legal challenge.

This does not however preclude the Pubwatch from working in co-operation and with the support of the Police or other Statutory Body. Quite the opposite; as to function effectively, the Pubwatch will need help and support from those agencies that have a legal duty to work in partnership with others, such as Pubwatch, to tackle crime and disorder issues. The Police and other public bodies will benefit from having a forum of licensees where they can share information and advise them on crime trends and intelligence issues.

Help us Help you to set up Pubwatch

One of the priorities for the Licensing Team in 2014 is to promote Pubwatch to assist you to set up new schemes, so if you feel your licensed premise and those in the area could benefit with a scheme please contact us on **01454 868001**.

Council Policies

Hard copies of all the Council's policies in reference to the Licensing Act 2003 are available from the Trading Standards & Licensing Office, Broad Lane, Yate, or please telephone 01454 868001 if you would like a copy to be sent to you by post or e-mail.

Compliance Update

Compliance activities form an integral part of the licensing process. It is our policy to apply a professional and thorough approach to investigating all complaints and credible observations. Investigations can lead to action being taken against offenders. We follow a compliance policy and will take action proportionate to the offence as appropriate.

Recently we have had cause to take action against licence holders for reasons including:

- Crime and disorder issues including noise from patrons leaving premises.
- No DPS in place, resulting in no sales of alcohol and requirement for a variation to be made.
- Joint Licensing & Police Inspection Visits in Staple Hill, Mangotsfield, Oldland Common, Kingswood, Filton & Bradley Stoke to name a few.

Our aim is to carry on the good work produced so far with our commitment to joint working with our partners, business and residents of South Gloucestershire to continue to promote and keep this county a safe place to live and work.

We hope you like our newsletter. If there is anything that you would like to see in it, please let us know as all feedback welcome! And finally, should you need help or assistance, please do not hesitate to contact us on 01454 868001 or e-mail licensing@southglos.gov.uk