



LATE NIGHT REFRESHMENT ESTABLISHMENTS – LICENSING ACT 2003

What is Late Night Refreshment

A person provides late night refreshment if hot food or hot drink is supplied to members of the public between 11.00 p.m. and 5.00 a.m. on or off any type of premises, including mobile catering units.

The New Law

With effect from the 7th February 2005 but before the second appointed day, which is likely to be 7th November 2005 (the date is yet to be confirmed by the Government), you must apply to the Council for a new Premises Licence. As you are aware, up until now, it has not been necessary for takeaway establishments to be licensed, however under the new Licensing Act 2003, it is now necessary for such establishments to apply to the Council for a new Premises Licence if you want to continue to serve hot food after 11.00 p.m.

The application process

Enclosed in this pack is an application form for a Premises Licence, which you must complete in full. When making your application to the Council you must also enclose the following documents:

- **Fee** – this must be sent to the Council and cheques must be made payable to 'Bromsgrove District Council'. I have enclosed an information sheet, which sets out the fees payable.
- **Plan of the premises** – The plan must be drawn to the standard scale of 1cm representing 100cm unless the Council has previously agreed in writing an alternative scale plan is acceptable and must show the following:
 - The extent of the boundary of the building, including any car parks etc., and any external and internal walls which comprise the premises, and if different, the perimeter of the premises;
 - The location points of exits and any escape routes from the premises;
 - The locations in the premises where the licensable activity is to take place and, if more than one licensable activity is to take place, where each activity is to take place;
 - The locations which are used for the consumption of alcohol;
 - 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;
 - The location and height of any stage or raised area, if any;
 - The location and type of any fire safety and any other safety equipment;
 - The location of a kitchen on the premises, if any;
 - The location of any steps, stairs, elevators or lifts;
 - The location of public toilets.

The plan may include a legend, which clearly illustrates the above-mentioned requirements by the use of symbols on the plan.

- **Form of consent from designated premises supervisor** – this will only have to be completed if the application concerns the retail of alcohol.

It must be noted that any new licence issued, will not come into force until the second appointed day, which is likely to be around November 2005 (the Government is yet to confirm the actual date).

Operating Schedule

You will notice that the application form also includes an operating schedule. The operating schedule should describe the business and include information enabling the responsible authorities to assess whether adequate measures have been taken into account to address all four licensing objectives.

The operating schedule should include a statement of the following matters:

- The relevant licensable activities;
- The time during which it is proposed that the relevant licensable activities are to take place;
- Any other times during which it is proposed that the premises are to be open to the public;
- Where the relevant licensable activities include the retail of alcohol, details of the person to be named as the designated premises supervisor, together with their form of consent;
- Where the relevant licensable activities include the supply of alcohol, whether the alcohol is to be consumed on or off the premises;
- The steps which the applicant proposes to take in order to promote the four licensing objectives:
 - The prevention of crime and disorder;
 - Public Safety;
 - The protection of children from harm;
 - The prevention of public nuisance.

I have enclosed a list of model pool of conditions, which focus on addressing the four licensing objectives.

You must serve a copy of your application, together with all supporting documents on all of the responsible authorities on the enclosed information sheet within 48 hours of sending a copy of your application to the Council.

Furthermore, you must advertise your proposals in a local newspaper **and** display a notice on the premises for a period of not less than 28 consecutive days on the day after the day on which the application was served on the Licensing Section of the Council. I have enclosed an information sheet setting out the prescribed format for each advertisement.

The Council has up to two months to determine your application. If no objections to the application are received, then the Council must grant the application subject to the mandatory conditions, and any conditions you have included in your operating schedule.

If objections have been made by any responsible authority and/or local residents and the issues cannot be easily resolved by revising your operating schedule. A hearing must be held by the Council's Licensing Sub-Committee, which comprises of a panel of three District Councillors. It must be noted that, objections must relate to the promotion of the four licensing objectives.

Finally....

The Council appreciates that the new licensing regime may seem very confusing but, if you need clarification on any of the points contained in your application pack please do not hesitate to contact the Licensing Section by either calling into the Council Offices during normal working hours or by emailing them at licensing@bromsgrove.gov.uk or by telephoning 01527 881626 or 01527 881743.

These notes are intended to help businesses to apply for licences under the new regime. They are not comprehensive and do not form part of the Regulations issued by the Department of Culture, Media, and Sport. The Regulations are available for viewing on the DCMS website at www.culture.gov.uk The notes do not provide authoritative legal advice and applicants may wish to seek their own independent professional legal advice.