



GUIDANCE FOR APPLICANTS

For applications for provisional statements

under *Sections 29 to 32* of the

Licensing Act 2003

Rushmoor Borough Council
Environmental Health Services
Council Offices
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Farnborough
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GUIDANCE FOR APPLICANTS

Application for a provisional statement under the Licensing Act 2003

1. INTRODUCTION

This guidance is for persons seeking to make an application for a provisional statement in accordance with sections 29 to 32 of the Licensing Act 2003.

A provisional statement application may be made for premises which are (or are about to be) constructed, extended or altered for the purposes of being used for one or more of the licensable activities. This procedure is designed to give some assurance to persons who may have made a considerable financial investment in a future or on-going project.

A person may apply for a provisional statement if:

- (a) He is interested in the premises;
- (b) He is aged 18 or over;

NB: A “person” in the context of a provisional statement, can be a business - for example a finance company, firm of architects or a building company. The person applying for a provisional statement does not have to be the same person who may eventually apply for the premises licence.

An applicant **CANNOT** apply for a provisional statement in respect of vehicles, vessels or a moveable structure.

If a person is in a position to provide comprehensive plans, and an operating schedule giving details of:

- ✓ The relevant licensable activities proposed;
- ✓ The times such activities will take place;
- ✓ The times the premises will be open to the public;
- ✓ Information about the DPS where alcohol is to be supplied AND
- ✓ The steps to be taken to promote the licensing objectives

Then an application for a premises licence may be submitted instead of a provisional statement application.

2. MAKING AN APPLICATION

For all applications for a provisional statement, the following documents and submissions must be included. Unless otherwise stated, all documents must be original, as photocopies will **NOT** be accepted.

Please note that applications that do not meet the criteria detailed below may be deemed invalid and/or rejected.

Electronic applications will be accepted provided there is no missing or incorrect information that might cause us to “hold” the application pending receipt of further information. We will consider the application as “given” when we receive the accompanying fee.

We will send electronic applications to the responsible authorities and police where appropriate.

(a) Application Form

The application must be made on the prescribed form.

(b) Schedule of works

A schedule of works is part of the application form (Part 3) that includes details of work being done together with particulars of the premises to which the application relates. The schedule of works also provides the opportunity to specify the licensable activities and steps the applicant proposes to take to promote the licensing objectives.

In particular, the schedule of works **must** include a statement of the following matters:

- particulars of the premises to which the application relates
 - The licensable activities for which the premises are to be used.
 - Attach a detailed plan of the work being or about to be done at the premises. For this purpose, the licensing authority recommends that any plan(s) generally contain(s), where possible, the same or similar information as required for grant / variation of a relevant authorisation (see guidance for applications for a premises licence).
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(c) Fee(s) & Charges

All applications for a provisional statement must be accompanied by the prescribed fee of £315.00.

All cheques and/or postal orders should be made payable to RUSHMOOR BOROUGH COUNCIL.

(d) Submission to Responsible Authorities

A full copy of the application, together with copies of all accompanying documents, **must** be submitted to each of the **'responsible authorities'** on the same day on which the application is given to the licensing authority. We will send a copy of your application to the responsible authorities if it is sent to us electronically.

The **'responsible authorities'** are listed below:

CONTACT DETAILS OF RESPONSIBLE AUTHORITIES

Issue

Crime & Disorder

For matters relating to violence, anti-social behaviour, drunkenness, under age sales and general street disturbances.

Contact Details

Hampshire Constabulary
C/o Admin Office
Aldershot Police Station, Wellington Road, Aldershot, Hampshire GU11 1NZ.
Telephone: 01256 406414 (Admin), 07748 428906 (Technical)
Email: northandeast.licensing@hampshire.pnn.police.uk

www.hampshire.police.uk

Fire Safety

For matters relating to the fire precautions of premises, detection and prevention of fire and other fire safety risks.

c/o Protection Department, Southsea Fire Station
Somers Road, Southsea, Hampshire PO5 4LU
Telephone: 023 9285 5180, Fax: 023 9288 5175
Email: csprotection.admin@hantsfire.gov.uk

www.hantsfire.gov.uk

Public Nuisance

For matters relating to noise coming from within premises, litter, odour, and other general emissions.

Rushmoor Borough Council
C/o The Environmental Health Manager (Pollution Control)
Council Offices, Farnborough Road, Farnborough, Hampshire GU14 7JU
Telephone: 01252 398398, Fax: 01252 524017
Email: pollutionlicensing@rushmoor.gov.uk

www.rushmoor.gov.uk

Planning

For matters relating to permitted opening hours and other planning permissions and consents.

Rushmoor Borough Council
C/o The Planning Officer,
Council Offices, Farnborough Road, Farnborough, Hampshire GU14 7JU
Telephone: 01252 398398, Fax: 01252 524017
Email: plan@rushmoor.gov.uk

www.rushmoor.gov.uk

Health & Safety (Local Authority enforced)

For matters relating to the safety of equipment and premises such as pubs, clubs, restaurants, hotels, takeaways, shops and general stores and warehouses.

Rushmoor Borough Council
C/o The Principal Health & Safety Officer
Council Offices, Farnborough Road, Farnborough, Hampshire GU14 7JU
Telephone: 01252 398398, Fax: 01252 524017
Email: healthandsafetylicensing@rushmoor.gov.uk

www.rushmoor.gov.uk

Health & Safety (HSE enforced)

For matters relating to the safety of equipment and premises such as factories, railway premises, and manufacturing premises.

Health & Safety Executive
C/o Priestley House, Priestley Road, Basingstoke RG24 9MW
Telephone: 01256 404000, Fax: 01256 404100
Email: eselicensing@hse.gsi.gov.uk

www.hse.gov.uk

Protection of Children

For matters relating to the potential for physical, psychological and moral harm to/of children.

The Safeguarding Unit
C/o Clarendon House, Monarch Way,
Winchester, SO22 5PW
Telephone: 01962 876222
Email: child.protection@hants.gov.uk

C/o www.hants.gov.uk

Trading Standards & Consumer Protection

For matters relating to underage drinking and sales, off-sales, adulteration and tampering of goods and services.

Hampshire Trading Standards
C/o The Head of Safety and Standards
The Parkway, 96, Wickham Road, Fareham PO16 7JL
Telephone: 01329 316182, Fax: 01329 316216
Email: liquor.licensing@hants.gov.uk

NB: Failure to submit a copy of the application and associated documents to any of the responsible authorities may render the application invalid.

(e) Advertisement of applications

Local Newspaper

In all cases, the application **must** be advertised by publishing a notice in a local newspaper circulating in the vicinity of the premises. This advert **must** be published on at least one occasion within 10 working days of the application being submitted to the licensing authority.

Details of local newspapers are provided below by way of being helpful to applicants who need to publish public notices of this kind. Please note that these details are correct at the time of publication only. Whilst we will endeavour to ensure that all our publications are kept up-to-date, applicants are therefore advised to contact their chosen newspaper group to check publication deadlines and dates. Applicants should also check that the chosen newspaper circulates in the area to which their application relates.

An example of an advert and the details that should be published in a newspaper can be found on our website www.rushmoor.gov.uk.

Your advert may also indicate the effect of section 32 of the 2003 act in that any future representations against a similar premises licence application (following the issue of a provisional statement) will be excluded from consideration if they could have been made about the preceding provisional statement application.

Site Notice

The application **must** also be advertised by displaying a notice at or on the premises. This notice **must** be A4 or larger in size, pale blue in colour and located in such a position where it can be conveniently read from the exterior of the premises.

The notice **must** be printed legibly (font size 16), be printed or typed in black ink and **must** be displayed for a period of 28 consecutive days. For any premises covering an area more than 50 metres square, two A4 notices **must** be displayed.

All notices **must** contain a statement of the relevant licensable activities that are to be carried on from the premises. In addition, **all** notices **must** contain/state the following:

- ◆ The name of the applicant;
- ◆ The postal address of the premises concerned;
- ◆ The postal address and website of the relevant licensing authority (in this case Rushmoor Borough Council), stating where and when the record of the application on the licensing register may be inspected (i.e. Rushmoor Borough Council Offices);
- ◆ The date by which an interested party or responsible authority may make representation(s) to the licensing authority and that all such representations **must** be made in writing; and
- ◆ That it is an offence to knowingly or recklessly to make a false statement in connection with an application together with the maximum fine for which a person is liable on summary conviction.

An example of a site notice and the details that should be included can be found on our website www.rushmoor.gov.uk.

NB: The licensing authority may check to ensure that applications have been advertised in the correct manner. Failure to advertise the application in the prescribed manner may render the application invalid.

Contact & Publication Details of Local Newspapers

Newspaper	Contact Details	Deadline for Publications
Aldershot Mail Series (Farnborough Mail, Camberley Mail, Sandhurst & Crowthorne Mail, Fleet & Yateley Mail, Ash & Farnham Mail)	The News Group Ltd 35/39 High Street, Aldershot, Hampshire GU11 1BH Telephone: 01483 508700 Fax: 01252 339770 Email: display@aldershot.co.uk	Thursday 1pm (Publish Monday)
Aldershot News Series (Aldershot News, Farnborough News, Camberley News, Sandhurst & Crowthorne News, Fleet News, Yateley News)	The News Group Ltd 35/39 High Street, Aldershot, Hampshire GU11 1BH Telephone: 01483 508700 Fax: 01252 339770 Email: display@aldershot.co.uk	Thursday 1pm (Publish Monday)
Courier Series (Aldershot Courier, Farnborough Courier, Fleet Courier, Hart Courier, Yateley Courier, Camberly & District Courier)	The News Group Ltd 35/39 High Street, Aldershot, Hampshire GU11 1BH Telephone: 01483 508700 Fax: 01252 339770 Email: display@aldershot.co.uk	Thursday 1pm (Publish Monday)
Farnham Herald Series	Farnham Castle Newspapers Ltd 114/115 West Street, Farnham, Surrey GU9 7HL Telephone: 01252 725224 Fax: 01252 899257 Email: farnham-herald@internet-today.co.uk	Monday 12pm (Publish Friday)
Hampshire Chronicle	Hampshire Chronicle 57 High Street, Winchester, Hampshire SO23 9BY	Tuesday 5pm (Publish Friday)

Telephone: 01962 831430
Fax: 01962 842313
Email: news@hampshirechronicle.co.uk

Newspaper	Contact Details	Deadline for Publications
Hants & Surrey Post Dispatch	Hants & Surrey Post Dispatch Newspapers Loes House, Off the Market Square, Alton, Hampshire GU34 1HD Telephone: 01420 88949 Fax: 01420 541607 Email: dispatch@internet-today.co.uk	Wednesday 4pm (Publish Monday)
Surrey Advertiser	Surrey Advertiser Stoke Mill, Woking Road, Guildford, Surrey GU1 1QA Telephone: 01483 508700 Fax: 01483 508701 Email: advertising@surreyad.co.uk	Tuesday 5pm (Publish Friday)
Surrey Hants Star	Surrey and Hants Star 192 Victoria Road, Aldershot, Hampshire GU11 1JZ Telephone: 01252 317171 Fax: 01252 343042 Email: advertising@surreyad.co.uk	Tuesday 5pm (Publish Thursday)
Basingstoke & North Hampshire Gazette	The Basingstoke Gazette Gazette House, Pelton Road, Basingstoke, Hampshire RG21 6YD Telephone: 01256 337438 Fax: 01256 840369 Email: samantha.glendenning@basingstokegazette.co.uk	Unknown

3. WHAT HAPPENS NEXT

On receipt, your application for provisional statement will be allocated to one of the Council's licensing officers. The licensing officer will check to ensure that the application is valid and has been satisfactorily completed i.e. all the relevant information and documentation has been provided and that it has been submitted by the applicant to all responsible authorities. The licensing officer will also check to ensure the application has been advertised correctly.

(a) What will happen if we identify a problem?

If there is a relatively minor problem with the application, the licensing officer may contact you for further information or may return the application (or part of it) to you for your attention as may be appropriate. Where there is a fundamental error, the application may be rejected.

(b) Why do we check whether the application has been advertised?

By law, any application for a provisional statement must be advertised in the prescribed manner. Failure to advertise the application correctly may render the application invalid because interested parties to the application may not know that an application has been made and may miss the(ir) opportunity to make representation(s). For this reason, we will check that the application has been advertised correctly (see above).

(C) Consideration of relevant representations

We will also consider and take into account any 'relevant representation(s)' made by an 'interested party'. 'Interested parties' include bodies or individuals living in the vicinity of the proposed premises or involved in a business in that vicinity; and/or their representative(s). Councillors are also able to make representations.

To be 'relevant', representations must be about the likely effect of the grant of a premises licence in the form described in the provisional statement application. To be considered, representations must be received within twenty-eight days, beginning on the first working day after the day on which we receive the application.

Where we receive relevant representations, a hearing must be held to determine applications made under the Licensing Act, unless all parties agree a hearing is not necessary.

(d) Determination of the application

If there are no representations within the 28 day consultation period a provisional statement will be issued. However if any relevant representations are received from either 'interested parties' or responsible authorities' a hearing must be held (see below).

(e) Hearings

If there is need for the application to go to a hearing than it will be determined at the hearing. The hearing must be held within 20 working days following the last date for representations and 10 working days notice must be given to all parties that a hearing will be held.

After the hearing the Licensing authority must give details of its decision and any steps that would need to be taken at the time of applying for a premises licence. They would also send a copy of the provisional statement to the chief officer of police for the area and any one who made representations.

In any case you will be informed in writing of the outcome of your application.

(f) Can the application be refused?

The licensing authority has no power to refuse a provisional statement, however it may grant the statement with an indication that, when the application is made for a premises licence, it would look to the imposition of certain conditions or exclusions of certain activities on the licence. The authority could also indicate that if an application for a premises licence is made, it is likely to be rejected. There are rights of appeal direct to the Magistrates' Court against decisions made on a provisional statement application.

(g) What happens if your application is granted?

Where an application for a provisional statement is determined we will advise you in writing and enclose the provisional statement. This will also be sent to the Police and any other person(s) who made relevant representations.

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