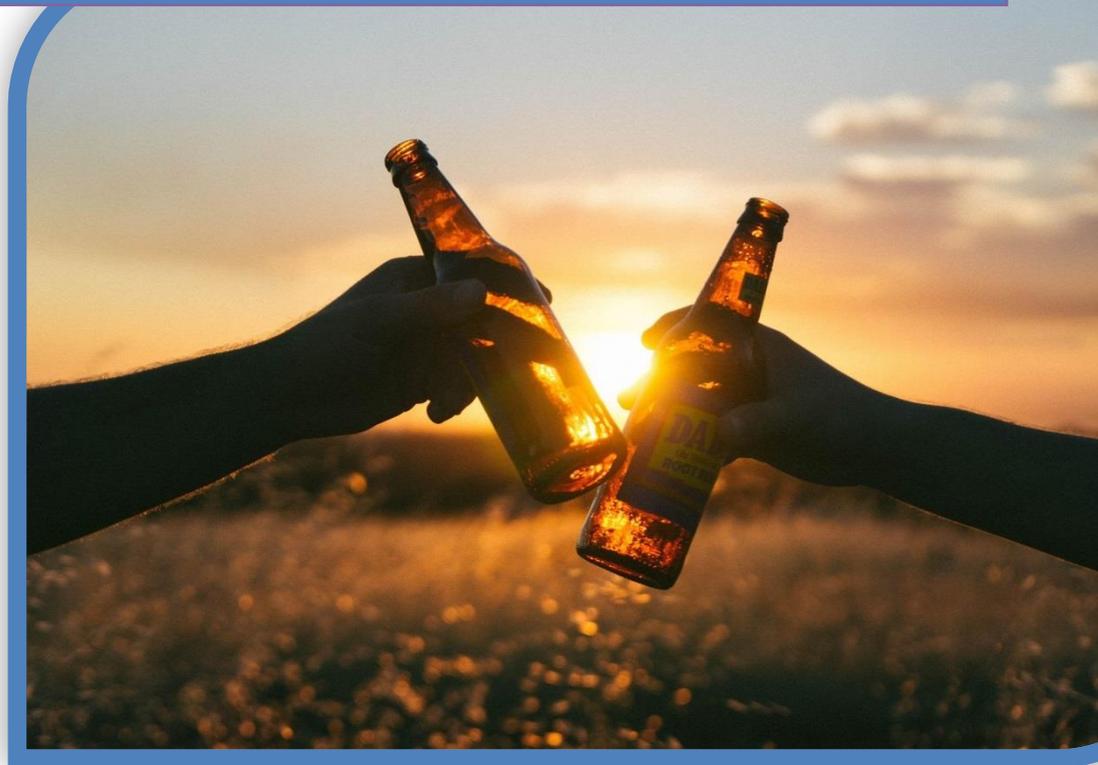


# 3 SECRETS TO A STRESS FREE PREMISES LICENCE APPLICATION



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## Executive Summary

Since the Licensing Act 2003 was introduced in 2005 the sale and supply of alcohol, provision of regulated entertainment and late night refreshments has been covered by a single Licence issued by the local authority. The application process also changed, removing the need to go before the Magistrates; and it was anticipated that the new process would make it easier for the applicant.

However, applying for a Licence is not always as straight forward as it may at first seem, with licensing authorities having the right to refuse applications or insist on mandatory conditions. There is therefore the potential to end up with long and costly delays whilst an application is referred to a Licensing Committee and/or unworkable conditions being imposed that adversely affect how a business can operate.

This guide will show you the 3 Secrets to a stress free premises licence application.



## STEP ONE - KNOW YOUR LOCAL AREA

The Licensing Act 2003 introduced the opportunity for 24 hour licensing, recognising that fixed and artificially early closing times in certain areas can lead to peaks of disorder and disturbance on the streets when large numbers of people leave licensed premises at the same time. The licensing hours for the sale of alcohol will therefore be taken into account particularly in town centres where crowds can have a knock on effect at late night food outlets, taxi ranks and other sources of transport.

Licensing authorities have powers to designate places where restrictions on public drinking apply through designated public place orders (DPPOs), and known as 'alcohol free zones'. They can only be used in areas that have experienced alcohol-related disorder or nuisance but may affect how Licence holders operate, particularly those selling for consumption off the premises.

Licensing authorities can also take into account the potential impact of a high concentration of licensed premises on crime and disorder and / or public nuisance referred to as cumulative impact. When considering any potential issue of cumulative impact a licensing authority has the power to adopt a policy to refuse new licences. The effect of this policy is to create a refutable

presumption that any applications for a new premises licence, club premises certificate or full variations to an existing premises licence would normally be refused if representations were received unless the applicant demonstrated that the operation of the premises would not add to the cumulative impact that the local area already experiences. However if no representations were received the application would be granted.

It is important to understand what external factors are likely to affect your application and how to prepare your application to anticipate any issues that might arise. When Ash contacted us he had applied for a Licence for his café but failed because he had not taken the time to consider the local environment and include policies that satisfied external agencies that he could serve alcohol whilst promoting the licensing objectives. A fresh application was prepared and submitted which gave him a successful outcome.

With over a decade's experience in the industry, we can work with you to identify any potential problems and prepare an application so that it is granted first time and with as little stress as possible.



## STEP TWO - HAVE A ROBUST SET OF POLICIES & PROCEDURES

The Licensing Act 2003 sets out four licensing objectives, each of which is of equal importance:

- The prevention of crime and disorder
- Public safety
- The prevention of public nuisance
- The protection of children from harm

All applicants are expected to demonstrate in their application the steps they intend to take to promote the licensing objectives, including their operating policies and procedures.

Applicants will have to demonstrate what steps they intend to take to prevent/reduce crime and disorder and what measures they will take to regulate the behaviour of customers whilst on their premises, and in the immediate vicinity. These will be scrutinised by the local police who will raise objections if they have any concerns

The promotion of public safety will be more relevant in some premises than others, but a failure to put in place the right policies may result in representations from a number of outside agencies that could jeopardise the success of an application.

Noise, litter odours and anti-social behaviour can adversely affect those living and working nearby and applicants are expected to policies in place that will reduce the impact.

The protection of children from harm is paramount when licensing authorities are considering an application. Without a robust set of policies demonstrating how you will promote this objective, an application is likely to receive representations (objections) that may delay or even prevent a premises trading.

When Raj contacted us his application had received representations from several authorities concerned that he would not be able to operate his business in a manner that supported the licensing objectives. We helped him prepare a clear set of policies and detailed steps that demonstrated that he could. We can work with you to ensure that your application includes the necessary steps to address any issues that your business may encounter, reducing the likelihood of any objections and maximising your chances of its success.



## STEP THREE - THE DEVIL IS IN THE DETAIL

Whilst licensing authorities provide copies of the application forms it's the attention to detail that makes an application stress free. It's understanding the entire process and knowing what needs to accompany the application that leads to a successful application.

Many applications are rejected because the application form is not filled in correctly, or essential detail is missing. Errors on plans and notices are a common reason for applications being rejected or refused. All these can result in lengthy delays whilst a fresh application is submitted.

In other cases representations are made to the licensing authority by third parties where issues have not been addressed during the application process. This can then result in a licensing committee hearing to consider whether the application should be granted at all.

Preparing for and attending a licensing committee hearing is stressful, timed consuming and costly if you decide to get an expert in to help. In many cases an expert assisting with an application from the start can avert such events.

Understanding what the licensing authority expects an application to contain and what details to include reduces the risk of objections from other local bodies and interested parties. It's about knowing how the licensing laws apply to your business, to anyone else that might be affected by your business and the how the local authorities can apply them. When you get the details right, an application can be virtually stress free.

With years of experience in licensing we can ensure that your application contains all the essential information for a successful stress free application



## HOW CAN YOU MAKE SURE THAT YOUR APPLICATION WILL BE STRESS FREE?

It is not possible to give a 100% guarantee that your Licensing Authority will grant you a Licence but the good news is that if you prepare your application paperwork taking the following into consideration your chances will be greatly improved.

First know your local area and any external factors that are likely to affect your application; if you can anticipate any concerns that may be raised you will reduce the risk of objections. Using an experienced licensing consultant who knows where to find the relevant information will remove a great deal of stress, freeing up your time to get on with opening the business.

Secondly have a robust set of policies and procedures that will satisfy the licensing authority and other responsible authorities that the operation of your business will promote the licensing objectives. Being able to demonstrate how your business will remain compliant is crucial to a successful application and is not something that should be left to chance.

Thirdly make sure that the every detail of the application requirements has been addressed when submitting an application. If you miss any element out your application is likely to be rejected or even refused. Having someone who knows exactly what needs to be done when will give you the best chance of your application succeeding.

Getting the critical elements of your application right is fundamental to its success and with over a decade of experience we know precisely what that involves. When we handle your Licence application we will use our knowledge and experience to ensure it has the best chance of succeeding, leaving you with one less thing to worry about.

At Hough & Bollard we often hear from businesses that have considered applying or unsuccessfully tried to apply for a Licence themselves. We take the time to understand your business and the local area in which you will trade. We prepare bespoke policies tailored to your business needs, submit your application and deal with the notification requirements. And in the unlikely event that any representations are made we work hard to reduce the likelihood of a licensing committee hearing.

## NOW YOU UNDERSTAND HOW TO MAKE YOUR APPLICATION STRESS FREE, WHAT IS YOUR NEXT STEP?

Preparing for an application takes time, and we will need to talk through with you your business needs and any issues that are likely to stand in the way of a successful application. Once we understand all the circumstances we can advise you on the best way to proceed.

The sooner you speak to us the sooner we can start the process, so if you are ready to start your application contact Debbie Bollard today on 01526 341162 or by email [info@houghandbollard.co.uk](mailto:info@houghandbollard.co.uk) to arrange a call back.

## THE AUTHOR: DEBBIE HOUGH BOLLARD, LICENSING CONSULTANT

I have been working with businesses in the hospitality, leisure and retail sectors for over 10 years. I spent a number of years working as a solicitor acting for Clients across the country. I understand the unique needs of the small businesses and work with them to develop a successful application for a Licence. I set up Hough & Bollard in 2016 and continue to work with many of my original clients. I am also proud to say that many of my new clients come to me on recommendation from existing clients.



What you will get from me is the help and advice you need to run your business; I have a practical, hands on approach to resolving issues quickly, efficiently and in a cost effective manner.

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## WHAT MY CLIENTS SAY

*"Debbie gave me advice on alcohol licensing and she was very prompt with her reply and very professional and helpful. I would highly recommend Debbie, she left a very good impression on me with her approachable yet very professional attitude. Thanks again Debbie!!"*

Sofia Bagueley Sofia's Columbian Kitchen

*" very happy with the work you have done – it made the whole process painless!"*

Andrew Wright – Lakings of Louth