**GUIDANCE NOTES – PREMISES LICENCE**

Before submitting an application, you, and your solicitor / agent, should consider carefully the five licensing objectives as set out in the Licensing Scotland Act 2005 namely:

1. preventing crime and disorder,
2. securing public safety,
3. preventing public nuisance,
4. protecting and improving public health, and
5. protecting children from harm.

as we ask you to give us a written statement along with your application as to how you will operate your business in relation to them.

You should also look at our Statement of Licensing Policy which sets out the Boards' views and expectations in relation to the licensing of the sale of alcohol.

You must include a **Disabled Access and Facilities Statement** with you application. Although the Statement must be submitted with the application, it does not form part of the licence. The statement must be in the prescribed form.

The Scottish Government has published on its website non-mandatory guidance to help you write your Statement and you should read through this guidance before doing so. The Guidance also provides links to other sources of helpful information.

**How much will it cost?**

For a new application, there are different levels of fees which| are banded according to the rateable value of your premises. Once granted, your premises licence will not expire so there is no renewal fee. Instead, we charge an annual retention fee which is payable by 1 October each year. We will send you a reminder letter. Failure to pay your annual fee will result in you being reported to the Licensing Board and you may ultimately lose your licence.

Fees are set by the Scottish Government and not Falkirk Council Licensing Board.

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| **Category** | **RateableValue** | **New Licence** | **Annual Renewal** |
| 1 | See below | £200 | £180 |
| 2 | £1 and £11,500 | £800 | £220 |
| 3 | £11,501 and £35,000 | £1,100 | £280 |
| 4 | £35,001 and £70,000 | £1,300 | £500 |
| 5 | £70,001 and £140,000 | £1,700 | £700 |
| 6 | Over £140,001 | £2,000 | £900 |

Your premises fall within Category 1, if:

1. they are not on valuation roll or have a nil value
2. they are a visitor attraction
3. they are a members club
4. their main function is to provide accommodation

Generally fees are non-refundable either in full or in part.

For a provisional application, there is a flat fee of £200. When you apply for the confirmation, you pay a fee which is the balance of the full fee based on the rateable value of the premises (see table above).

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| **Provisional Premises Licence Application Example**:- Property has a rateable of £45,000 and is therefore Category 4Full Fee = £1,300 Provisional Application Fee = £200 Confirmation Application Fee = £1,100  ---------- £1,300  |

**How long will it take to process my application?**

We will not accept your application if it is not filled in correctly. We will contact you to explain the parts of your application that are incorrect.

The law says that we must notify and send a copy of your application to the following:

* the Chief Constable
* Scottish Fire & Rescue Service
* Falkirk Council
* Forth Valley Health Board
* the local Community Council
* your neighbours who live within 4 metres of the premises to be licensed

This gives them the opportunity to object to your application on any relevant ground of refusal or to make representations. Representations can be made supporting the application, requesting that changes be made to the operation plan, or requesting that conditions be imposed should the application be granted. The notification will give the date by which any objections or representations should be sent to us.

We will send you a Statutory Notice that you must display on your premises in such a way that it can be seen by members of the public. At the end of the display period you must send us a completed Confirmation of Display of Notice form which we will supply. The Statutory Notice will give the date by which any objections or representations should be sent to us.

At the same time as you are displaying your Notice, we will publish your application on the Licensing Board section of Falkirk Council’s web site. The website will give details of the last date by which objections and representations can to be made. We have 42 days from when we receive your application to advertise it on the website.

We give copies of objections and representations to applicants.

We have 119 days from the end of the objection/representation period, to issue your licence. Officers do not have the power to grant premises licences so your application will be determined at the next available meeting of the Licensing Board. You will be sent an email asking you to attend and a copy of the report that will be considered by members at the meeting.

At the meeting you may be asked questions about your application by the members of the Board. It is also possible that the members might decide to carry out a site visit to see your premises.

**What happens if I have convictions?**

You need to tell us on the application form if you or any connected persons have ever been convicted of a relevant or a foreign offence. A conviction for a relevant or a foreign offence should be disregarded if it is spent for the purposes of the Rehabilitation of Offenders Act 1974. A copy of your application is sent to Police Scotland. The Chief Constable may submit a notice specifying any convictions for a relevant or a foreign offence. The notice will be considered by the Licensing Board when it determines your application.

Please note that you must advise us if you are convicted of a relevant or a foreign offence during the period from making your application to the determination of the application.

**Where do I send my application form?**

You can email us your application or can post it to us at the address below.

**What else do I need to send with my application form?**

You also need to send with your application the following:

* The application fee (which can be paid by debit/credit card over the phone or BACS),
* Completed Operating Plan
* Planning Section 50 certificate
* Building Standards Section 50 certificate (not required for provisional applications)
* Food Hygiene Section 50 certificate (not required for provisional applications)
* 6 copies of the layout plan
* Statement of Licensing Objectives
* Disabled Access and Facilities Statement

**What happens if an Objection and/or a Representation is submitted?**

Any person may make an objection| to an application on any relevant ground of refusal by way of a notice to the Licensing Board. Similarly, any person may make representations| to the Licensing Board concerning an application:

* supporting the application
* requesting that modifications be made to the operation plan
* requesting that conditions be imposed should the application be granted.

If an **objection and/or a representation is submitted, a copy of it will be sent to you. At the meeting of the Board, you will be given the opportunity to speak to the Board in relation to the objection and/or a representation.**

## What happens if my application is refused?

Appeals against the refusal of an application must be made to the sheriff principal of the Sheriffdom where the principal office of the Licensing Board is located.

Appeals can only be made under one of the following grounds:

* the Licensing Board erred in law
* the decision was based on incorrect material facts
* the Licensing Board acted contrary to natural justice
* the Licensing Board used their discretion in an unreasonable manner

**How can I contact you?**

Our preferred method of communication is email:

* Licensing@falkirk.gov.uk

You can also call us on:

* 01324 501575

You can post in applications to:

* Licensing Section

Falkirk Council

The Foundry

4 Central Boulevard

Central Park

Larbert

FK5 4RU