

## **FURTHER GUIDANCE FOR APPLICANTS FOR PREMISES LICENCES**

### **Application Forms**

Additional copies of the application forms and guidance notes can be downloaded from our website page at [www.shetland.gov.uk/licensing](http://www.shetland.gov.uk/licensing).

The forms are prescribed by regulations made under the Licensing (Scotland) Act 2005. If you find that you don't have enough room to provide information on the forms, please provide the information on supplementary sheets of A4 paper and attach these to your application. Typewritten or word processed sheets would be preferred.

You must complete the application form for premises licence and the form for your operating plan and lodge these, **together with your layout plan**, and certificates in relation to -

- planning;
- building standards; and
- if food is to be supplied on the premises, food hygiene.

### **Layout Plans**

A layout plan must show the following –

- (a) the extent and dimensions of the boundary of the building, if relevant, and any external and internal walls of the building and, if different, the perimeter and dimensions of the premises to be licensed (including outside drinking areas);
- (b) the location and names of any streets surrounding the premises from which members of the public have access to the premises;
- (c) the location and width of each point of access to and egress from the premises;
- (d) the location and width of any other escape routes from the premises;
- (e) the location of any equipment used for the detection or warning of fire or smoke or for fighting fires;
- (f) the location of any steps, stairs, elevators or lifts on the premises;
- (g) the location of any toilets on the premises (identified as male, female or disabled as appropriate);
- (h) any area on the premises set aside specifically for the use of children and young persons; and
- (i) any area on the premises to which children and young persons will have access.

Where the layout plan relates to premises to be licensed for the sale of alcohol for consumption **on** the premises, it must also show the use or uses to which each part of the premises will be put (under reference to the activities identified in the operating plan).

Where the layout plan relates to premises to be licensed for the sale of alcohol for consumption **off** the premises, it must also show the following –

- (j) the location of the area or areas to be primarily used for the display of alcohol;
- (k) the maximum width and height (in metres) of the frontage to be used for the display of alcohol within that area or those areas; and
- (l) the maximum linear measurement (in metres) of any displays of alcohol outside the frontage referred to at (k) above.

A layout plan may include a legend through which the matters narrated above may be sufficiently illustrated by the use of symbols on the plan.

Layout plans must be drawn at a scale of 1:100 or in such other scale as may be agreed between the person submitting the plan and the Licensing Board. You should contact this office if you propose to provide a plan at a scale different to 1:100.

### **There are additional requirements affecting layout plans for off-sales premises**

#### The Licensing (Mandatory Conditions No. 2) (Scotland) Regulations 2007

These Regulations provide for separate display areas as a mandatory requirement for all off-sales premises. Alcohol which is for sale only for consumption off the premises may be displayed only in one or both of the following –

- (a) a single area of the premises agreed between the licensing board and the holder of the licence; or
- (b) a single area of the premises which is inaccessible to the public.

In an area agreed under (a) above, a product other than alcohol may be displayed only if it is –

- a non-alcoholic drink; or
- packaged with, and may be purchased only along with, alcohol.

Applicants for off-sale premises licences will require to show alcohol display area(s) and information on the capacity of these areas on the layout plan.

### **Numbers of Plans to be Submitted**

Please provide five copies of your layout plan.

### **Display of Notices/Confirmation of Site Notice**

There are requirements prescribed in the Procedure Regulations about display of a Site Notice which apply after you have lodged an application, and the Board give the date for public notice of the application. We will give you further details about that, along with a form of Site Notice after you have lodged your application.

## **Personal Licences, Premises Managers and Relationship to Operating Plan**

In due course, each premises will require to have a named premises manager, whose details will be given in the premises licence. A premises manager must be a personal licence holder. A named premises manager cannot be the premises manager for more than one premises at a time. Each premises can have more than one personal licence holder.

An applicant for a personal licence must be in possession of the prescribed licensing qualification. Application forms for a personal licence can be downloaded from our website page at [www.shetland.gov.uk/licensing](http://www.shetland.gov.uk/licensing) and are available on request from our office.

### **Fees**

The following table sets out the fees which have been determined for an initial premises licence application and the annual premises licence fee in terms of the Licensing (Fees)(Scotland) Regulations 2007.

| Initial Premises Licence Fee | Annual Premises Licence Fee |
|------------------------------|-----------------------------|
| Category 1 - £200            | Category 1 - £180           |
| Category 2 - £800            | Category 2 - £220           |
| Category 3 - £1,100          | Category 3 - £280           |
| Category 4 - £1,300          | Category 4 - £500           |
| Category 5 - £1,700          | Category 5 - £700           |
| Category 6 - £2,000          | Category 6 - £900           |

The above Categories 2 - 6 are by reference to the rateable value of the premises as set out at Regulation 5. Category 1 is in respect of premises which have no rateable value, and also apply to Club premises and certain other premises as described in Regulation 4.

The initial fee is payable on making the application, and the first annual fee following grant of a premises licence will be due on 1 October each year.

The fee prescribed by the Regulations for application for a Personal Licence is £50.

### **Fire Safety Checklists**

A Fire Safety Checklist for Permanent Structures can be downloaded from our website page and is available on request from our office. This document will help you to consider the steps you should be taking under the Fire (Scotland) Act 2005 and will help to focus attention on fire safety matters when preparing application(s). The document should be completed and submitted to the Highlands & Islands Fire & Rescue Service, District Office, Sea Road, Lerwick. This document does not form part of the application which you are required to submit to the Licensing Board under licensing legislation. However, the Board is required to consult the local fire authority on your application and the fire authority has indicated that failure to complete the Checklist and submit it to their local office may result in delay in the processing of your application and/or an objection.

## **Further Information**

Additional information regarding the changes to licensing is available from the dedicated website established by the Scottish Government at [www.infoscotland.com/licensingact](http://www.infoscotland.com/licensingact). Copies of the 2005 Act and Regulations made under it are accessible from [www.opsi.gov.uk](http://www.opsi.gov.uk).

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January 2010