

Provisional Statements

1 What is a Provisional Statement?

If you want to use premises for a licensable activity but the premises:

- are being constructed
- are about to be extended or altered
- don't have all necessary planning permissions

you may want to know whether the Council would be prepared to issue a Premises Licence but don't yet want to make a full application for a Premises Licence. You can apply for a Provisional Statement to find out. ¹

Note

- 1 A Provisional Statement is not a Premises Licence – it is more 'an expression of intent' to issue one. An application for a Premises Licence must be made and a Premises Licence granted before any licensable activities can take place.

2 Why apply?

When you subsequently make an application for a Premises Licence for the same premises (in the same form as the application for the Provisional Statement) and all works have been satisfactorily carried out then unless circumstances have changed in the meantime, objections which could have been made at the time of the application for the Provisional Statement will be disregarded.

In effect, unless people object to the application for a Provisional Statement, they will not be allowed to do so to a later application for a Premises Licence unless things have changed.

3 Do I need to apply for a Provisional Statement?

You can still apply for a Premises Licence if you prefer (even if the premises are not ready for use for the licensable activities or planning permission has not been obtained) provided that you can:

- supply an accurate plan showing the layout of the premises
- complete an Operating Schedule in sufficient detail to show how you will satisfy the licensing objectives. You will need to include sufficient information about the proposed activities; the times those activities are to take place; the proposed opening hours and, if alcohol is to be sold, the name of the designated Premises Supervisor.

If you are not able to supply this information, you will need to apply for a Provisional Statement.

Note

The Licensing System is completely separate from planning and building control rules. You can apply for a licence even if you don't have planning permission and the Council will issue a licence if you satisfy the licensing criteria.

The issue of a licence does not mean that planning permission or building control approval are not also required.

4 Who can apply?

You can only apply if you are interested in the premises and, if you are an individual are aged 18 or over.

5 How do I apply?

There are 3 steps:

- a. Applying to the Council
- b. Notifying Responsible Authorities
- c. Advertising the application

a) The Application

Send to the Council:

- the completed application form which contains a schedule of works¹
- the fee

Note

1 The schedule of works must include:

- a statement by the applicant including particulars of the premises and the licensable activities
- plans of the work to be done on the premises

b) Notifying Responsible Authorities

Your application and all accompanying documents must be sent to EACH of the Responsible Authorities¹ on the same day as you make your application.

c) You must also advertise your application as follows:

- You must prominently display a suitable notice¹ in at least one place or on the site of the premises where it can be conveniently read from the exterior of the premises for not less than **28 consecutive days** following the date of your application
- If the premises cover an area of more than 50 square metres, additional notices must be displayed every 50 metres along the perimeter of the premises which abut a highway for the same period of time **AND**
- You must publish a notice in a newspaper circulating in the area of the premises² not more than **10 working days** after you make your application

Notes

- 1 The notice to be displayed on the premises must be:
 - a) A4 size or larger
 - b) Pale blue colour
 - c) Printed legibly in ink or in large black type (at least Font size 16)

- 2 The notice in the newspaper must contain
 - a) a statement setting out the licensable activities being proposed (if known) and
 - b) a statement that representations are restricted after the issue of a Provisional Statement

It must also contain:

 - c) the name of the applicant
 - d) the postal address of the premises (or if there is no postal address, an accurate description of the location of the premises)
 - e) the postal address or worldwide web address where the Council keeps the register and where the record of the application may be inspected
 - f) the dates between which an interested party and responsible authority may make representations to the Council
 - g) a statement that representations must be made in writing
 - h) a statement that it is an offence knowingly or recklessly to make a false statement in connection with an application and the maximum fine for which a person is liable on summary conviction for the offence

6 What happens next?

The Council will check your application to make sure that it is complete and the correct fee has been paid. The Council may reject the application and return it to you if it has been wrongly made or is incomplete¹.

Note

- 1 Examples of errors which may lead to the forms being returned are:
 - incorrect fee
 - forms not signed
 - enclosures missing
 - an obvious omission (eg if alcohol is to be sold, the omission of a designated premises supervisor)

The Council is unlikely to return the forms if the operating schedule section is completed inadequately (unless there is an obvious mistake). A responsible authority may well question any weaknesses in any operating schedule.

If no Responsible Authority or interested party makes a relevant objection to your application within 28 days, the Council will issue the Provisional Statement as requested in the application.

If objections are received, then the Council will arrange a hearing to consider the matter. You will be notified of the date and time

If the Council issue the Provisional Statement, it will notify the applicant and send a copy to the police and each person who made a relevant representation.