

APPENDIX B

GUIDANCE

Slough Licensing Authority does not provide free pre-licence advice, however, we can help you with your licence applications we offer a pre-application advice service to support your licensing application(s) made for the following:

Alcohol, entertainment and late night refreshment
Animal Welfare
Gambling
Scrap metal dealers
Sex Establishment
Acupuncture, tattooing, electrolysis, ear or body piercing (special treatment licences)

The benefits of pre-application advice are that it can:

- Help you to anticipate and resolve any problems that could arise during the application process
- Save you time and money
- Ensure you have provided the right information to support your application before submitting it.

Please note that this is for Licensing Applications advice only. If you require advice regarding planning applications please visit the planning department's pages.

Our Pre-Application Advice Service:-

Offers advice and assistance with completing licensing applications with an aim to support your application before it is submitted to us for consideration.

The service can assist you with your application and that the licence you require is at the right level that you need. We can assist in minimising any problems you may encounter during the application process. We will ensure your documents, including the application are right. We will reduce administration burden and distribute copies to the Responsible Authorities for you.

Special Note: Using this pre-application service will not give applicants any exemptions from the licensing process. Our advice service cannot influence or prejudge the outcome to an application especially if it results in representations

being made, including from the Responsible Authorities such as the Licensing Authority, the Police, Fire Service,, Planning, etc, that necessitates a Licensing Sub-Committee hearing. However, it does ensure that your application will be processed promptly and that where appropriate the application contains all the information and conditions that the Council would expect to be in place to satisfy the Responsible Authorities.

Our 'Check and Send' Service: -

The process of applying for a premises licence under the Licensing Act 2003 is strictly defined by legislation and statutory guidance and can often be complex. This includes strict requirements to serve applications on a number of statutory Responsible Authorities depending on the type of application made. Failure to properly follow the appropriate legislation and guidance is likely to have the application declared invalid.

The 'Check and Send Service will offer applicants the opportunity to have their application validated by a Licensing Officer who will also distribute the application.

We will:-

- Meet with you to do a pre-submission validation check to make sure there are no errors or oversights that may invalidate your application.
- Distribute your completed application to the relevant Responsible Authorities.

Pre-application consultation: -

- Provide advice that will determine whether you require a licence and which licence(s) are required.
- Advice and assistance on completing the application form to help you gain an understanding of any issues that may arise from your application.
- Consider any appropriate conditions and/or comments that may be suggested by consultees or Responsible Authorities.
- Ensure the correct level of licensing for your business.
- Provide advice on the production of site plans that are required to accompany the application under the legislation and guidance.

Your application will be:

- Checked to ensure it is valid and completed correctly.
- Submitted on your behalf to the appropriate Responsible Authorities.

We will, where applicable:

- Provide you with an acceptance date to immediately commence the consultation Period.
- Assist you in the completion of the relevant statutory notices and advertisements for the public.
- Submit your application on your behalf to the Responsible Authorities.
- Serve the application on the existing Designated Premises Supervisor.

This service could save you time and money in application delays due to errors, resulting in the process re-starting.

We will make sure your application is correctly completed before it is submitted to the relevant authorities.

The cost of £75.00 per hour for this valuable quality service includes VAT and covers our costs without profit for the administration and delivery of the service.

If you would like to apply for Pre-Application advice please complete the Licensing Pre-Application Advice Request form. We will aim to contact you within 5 working days of receiving your application form to make an appointment to discuss your requirements and advise of the cost of the advice.

This is an impartial service and operates free from conflicts of interest and is non-profit. The pre-application advice service will end once an application is submitted and a different officer (i.e. different from the officer providing pre-application advice) will deal with your application once it has been submitted. Therefore, use of this service does not guarantee that the Licensing Authority will not make a formal representation in relation to any application.

This non-obligated service is not exclusive to Slough Borough Council Licensing Team and similar services are offered elsewhere.

TERMS AND CONDITIONS

1. The Pre-Application Service

1.1 The Licensing Service will:

- (a) Provide appropriate advice in order that the customer can determine which licence application/s, if any, are required;
- (b) Provide advice to ensure the customer applies for the correct level of licensing tailored to the needs of the business;
- (c) Where applicable, provide advice on drawing up plans to accompany the application in accordance with the relevant legislation and guidance.

2. The Application Assistance Service

2.1 The Council will:

- (a) Assist the applicant with completion of the statutory application forms;
- (b) Where applicable, assist the applicant with completion of the statutory public and press notices.

2.2 The Applicant;

- (a) Is responsible, where applicable, for ensuring the statutory notices are displayed on or at the premises in accordance with the legislation and guidance.
- (b) Is responsible, where applicable, for ensuring the press notice is published in a

newspaper with local circulation within 10 working days of the application being accepted.

- (d) Is responsible for providing copies of any documentation requested by the Council Officer within a reasonable time to facilitate the completion of the application;
- (e) Is responsible for keeping copies of any documents provided to the Council Officer.

3. The Check and Send Service

3.1 The Council will;

- (a) Meet with you to do a pre-submission validation check to ensure there are no errors or omissions that may result in an application being rejected as invalid. We will certify any photographs (if applicable) and distribute your application to consultees/Responsible Authorities (where applicable).
- (b) Check the application to ensure it is valid and has been correctly completed;
- (c) Provide the applicant with an acceptance date so that, where applicable, the statutory consultation period commences immediately from that date;
- (d) Where applicable, assist the applicant with completion of the statutory public notice and press notice, and provide you with the required:
 - i. Statutory public notice/s for display on the premises.
 - ii. Statutory press notice for the applicant to arrange to publish in a local newspaper.
- (f) Where applicable, facilitate the electronic submission of the application on behalf of the applicant to the relevant Responsible Authorities as defined in the Licensing Act 2003.

3.2 The Applicant:

- (a) Is responsible, where applicable, for ensuring the statutory notice is displayed on the business premises in accordance with the legislation and guidance.;
- (b) Is responsible, where applicable, for ensuring the press notice is published in a newspaper with local circulation within 10 working days of the application being accepted;
- (c) Is responsible for providing copies of any documentation requested by the Licensing Officer within a reasonable time to facilitate the completion of the application.

4. All Services

- 4.1 The Applicant will, where requested, prove their identity by providing the Council Officer with the relevant requested ID. This may also include proof of a position held within a company or organisation and/or authority to submit the application.
- 4.2 The Applicant is responsible for co-operating with the Council, providing documentation requested within a reasonable time and ensuring that all information provided to the Council Officer is accurate and true to the best of

their knowledge and belief. The Council provides these services based on the information provided. Any false declarations made by the Applicant may result in prosecution.

- 4.3 The Applicant is responsible for keeping copies of any documents provided to the Council Officer.
- 4.4 Approval of any licence application/s cannot be guaranteed. Any Responsible Authority and member of the public, a business, or other person may make representations in respect of certain applications and the application may be referred to the Licensing Sub-Committee for a decision.
- 4.5 The Council shall not be responsible for any delay incurred after the application has been submitted to the Responsible Authorities.
- 4.6 The Applicant should not rely on any information received as legal advice. Where the Applicant has any specific concerns or questions in respect of their application they should consider obtaining their own independent legal advice.
- 4.7 Using any of these services will not prejudice any future statutory inspection.
- 4.8 The Service is empowered to enforce a variety of civil and criminal statutes. It has a duty to investigate any allegations of breaches of such legislation and the provision of this service does not affect this duty in any way whatsoever.

5. The Fee

- 5.1 The Applicant shall pay the fee (incl. VAT) for each service required.
- 5.2 Payment of the fee shall be made in advance of any service being undertaken.
- 5.3 Payment for the fee shall be made by credit/debit card.
- 5.4 A log will be kept detailing the amount of time spent on each application. If there is a major discrepancy between the time predicted and the actual time spent then a decision will be made as to whether to refund part of the fee. No extra charge will be made if additional time is spent, as an agreement would have been made prior to the advice being given.
- 5.5 The Applicant will be required to pay any statutory licensing application fee and newspaper advertisement fees in addition to the fee for any of the additional services.

Disclaimer

The services are provided by members of the Licensing Team. The services do not prevent any of the Responsible Authorities and other persons submitting a representation to your application. The Council's Licensing Officers are unable to

give any guarantees about the decision that will be made on an application. An application that results in representations being received may be referred to the Licensing Sub Committee, where the application and the representations will be considered on their own merits and determined accordingly.

Data Protection

The Licensing Authority of the Slough Borough Council will be collecting this information for the purposes of applying for a licence.

The processing of this information is necessary for compliance with the legal obligations that the Licensing Authority is subject to.

Some of the data we will be collecting will be personal data about you. This will include amongst other things: name, residential address and date of birth. Additionally, we will be collecting details of business premises, type of business and accredited licensing qualification certificates.

We are required under any statute directive or local policy, governing body dictate to keep your information for as long as necessary to fulfil our legal obligations and responsibilities for which the information is used, after which time it will be destroyed.

The Council will not routinely share your information with any other organisation but we may on request, share certain information (subject to the General Data Protection Regulation 2018 and any Memoranda of Understanding) with relevant Responsible Authorities as defined in the Licensing Act 2003. We may also be obligated to share your personal details with other organisations for crime and taxation purposes including the prevention or detection of crime, the capture or prosecution of offenders; and the assessment or collection of tax or duty under the the Customs, VAT and Excise Regulations. We will not use your information for marketing purposes.

The Data Protection legislation gives you the right to apply for a copy of the information we hold about you. You can obtain this by making a 'Subject Access Request'.

For further information on making a Subject Access Request please use the below link.

<http://www.slough.gov.uk/downloads/SAR-request.pdf>

The accuracy of your information is important to us to be able to provide relevant services more quickly. We are working to make our record keeping more efficient. In the meantime, if you change your address or email address, or if any of your circumstances change or any of the other information we hold is inaccurate or out of date, please email us at: licensing@slough.gov.uk or write to us at:

The Licensing Team, Slough Borough Council, Landmark Place, High Street, Slough, SI1 1JL.

Your information choice and rights (Standard corporate wording) Information Commissioner's Office

The Information Commissioner is the UK's independent body set up to uphold information rights.

If you would like to know more about your rights under the Data Protection law, and what you should expect from us, visit the Information Commissioner's website at:

<https://ico.org.uk/>

If you have any concerns regarding our privacy practices or about exercising your Data Protection rights, you may contact the Information Commissioner's Office - Information Commissioner's Office

Wycliffe House

Water Lane

Wilmslow

Cheshire

SK9 5AF

Tel: 0303 123 1113 or 01625 545 745

Email: casework@ico.org.uk