

Guidance for Provisional Statements

A provisional statement provides applicants with a means of establishing whether a premises that is being or about to be constructed or substantially altered for the provision of licensable activities would be granted a premises licence after the building works are complete. The applicant will thereby be able to determine whether the proposed business is viable before investing significant amounts of money.

The applicant for a provisional statement can be a company, a group of architects, a construction company etc. or an individual (over 18). This applicant need not necessarily be the same as the person(s) who will ultimately apply for the premises licence.

The application must be accompanied by the relevant fee and a schedule of works which includes: a) a statement made by or on behalf of the applicant including particulars of the premises to which the application relates and of the licensable activities for which the premises are to be used b) plans of the work being or about to be done at the premises.

Advertising the application

Provisional statements must be advertised in the following ways:

Window Notice

By displaying a notice in at least one place at or on the site of the premises concerned for not less than **28 consecutive days** starting on the day following the submission of the application to the Council's Licensing Team. In the case of a premises covering an area of more than 50 metres square, a further notice must be displayed every 50 metres along the external perimeter of the premises abutting any highway.

The notice **must** contain the following information:

- The requested activities and the hours sought for each activity
- Ensure that it is clear that what type of application is being made by marking on the notice whether it is a new grant, variation or provisional statement.

*(Please note that the Window Notice must be printed on **light blue paper** of at least **A4 size**. The text on the Notice must remain in a **Size 16 Times New Roman** font)*

A copy of the window notice will need to be submitted as part of your application to ensure the correct information is being displayed. Please be advised if the notice is checked and found to contain errors or not displayed you will be asked to make the relevant amendments and restart the 28 day consultation period.

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Newspaper advertisement

By publishing a notice in a local newspaper circulating in the Kensington and Chelsea area on at least one occasion during the period of **10 working days** starting on the day after the day on which the application was submitted to the Council.

Other information

Not later than the day the application is made, a copy of the application (including the schedule of works) must also be given to the relevant responsible authorities. Please refer to the list of responsible authorities for further details of the notification requirements for the various types of application.

Proof of postage is not a legal requirement however the Council conducts frequent spot-checks in order to ensure that the statutory authorities are kept apprised of all relevant applications.

If no representations are received, the Council will issue a provisional statement to that effect. The provisional statement will remain in force until an application for a premises licence is made.

If representations are received, the application will be heard before the Licensing Sub Committee. The Sub Committee will decide whether, in the interests of promoting the licensing objective, the premises licence (when applied for) should be subject to additional conditions or certain licensable activities should be excluded etc. The Sub Committee may also indicate that if such an application were made it would be rejected. The applicant will receive a copy of the Sub Committee's decision following the hearing.

Please note: when an application for a premises licence is made in respect of premises which have already been granted a provisional statement, representations will be excluded in circumstances where:

- The application for a licence is in the same form as the licence described in the provisional statement; and
- The work in the schedule of works has been satisfactorily completed;
- Given the information provided in the application for a provisional statement, the responsible authority or interested party could have made the same, or substantially the same, representations about the application then but failed to do so without reasonable excuse; and
- There has been no material change in the circumstances relating either to the premises or to the area in the vicinity of those premises since the provisional statement was made.

The completed application form, together with the required fee and schedule of work, should be sent to the Licensing Team, Council Offices, 37 Pembroke Road, London W8 6PW. Fees for all applications are based on the rateable value of the property concerned. You may check this figure and the applicable fee by visiting our website at

<https://www.rbkc.gov.uk/licensing-information/licensing>

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Cheques should be made payable to the Royal Borough of Kensington and Chelsea. Payment may also be made by credit card, either in person at the Council at the above address or by telephone on 0207 341 5152.

Incomplete application form will not be accepted under any circumstances and will be returned directly to the sender. Please also ensure that any plans submitted are in accordance with regulations; a checklist is enclosed for your convenience.