



LICENSING ACT 2003

GUIDANCE FOR VARIATION OF A PREMISES LICENCE APPLICATION

This guidance has been produced to assist you in making a variation application to vary a premises licence under the Licensing Act 2003. The contents are intended as a guide to applicants, are not a full authoritative statement of the law and do not constitute legal advice.

What do I need a Premises Licence for?

If you wish to carry on any of the following activities you need a premises licence:

- The sale of alcohol by retail anywhere whether for consumption on or off the premises no matter what the quantities are
- The provision of regulated entertainment, namely,
 - The performance of a play
 - The exhibition of a film
 - An indoor sporting event
 - Boxing or wrestling entertainment
 - The performance of live music
 - The playing of recorded music (excluding incidental background music)
 - The performance of dance
 - Entertainment of a similar description to live music, recorded music or dance
- The provision of hot food or hot drink at any time between 11pm and 5am for consumption on or off the premises.

Applying for a Variation of a Premises Licence

Please ensure you carefully read through the application form with this guidance before starting to complete the form. The form may be typed or written legibly in block capitals and in black ink. If any part of the application is incomplete, or any document missing, then the application will be rejected.

To make an application you need to:

- Complete the required application form which includes an Operating Schedule
- Enclose the correct fee
- Enclose a plan of the premises to which the application relates (if the original plan is to be altered).
- Enclose the existing premises licence

Once your application is complete, it must be submitted to the Licensing Authority, Hyndburn Borough Council, Scaitcliffe House, Ormerod Street, Accrington, BB5 0PF.

A copy of the completed application and accompanying documents must be sent to all of the "Responsible Authorities", on the same day as the application is submitted to the Licensing Authority. If you do not send full copies to the Responsible Authorities, any one of them can declare your application to be invalid. Please see separate guidance for a list of the Responsible Authorities.

Any of the Responsible Authorities have 28 consecutive days, starting with the day after the day your application was given to the Licensing Authority, to make representations about your application.

Advertisement of your Application

The application for a premises licence must be advertised in two ways.

1) Display a Public Notice

- Display prominently a notice at or on the premises for not less than **28 consecutive days**, starting after the day the application was submitted to the Licensing Authority.
- The notice must be displayed where it can be conveniently read from the exterior of the premises to which it relates.
- In the case of a premises covering an area of more than 50 square metres, a further notice in the same form should be displayed every 50 metres along the exterior perimeter of the premises abutting any highway.
- The notice must be **A4** in size and be **pale blue** in colour.
- It must be printed legibly in black ink or typed in a black font equal or greater than font size 16.

2) Publish a Newspaper Notice

You must advertise your application by displaying a notice in a local newspaper.

- It must be placed in a local newspaper that circulates in the vicinity of the premises (Lancashire Evening Telegraph or Accrington Observer).
- It must be published on at least one occasion during the period 10 working days after the day the application was submitted.
- Please ensure your application is complete and valid before displaying your newspaper notice. If incorrect you may need to advertise again.

Please see the separate guidance sheet for further information on advertising your application.

Advertising your application gives local residents and any other interested parties the opportunity to make representations in respect of your application during the 28 day notice period. If the representation is valid it may result in a Licensing Sub-Committee under Hearing Regulations. In some cases, the Licensing Authority will invite parties involved to a mediation meeting. If there are no representations, the application will be granted in the terms sought.

Guide for Operating Schedule Conditions

When completing your operating schedule, consideration needs to be given to the promotion of the licensing objectives, which are:

- Prevention of Crime and Disorder
- Public Safety
- Prevention of Public nuisance
- Protection of Children from Harm

The information you provide in the operating schedule will be incorporated into the premises licence as conditions. They will be enforceable under the law and any breach could give rise to prosecution. Conditions that are imprecise or difficult to enforce should be avoided. You may wish to seek further advice from the appropriate Responsible Authorities. You could also refer to the council's Statement of Licensing Policy which gives examples of conditions which you may consider when completing the operating schedule.

Further information can also be found in the separate guidance information sheet.

Plans of the Premises

A plan of the premises will have to be submitted to the council if you are intending to alter the interior or exterior of the premises.

Further information can also be found in the separate guidance information sheet.

Fees for a Variation of a Premises Licence

Ensure you enclose the relevant fee for your application. Fees are based on the Non-Domestic Rateable Value (NDRV) for the premises. Please see table below:

Rateable Value	£0* - £4300	£4301 - £33,000	£33,001 - £87,000	£87,001 - £125,000	£125,000 and over
Band	A	B	C	D*	E**
Fee Payable	£100	£190	£315	£450	£635

* Premises which are not liable for, or exempt from, National Non-Domestic Rates will fall under Band A

** Where a premises falls under Band D or E and is used exclusively or primarily for the supply of alcohol for consumption on the premises the fee will be as follows:

Band	Fee
Band D	£900
Band E	£1905

If you need further information and guidance please visit our website at www.hyndburnbc.gov.uk

Email us at licensing@hyndburnbc.gov.uk or telephone us on 01254 380616/380140.

Howard Bee

Howard Bee
Licensing Manager

THIS APPLICATION PACK SHOULD CONTAIN :

- L1 Hyndburn Borough Council's Statement of Licensing Policy
- A National Premises Licence application form
- PL1 A Designated Premises Supervisor consent form
(only applicable, if the premises is intending to supply or sell alcohol)
- PL2 Guidance notes on the requirements for Plans
- PL3 A list of the Responsible Authorities
- PL4 Guidance notes on how to advertise your application at your premises and in a local newspaper
- PL5 A schedule of Fees
- PL6 Advice from responsible authorities
- PL7 A Certificate of Advertisement which you must return to the Licensing Unit after the 28 day representation period.