

Licensing Act 2003 - Guidance to Applying to Vary a Premises Licence

The following is intended as a guide to making an application to vary a Premises Licence. Stroud District Council cannot take responsibility or liability for any errors or omissions. You may wish to seek your own independent legal advice before making any licensing application to the Licensing Authority.

HOW DO I APPLY TO VARY A PREMISES LICENCE?

You **must** do the following 7 points. Your application will be invalid if subsequently it is found that you have not completed all points. Each point is explained in more detail further in this guidance.

1.	Submit to the Licensing Section the completed variation application form	<input type="checkbox"/>
2.	Submit to the Licensing Section a revised plan of the premises if relevant	<input type="checkbox"/>
3.	Return to the Licensing Section the current Premises Licence	<input type="checkbox"/>
4.	Pay the Variation Application Fee to the Licensing Section	<input type="checkbox"/>
5.	Send copies of the above forms to all the responsible authorities at the same time as the application is submitted	<input type="checkbox"/>
6.	Place a blue notice at the premises from the day after the application is submitted and ensure it remains in place for 28 days	<input type="checkbox"/>
7.	Place a public notice in a local newspaper within 10 working days from the day after the application is submitted	<input type="checkbox"/>

All Application Forms are available on Stroud District Council's website www.stroud.gov.uk or by ringing the Licensing Section on 014353 754440. The completed forms and documents must be sent or handed in to: Licensing Section, Stroud District Council, Ebley Mill, Ebley Wharf, Stroud, Gloucestershire, GL5 4UB

1. Complete a Variation to Premises Licence Application Form

Before you begin to fill out the application form you should read the notes at the end of the form

The application must be made in the name of the current Premises Licence Holder. .

Part 4 of the application is called the operating schedule and in this part you must give the details of any additional licensable activities that you wish to add to your Premises Licence or any amendments to hours or conditions. Remember to include any non-standard times where you may wish to have different hours such as New Years Eve.

Promoting the Licensing Objectives - Box M (a-e) This is an important part of the application. In this section, you are expected to consider and describe the steps you intend to take, in relation to your proposed variations, to promote the four licensing objectives. The licensing objectives are

- ✓ **Crime and disorder**
- ✓ **Public nuisance**

- ✓ **Public Safety**
- ✓ **Protection of children from harm**

The Responsible Authorities will look at this section to see what working practices will be put in place at the premises to ensure that there are not going to be problems related to the licensing objectives. For example if you are extending your hours for sale of alcohol you may wish to explain that you will have CCTV to help prevent crime and disorder or if you are adding music to your licence you may explain that you will ensure doors and windows are closed when music is being played to prevent noise nuisance. The information given by you in this section may form part of any conditions that could be attached to your licence if the variation is granted.

2. Submit Plans of the premises

If your application relates to change in layout or extending the licenced area you must include a revised plan of the premises. The plans must be drawn to scale (1:100cm) and must show:

- ✓ Boundary of area to be covered by the premises licence – this may include outside areas. It is helpful if you outline this boundary in red ink
- ✓ Show the areas where different licensable activities will take place if appropriate
- ✓ All access and egress points including escape routes
- ✓ Any fixed structures which may impact on the ability of individuals at the premises to leave the building safely.
- ✓ Location of fire safety equipment

3. Return to the Licensing Section the current Premises Licence

You must return the original premises licence issued or if appropriate the relevant part of the Licence. Please remember that the original licence consists of a Part A which is the full licence and a Part B which is the summary licence. If you are unable to return the licence you must include a statement on the variation application form as to why it cannot be returned.

4. Application Fees

The fee is dependant on the non domestic rateable value (NDRV) of the premises. This is not the same as the actual business rate which you pay, but it is a value determined by the Valuation Office. The NDRV of any premises can be checked on the Valuation Office Agency's website <http://www.2010.voa.gov.uk/rli/en/basic/find>. Please see the end of this guidance for a full list of fees.

Some premises are exempt from paying fees for example community premises where the licence does not include sale of alcohol.

Payment is made to Stroud District Council and can be made using the following methods

- Cheque made payable to 'Stroud District Council'
- Cash/card at the Council Offices between the hours of 10am-4pm
- Telephone using a credit/debit card – please call 01453 754440 during the hours of 10am-4pm.

5. Give copies of the application to the Responsible Authorities

You must give a full copy of your application and, if relevant, the plans to all the responsible authorities on the same date that your application is given to Stroud District Council. Stroud District Council's list of Responsible Authorities is available on our website www.stroud.gov.uk or contact the Licensing Section on 01453 754440 for a copy of the list.

Your application will be invalid if subsequently it is found that you have not done this. For your own benefit you may wish to get a receipt for the application and copies delivered or send them by registered post and keep the receipts/tickets as evidence that they have been delivered/sent.

6. Blue Notice at Premises

It is your responsibility to advertise your application by displaying a pale blue notice – size at least A4, with black printing or type equal to or greater than font size 16 placed in a prominent position at or on the premises concerned where it can be conveniently read from the exterior of the premises. If the premises cover more than 50 metres square, further blue notices must be placed every 50 metres along the external perimeter of the premises abutting any highway.

This notice must be displayed for not less than 28 consecutive days following the day on which the application was given to the Licensing Authority.

Your application will be invalid if subsequently it is found that you have not done this.

A blank notice is available on Stroud District Council website www.stroud.gov.uk or by ringing the Licensing section on 01453 754440. The notice must include the following

- (a) The name of the applicant.
- (b) The postal address of the premises or, if there is no postal address, a description to enable the location and extent of the premises to be identified.
- (c) A summary of the variation applied for.
- (d) The web address www.stroud.gov.uk where the licensing authority register is kept and Stroud District Council's details where the application may be inspected which are Licensing Section, Environmental Health, Stroud District Council, Ebley Mill Westward Road Stroud Glos. GL5 4 UB. Phone 01453 754440, e-mail: licensing@stroud.gov.uk
- (e) The dates between which representations can be made to the relevant licensing authority about the application – this will be 28 days from the day after the application was submitted to the Licensing Section at Stroud District Council
- (f) A statement that representations shall be made in writing
- (g) 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.

7. Newspaper Advertisement

You must advertise your application in a local newspaper circulating in the vicinity of the premises, such as the Stroud News & Journal, Dursley Gazette or the Citizen. The newspaper notice must be circulated on at least one occasion within 10 working days, starting on the day after the application was given to Stroud District Council Licensing Team. The newspaper notice should contain the same information as detailed above for the blue notice.

Your application will be invalid if it subsequently is found that you have not done this

WHAT HAPPENS NEXT?

When we receive your application we will acknowledge in writing its safe receipt and confirm whether it is valid.

The responsible authorities or any other person can make representation about your variation application. Representations can only be about the aspects of your licence that you are intending to vary and not about any current permissions that you already have. A representation must relate to one or more of the Licensing objectives. Representations must be made during the 28 days from the day after the application was submitted to the Licensing Section.

The responsible authorities may contact you during the representation period to discuss any concerns they may have

If there are no relevant representations from the responsible authorities or other persons your variation will be granted at the end of the representation period in the terms that you applied for.

However, if a relevant representation has been received, the Licensing Section will arrange a hearing before a panel of the Licensing and Regulation Committee. The hearing will only consider the matters relating to the variation application and not any licensable activities that have already been granted.

The date for this will be within 20 working days from the end of the representation period. The applicant and all relevant parties that submitted representations will be invited to attend the hearing. At the hearing all parties will have an opportunity to put forward their case and the hearing panel will then make a decision. The decision may be:

- ✓ Grant the variation in the terms applied for
- ✓ Grant the variation with conditions. This could include reduced hours or removing a licensable activity
- ✓ Refuse the variation

Appeals

Any person aggrieved by the decision of the hearing has a right to appeal to the Magistrates Courts within 21 days of being notified of the decision.

HOW MUCH WILL IT COST?

The fees are based on the non-domestic rateable value (NDRV) of the premises and are outlined in the table immediately below:

<u>NDRV</u> Band	<u>A</u> £0 - £4,300	<u>B</u> £4,301 - £33,000	<u>C</u> £33,001 - £87,000	<u>D</u> £87,001 - £125,000	<u>E</u> £125,000 and over
Application Fee	£100	£190	£315	£450	£635
Annual Fee	£70	£180	£295	£320	£350

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In addition, a multiplier will be applied to premises in Bands D and E where they are exclusively or primarily in the business of selling alcohol as below:

Band	D (x 2)	E (x 3)
Application fee	900	1905
Annual charge	640	1050

To find out the non-domestic rateable value of your premises, enter your postcode into the Valuation Office's website, www.voa.gov.uk.

Premises licences for community centres, village and church halls and some schools that permit regulated entertainment but do not permit the supply of alcohol and/or the provision of late night refreshment will not incur a fee.

If you are unsure of the fee to pay please contact the Licensing Section at Stroud District Council.

WHERE CAN I GET MORE HELP AND ADVICE?

Contact the Licensing Section

Address:	The Licensing Section, Stroud District Council, Ebley Mill, Ebley Wharf, Westward Road, Stroud, Glos. GL5 4UB		
Offices to speak to and make an appointment	If you wish to call into the someone from the Licensing Team we advise that you ring first		
Email:	licensing@stroud.gov.uk	Phone:	01453 754440
Web:	www.stroud.gov.uk	Fax:	01453 754963