



LICENSING ACT 2003

APPLICATION FOR VARIATION OF A PREMISES LICENCE

GUIDANCE NOTES

Pendle Borough Council is a Licensing Authority under the Licensing Act 2003.

This document has been produced to assist you when applying for a Variation of a Premises Licence under the Licensing Act 2003.

Please note that these guidance notes should not be used for the Variation of a Club Premises Certificate. Separate guidance notes exist for that application.

Why do I need a Variation of a Premises Licence?

If you wish to vary an existing Premises Licence to add or amend the times during which any of the following licensable activities take place you need to apply for a variation:

- 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

where the entertainment takes place in the presence of the public or a section of the public.

- The provision of hot food or hot drink at any time between 11.00 pm and 5.00 am for consumption on or off the premises.

A variation application should not be used to vary the licence so as to extend the period for which the licence has effect or to vary substantially the premises to which it relates.

Applying for a Variation to a Premises Licence

To make an application you need to:

- Complete the **application form** which includes an Operating Schedule
- Enclose the **correct fee**. Cheques or postal orders are payable to 'Borough of Pendle'. Cash should not be sent through the post but will be accepted if handed over at the Reception Desk at the Town Hall, Nelson
- Enclose a **plan** of the premises to which the application relates (see separate guidance in respect of requirements for plans)
- Enclose the **Premises Licence** or relevant part of it or an explanation stating the reasons why the Licence has not been enclosed

The complete application must be given to **Pendle Borough Council, Democratic & Legal Services Manager, Town Hall, Market Street, Nelson, Lancs. BB9 7LG**

A copy of the application and accompanying documents must also be given 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. A list of responsible authorities is available separately.

The provision of a certificate of service would be of assistance to the Council.

The application for a Variation of a Premises Licence must be advertised in two ways

Firstly, by prominently displaying a notice at or on the premises for not less than 28 consecutive days, starting on the day following the day on which the application was given to the Council.

The notice should be displayed where it can be conveniently read from the exterior of the premises to which it relates and, 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. If the notice is to be displayed outside, consideration should be given to placing the notice in a plastic cover.

The notice should be A4 or larger, of a pale blue colour and be printed or typed legibly in black ink in a font equal to or larger than 16.

Secondly, in a **local newspaper** circulating in the area where the premises is situated on at least one occasion within 10 working days of the application being submitted to the Licensing Authority (the 10 working days start on the day following the day on which the application was given to the Licensing Authority).

A list of local newspapers circulating in the area is available separately.

The format for both notices is available separately.

Responsible Authorities and interested parties, for example local residents, are able to make representations in respect of new applications.

These must be made in writing and submitted to the Council at any time during the period of 28 consecutive days, starting on the day after the day on which the application to which it relates is given to the Council.

If there is a representation, the application will be heard before the Council's Licensing Committee or Sub-Committee. If there are no representations, the application will be granted.

What is an Operating Schedule?

The application form details the information you need to provide. In the Operating Schedule part of the application form you are asked to provide details of the steps you intend to take to promote the four licensing objectives:

- the prevention of crime and disorder
- public safety
- the prevention of public nuisance
- the protection of children from harm
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Guidance about this is available from some of the Responsible Authorities. The Responsible Authorities may object to your application. It is therefore strongly recommended that you carefully consider the information they have provided. You should also refer to our Statement of Licensing Policy.

The information you provide in the Operating Schedule will be used to formulate the conditions which will be attached to your Premises Licence. For example, in the Prevention of Crime and Disorder section of the Operating Schedule you might say you will employ two door supervisors to control people entering the premises. A condition will be attached to your licence stating that two door supervisors will be present at the entrance to the premises. You will then have to make sure you have the two door supervisors present, because it is a legal requirement that you comply with all the conditions attached to your licence.

Please contact the Licensing Office on 01282 661987 or at licensing@pendle.gov.uk if you need any further information.