



GUIDANCE NOTES ON VARIATIONS AND CHANGES UNDER THE LICENSING ACT 2003

IMPORTANT NOTE

This guide only relates to applications for variations and changes to existing licences. It is not intended to be a comprehensive document and does not refer to other types of applications. The Council cannot accept any liability for any errors or inaccuracies.

More information about the Licensing Act 2003 and the necessary forms can be found

- on the Home Office website at:
<http://www.homeoffice.gov.uk/drugs/alcohol/alcohol-licences/>
- the Council's own website at:
<http://www.ambervalley.gov.uk/business/licences-and-street-trading/liquor-licences/application-forms.aspx>

If you have any queries please feel free to contact the Council's Licensing Section on 01773 570222 or take your own legal advice.

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Variations and changes

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1 Introduction

Once you have been issued with a Premises Licence or a Club Premises Certificate changes may occur from time to time or you may need to change some of the conditions to which your licence is subject. You can apply to vary Licences when you wish.

If you have a Personal Licence you may need to notify the Council of a change of your name or address.

2 Change of name or address of the licence holder

Send to the Council:

- Change of name and address form
- the fee (currently £10.50)
- the Premises Licence and/or the Personal Licence for amendment

3 Change of Designated Premises Supervisor

Only the holder of a Premises Licence can apply to change the Designated Premises Supervisor

There are 2 steps:

- Making the application
- Notifying the police and Designated Premises Supervisor

Making the application

Send to the Council:

- **Application Form** to vary the Designated Premises Supervisor
- **Form of consent** signed by the Designated Premises Supervisor
- the Premises Licence for amendment
- the fee (currently £23.00)

Notification

You must notify the Police and the existing Designated Premises Supervisor of your application

If you want the variation to have immediate effect

If you want your application to have immediate effect, you must tick the appropriate box in the **Application Form** and your notice to the Police and the existing Designated Premises Supervisor must state that you wish it to have immediate effect. Alcohol may continue to be sold until the Council determines the matter

What happens next?

If the Police do not object to your application within 14 days of the day they receive your notice, the Council will grant the application and will notify you, the proposed Designated Premises Supervisor and the Police that the application has been granted.

You **must** notify the existing Designated Premises Supervisor (if any) of the change.

If the Police object, then the Council will arrange a hearing to consider the matter. You will be notified of the date and time.

Following a hearing you **must** notify the existing Designated Premises Supervisor (if any) of the decision.

4 Requests to be removed as Designated Premises Supervisor

If you are a Designated Premises Supervisor and don't wish to continue, you can notify the Council of your intention. You cease to be the Designated Premises Supervisor when the Council receives your notice.

Send to the Council:

If you also hold the Premises Licence you need to send to the Council

- the **Application** ¹
- the Premises Licence (or a statement explaining why it is not available)
- the fee

If you don't hold the Premises Licence you need to send to the Council

- the **Application** ¹
- the fee

You also need to give the holder of the Premises Licence **within 48 hours**

- a copy of the notice and
- a notice telling him to send the Premises Licence (or a statement explaining why it is not available) to the Council within 14 days

Forms are available on our website or by contacting the licensing section.

5 Major changes

You cannot apply for a variation if you want to:

- **extend the period** ¹ for which the Premises Licence or Club Premises Certificate has effect or
- to **substantially vary the premises** ² to which it relates.

You will need to apply for a new Premises Licence or Club Premises Certificate instead.

Note

- 1 Premises Licences and Club Premises Certificates usually last indefinitely. If a Licence or Certificate is for a limited duration, it cannot be extended by way of a variation.
- 2 'Substantially vary the premises' is not defined in either the Act or Government Guidance.

If you want to increase the size of the premises or the licensed area; significantly change the character of the licensed premises; alter the internal layout or make major structural changes, your proposal will probably amount to a substantial variation and you would need to apply for a new premises licence.

Work to entrances and exits and any changes which result in the licence plan needing to be changed will require a variation application.

Minor work and work of a cosmetic nature can probably be deal with by informal discussions with the Council.

6 Minor variations

An application for a minor variation can be used:

- to make minor changes to the layout of the premises
- to add some activities to the licence, e.g. regulated entertainment
- to remove out of date, irrelevant or unenforceable conditions or the addition of volunteered conditions provided that the variation does not have an adverse effect on any of the licensing objectives.

Changes to layout should be referred to the full variation process if they could potentially have an adverse impact on the promotion of the licensing objectives, for example by:-

- Increasing the capacity for drinking on the premises
- Affecting access between the public part of the premises and the rest of the premises or the street or public way, e.g, block emergency exits or routes to emergency exits
- Impeding the effective operation of a noise reduction measure such as an acoustic lobby.

The minor variation procedure **may not** be used to:-

- Extend the period of which the licence has effect
- Vary substantially the premises to which it relates
- Change the Designated Premises Supervisor
- Add the sale or supply of alcohol
- Authorise the supply of alcohol at any time between 23.00 hours and 07.00 hours.
- Authorise an increase in the amount of time on any day during which alcohol may be sold or supplied

Send to the Council

- Application to make a minor variation
- The fee

You **must** advertise the application by displaying a notice on the premises for a period of **10** working days beginning on the working day after the application is made. The notice should be on white paper and placed on the premises in a position where people can see it without the need for them to enter the premises.

Once a full, valid application has been received, the Council shall consult with the Relevant Authorities (Police, Fire and Rescue Service, Environmental Health etc). Any other person can also make objections.

If no objections are received, within the 10 working day consultation period, the Council will grant the minor variation.

If objections are received that show that the application may have an adverse effect on any of the licensing objectives the Council will reject the application. It would then be necessary for you to make an application for a full variation of the licence or certificate.

7 FULL variations [Licensing Act section 34]

For all other variations, the procedure is virtually identical to that for the issue of a Premises Licence or Club Premises Certificate.

There are 3 steps:

- Applying to the Council
- Notifying the Responsible Authorities
- Advertising your application

1 The application

You need to send to the Council:

- A completed application form for a variation of the Premises Licence or Club Premises Certificate. You will also need to include an Operating Schedule to explain how you will meet the licensing objectives in respect of the variation.
- The fee
- Your existing Premises Licence or Club Premises Certificate.
- (If necessary) a plan of the premises¹

Note

- 1 A plan will only be needed if the proposed variation will affect the layout of the premises. Plans should be in a scale of 1 cm – 100 cm (unless a different scale is agreed in advance with the Council) which must give certain information.

Your application and all the accompanying documents must be sent to EACH of the responsible authorities on the same day as you make your application.

You must also advertise your application as follows:

- You must prominently display a suitable notice¹ in at least one place or on the site of the premises where it can be conveniently read from the exterior of the premises for not less than **28 consecutive days** following the date of your application
- If the premises cover an area of more than 50 square metres, additional notices must be displayed every 50 metres along the perimeter of the premises which abut a highway for the same period of time **AND**
- You must publish a notice in a newspaper circulating in the area of the premises² not more than **10 working days** after you make your application

Notes

- 1 The notice to be displayed on the premises must be:
 - a) A4 size or larger
 - b) Pale blue colour
 - c) Printed legibly in ink or in large black type (at least Font size 16)

- 2 The notice in the newspaper must describe the proposed variation and must also contain
 - a) the name of the applicant
 - b) the postal address of the premises (or if there is no postal address, an accurate description of the location of the premises)
 - c) the postal address or worldwide web address where the Council keeps the register and where the record of the application may be inspected
 - d) the dates between which an interested party and responsible authority may make representations to the Council
 - e) a statement that representations must be made in writing
 - f) 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

An example of the notice can be found on the Council's website.

The Council will also advertise your application:

By publishing a notice on its website for a period of 28 days following the date of the application. It will contain the same information as the notice you have to display.

What happens next?

The Council will check your application to make sure that it is complete and the correct fee has been paid. The Council may reject the application and return it to you if it has been wrongly made or is incomplete¹.

Note

- 1 Examples of errors which may lead to the forms being returned are:

- incorrect fee
- forms not signed
- enclosures missing
- an obvious omission

The Council is unlikely to return the forms if the operating schedule section is completed inadequately (unless there is an obvious mistake). A responsible authority may well question any weaknesses in any operating schedule.

If nobody makes a relevant objection to your application within 28 days, the Council will grant the application.

If objections are received, then the Council will arrange a hearing to consider the matter. You will be notified of the date and time.

If the Council grants the application, it will amend the Premises Licence or Club Premises Certificate and send it to the applicant together with a revised Summary of the conditions. The Licence must be kept for inspection and the Summary, or a certified copy, must be displayed in a prominent position in the premises.

USEFUL CONTACTS AND ADDRESSES

Amber Valley Borough Council Licensing Section

(this is the address where the Register is kept and to which all applications and fees should be sent)

Amber Valley Borough Council
Licensing Section
Town Hall
Market Place
Ripley
Derbyshire
DE5 3BT
Tel: 01773 570222
E-mail: licensing@ambervalley.gov.uk
Website: www.ambervalley.gov.uk

Chief Officer of Derbyshire Constabulary

Derbyshire Constabulary
C Divisional Police Headquarters
Beetwell Street
Chesterfield
S40 1QP

Tel: 0300 122 8517
E-mail: northdivlicensing@derbyshire.pnn.police.uk

Applications – Licensing Act 2003 Derbyshire Public Health Derbyshire Safeguarding Children Board Derbyshire Trading Standards Service

Chatsworth Hall
Chesterfield Road
Matlock, Derbyshire
DE4 3FW

Tel: 01629 580000
Email: trading.standards@derbyshire.gov.uk

Either:

Amber Valley Borough Council Environmental Services Department Health and Safety Section*

Town Hall
Market Place
Ripley, Derbyshire DE5 3BT

Tel: 01773 570222

(*In the vast majority of cases the Council will be the enforcement agency for the Health and Safety at Work Act 1974. If you are in doubt as to whether the Health and Safety Executive should be notified instead please contact the Council's Environmental Services Department on 01773 570222 for advice.)

or

Health and Safety Executive
Kingsley Dunham Centre,
Nicker Hill,
Keyworth,
Nottingham
NG12 5GG

Derbyshire Fire and Rescue Service

East Area Office
Chesterfield Community Fire Station
Braidwood Way
Chesterfield
Derbyshire
S40 2WH

Tel: 01246 223500

E-mail: eastareadmin@derbys-fire.gov.uk

Amber Valley Borough Council Environmental Services Department Pollution Section*

Town Hall
Market Place
Ripley
Derbyshire DE5 3BT
Tel: 01773 570222

Amber Valley Borough Council Borough Development Department

Development Services Section
Town Hall
Market Place
Ripley
Derbyshire DE5 3BT

Tel: 01773 570222

All applications which include the sale of alcohol or late night refreshment must also be forwarded to the Home Office (Immigration Enforcement) at:

Alcohol Licensing Team
Lunar House
40 Wellesley Road
Croydon CR9 2BY
Email: Alcohol@homeoffice.gsi.gov.uk

(*The Health and Safety Executive will be the enforcement agency for manufacturing and industrial premises, schools and most Council and County Council owned premises).

To be consulted in respect of vessels only

- i) The Environment Agency;
- ii) The British Waterways Board;
- iii) The Maritime and Coastguard Agency and if different from these,

the relevant navigation authority / authorities for the place(s) where the vessel is usually moored or berthed or any waters where it is proposed to be navigated at a time when it is used for licensable activities

Plans

All plans must be in a **scale of 1:100** (1 centimetre to 1 metre) unless a different scale is agreed with the Council in advance.

The Council will normally insist on plans of the premises being to the standard scale but may be prepared to accept plans of 1:500 for external areas provided that all necessary information is clearly shown. The Council reserves the right to insist on the 1:100 scale when it becomes necessary to do so. This will be appropriate where the original plans do not provide the appropriate level of information and detail as required by the Regulations. In these circumstances a full application will not be considered to have been made until the new plans are provided.

The plan must contain the following information:

- (a) the location of the extent of the boundary of the building, if relevant, and any external and internal walls which comprise the premises, or in which the premises is comprised
- (b) the location of points of access to and egress from the premises
- (c) if different, the location of escape routes from the premises
- (d) where the premises is used for more than one existing licensable activity (or more than one existing qualifying club activity, in the case of a Qualifying Club) the are within the premises for each activity
- (e) in a case where an existing licensable activity (or an existing qualifying club activity, in the case of a Qualifying Club) relates to the supply of alcohol, the location or locations on the premises which is or used for the consumption of alcohol
- (f) fixed structures (including furniture) or similar objects temporarily in a fixed location (but not furniture) which may impact on the ability of individuals on the premises to use exits or escape routes without impediment:
- (g) in a case where the premises includes a stage or raised area, the location and height of each stage or area relative to the floor
- (h) in a case where the premises includes any steps, stairs, elevators or lifts, the location of those steps, stairs, elevators or lifts.
- (i) in a case where the premises includes any room or rooms containing public conveniences, the location of the room or rooms
- (j) the location and type of any safety and any other safety equipment including, if applicable, marine safety equipment; and
- (k) the location of a kitchen, if any, on the premises

Fees

Applications for Variations of Premises Licences and Club Premises Certificates

Fees will be charged according to the following rateable value bands:-

Band	A	B	C	D	E
Non domestic rateable value	No rateable value - £4,300	£4,301-£33,000	£33,001-£87,000	£87,001-£125,000	£125,001 and over

Exemptions

NO fee is payable if the variation application is **ONLY** for regulated entertainment in respect of premises of a:

- school or college premises and the entertainment is to be carried out for the purposes of that educational institution
- church hall, chapel hall or other similar building
- village hall, parish hall, community hall or other similar building

The application fee

If you are applying for the variation of a Premises Licence and the use of your premises is exclusively or primarily for the supply of alcohol for consumption on the premises the application fee will be:

A	B	C	D	E
£100	£190	£315	£900	£1905

If you are applying for the variation of a Premises Licence/Club Premises Certificate and the use of your premises is not exclusively or primarily for the consumption of alcohol on the premises the application fee will be:

A	B	C	D	E
£100	£190	£315	£450	£635