

Applying to Vary a Club Premises Certificate

Status of this Leaflet

This is not statutory guidance and does not form any part of the Licensing Authority's Policy (which is available separately). The leaflet does not replace the Act or any statutory guidance issued under it, so reference should always be made to that before submitting applications.

General

The holder of a Club Premises Certificate may apply at any time to the relevant licensing authority for a variation of the Certificate.

Variations of a Certificate will normally be to modify conditions, for example, opening hours, or to add or remove licensable activities.

Requirements for an application are:

- Six completed application forms (The licensing authority will provide copies to the responsible bodies).
- Completed declaration for club premises – Schedule 9A
- Proof that the relevant fee has been paid

You will need to bring or post your application forms, supporting documentation and copies to the Licensing Office at the address below. Once we receive your application it will be checked to ensure that it is complete and that the appropriate fee has been paid.

The Authority will forward applications on your behalf upon the Police, Fire Service, Trading Standards, Planning Authority, Environmental Health, Health & Safety and the Area Child Protection Committee. They have then 28 days to respond to the application commencing on the day after the application was given to the Licensing Authority.

Responsible authorities and interested parties will be able to make representations against the variations. If there are no representations the licence will be granted. If representations are received a mediation meeting will be held in order to discuss the issues and attempt to reach an agreement without the need for a hearing. Should this not resolve the matter a hearing will be held before a Panel of Licensing Authority.

Completing the Operating Schedule

A crucial part of the application form is the section dealing with how you intend to run your premises and meet and promote the four licensing objectives which are:

- Prevention of Crime
- Public Safety
- Prevention of Public Nuisance
- Protection of Children from Harm

To help you our Licensing Policy and model conditions should be consulted.

It may be that you decide that no customers will be admitted after 10.30 p.m. and that you will employ registered door supervisors, that you will use noise reduction measures to ensure there is no disturbance to residents, e.g. double/triple glazing/sound proofing and keeping doors and windows closed whilst entertainment is taking place. You may also consider measures to ensure that under age sales do not take place. You must specify the measures on the application form, and they will have to be complied with when the premises are conducting the activity

The steps the applicant proposes to take to promote the licensing objectives that they have set out in the operating schedule will translate directly into conditions that will be attached to premises licences.

The steps to be taken should be both realistic and within the control of the applicant and management of the premises. If a licence is granted with conditions attached requiring the implementation of such steps, the conditions will be enforceable in law and it will be a criminal offence to fail to comply with them (under section 136 of the 2003 Act). As such, it would be wholly inappropriate to impose conditions outside the control of those responsible for the running of the premises.

It is important that all operating schedules should be precise and clear about the measures that it is proposed to take to promote each of the licensing objectives and in particular, the protection of children from harm.

Advertising – Regulation 25

In the case of an application to vary a club premises certificate under section 84, the person making the application shall advertise the application in both cases containing the appropriate information set out in regulation 26 –

(a) for a period of no less than 28 consecutive days starting on the day after the day on which the application was given to the relevant licensing authority, by displaying a notice,

(i) which is –

(aa) of a size equal or larger than A4,

(bb) of a pale blue colour,

(cc) printed legibly in black ink or typed in black in a font of a size equal to or larger than 16;

(ii) in all cases, prominently at or on the premises to which the application relates where it can be conveniently read from the exterior of the premises and in the case of a premises covering an area of more than fifty metres square, a further notice in the same form and subject to the same requirements every fifty metres along the external perimeter of the premises abutting any highway; and

(b) by publishing a notice –

(i) in either the Oldham Evening Chronicle or the Oldham Advertiser;

(ii) on at least one occasion during the period of ten working days starting on the day after the day on which the application was given to the relevant licensing authority.

A copy of the newspaper advert, which should clearly show the date advertised, should be forwarded to the Licensing Authority with five working days

Regulation 26

In the case of an application for a club premises certificate the notices referred to in regulation 25 shall contain a statement of the relevant licensable activities which it is proposed will be carried out on or from the premises.

In all cases, the notices referred to in regulation 25 shall state –

(a) the name of the club

- (b) the postal address of the club premises, if any, or if there is no postal address for the premises a description of those premises sufficient to enable the location and extent of the club premises to be identified;
- (c) the postal address and, where applicable, the worldwide web address where the register of the relevant licensing authority is kept and where and when the record of the application may be inspected;
- (d) the date by which any interested party or responsible authority may make representations to the relevant licensing authority;
- (e) that representations shall be made in writing; and
- (f) 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.

Conditions

You will need to decide whether you want to change any of the conditions that you currently have on your licence (such as operating hours) and what you want to change them to. There are different types of conditions that you will need to consider:

- (a) **Mandatory Conditions** – These are conditions that the Licensing Act 2003 requires us to include in your Certificate if they are relevant to the manner in which you operate.
- (b) **Voluntary Conditions** – These are conditions that you volunteer to include on your Certificate to demonstrate how you will operate to meet the licensing objectives in the Act, the Council’s Statement of Licensing Policy or to meet the concerns of objectors.

Children

It is an offence to under the Act to sell alcohol to an individual aged under 18.

The 2003 Act makes it an offence to permit children under the age of 16 who are not accompanied by an adult to be present on premises being used exclusively or primarily for supply of alcohol for consumption on those premises under the authorisation of a premises licence or club premises certificate or where that activity is carried on under that authority of a temporary event notice.

You should read the Authorities Statement of Licensing Policy (Section 9) which outlines the position in relation to children. An extract is outlined below :-

‘The Authority recognises the wide variety of premises for which licences may be granted. It also recognises that there are many circumstances where it is appropriate for children to be present on licensed premises and seeks to encourage their access to constructive leisure pursuits, which support the social fabric of the Borough. It also recognises that there are circumstances where it is appropriate to limit or prevent access by children for the prevention of harm.

When addressing the protection of children, the applicant should initially identify any particular issues (having regard to their particular type of premises and/or activities), which are likely to cause concern in relation to children. Such steps as are required to deal with these identified concerns should be included within the applicant's Operating Schedule.

The Authority will not impose conditions, which restrict or prevent access by children unless this is necessary to promote the 'licensing objectives'. In light of relevant representations received, it will seek to ensure that children are not permitted to remain at or enter licensed premises after a 'specified cut off time' which will be a licence condition'.

For further information contact Oldham Council's Licensing Section

In person or in writing to:	Licensing Section Oldham MBC North House, 130 Rochdale Road, Oldham, OL1 2JA.
By phone:	0161 911 4730 or 4731
Fax:	0161 911 4481.
E-mail:	licensing@oldham.gov.uk
<u>Opening Hours</u> In person	Mon to Wed & Friday 9am – 4pm Thursday 10am-4pm (to allow of training)
By phone	Mon to Wed & Friday 8.40am to 5pm Thursday – 10am-5pm

Any advice given in this guidance is not to be taken as legal advice. Independent legal advice should be sought on any points of law.