

**Applying to Vary a Premises Licence**

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 premises licence may apply at any time to the relevant licensing authority for a variation of the licence.

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

A licence may not be varied either to extend the period for which it has effect or to vary substantially the premises to which it relates. In such cases, a fresh application for a premises licence would need to be made.

Requirements to vary a Premises Licence:

- Six completed application forms (The Licensing Authority will forward copies upon the responsible authorities).
- Proof that the required fee has been paid.
- The existing premises licence shall be enclosed with the application. If that is not possible a statement should be attached stating why it is not enclosed.
- Advertisement of application for benefit of interested parties (see note below).

You will need to bring or post your application forms, supporting documentation and copies to the Licensing Office at the address overleaf. 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 to 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 application.

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. If agreement cannot be reached the application will be heard before a panel of the Councils Licensing Committee.

### **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 customers will be refused entry 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 premises licence under section 34, 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 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 within five working days.

#### Regulation 26

In the case of an application for a premises licence 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 applicant
- (b) the postal address of the 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 premises to be identified;
- (c) the postal address where the register of the relevant licensing authority is kept and where and when the record of the application may be inspected. Details of the Authorities address are at the end of this leaflet.
- (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 what conditions you are to offer on your operating schedule to meet the four licensing objectives.

- (a) **Mandatory Conditions** – These are conditions that the Licensing Act 2003 requires us to include in your licence if they are relevant to the manner in which you operate.
- (b) **Voluntary Conditions** – These are conditions that you volunteer to include on your licence 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.

### **For further information contact Oldham Council’s Licensing Section**

<b>In person or in writing to:</b>	<b>Licensing Section Oldham MBC North House, 130 Rochdale Road, Oldham, OL1 2JA.</b>
<b>By phone:</b>	<b>0161 911 4730 or 4731</b>
<b>Fax:</b>	<b>0161 911 4481</b>
<b>E-mail:</b>	<b>licensing@oldham.gov.uk</b>

<u>Opening Hours</u> <b>In person</b>	<b>Mon to Wed &amp; Friday 9am – 4pm Thursday 10am-4pm (to allow for training)</b>
<b>By phone</b>	<b>Mon to Wed &amp; Friday 8.40am to 5pm Thursday – 10am-5pm</b>

**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.**