



GUIDANCE FOR APPLICANTS

**For applications for variation of a
Premises licence**

under *Section 16* of the

Licensing Act 2003

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GUIDANCE FOR APPLICANTS

Application for variation of a premises licence under the Licensing Act 2003

1. Making an Application & Applicant Eligibility

An applicant **must** ordinarily apply to the licensing authority who issued the premises licence.

Only the premises licence holder may apply for variation of a premises licence.

For all applications for variation of a premises licence, the following documents and submissions **must** be provided. Please note that unless otherwise stated, all documents **must** be original, as photocopies will **NOT** be accepted.

Please note that applications that do not meet the criteria detailed above may be deemed invalid and/or rejected.

2. Application Form

For all applications to vary a premises licence, the application **must** be made on the prescribed form (See schedule 2 of the Licensing Act 2003 (Premises Licences and Club Premises Certificates) Regulations 2005 (Statutory Instrument 2005 No.42)).

3. Operating Schedule

An operating schedule is a document that must include all the information necessary to enable any responsible authority or interested party to assess whether the steps to be taken to promote licensing objectives are satisfactory. The form of an operating schedule is provided within the application form and **must** be completed.

In particular, an operating schedule **must** include a statement of the following matters:

- ◆ The relevant licensable activities which are subject to variation;
- ◆ The times during which it is proposed that the relevant licensable activities which are subject to variation are to take place;
- ◆ Where the variation includes the supply of alcohol, whether the supplies are proposed to be for consumption on or off the premises (or both);

- ◆ The steps which it is proposed to take to promote the licensing objectives; and
- ◆ Any other matters that may be prescribed etc.

In preparing an operating schedule, it is recommended that applicants be aware of the expectations of both the licensing authority and the responsible authorities about the steps that are necessary for promoting the licensing objectives.

In doing this, applicants should have regard to the statement of licensing policy published by the licensing authority and are advised to seek the views of the key responsible authorities before formally submitting their application(s).

Applicants should be aware that the steps they set out in their operating schedule to promote the licensing objectives will normally translate directly into the conditions that will be attached to their premises licences (if the variation is granted).

As such, the steps to be taken should be both realistic and within the control of the applicant and management of the premises. If the variation 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.

4. Plan(s) of the Premises and/or Land (if changing)

Any application for the variation of a premises licence, where the areas in which licensable activities take place, or the layout of the premises has changed, **must** be accompanied by a plan of the premises to which the application relates. The plan of the premises **must** be drawn in the standard scale 1:100 and **must** show the following features:

- (a) The extent of the boundary of the building, if relevant and any external walls of the building and, if different, the perimeter of the premises;
- (b) The location of points of access to and egress from the premises;
- (c) The location of escape routes from the premises;
- (d) The area within the premises to be used for each licensable activity;
- (e) Fixed structures (including furniture) or similar objects temporarily in a fixed location which may impact on the ability of individuals on the premises to use exits or escape routes without impediment;
- (f) Where appropriate, the location and height of any stage or raised area relative to the floor;
- (g) Where appropriate, the location of any steps, stairs, elevators or lifts;
- (h) Where appropriate, the location of any room or rooms containing public conveniences;
- (i) The location and type of any fire safety and any other safety equipment; and
- (j) The location of a kitchen, if any, on the premises.

Plans may include a legend through which the matters referred to above are sufficiently illustrated by the use of symbols on the plan.

Colour Coding of Plans

In order to ensure clarity, it is recommended that plans together with the prescribed features that they contain be colour coded and contain a suitable legend. For consistency, applicants are requested to colour code their plans in accordance with the following:

- i) The extent of the boundary of the building and any external and internal walls of the building and, if different, the perimeter or the premises to be **edged in black**.
- ii) The location of entrances exits and escape routes to be **edged in green**.
- iii) Fire safety and other safety equipment to be **edged in red**.
- iv) The location of licensable activities:
 - a) Areas for supply of alcohol **edged in blue**.
 - b) Areas for provision of regulated entertainment **edged in orange**.
 - c) Areas for provision of late night refreshment **edged in purple**.
- v) Fixed structures including furniture to be **edged in brown**.

5. Fee(s) & Charges

For all applications to vary a premises licence, the prescribed fee **must** accompany the application. All cheques and/or postal orders should be made payable to RUSHMOOR BOROUGH COUNCIL.

The fee payable is dependent upon the non-domestic rateable value of the premises concerned as shown in Table.1. Premises that are not registered with a rateable value will be considered as a Band A premises.

TABLE.1. – PREMISES LICENCE FEES

Non-domestic rateable value	£0 to £4300	£4,301 to £33,000	£33,001 to £87,000	£87,001 to £125,000	£125,001 and over
Band	A	B	C	D	E
Application Fees	£100	£190	£315	£450	£635

If a premises falls within the rateable value band D or E and is exclusively or primarily used for the supply and consumption of alcohol on the premises the fees payable are those shown in Table.2.

TABLE.2. – PREMISES LICENCE FEES

(for premises that fall within the rateable value Bands D or E and are exclusively or primarily used for the supply and consumption of alcohol on the premises)

Non-domestic rateable value	£87,001 to £125,000	£125,001 and over
Band	D	E

Additional Fees

Whatever the fee payable under each band, additional fees are also payable if more than 5,000 people are to be permitted on the premises under the licence arrangements. Table.3. outlines the additional fees payable. These correspond to the range of the number of people to be permitted on the premises.

TABLE.3. – ADDITIONAL PREMISES LICENCE FEES

(additional fees payable where the maximum number of people permitted on the premises is more than 5,000)

Number of People Permitted	Additional Fee
5,000 – 9,999	£1,000
10,000 – 14,999	£2,000
15,000 – 19,999	£4,000
20,000 – 29,999	£8,000
30,000 – 39,999	£16,000
40,000 – 49,999	£24,000
50,000 – 59,999	£32,000
60,000 – 69,999	£40,000
70,000 – 79,999	£48,000
80,000 – 89,999	£56,000
90,000 and over	£64,000

Applicants are advised that the holder of a premises licence must also pay an annual fee. The annual fee payable is also dependent upon the non-domestic rateable value of the premises concerned. The annual fees are payable on the anniversary of the grant of the original licence (where granted).

NB: In the case where an application relates only to the provision of regulated entertainment, no fees shall be payable by schools or colleges where the entertainment is provided for and on behalf of the purposes of the institution.

In the case where an application relates only to the provision of regulated entertainment, no fees shall be payable in respect of premises that are or form part of a church hall, chapel hall, village hall, parish hall, community hall or other similar building.

Fees and charges are subject to change. Whilst we will endeavour to ensure all our publications are kept up-to-date, applicants are advised to check the current list of fees and charges at the point of making each application. A full list of current fees and charges is available on our website www.rushmoor.gov.uk.

6. Responsible Authorities

A full copy of the application, together with copies of all accompanying documents, **must** be submitted to each of the '**responsible authorities**' on the same day on which the application is given to the licensing authority.

The '**responsible authorities**' are listed on the Licensing Useful Contacts page of our website at www.rushmoor.gov.uk

NB: Failure to submit a copy of the application and associated documents to any of the responsible authorities may render the application invalid.

7. Advertisement of Applications

Local Newspaper

In all cases, the application **must** be advertised by publishing a notice in a local newspaper circulating in the vicinity of the premises. This advert **must** be published on at least one occasion within 10 working days of the application being submitted to the licensing authority.

Details of local newspapers are provided below by way of being helpful to applicants who need to publish public notices of this kind. Please note that these details are correct at the time of publication only. Whilst we will endeavour to ensure that all our publications are kept up-to-date, applicants are therefore advised to contact their chosen newspaper group to check publication deadlines and dates. Applicants should also check that the chosen newspaper circulates in the area to which their application relates.

An example of an advert and the details that should be published in a newspaper can be found on our website www.rushmoor.gov.uk.

Site Notice

The application **must** also be advertised by displaying a notice at or on the premises. This notice **must** be A4 or larger in size, pale blue in colour and located in such a position where it can be conveniently read from the exterior of the premises.

The notice **must** be printed legibly (font size 16), be printed or typed in black ink and **must** be displayed for a period of 28 consecutive days. For any premises covering an area more than 50 metres square, two A4 notices **must** be displayed.

All notices **must** contain a statement of the variation applied for. In addition, **all** notices **must** contain/state the following:

- ◆ The name of the applicant;
- ◆ The postal address of the premises concerned;
- ◆ The postal address and website of the relevant licensing authority (in this case Rushmoor Borough Council), stating where and when the record of the application on the licensing register may be inspected (i.e. Rushmoor Borough Council Offices);
- ◆ The date by which an interested party or responsible authority may make representation(s) to the licensing authority and that all such representations **must** be made in writing; and
- ◆ That it is an offence to knowingly or recklessly to make a false statement in connection with an application together with the maximum fine for which a person is liable on summary conviction.

An example of a site notice and the details that should be included can be found on our website www.rushmoor.gov.uk.

NB: Failure to advertise the application in the prescribed manner may render the application invalid.

Contact & Publication Details of Local Newspapers

Newspaper	Contact Details	Deadline for Publications
Aldershot / Farnborough News & Mail Series (Farnborough News & Mail)	The News Group Ltd 35/39 High Street, Aldershot, Hampshire GU11 1BH Telephone: 01483 508938 01483 508716 Fax: 01252 339770 Email: display@aldershot.co.uk	Tuesday 5pm (Publish Friday)
Star Courier Series	The News Group Ltd 35/39 High Street, Aldershot, Hampshire GU11 1BH Telephone: 01483 508700 Fax: 01252 339770 Email: display@aldershot.co.uk	Tuesday 5pm (Publish Thursday)
Surrey Advertiser	Surrey Advertiser Stoke Mill, Woking Road, Guildford, Surrey GU1 1QA Telephone: 01483 508938 01483 508716 Fax: 01483 508701 Email: advertising@surreyad.co.uk	Tuesday 5pm (Publish Thursday)
Hampshire Independent	Hampshire Media Ltd 20 Moorside Road, Winchester, Hampshire, SO23 7RX Telephone: 01962 859559 Fax: 01962 870957 Email: hampshiremedia@aol.com	Wednesday Lunchtime (Publish Friday)