



## LICENSING ACT 2003

### GUIDANCE FOR VARIATION OF A PREMISES LICENCE

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

**NB: If you are seeking to increase the Licensed Area of the premises by 50% or more the Council deems this to be a substantial change. You should not use this process but should instead submit a New Premises Licence application.**

#### Why do I need to apply for a variation of my Premises Licence ?

If you wish to change any of the following activities you will need to apply to vary your premises licence:

- The times of the sale of alcohol by retail anywhere whether for consumption on or off the premises no matter what the quantities are.
- The provision of, addition of or change of times of regulated entertainment, namely,
  - The performance of a play
  - The exhibition of a film
  - An indoor sporting event
  - Boxing or wrestling entertainment outdoors
  - 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 or change of times of the provision of hot food or hot drink at any time between 11.00 p.m. and 5.00 a.m. for consumption on or off the premises.

#### Who can apply for a variation of a Premises Licence?

Only the person or Company who currently holds the premises licence can vary the Premises Licence.

#### Applying for a Variation to a Premises Licence

To make an application you need to:

- Complete the **application form**

- Enclose the correct fee (applications will not be accepted until the fee is paid)
- Enclose a plan of the premises to which the application relates.

The complete application must sent to: **The Principal Licensing Officer, Burnley Borough Council Licensing Unit, 1<sup>st</sup> Floor, Parker Lane Offices, Parker Lane, Burnley, BB11 2DT.** These can also be sent via email to [Licensing@Burnley.gov.uk](mailto:Licensing@Burnley.gov.uk) provided everything is clear and legible and documents are scanned (not photographs)

**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 enclosed.

## **The application for 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.

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 starts on the day following the day on which the application was given to the Licensing Authority).

The format for both notices is illustrated on the information sheet enclosed.

Responsible Authorities and interested parties, for example local residents, are able to make representations in respect of applications for variation. Representations can be made to object or indeed support an application.

Any representation must be made in writing, together with the name address and contact details (mobile and email if available) and submitted to the Council at any time in 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. Representations sent after this period cannot by law be accepted. If there is a representation, the application will be heard before the Council’s Licensing Sub-Committee. If there are no representations, the application will be granted.

**When varying a Premises Licence this provides you with an opportunity to refresh Licence conditions. This can include adding, modifying or removing redundant conditions.**

**The relevant application forms, which can be downloaded and printed for use, can be found on the Burnley Council website. [www.burnley.gov.uk/Licensing](http://www.burnley.gov.uk/Licensing)**

**Please note that data is collected in line with the Data Protection Act, more information can be found on our website [www.burnley.gov.uk/about-council/other-information/privacy-notice-formally-fair-processing-notice](http://www.burnley.gov.uk/about-council/other-information/privacy-notice-formally-fair-processing-notice)**