



## 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.

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

#### 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 Premises Licence

- Complete the prescribed **application form** which includes an Operating Schedule. Include in the Operating Schedule all measures you intend to put in place to uphold the licensing objectives. These measures will become conditions on your licence. The application form is available on the licensing pages of the Council's website
- Pay correct fee, see here: [Licence fees and how to pay - burnley.gov.uk](https://burnley.gov.uk/licence-fees-and-how-to-pay)
- Enclose a plan of the premises to which the application relates. If the licence is to include the sale of alcohol, state the identity and enclose the consent of the Designated Premises Supervisor. Plan requirements are available at Appendix B.

The information you provide on your application form will be held by the Council on computerised and manual files (data will be made available on a public register as required by relevant legislation).

The data may also be disclosed to other departments within the Council or other organisations, but only in order to ensure compliance with relevant legislation or for identification purposes or to prevent or detect fraud or a crime. Burnley Borough Council is a registered Data Controller in accordance with the Data Protection Act 1998 and complies with General Data Protection Principles. (GDPR)

**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.

Responsible Authority details are:

Divisional Licensing Team, Burnley Police Station, Parker Lane, Burnley, BB11 2BT  
[EastPoliceLicensing@lancashire.police.uk](mailto:EastPoliceLicensing@lancashire.police.uk)

Fire Safety Officer, Lancashire Fire & Rescue Service, Burnley Fire Safety Department,  
Burnley Fire Station, Belvedere Road, Burnley, BB10 3AA.  
[licensing@lancsfirerescue.org.uk](mailto:licensing@lancsfirerescue.org.uk)

Environmental Health, Burnley Borough Council, 1<sup>st</sup> Floor, Parker Lane, Burnley, BB11 2DT.  
[envprotection@burnley.gov.uk](mailto:envprotection@burnley.gov.uk)

Business Manager, Lancashire Safeguarding Adult Board and Lancashire Safeguarding Children Board, Lancashire County Council, Room D39, County Hall, Preston, PR1 0LD.  
[lsbu@lancashire.gov.uk](mailto:lsbu@lancashire.gov.uk)

Planning Services, Parker Lane Offices, Parker Lane, Burnley, Lancashire, BB11 2DT.  
[Planning@burnley.gov.uk](mailto:Planning@burnley.gov.uk)

Trading Standards Service, Intelligence Management Team, 4<sup>th</sup> Floor Lancashire Point, County Hall, Preston, PR1 8XB.

[Intelligence.management@lancashire.gov.uk](mailto:Intelligence.management@lancashire.gov.uk)

Health & Safety, Environmental Health, Burnley Borough Council, 1<sup>st</sup> Floor, Parker Lane, Burnley, BB11 2DT [envhealth@burnley.gov.uk](mailto:envhealth@burnley.gov.uk)

Director of Public Health and Wellbeing, LICENSING, Lancashire County Council, Level 1, Christ Church Precinct, County Hall, Preston, PR1 8XB  
[PHLicensing@lancashire.gov.uk](mailto:PHLicensing@lancashire.gov.uk)

Burnley Borough Council Licensing Unit (Responsible Authority), First Floor Parker Lane Offices, Parker Lane, Burnley, BB11 2DT  
[licensing@burnley.gov.uk](mailto:licensing@burnley.gov.uk)

Immigration Enforcement Licensing Compliance Team  
Applications - [IE.licensing.applications@homeoffice.gov.uk](mailto:IE.licensing.applications@homeoffice.gov.uk)

**Postal address:**

Home Office (Immigration Enforcement)  
IE Licensing Compliance Team (IELCT)  
2 Ruskin Square (Floor 6)  
Dingwall Road  
Croydon  
CR0 2WF

**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).

Local newspapers contacts are:

| PUBLICATION                    | PUBLICATION DATE      | DEADLINE FOR ADVERT                 | CONTACT DETAILS                                                                                       |
|--------------------------------|-----------------------|-------------------------------------|-------------------------------------------------------------------------------------------------------|
| <b><i>Burnley Express:</i></b> | Tuesday<br><br>Friday | Friday @ 5pm<br><br>Wednesday @ 4pm | 0207 023 7931<br><a href="mailto:Publicnotices@nationalworld.com">Publicnotices@nationalworld.com</a> |

|                                      |                    |                   |             |
|--------------------------------------|--------------------|-------------------|-------------|
| <b>Lancashire Evening Telegraph:</b> | Monday to Saturday | Day before @ 12pm | 01254 54321 |
|--------------------------------------|--------------------|-------------------|-------------|

The format for both notices is provided at Appendix A.

Responsible Authorities and interested parties, for example local residents, are able to make representations in respect of applications for variation.

These must be made in writing and submitted to the Council at any time during 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.

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.

### **What is an Operating Schedule?**

The application form details the information you need to provide.

In the Operating Schedule part of the application form you are asked to provide details of the steps you intend to take to promote the four licensing objectives:

- Prevention of Crime and Disorder
- Public Safety
- Prevention of Public nuisance
- Protection of Children from Harm

You should refer to our Statement of Licensing Policy which contains a pool of conditions which you may wish to consider.

The information you provide in the Operating Schedule will be used to formulate the conditions which will be attached to your Premises Licence. For example, in the Prevention of Crime and Disorder section of the Operating Schedule you might say you will employ two door supervisors to control people entering the premises. A condition will be attached to your licence stating that two door supervisors will be present at the entrance to the premises. You will then have to make sure you have the two door supervisors present, because it is a legal requirement that you comply with all the conditions attached to your licence.

Please contact the Licensing Office at [licensing@burnley.gov.uk](mailto:licensing@burnley.gov.uk) if you need further advice.

## **PUBLIC NOTICE – LICENSING ACT 2003**

**Take notice that** *(insert the name(s) of applicant(s))*

**has applied to Burnley Borough Council under the Licensing Act 2003 to Vary a Premises Licence in respect of premises known as** *(insert name and address of premises)*

**The proposed application is as follows:-**

*(list proposed licensable activities and days and times between which these activities will take place)*

**The place where the record of the application may be inspected and where the register of the Licensing Authority is kept can be found here:**

**[www.burnley.gov.uk/liveapplications](http://www.burnley.gov.uk/liveapplications)**

**An interested party or responsible authority may make a representation in writing to The Principal Licensing Officer, Burnley Borough Council Licensing Unit, 1<sup>st</sup> Floor Parker Lane, Burnley, Lancashire, BB11 2DT or by email to [licensing@burnley.gov.uk](mailto:licensing@burnley.gov.uk) by \*\***

***(\*\* state date – this is the 28th consecutive day following the day after the date on which the application is accepted by the Council).***

**It is an offence to knowingly or recklessly make a false statement in connection with an application and the maximum fine for which a person is liable on conviction for this offence is an unlimited fine.**

## **REQUIREMENTS FOR PLANS ACCOMPANYING APPLICATIONS FOR PREMISES LICENCES AND CLUB PREMISES CERTIFICATES**

Any plans submitted should conform to the following requirements:-

- ❖ Plans will not be required to be submitted in any particular scale, but they must be in a format which is “clear and legible in all material respects”, i.e. they must be accessible and provide sufficient detail for the licensing authority to be able to determine the application, including the relative size of any features relevant to the application. There is no requirement for plans to be professionally drawn as long as they clearly show all the prescribed information.
- ❖ Show the extent of the boundary of the building, if relevant, and any external or internal walls of the building and, if different, the perimeter of the premises
- ❖ Show the location of points of access to and egress from the premises
- ❖ Show the location of any escape routes from the premises
- ❖ Show, where the premises is used for more than one existing licensable activity, the area within the premises used for each activity
- ❖ In a case where an existing licensable activity relates to the supply of alcohol, show the location or locations on the premises which is or are used for consumption of alcohol
- ❖ Show fixed structures (including furniture) or similar objects temporarily on 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
- ❖ In a case where the premises includes a stage or raised area, show the location and height of each stage or area relative to the floor
- ❖ In a case where the premises includes any steps, stairs, elevators or lifts, show the location of the steps, stairs, elevators or lifts
- ❖ In a case where the premises includes any room or rooms containing public conveniences, the location of the room or rooms
- ❖ Show the location and type of any fire safety or other safety equipment - this includes fire extinguishers, fire doors, fire alarms and other similar equipment
- ❖ Show the location of a kitchen, if any, on the premises

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