



LICENSING ACT 2003

**Guidance to Applicants who wish to
vary their existing Premises Licences**

Guidance to Applicants for Premises Licences variations

These notes are only a general guide to process and are not intended as a substitute for your own legal advice.

If you wish to vary your licence **ONLY** to change the Designated Premise Supervisor, use the form headed **“Application to vary a premises licence to specify an individual as designated premises supervisor under the Licensing Act 2003”**

If you wish to vary your current hours and/or add another regulated activity, use the form headed **“Application to vary a premises licence under the Licensing Act 2003”**

If you wish to vary the premise supervisor and/or vary your current hours or add another regulated activity, **fill in both forms and pay both fees.**

If you have sold or purchased a premise with an existing premises licence, fill in the form headed **“Application to transfer premises licence to be granted under the Licensing Act 2003”**

Applicants who wish to vary their licences should be aware of the provisions of the Council’s Licensing Policy Statement relating to areas of cumulative impact in the centre of Leamington Spa. Please see paragraphs 7 and 8 of the policy, a copy of which is enclosed with these notes.

Licensable activities are -

The sale by retail of alcohol;

The provision of regulated entertainment or entertainment facilities;

Regulated Entertainment is described in the Act as:

- the performance of a play;
- an exhibition of a film;
- an indoor sporting event;
- boxing or wrestling entertainment;
- a performance of live music;
- any playing of recorded music;
- a performance of dance;
- or entertainment of a similar description to live music, recorded music or dance.

Furthermore, to be "regulated entertainment" the entertainment must take place in the presence of an audience and be provided for the purpose of, or for purposes which include, entertaining that audience.

Entertainment facilities are facilities for enabling people to take part in entertainment for the purpose of being entertained, or for purposes which include the purpose, of being entertained. This applies only to:

- making music;
- dancing; and

- entertainment of a similar description to making music or dancing.

An example of "entertainment facilities" would be a dance floor provided for customers to use, whereas "entertainment" might involve a performance of dance provided for an audience.

In order for the provision of entertainment or entertainment facilities to be regulated, two conditions must be satisfied:

- The first of these is that the entertainment or entertainment facilities must be provided:
 - (a) to any extent for the public or a section of the public: or
 - (b) exclusively for members (and guests) of a club, which is a qualifying club in relation to the provision of regulated entertainment: or
 - (c) where (a) and (b) do not apply, for consideration and with a view to profit.
- The second condition is that the premises on which the entertainment takes place, or entertainment facilities are provided, are made available for the entertainment to take place.

The provision of late night refreshment.

The provision of late night refreshment means the supply of hot food or hot drink to the public, for consumption on or off the premises, between 11pm and 5am, or the supply of hot food or hot drink to any persons between those hours on or from premises to which the public has access.

Food or drink is "hot" for the purposes of the Act if it is heated on the premises or elsewhere before it is supplied, or if it can be heated on the premises after it is supplied, for the purpose of enabling it to be consumed at above ambient air temperature.

The Act provides for a number of exemptions which will not constitute the provision of late night refreshment. Examples are where the hot food or hot drink is supplied free of charge; or where it is supplied by a registered charity, or, in certain circumstances, where the provision of hot drink is by vending machines.

It may be appropriate for applicants to seek advice about any proposed activities where there may be any doubt about whether they are regulated activities or not.

How to vary an existing Premises Licence:

You should apply on the form issued by the Council or download the forms from the Council's website at www.warwickdc.gov.uk

You must advertise your application and display the appropriate notice at your premises. (See sample notice at the end of this booklet – the wording may be used for your advertisement in the newspaper). You must also send complete copies of your application to all Responsible Authorities listed at the end of this booklet.

Licences will be re-issued in accordance with the terms applied for, unless representations are received about the application, when a hearing may be held.

Completing the application.

The applicant should undertake risk assessments for the various changes or additions proposed and use those assessments to address the promotion of the four licensing objectives in the Operating Schedule accompanying the application. The applicant is advised to refer to the Guide to Operating Schedules which includes details of issues that the responsible authorities wish to see addressed. This should ensure that the full scope of the proposed activities has been addressed in the Operating Schedule, and minimise the number of issues that require negotiation after submission of the application.

The following are examples of the types of issues applicants should consider in their operating schedules, where appropriate for the range of activities proposed in the application:

- (a) Procedures for assessing risks of crime and disorder, nuisance and/or to public safety, and plans for minimising such risks arising from promotions, events and special operations such as drinks promotions or happy hours.
- (b) Metal detection and search facilities
- (c) Measures to prevent the use or supply of illegal drugs
- (d) Employment of licensed door supervisors and other appropriately trained staff
- (d) The designated premises supervisor, licensee, or a manager who is a personal licence holder to be present and in charge of the premises at all times when the public are present
- (e) A queue management policy
- (f) An intervention protocol to describe how potential issues of public safety will be addressed and under what circumstances the Police will be called to the venue.
- (g) Dispersal arrangements

The separate 'Guide to Operating Schedules' contains more detailed information about the types of measures responsible authorities will be looking for in determining whether to make representations about an application.

Guidance on Specific Activities/Premises

HOT FOOD SUPPLY

Mobile vans trading during the hours of 11:00pm to 5.00am (23.00 to 05.00), will require a Premises Licence for each location in addition to any street trading consents needed. This will also cover garages and service areas where food is re-heated on the premises.

INDOOR SPORTS EVENTS

There is some confusion over what constitutes an indoor sporting event. For the purposes of the Licensing Act 2003, the authority is of the view that to qualify as a licensable activity the event would need to be advertised with a view to attracting an audience to view the event.

In order to promote the licensing objectives, these events can require special provisions that exceed those required at other venues. The exact provisions will depend upon the nature of the event but the following (and similar) aspects should be addressed when appropriate.

- (a) Attendant medical practitioner present at contact sports.
- (b) Safe ring construction.
- (c) Minimum clearance between audience and ring.
- (d) Lifeguard attendants at water sports

LICENSING ACT 2003 - Public Notice

[Name of person applying for licence] is applying for the [new grant] [variation] of a [Premises Licence] [Club Premises Certificate] for [Full name and postal address of premises or a suitable description of the premises to allow the location and extent of the premises to be identified]

If granted the application will allow the following licensable activities to take place:

[sale of alcohol on the premises] [sale of alcohol for consumption off the premises] [provision of regulated entertainment] [provision of facilities for regulated entertainment] [provision of late night refreshment] [qualifying club activities]

Any person wishing to make representations in relation to this application may do so by writing to the Licensing Authority:

Warwick District Council

Town Hall

Parade

Royal Leamington Spa

Warwickshire

CV32 4AT

licensing@warwickdc.gov.uk



Representations may only be made for 28 consecutive days from the date of this Notice.

A copy of the application for the grant of the above licence is kept by the Licensing Authority at the above address. The application can be viewed Monday to Thursday 9.00 am to 5.00 pm, and 9.00 am to 4.30 pm on Fridays, except Bank Holidays.

It is an offence knowingly or recklessly to make a false statement in connection with an application. The maximum fine for which a person is liable on summary conviction for making a false statement is a Level 5 fine on the Standard Scale.

[Date] - This must show the day after the day that the application was received by the Licensing Authority.

NOTES:

The Notice must be of a size equal or larger than A4, of a pale blue colour, printed legibly in black ink or typed in black in a font of a size equal to or larger than 16.

The date of this Notice must be the day after the application about the Premises Licence or Club Premises Certificate was correctly given to the Licensing Authority.

The Notice is to be displayed on the premises for a period of no less than 28 consecutive days starting on the day after the day on which the application was give to the relevant Licensing Authority, by displaying a Notice, 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 areas of more than 50 metres square, a further Notice in the same form and subject to the same requirements every 50 metres along the external perimeter of the premises abutting any highway.

The Notice must be published in a local newspaper or, if there is none, in a local newsletter, circular or similar document circulating in the vicinity of the premises. It must be published on at least one occasion during a period of 10 working days starting from the day after the application was made to the Licensing Authority.

RESPONSIBLE AUTHORITIES

Appendix 3 – List of Responsible Authorities

POLICE:

Chief Officer of Police
Warwickshire Police Licensing Team
Warwickshire Justice Centre Leamington Spa
Newbold Terrace
Leamington Spa
Warwickshire
CV32 4EL

Tel: 01926 684226

Fax: 01926 684038

Email: southwarksliquorlicensing@warwickshire.pnn.police.uk

FIRE AUTHORITY:

County Fire Officer
Fire Service Headquarters
Warwick Street
Leamington Spa
CV32 5LH

Tel: 01926 423231

E.Mail: firesafety@warwickshire.gov.uk

HEALTH AND SAFETY:

Warwick District Council
Town Hall
Parade
Royal Leamington Spa
CV32 4AT

Tel: 01926 456713

Email: hcphealthandsafety@warwickdc.gov.uk

ENVIRONMENTAL HEALTH:

Warwick District Council
Town Hall
Parade
Royal Leamington Spa
CV32 4AT

Tel: 01926 456714

Email: pollution@warwickdc.gov.uk

COMMUNITY SAFETY:

Warwick District Council
Town Hall
Parade
Royal Leamington Spa
CV32 4AT

Tel: 01926 456725

Email: communitysafety@warwickdc.gov.uk

PLANNING:

Warwick District Council
Town Hall
Parade
Royal Leamington Spa
CV32 4AT

Tel: 01926 456522

Email: planning.enforcement@warwickdc.gov.uk

BODY RESPONSIBLE FOR THE PROTECTION OF CHILDREN FROM HARM:

Tarvinder Kalsi
Strategic Commissioning
People Group
Building 2, Saltisford Office Park
Ansell Way
Warwick
CV34 4UL

Tel: 01926 731139

Email: mactenders@warwickshire.gov.uk

WARWICKSHIRE COUNTY COUNCIL (WEIGHTS & MEASURES):

Simon Coupe
Divisional Trading Standards Officer
Old Budbrooke Road
Warwick
CV35 7DP

Tel: 01926 414040

Email: simoncoupe@warwickshire.gov.uk

NATIONAL HEALTH SERVICE/PUBLIC HEALTH:

Public Health Department (Licensing)
NHSWarwickshire/Warwickshire County Council
PO Box 43 – Shire Hall
Warwick
CV34 4SX

Email: PublicHealth5PMPUBLICHEALTHWARWICKSHIREPCT@warwickshire.nhs.uk

The fees for applications and notices under the Licensing Act 2003 are set by the Government and prescribed in Regulations.

For Premises Licences and Club Premises Certificates, the fee payable will depend on the Rateable Value of the Premises. There will be an initial application fee and an annual fee payable each year on the anniversary of the grant of the licence -

Premises Fees

BAND	A	B	C	D	E
Rateable Value	no rateable value - £4,300	£4,301 to £33,000	£33,001 to £87,000	£87,001 to £125,000	£125,001 and above
Application (includes first Year) and variation fee	100	190	315	450	635
Annual fee	70 *	180 *	295 *	320 *	350 *

** Payable on the first anniversary of the grant of the licence*

If the premises are **exclusively or primarily** used for the business of **selling alcohol**, and fall within Band D or E then the fee given above is subject to a 'multiplier' and the fee will be increased accordingly. A multiplier applied to premises in bands D and E

Band	D	E
	(x2)	(x3)
Application fee	900	1905
Annual charge	640	1050

There are exemptions from the fees (regulated entertainment only) for:

- Schools and colleges – provided the entertainment is provided by the school or college for and on behalf of the school or college;
- Church halls, chapels or similar buildings or village halls, parish halls, community halls or similar buildings.

If activities other than regulated entertainment take place, i.e. sale of alcohol , then the different exemptions do not apply.

Additional fees are payable where 5000 or more people are attending an event.

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

FEEES FOR PERMITTED TEMPORARY ACTIVITIES, PERSONAL LICENCES AND MISCELLANEOUS ITEMS

Application or notice	Fee
Theft, loss, etc. of premises licence or summary - section 25	£10.50
Application for a provisional statement or premises licence where the premises has not been, or is being built, etc.- section 29	£315.00
Notification of change of name or address - section 33	£10.50
Application to vary licence to specify individual as premises supervisor - section 37	£23
Application for transfer of premises licence - section 42	£23
Interim authority notice following death etc. of licence holder - section 47	£23
Theft, loss etc. of certificate or summary - section 79	£10.50
Notification of change of name or alteration of rules of club - section 82	£10.50
Change of relevant registered address of club - section 83(1) or (2)	£10.50
Temporary event notice - section 100	£21
Theft, loss etc. of temporary event notice - section 110	£10.50
Application for a grant or renewal of personal licence - section 117	£37

IF YOU FIND THE TEXT IN THIS DOCUMENT DIFFICULT TO READ, WE CAN SUPPLY ONE IN A FORMAT BETTER SUITED TO YOUR NEEDS.

Licensing Team
Warwick District Council
Town Hall
Parade
Royal Leamington Spa
CV32 4AT

Telephone: 01926 456705
Email: licensing@warwickdc.gov.uk
Web: www.warwickdc.gov.uk/licensing

