



CHELTENHAM
BOROUGH COUNCIL

Licensing Act 2003 s.34
Guidance on making a Premises Licence
Variation Application

PLEASE READ THESE GUIDANCE NOTES BEFORE FILLING OUT THE APPLICATION FORMS

This document is intended to give general guidance on how to make a variation application for a premises licence under the Licensing Act 2003. If the premises licence includes the sale of alcohol and you only want to change the Designated Premises Supervisor DPS you must follow the separate s.37 process.

Premises Licence

A Premises Licence will permit licensable activities to take place on or from the premises and the Act defines premises as any place and includes a vehicle, vessel or moveable structure.

The person applying for the variation of the premises licence may be the owner or operator of the business or the committee responsible for the building or premises. Briefly, an application can be made by any person who operates a business involving the use of premises for a licensable activity.

If the premises are leased, the freeholder has a right to inform Cheltenham Borough Council that they own, part own, or occupy the premises. By doing so they can register their right to know of any applications or variation notices and request other information relating to those premises.

How do I make my application?

The application is made to the Licensing Authority for the area in which the premises is situated- our contact details are on page 4.

You must send a copy of your completed application to the all the responsible authorities listed on the enclosed sheet included in this pack within 48 hours from the time the application is made to Cheltenham Borough Council (Schedule 8 paragraph 23(1)(c) refers).

The following are essential in order for Cheltenham Borough Council to accept your application for processing:

- **The completed application form:**
- **Application Fee** (see enclosed information sheet)

- **A Plan(s) of the premises (1:100 scale) ONLY REQUIRED IF YOU ARE MAKING CHANGES TO THE PREVIOUSLY SUBMITTED PLAN.**

Where a plan is required it must show:

- (a) The extent of the boundary of the building, if relevant, and any external and internal 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) If different from paragraph (3)(b), the location of escape routes from the premises.
- (d) In a case where the premises is used for more than one existing licensable activity, the area within the premises used for each activity.
- (e) in a case where an existing licensable activity relates to the supply of alcohol, the location or locations on the premises which is or are used for consumption of alcohol.
- (f) Fixed structures (including furniture) or similar objects temporarily in 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.
- (g) In a case where the premises includes a stage or raised area, the location and height of each stage or area relative to the floor.
- (h) in a case where the premises includes any steps, stairs, elevators or lifts, the location of the steps, stairs, elevators or lifts.
- (i) in a case where the premises includes any room or rooms containing public conveniences, the location of the room or rooms.
- (j) The location and type of any fire safety and any other safety equipment; and
- (k) The location of a kitchen, if any, on the premises.

NB The plan may include a legend through which these matters are sufficiently illustrated by the use of symbols on the plan.

- **You must make arrangements to advertise the application**
- **Sent copies of your completed application to all the responsible authorities within 48 hours from the time the application is made to Cheltenham Borough Council**

What else do I need to know about making a Variation Application?

- You must submit a full copy of your completed application to all “responsible authorities” – their contact details are shown in the additional sheet included in this pack. For your own benefit you are advised to obtain receipts to confirm the safe delivery of the application and copies.
- You must also advertise the application by displaying a pale blue notice in a prominent position where it can be conveniently read from the exterior of the premises concerned. The notice must be no less than size A4, with black printing or type equal to or greater than font size 16. The notice must detail the changes that the application refers to (see below). This notice must be displayed for not less than 28 consecutive days following the day on which the application was given to the licensing Authority.
- You must also advertise the application in a local newspaper circulating in the vicinity of the premises, such as the Gloucestershire Echo. The newspaper notice must be published on at least one occasion and must appear in the paper within 10 working days from the day that the application was given to Cheltenham Borough Council.

Both the newspaper notice and the premises notice for the application should give brief details of the application and must contain the following information:

- The name of the Premises.
- The postal address of the premises.
- The name and postal address of where the application has been made and the website or contact address where Cheltenham Borough Council will make the details of your application available to the public. Our website address is: www.cheltenham.gov.uk/licensing and you can view a specimen notice in the advice for licensees in L under the A - Z of services – look under Licensing Act 2003.
- The date by which an interested party or responsible authority may make representations to Cheltenham Borough Council (28 days from the application date).
- That all representations shall be made in writing.
- That it is an offence knowingly or recklessly to make a false statement in connection with an application. To do so could result in prosecution and fine not exceeding level 5 on the standard scale (£5000).

What happens next?

- If there are no relevant representations from the responsible authorities or interested parties within 28 days from your application, your licence will be varied without the need for a hearing.
- If a relevant representation has been received and any subsequent negotiation does not lead to an agreement / compromise then a hearing before a licensing sub committee will be arranged and all relevant parties will be notified of the date of that hearing. After a hearing has been held the decision of the sub-committee and the details of the appeal process will be circulated to the parties concerned.

What is the operating schedule?

An operating schedule is an essential part of your application. It is the part of the application documentation that indicates the activities proposed to be authorised by the licence. When they will take place, the overall opening hours, when the public are permitted on the premises, and how you will promote the Act's four objectives.

You are advised to consider the needs of your future business activities when considering the operation of your premises. Particular thought should be given to the operating hours and activities undertaken by village halls and community centres as these premises often have many different users prone to changes in demand. It may be prudent for you to consider applying for activities that you may want to take place in the future. For example, you may have plans to provide a weekly film show or disco.

One of the most critical parts of the operating schedule is the section where you describe the steps you intend to take to promote the four licensing objectives (these are listed below). Careful consideration should be given to comments entered in this section as these comments could become the basis of conditions placed on the licence.

Further advice on completing an Operating Schedule is also available on www.cheltenham.gov.uk (go to L in the A - Z of services and look under Licensing Act 2003) and further advice can be found at www.culture.gov.uk

The Act's Objectives are:

- The prevention of crime and disorder.
- Public Safety.
- The protection of children from harm.
- The prevention of public nuisance.

What happens next?

When we receive your application we will send you an acknowledgement letter that will confirm if your application is complete or whether you need to provide more information.

Providing that the application is complete it is the duty of the council to issue the varied licence after the 28 day consultation period provided that no representations are received. If representations are made you will be advised and your application will be determined at a Sub Committee hearing which you will be invited to attend.

Appeals

Any relevant person / body who is aggrieved by the Sub Committee's decision has a right to appeal to the Magistrates Court – full details are included in the decision letter.

If you feel that you are unsure about how to proceed we suggest that professional advice should be sought. Whilst we are happy to check an application we cannot complete it for you..

Licensing Team Contact Details:

If you would like to make an appointment to see a licensing officer our contact details are:

Postal Address: Cheltenham Borough Council
PO Box 12
Municipal Offices
The Promenade
Cheltenham
GL50 1PP

Telephone: 01242 775201
Fax: 01242 264210

Email: licensing@cheltenham.gov.uk
Internet: www.cheltenham.gov.uk/licensing