

Licensing Act 2003

Guidance for Applicants

Variation of Club Premises Certificate

www.cornwall.gov.uk

1 - INTRODUCTION

This guidance has been produced to assist you in making an application to vary a club premises certificate under the Licensing Act 2003. The contents are intended as a guide to applicants, are not a full authoritative statement of the law and do not constitute legal advice. The Licensing Act 2003, Statutory Guidance and the Regulations are all available on the website of the Department for Culture, Media and Sport: - www.culture.gov.uk

The Licensing Act 2003 brings increased flexibility to the licensed trade in terms of operating hours and activities. However, it should be remembered that, with this flexibility comes greater responsibility. Licensees must address the four licensing objectives when preparing their operating schedules and always be mindful of the need to be "good neighbours".

Where examples of methods of fulfilling the licensing objectives are provided in this leaflet it must be understood that they are **only there as a guide** to applicants. There will be many more options available but the applicant must identify measures appropriate to the proposed premises operation.

2 - PREMISES LICENCE

Applications must be made on the form prescribed by regulations and must be accompanied: -

- by an operating schedule (this forms part of the prescribed form)
- if the variation relates to the internal layout and / or licensed areas it will be necessary to submit a new plan of the premises to which the application relates in the prescribed form (**see Note 1**)
- by the application fee (**see Note 2**)

Applications in the specified form are available from the Council and will normally accompany this document.

3 - OPERATING SCHEDULE

As mentioned earlier, an operating schedule will be required as part of the application. The operating schedule enables the applicant to put forward measures they intend to implement, which can be attached as conditions to the licence, in order to control licensable activities so as to promote the licensing objectives.

3.1 Licensing Objectives

The Licensing Act 2003 Licensing Objectives specified in the Licensing Act 2003 are:-

- **The Prevention of Crime & Disorder**
- **Public Safety**

- **The Prevention of Public Nuisance; and**
- **The Protection of Children from Harm**

3.2 Policy

Examples of measures that can be considered to promote the licensing objectives are listed in the Council's Licensing Policy Document.

3.3 Additional Guidance

Additional information and assistance is available from the responsible authorities listed at the end of this guidance. You are strongly recommended to contact them prior to making your application.

4. NOTICE / ADVERTISEMENT

4.1 Notification of application

The person making the application must give notice of the application to each responsible authority by giving to each authority a copy of the application together with its accompanying documents, if any, on the same day on which the application is given to the licensing authority. **A list of the responsible authorities that will have to be served a copy of the application and any documents is at Appendix A.**

Please note that the Council's Licensing Policy requires that the applicant provide evidence to support that the responsible authorities have been served a copy of the application/documents. It is suggested that 'signed for' receipts are submitted as proof of service.

4.2 Advertisement of application

Regulations require the application to be advertised on the premises and in the press. **See Note 3 for the requirements of the regulations.**

The Licensing Authority must publish details of your application on its website.

NOTES

Note 1 – Plan of the premises

A plan of the premises is only necessary where changes are being made to the structure of the premises.

Plans must be clear and legible. The plan shall 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 (**please indicate in brown on the plan**);
- (b) the location of points of access to and egress from the premises;

- (c) if different from paragraph (b), the location of escape routes from the premises;
- (d) in a case where the premises is to be used for more than one existing licensable activity, the area within the premises used for each activity(**please indicate in red on the plan for retail/supply of alcohol, blue for entertainment and purple for late night refreshment**);
- (e) fixed structures (including furniture) or similar objects temporarily in a fixed location (but not furniture) that may impact on the ability of individuals on the premises to use exits or escape routes without impediment;
- (f) 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;
- (g) in a case where the premises includes any steps, stairs, elevators or lifts, the location of the steps, stairs, elevators or lifts;
- (h) in a case where the premises includes any room or rooms containing public conveniences, the location of the room or rooms;
- (i) the location and type of any fire safety and any other safety equipment including, if applicable, marine safety equipment; and
- (k) 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. **It is requested that if using symbols that they are in the format of British Standard 1635.1990 (Graphic Symbols & Abbreviations for Fire Protection Drawings).**

Note 2 – Fees

General

In the case where a club premises has a rateable value specified in row 1, the premises shall be in the band indicated in row 2

Row 1 Rateable Value	No rateable value to £4,300	£4,300 to £33,000	£33,001 to £87,000	£87,001 to £125,000	£125,001 and above
Row 2 Band	A	B	C	D	E

- Note A1. In all other cases the premises shall be in Band A.
- Note A2. Where a club premises forms part only of a hereditament in the local non-domestic rating list, the premises is treated as having a rateable value equal to the rateable value for the hereditament.
- Note A3. Where the club premises comprises of two or more hereditaments the premises shall be treated as having a rateable value equal to the rateable value for the hereditament with the highest rateable value.

Variation of Club Premises Application Fee

Row 1 Band	A	B	C	D See Note B1	E See Note B1
Row 2 Fee	£100	£190	£315	£450	£635

- Note B1. Where the application relates to a premises in band D or E and the use of the club premises is exclusively or primarily for the carrying on the premises of the supply of alcohol for consumption on the premises the amount of the fee is –
- (i) in the case of band D, two times the amount of the fee applicable for that band
 - (ii) in the case of band E, three times the amount of the fee shown for that band.

Premises Additional Fee

Where the maximum number of persons the applicant, during the times when the existing licence authorises licensable activities to take place on the premises, may allow on the premises at the same time 5,000 or more then the application must be accompanied by an additional fee corresponding to the range of number of persons as indicated in the following table.

NUMBER	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

However, the additional fee is not payable where the premises in respect of which the application has been made

- (a) is a structure which is not vehicle, vessel or moveable structure; and
- (b) has been constructed or structurally altered for the purpose, or for the purposes which include the purpose of, enabling-
 - (i) the premises to be used for the existing licensable activities the existing licence or licences authorises or authorise,
 - (ii) the premises to be modified temporarily from time to time, if relevant, for the premises to be used for the existing licensable activities referred to in the existing licence or licences,
 - (iii) at least the number of persons the applicant proposed should, during the times when the licence authorises licensable activities to take place on the premises, be allowed on the premises, to be allowed on the premises at such times, and
 - (iv) the premises to be used in a manner that is not inconsistent with the existing licence or licences accompanying the application.

Note 3 – Advertisement of Application

Regulations prescribe the way in which applications are to be advertised and are as follows: -

Regulation 25 of Statutory Instrument 2005 No 42.

25. In the case of an application to vary a club premises certificate under section 34, or to vary a club premises certificate under section 84, the person making the application shall advertise the application, in both cases containing the appropriate information set out in regulation 26: -

(a) for a period of no less than 28 consecutive days starting on the day after the day on which the application was given to the relevant licensing authority, by displaying a notice,

- (i) which is—
 - (aa) of a size equal or larger than A4,
 - (bb) of a pale blue colour,
 - (cc) printed legibly in black ink or typed in black in a font of a size equal to or larger than 16;
- (ii) 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 area of more than fifty metres square, a further notice in the same

form and subject to the same requirements every fifty metres along the external perimeter of the premises abutting any highway; and

(b) by publishing a notice—

(i) in a local newspaper or, if there is none, in a local newsletter, circular or similar document, circulating in the vicinity of the premises;

(ii) on at least one occasion during the period of ten working days starting on the day after the day on which the application was given to the relevant licensing authority.

Regulation 26 of Statutory Instrument 2005 No 42.

26 (3) In the case of an application to vary a premises licence or a club premises certificate, the notices referred to in regulation 25 shall briefly describe the proposed variation.

26 (4) In all cases, the notices referred to in regulation 25 shall state—

(a) the name of the applicant or club;

(b) the postal address of the premises or club premises, if any, or if there is no postal address for the premises a description of those premises sufficient to enable the location and extent of the premises or club premises to be identified;

(c) the postal address and, where applicable, the worldwide web address where the register of the relevant licensing authority is kept and where and when the record of the application may be inspected; **(the register will not initially be available on the Council's website)**

(d) the date by which an interested party or responsible authority may make representations to the relevant licensing authority; **(this is prescribed by regulation which states that representations may be made on the application at any time during a period of 28 consecutive days starting on the day after the day on which the application was given to the authority by the applicant)**

(e) that representations shall be made in writing; and

(f) that it is an offence knowingly or recklessly to make a false statement in connection with an application and the maximum fine for which a person is liable on summary conviction for the offence.

CHECKLIST

- Application for variation of club premises certificate under the Licensing Act 2003
- Copy of advertisement
- Fee (based on non domestic rateable value)
- Plans of the premises (if required)

WHERE TO SEND YOUR APPLICATION

Please ensure the application, accompanying documents and appropriate application fee is sent to the relevant licensing office.

Licensing Area	Address	Telephone/Email
West (Camborne, Falmouth, Hayle, Helston, The Lizard, Penryn, Penzance, Redruth, St Ives)	Licensing Cornwall Council Dolcoath Avenue CAMBORNE TR14 8SX	01209 615055 licensing@cornwall.gov.uk
Central (Fowey, Lostwithiel, Newquay, Par, Perranporth, Porthtowan, Roseland, St Agnes, St Austell, Truro)	Licensing Cornwall Council Chy Trevail Beacon Technology Park BODMIN PL31 2FR	01726 223433 licensing@cornwall.gov.uk
East (Bodmin, Bude, Callington, Camelford, Launceston, Liskeard, Padstow, Saltash, Torpoint, Wadebridge)	Licensing Cornwall Council Chy Trevail Beacon Technology Park BODMIN PL31 2FR	01208 893346 licensing@cornwall.gov.uk

RESPONSIBLE AUTHORITIES

Please ensure a copy of your application and accompanying documents
are also sent to:-

Responsible Authority	Address	Telephone/Fax/ Email
Local Safeguarding Children Board	Children, Schools & Families (FAO Andy Jory) 1st Floor, East Wing New County Hall Treyew Road Truro TR1 3AY	tel. 01872 323926 ajory@cornwall.gov.uk
Trading Standards	Cornwall Council Trading Standards Service Unit 6 Threemilestone Industrial Estate Truro TR4 9LD	tel. 0300 1224 191 tradingstandards@cornwall.gov.uk
Police	Licensing Department Launceston Police Station Moorland Road Launceston PL15 7HY	tel: 01566 771309 fax: 01566 771388 licensing.team@devonandcornwall.pnn.police.uk
Fire & Rescue Authority	Central Division Headquarters St Austell Fire Station Carlyon Road St Austell PL25 4LD	tel. 01726 72582 fax. 01726 67093 csadmin@fire.cornwall.gov.uk
Health & Safety	Health & Safety Unit 6 Threemilestone Industrial Estate Truro TR4 9LD	tel. 01209 616990 businesscompliance@cornwall.gov.uk
Environmental Control	Environmental Health Cornwall Council Dolcoath Avenue CAMBORNE TR14 8SX	tel. 01209 616990 communityandenvironmentalprotection@cornwall.gov.uk
Local Planning Authority	Planning Enforcement Service Cornwall Council Chy Trevail Beacon Technology Park BODMIN PL31 2FR	tel. 01208 265712 planning.enforcement@cornwall.gov.uk

Public Health	Jez Bayes Alcohol Strategy Lead CIOs DAAT, Helford House May Court Truro Business Park Threemilestone TRURO TR4 9LD	tel. 01726 223400 jbayes@cornwall.gov.uk
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Additional Responsible Authorities for vessels

Maritime and Coastguard Agency	MCA Falmouth Pendennis Point Castle Drive Falmouth TR11 4WZ	tel. 01326 310800
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Please note the Responsible Authorities are subject to Regulations and may change