



WARRINGTON
Borough Council

Variation to a Premises Licence

Guidance to help you complete your application

Licensing Act 2003

Licensing Section
Town Hall
Sankey Street
Warrington
WA1 1UH

Tel: 01925 442517
www.warrington.gov.uk

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Licensing Act 2003 Application Pack

Please read all the guidance notes and the application form carefully before completing and submitting your application. Incorrect or incomplete applications cannot be accepted and will be returned to you for amendment and resubmission.

Guidance to help you complete your application

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IMPORTANT INFORMATION

Please note it is your responsibility to check with the Planning Department whether planning permission is in place for the type business and hours of trading you propose to carry on at the premises. As the Licensing and Planning regimes are separate, the grant of a Premises Licence will not give you any authorisation under planning legislation. If you are unsure of the terms of the planning permission currently in place for the premises you are strongly recommended to obtain this information from the Planning Department.

You may contact the Planning Department on 01925442819 or planningenforcement@warrington.gov.uk.

(1) Guidelines for Completing Application Form

This guide is designed to help you understand the application process. Please read it before completing the application form(s).

Variation Application
4 steps to submitting your application
<ul style="list-style-type: none">• Complete & sign application form• Enclose correct fee• Attach Plan (if applicable) – The Plan must meet the specifications listed.• Prepare Advert and Notice
<p>Check through the application form making sure you have filled in all the relevant sections & ensure you have enclosed all of the necessary documents.</p> <p>Incorrect or incomplete applications cannot be accepted and will be returned to you for amendment and resubmission.</p>
<p>Submit the application to:</p> <p>Licensing Section Town Hall Sankey Street Warrington WA1 1UH</p> <p>OR</p> <p>Online at https://www.warrington.gov.uk/premises-licence</p>

Serve copies of completed application form with premises plans (if applicable) on the Responsible Authorities. (If you submit your application online you will not be required to send copies to Responsible Authorities.)

APPLICATION FORM

When to use the form

This guidance relates to application forms for Variations to premises licenses under the Licensing Act 2003 (“the Act”).

Broadly speaking, you can vary your premises licence in the following ways:

- Add or remove the sale or supply of alcohol;
- Add or remove the provision of regulated entertainment;
- Add or remove the provision of late night refreshment;
- Extend or reduce any licensable activity (i.e. change the times the licence authorises any particular activity);
- Add or remove a condition attached to the licence;
- Change the plans of the premises attached to the licence. **

It is possible to change the plans of the premises by way of a minor variation and you should refer to the guidance notes to applicants for a Minor Variation to see when this is suitable

There are certain restrictions relating to what you can apply to vary on your premises licence including:

- *Extending a time limited licence (i.e. change the dates that a licence is in effect);*
- *Transfer the licence from one holder to another;*
- *Transfer the licence from one premises to another;*
- *Change the Designated Premise Supervisor (DPS);*
- *Submit plans that result in a substantial alteration to the physical structure of the premises;*
- *Increase the trading area of the premises;*
- *Substantially alter the premises in any way.*

Applications for the variation of a premises licence must be made to the licensing authority within whose area your premises are situated. This will normally be your local authority.

COMPLETING THE FORM

In the opening statement, you should insert the name of the Current Premises Licence Holder. Any variation can only be requested by the current licence holder and applications from any other person/body/business will not be accepted. You can find the details of the current premises licence holder on the licence that the Authority previously granted to you.

The Premises Licence Number can also be found at the top of your licence, it will begin “**WBC\LP....**”

PART 1: Premises Details

This section asks for the address and some other details of the premises. If the premise has no postal address, for example, if the application relates to an event on open land, you should describe the location of the premises or give the Ordnance Survey map reference. The Address should be exactly the same as stated on your current premises licence.

The section also asks for the non-domestic rateable value (NDRV) of the premises. This is not the same as any business rates you pay, but is a value determined by the Valuation Office, which helps determine business rates. The NDRV, rather than your business rates bill, will determine the fee level to be paid with the licence application and the annual fee thereafter. The NDRV of any premises can be checked on the Valuation Office Agency (VOA) website www.voa.gov.uk. NDRV is revalued every 5 years. Premises that do not have a non-domestic rateable value will fall under Band A for licensing fee purposes. **(See section 3 of the guidance notes for full list of fees)**

PART 2 – Applicant Details

This section asks you to state contact details. You should be aware that you CANNOT change the registered address of the Licence Holder on a Variation application; if the address has changed you will need to submit a Change of Registered Address of Premises Licence Holder separately to this form.

PART 3 – Variation

You should confirm if you would like the Variation to have effect as soon as possible – the earliest that this could be would be a minimum of 28 days following the date you submit your application to the Licensing Authority.

Alternatively, if you would like the variation to take effect on a later date (for example if you have planned works to take place that would be later than 28 days, then you should state the date you would like the variation to take effect.

The 28 consecutive day period is designed to allow either a Responsible Authority or any other person make representation (objection) to your application. Once the 28 days has passed the Licensing Authority will confirm if any relevant representations (objections) have been received and will outline the next process.

General description of the variation

You are asked to describe the nature of the proposed variation. You should detail as clearly as possible exactly what it is that you want to amend on your current licence.

5,000 or more people attending

The question concerning the number of people attending the premises at any one time is necessary to determine whether an additional fee for large events should apply. It is not necessary to complete this box if you think that less than 5,000 people will attend the premises at any one time. The figure relates to the maximum number of people on the licensed premises, including employees, at any one time – not the total number over a period of time. It is important to note that the attendance figure relates to the 'licensed premises' (i.e. the licensed area identified in the plan) and not areas that are outside the 'licensed premises'. If you decide that the number will not exceed 5,000, you will be responsible for ensuring that the numbers at any one time do not exceed this figure. If you do exceed it, you could be engaging in an unlicensed activity, which is a criminal offence

PART 4 – Operating Schedule

Boxes A – H: Provision of Regulated Entertainment

You should indicate which licensable activities you wish to amend (if any) by ticking the appropriate box(s). If you do not wish to amend any regulated entertainment on your licence you do not need to tick any box(s).

For the definitions of regulated entertainment, please refer to the guidance notes on applying for a premises licence.

Box I: Provision of Late Night Refreshment

This is the sale of hot food & Drink between the hours of 23.00 and 05.00 every day. If you would like to add/remove/extend Late Night Refreshment on your licence you should tick this box.

For the full definition of late night refreshment, please refer to the guidance notes on applying for a premises licence.

BOX J: Sale by retail of alcohol

If you wish to sell alcohol from your premises (if you do not already) or if you want to alter the timings that you provide alcohol to customers, you need to tick this box. If you do not intend to sell alcohol then you do not need to tick this box.

Designated Premises Supervisor (DPS)

If you intend to sell alcohol (and you do not already), you should give details of the person who you wish to be the designated premises supervisor (DPS) under the licence. The DPS will need to hold a valid personal licence. In many cases, this will be the premises licence holder, but you can choose to name someone else. There is only one DPS for each premise (but any number of personal licence holders) and it is usually, but not necessarily, the person who has day to day responsibility for the premises. You will also need to submit a 'DPS consent form' signed by the person you wish to be your DPS (you need to do this even if this is the same person who is applying for the premises

licence) to confirm that they are happy to take on this role. The form is prescribed, and can be found on our website or downloaded from the Business Link or Home Office websites. The form should be included with your application if you intend to sell alcohol.

For more information about Personal Licenses visit our website at www.warrington.gov.uk

When you have confirmed which activities you wish to amend (if you wish to amend any) you need to complete the corresponding boxes on the following pages (Boxes A – J).

You should give timings using the 24-hour clock and only give details for days of the week that you are amending. If you are NOT amending any then you do not need to put anything in the boxes as we will not make a change to anything already licensed unless you ask us to vary it.

The space marked 'state any seasonal variations', gives you the opportunity to include any, for example, longer hours or additional days during the summer. The space marked 'non-standard timings', gives you the opportunity to record occasions when the timings will change. For example, you may wish the activity to go on longer on Christmas Eve or weekends preceding bank holidays.

Please pay particular attention to the boxes relating to whether your entertainment and/or late night refreshment is to be provided for Indoor, Outdoor or indoor & outdoor use.

You also need to pay attention to whether the sale of alcohol will be for the consumption on, off or on & off the premises.

If you have made NO CHANGES to any licensable activities (for example if you have amended conditions or changed the plan attached to the licence) you DO NOT need to complete these boxes.

BOX K: Adult Entertainment

Please indicate if you intend to use the premises for any form of "adult entertainment" this includes striptease acts. If you do not intend to provide any adult entertainment, please write "n/a" in the box provided.

BOX L: Hours premises are open to the public.

Unless any of the times you wish to open the premises have changed from what you were originally granted, you do not need to complete this section.

CONDITIONS

If your variation is to add or remove any conditions currently attached to your licence, you MUST clearly state the conditions in this box that you want to add or remove so that it is clear to the Licensing Authority and Responsible Authorities what you are seeking to change.

If you are not amending any conditions, then please state "n/a" in this box.

RETURNING THE PREMISES LICENCE

You must send back ALL PAGES of the original premises licence that was issued to you. In most circumstances this will be a colour copy. This is so that should the variation be granted, we can update your licence accordingly. If you cannot find the licence you must state clearly the reasons why you have lost it.

BOX M: Steps to promote the licensing objectives

You are asked to describe the steps you intend to take to promote the four licensing objectives:

- the prevention of crime and disorder
- public safety
- the prevention of public nuisance
- the protection of children from harm

Don't forget that you should already be abiding by relevant legislation in other areas. Your starting point should be compliance with these requirements. If you feel there is nothing more you need to do, then you might wish to write 'N/A' or something like 'nothing beyond existing Health and Safety/Fire Safety etc. requirements'. This shows you have considered the objectives and come to a decision that you have nothing additional to do and not that you have forgotten to write anything in this section. Of course, if a responsible authority for one of the licensing objectives considers that you need to do more, they will be able to make representations. If you have concerns, you may find it useful to talk to the relevant responsible authority before completing the form.

If you do intend to take additional measures, you should consider carefully what to include. Anything you put down here is likely to become a condition of your licence. Failure to meet those conditions would constitute an offence under the Act. You should therefore think carefully about adding conditions to ensure that they are achievable, realistic, appropriate, proportionate and within your control. Base your response on a proper, common sense consideration of the risks and what you can realistically do to mitigate them.

In the 'General Box', list the steps you will take to promote all four licensing objectives together, for example, employing additional staff.

Checklist and declaration

You must ensure that you have enclosed the relevant fee with the application form.

You must ensure that you have forwarded a copy of the application (and plan and DPS Consent form if applicable) to all the Responsible Authorities no later than the day after you have submitted it to the Licensing Authority. (If the application is submitted online you do not need to forward copies to the Responsible Authorities)

You must advertise the application both on the premises and by public notice in the either the Warrington Guardian (Published weekly) or the Cheshire Times (Published monthly).

As above you must enclose the original premises licence or have stated exactly why you can't enclose the licence.

The application can only be signed by the current Premises Licence Holder OR their agent. No other person is entitled to sign the application.

(2) Plans

**** This guidance note only applies to those seeking a “major” variation of the existing plan attached to the premises licence****

Most variations of plans can be dealt with by a “Minor Variation” application (see separate guidance notes) however, there are certain circumstances when a change of plan will need to be done on a full variation.

Examples of requirement for a full variation are:

- Major changes to layout of premises;
- Structural alterations to walls, doors etc.;
- Movement of any bars;
- Any extensions to current licensed area.

Applicants should in the first instance contact the Licensing Authority where they need to change the plan attached to the licence in order for the Licensing Authority to ascertain what application is required.

Where a full variation is required because of the nature of the changes, the applicant should ensure that a copy of the proposed plans accompany the variation application form. The plan should also be sent to the Responsible Authorities.

Unless you have previously agreed with the relevant licensing authority in writing that an alternative scale plan is acceptable to it, the plan should be drawn in standard scale, where 1 millimetre represents 100 millimetres. The plan may include a key of symbols to illustrate the above on the plan, but there is no requirement to do so.

Do I have to have plans professionally drawn?

There is no requirement to have plans professionally drawn. What is important is that they are accurate and meet the requirements referred to below.

Do I need to show a consumption area, such as a beer garden, on the plan?

There is no requirement to show on the plan any areas that are not part of the premises you are licensing. You should, however, describe any areas that you intend to provide for people to consume alcohol that you sell or supply.

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;
- (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 used for more than one existing licensable activity, the area within the premises used for each activity;
- (e) 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;
- (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;
- (h) the location and type of any fire safety and any other safety equipment, including

- if applicable, marine safety equipment; and
- (j) the location of a kitchen, if any, on the premises.

The plan may include a legend (Key) through which the matters mentioned above are sufficiently illustrated by the use of symbols on the plan.

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(3) Fees

HOW MUCH DO I PAY?

The fee to accompany your application is based on the non-domestic rateable value of your premises.

The Valuation Office Agency has compiled a list of rateable values, which can be found on their website www.voa.gov.uk. All you have to do is enter the billing authority, Warrington, and then the address of your premises to find the valuation. Alternatively you can call their help line on 0845 602 1507.

Each premise is allocated a fee band according to rateable value, not unlike the domestic tax system.

Once you have the valuation you can use the charts below to determine which band, and therefore what fee your premises will attract.

Rateable Values and Bands

RATEABLE VALUE	BAND
No rateable value to £4,300	A
£4,301 to £33,000	B
£33,001 to £87,000	C
£87,001 to £125,000	D
£125,001 and above	E

Fee to accompany your application

BAND	FEE
A	£100
B	£190
C	£315
D	£450
E	£635

You can pay in the following ways:

By Cheque made payable to Warrington Borough Council

By Debit or Credit Card (please indicate on the application form if you wish to use this method of payment and a member of the team will contact you to arrange payment over the phone)

In urgent and exceptional circumstances cash may be taken but you will need to contact the Licensing Team to explain why this method of payment is to be used.

(4) Responsible Authorities

All applications (and any accompanying documentation) must be sent to all Responsible Authorities within one working day of submitting the application to the Licensing Authority.

The exception to this is those applications that are submitted online via the Government's ".GOV.UK" website, where it is the Licensing Authorities duty to forward the application to Responsible Authorities.

The Responsible Authorities for Warrington are:

Regulation and Protection

Warrington Borough Council
Town Hall
Sankey Street
Warrington
WA1 1UH
cexlicensing@warrington.gov.uk

Force Licensing Department

Cheshire Constabulary Headquarters
Clemonds Hey
Oakmere Road
Winsford
CW7 2UA
warrington.licensing@cheshire.pnn.police.uk

The Divisional Commander

Cheshire Fire Authority

Fire Station
Winwick Road
Warrington
WA2 8HH
Fireadvice01@cheshirefire.gov.uk

Business Compliance Manager

Warrington Borough Council

Economic Regeneration, Growth & Environment Directorate
Regulation & Protection
Town Hall
Sankey Street
Warrington
WA1 1UH
Environmental.Health@warrington.gov.uk

Planning Enforcement

Warrington Borough Council
Economic Regeneration, Growth & Environment Directorate
Regulation & Protection
Town Hall
Sankey Street
Warrington
WA1 1UH
planningenforcement@warrington.gov.uk

Environmental Protection Manager

Warrington Borough Council
Economic Regeneration, Growth & Environment Directorate
Regulation & Protection
Town Hall
Sankey Street
Warrington
WA1 1UH
Environmental.Health@warrington.gov.uk

Families and Wellbeing

Children's Services

Warrington Borough Council
Families & Wellbeing Directorate
Conference & Review Unit
Town Hall
Sankey Street
Warrington
WA1 1UH
fcowan@warrington.gov.uk

Alcohol Harm Reduction Officer

Warrington Borough Council
Economic Regeneration, Growth & Environment Directorate
Regulation & Protection
Town Hall
Sankey Street
Warrington
WA1 1UH
dshaughnessy@warrington.gov.uk

Simon Lyon

Alcohol Strategic Manager

Families & Wellbeing Directorate
Drug & Alcohol Action Team (DAAT)
Town Hall
Sankey Street
Warrington
WA1 1UH
slyon@warrington.gov.uk

(5) Advertising your application

Applications for a full variation must be advertised BOTH on the premises seeking the variation AND in either the Warrington Guardian (Published weekly) or Cheshire Times (Published monthly). **Note: Please check publication date before submitting your application to ensure the notice will be published within 10 working days of submitting your application.**

A4 BLUE NOTICE FOR PREMISES

Applicants are required to display an A4 Pale Blue notice outlining details of the variation requested at their premises for a period of not less than 28 consecutive days.

Applicants MUST display the notice no later than one working day after the application has been submitted to the Licensing Authority.

Notices are checked by the Council's Enforcement team, and any breach in this requirement could result in the application being rejected.

An example of the notice is displayed below. You must ensure the notice:

- Is A4 in size;
- Is printed on pale blue paper;
- Has been printed in black ink with a font size of at least 16;
- Lists the variation sought in full including the activities, days and times where applicable.
- Is displayed on the premises for a period of not less than 28 consecutive days;
- Is displayed in a place where it can be easily seen by any member of the public.

If your premises covers an area of more than fifty metres square, a further notice in the same form, and subject to the same requirements, must be displayed every fifty metres along the external perimeter of the premises.

PUBLIC NOTICE FOR NEWSPAPER

Applicants are required to put notice of their application in the Public Notice section of either the Warrington Guardian or Cheshire Times.

The advert must be placed no later than 10 working days beginning with the day after the application has been submitted to the Licensing Authority.

We suggest that applicant's arrange to have their advert in the paper the week following submission of the application.

Notices are checked by the Licensing Authority and failure to put the notice in the paper could result in the application being rejected.

An example of the notice is displayed below. You must ensure the notice:

- Is as small as it can be;
- Does not contain any spaces between words;
- Outlines the variation sought (unlike the A4 Blue Notice you are NOT required to list days and times of licensed activities but you ARE required to list changes to activities if this is the purpose of the variation);

**LICENSING ACT 2003
PUBLIC SITE NOTICE
APPLICATION FOR VARIATION OF A PREMISE LICENCE**

Notice is hereby given that I **[NAME OF APPLICANT]** have made an application for the Variation of a Premises Licence at **[NAME & ADDRESS OF PREMISE]** on **[DATE APPLICATION SUBMITTED]** to Warrington Borough Council for the following licensable activities:

- **[LIST OF ACTIVITIES AND TIMES & DATES REQUESTED]**

A responsible authority or any other person may make representation which must be in writing about this application to the following address no later than:

[DATE FOR LAST DATE FOR REPS] to:

*****This is 28 consecutive days following the day you submit your application to the licensing section*****

Licensing Section, Warrington Borough Council, Town Hall, Sankey Street, Warrington, WA1 1UH

A record of my application is contained in the licensing register kept by Warrington Borough Council which is available for inspection free of charge at the above address or at www.warrington.gov.uk between 09.00am and 16.00pm Monday to Friday. It is an offence under Section 158 of the Licensing Act 2003 liable on conviction to a fine up to level 5 on the standard scale (£5,000), to knowingly or recklessly make a false statement in connection with this application.

Notice for Newspaper

LICENSING ACT 2003

Notice is hereby given that I **[NAME OF APPLICANT]** have made an application on **[DATE APPLICATION SUBMITTED]** to Warrington Borough Council to Vary a Premises Licence at **[NAME & ADDRESS OF PREMISES]** The variation is to **[ENTER DETAILS OF VARIATION]** Representations to this application must be made in writing by the end of **[DATE FOR LAST DATE FOR REPS]** to the Licensing

Section, Warrington Borough Council, Town Hall, Sankey Street, Warrington, WA1 1UH. The register of licensing applications can be inspected at the above address between 09.00 and 16.00 Monday to Friday or at www.warrington.gov.uk. It is an offence on summary conviction, to knowingly or recklessly make a false statement in connection with an application, the maximum fine for which is £5000.

Disclaimer

Nothing in this guidance document can be considered as legal advice. Independent legal advice should be sought in the event of queries, advice and information can also be obtained from the Home Website: www.gov.uk/homeoffice