

East Lindsey District Council – Licensing Authority



Application for a minor variation to a premises licence or club premises certificate

(Form last revised May 2017)

Licensing Act 2003

Please read the following instructions, guidance notes at the end of the form and any guidance letter enclosed with this application before completing your application form.

1. If you are completing the form by hand please write legibly in **BLOCK CAPITALS** and write in **BLACK INK**.
2. In all cases ensure that your answers are inside the boxes. Use additional sheets as necessary.
3. Incomplete or inadequate applications will normally be rejected and will be required to be resubmitted to the Licensing Authority.

4. The application must be returned to:

The Licensing Team, East Lindsey District Council
Tedder Hall, Manby Park, LOUTH, Lincolnshire LN11 8UP

5. The fee relating to the minor variation of a premises licence is £89.00.

Cheques and postal orders should be made payable to 'East Lindsey District Council'. Please note that we no longer accept cash for the payment of licence application fees. The Licensing Team is able to provide facilities for licence payments by credit and debit cards. Further information on payment by credit or debit card is available by contacting the Licensing Team direct.

6. Further information is available by contacting the Licensing Team on 01507 601111 or by emailing: licensing@e-lindsey.gov.uk.

7. Your information will be processed in accordance with the law, in particular the Data Protection Act 1998. The information you provide will only be used for Council purposes unless there is a legal authority to do otherwise.

8. Contact details:

The Licensing Team, East Lindsey District Council
Tedder Hall, Manby Park, LOUTH, Lincolnshire LN11 8UP

Tel: 01507 601111

E-Mail: licensing@e-lindsey.gov.uk

Website: www.e-lindsey.gov.uk

Variation of a Premises Licence

There are two types of variation which can be made – a minor variation (for small changes to the licence) and the normal full variation process (for more significant changes). Information on the minor variation process can be found below.

Information on the full variation process is available by contacting the Licensing Team. This application form cannot be used to apply for a full variation of a premises licence.

Minor Variations to a Premises Licence

The licensing legislation allows the holder of a premises licence (or club premises certificate) to apply to make minor variations to his/her licence. The application for a minor variation can be used, for example, to make minor changes to the layout of the premises or to add some activities to a licence (e.g. regulated entertainment), provided that the variation does not have an adverse effect on any of the licensing objectives.

However, the minor variation procedure may not be used to:

- Extend the period for which the licence has effect
- Vary substantially the premises to which it relates
- Change the Designated Premises Supervisor (DPS)
- Add the sale or supply of alcohol
- Authorise the supply of alcohol at any time between 11pm and 7am; or
- Authorise an increase in the amount of time on any day during which alcohol may be sold or supplied.

It will be necessary to advertise the application by displaying a notice on the premises for a period of 10 working days beginning on the day after the application is made. A sample of the minor variation notice can be obtained by contacting the Licensing Team – the notice is different to that, used for normal variation applications.

The minor variation notice should be on white paper and placed on the premises in a position where it can be seen by people without the need for them to enter the premises. The completed white A4 notice must contain basic details such as a brief description of the proposed variation; name of the applicant or club; address of the premises; and date by which any interested party may make representations.

There is no requirement for the applicant to advertise the minor variation application in a local newspaper.

Applicants can volunteer conditions as part of the minor variations process, whether from their own risk assessment of the variation, or from informal discussions with the Responsible Authorities or the Licensing Authority.

Once a full valid application has been received the Licensing Team will consult with the Relevant Authorities (e.g. Police, Fire and Rescue Service, Environmental Health etc.) – if it is appropriate to do so.

If no objections are received, within the 10 working day consultation period, we will grant the minor variation. If, however, we receive valid representations (objections) that show that the application may have an adverse effect on any of the licensing objectives we are obliged to reject the application and it would then be necessary to make an application for a full variation of the licence.

There are no licensing hearings (consisting of Councillors) under the minor variation process. A Licensing Officer acting under delegated powers will determine the variation application.

It is important to note that objections can be made by local residents if they feel they would be affected by the variation.

In order to make application for a minor variation this form should be completed and sent with the application fee of £89 to the Licensing Team.

Please contact the Licensing Team if you require any further information on the subject of minor variations.



Application for a minor variation to a premises licence or club premises certificate under the Licensing Act 2003

PLEASE READ THE FOLLOWING INSTRUCTIONS FIRST

Before completing this form please read the Guidance Notes at the end of the form, especially Note 1.

If you are completing this form by hand please write legibly in block capitals. In all cases ensure that your answers are inside the boxes and in black ink. Use additional sheets if necessary.

Once completed please send your application to the relevant licensing authority. You may wish to keep a copy of the completed form for your records.

(Insert name(s) of applicant)

being the premises licence holder(s)/club holding a club premises certificate, apply to vary a premises licence under section 41A/club premises certificate under section 86A of the Licensing Act 2003 for the premises described in Part 1 below.

Part 1 – Premises details

Postal address of premises (or, if none, ordnance survey map reference, or description)	
Post town	Postcode

Telephone number at premises (if any)

Premises licence number/club premises certificate number

Brief description of premises (Please see Guidance Note 2)

Details of proposed variations (Continued)

Part 4 – Operating Schedule

Please tick those parts of the Operating Schedule which would be subject to change if this application to vary was successful.

Provision of regulated entertainment

Please tick all that apply

- a. plays
- b. films
- c. indoor sporting events
- d. boxing or wrestling entertainment
- e. live music
- f. recorded music
- g. performances of dance
- h. anything of a similar description to that falling within (e), (f) or (g)

Provision of late night refreshment

Supply of alcohol

(Note that this can only relate to reducing licensed hours or moving them without any overall increase between 7am and 11pm)

Please tick to indicate you have enclosed the following:

I have enclosed the premises licence/club premises certificate

I have enclosed the relevant part of the premises licence/
club premises certificate

I have included a copy of the plan
(necessary if the proposed variation will affect the layout)

If you have not ticked one of the previous three boxes, please explain why in the box below.

Reasons why you have not enclosed the premises licence/club premises certificate or relevant parts.
--

Any further information to support your application. (See Guidance Note 4)

CHECKLIST:

Please tick to indicate agreement

- I have made or enclosed payment of the fee.
- I have not made or enclosed payment of the fee because this application has been made in relation to the introduction of the late night levy.
- I have enclosed the plan, if appropriate, of the premises in scale [1mm to 100mm], unless otherwise agreed with the licensing authority.
- I have enclosed the premises licence/club premises certificate or relevant part of it or provided an explanation.
- I understand that if I do not comply with the above requirements my application will be rejected.
- I understand that I must now advertise my application for a continuous period beginning on the first working day after the day on which the application was given to the relevant licensing authority and ending at the expiry of the ninth consecutive working day after that day.

IT IS AN OFFENCE, LIABLE ON SUMMARY CONVICTION TO A FINE NOT EXCEEDING LEVEL 5 ON THE STANDARD SCALE, UNDER SECTION 158 OF THE LICENSING ACT 2003, TO MAKE A FALSE STATEMENT IN OR IN CONNECTION WITH THIS APPLICATION.

Part 5 – Signatures and Contact Details

(See Guidance Note 6)

Premises Licence: Signature of applicant (the current premises licence holder) or applicant’s solicitor or other duly authorised agent (see Guidance Note 7). If signing on behalf of the applicant, please state your name and in what capacity you are authorised to sign:

Signature:

Date:

Capacity:

Where the premises licence is jointly held, signature of 2nd applicant (the current premises licence holder) or 2nd applicant’s solicitor or other authorised agent (See Guidance Note 8). If signing on behalf of the applicant, please state in what capacity.

Signature:

Date:

Capacity:

Where the premises is a club

I (insert full name) make this application on behalf of the club and have authority to bind the club.

Signature:

Date:

Capacity:

Contact name (where not previously given) and address for correspondence associated with this application. (See Guidance Note 9)	
Post town	Postcode
Telephone number (if any)	If you would prefer us to correspond with you by email your email address (optional)

Your information will be processed in accordance with the law, in particular the Data Protection Act 1998 and the Freedom of Information Act 2000. The information that you provide will only be used for Council purposes unless there is a legal authority to do otherwise.

This Authority is under a duty to protect the public funds it administers, and to this end may use the information you have provided on this form for the prevention and detection of fraud. It may also share this information with other bodies responsible for auditing or administering public funds for these purposes. For further information contact the Licensing Team.

Notes for Guidance

1. General Note: The minor variations process can only be used for variations that could have no adverse impact on the promotion of any of the four licensing objectives. (These are: the prevention of crime and disorder; public safety; the prevention of public nuisance; and the protection of children from harm.)

It cannot be used to:

- extend the period for which the licence has effect;
- vary substantially the premises to which it relates;
- specify, in a premises licence, an individual as the designated premises supervisor;
- add the sale by retail or supply of alcohol as an activity authorised by a licence or certificate;
- authorise the sale by retail or supply of alcohol at any time between 11pm and 7am;
- authorise an increase in the amount of time on any day during which alcohol may be sold by retail or supplied;
- include the alternative licence condition referred to in section 41D (3) of the Licensing Act 2003 in a premises licence.

2. Description of premises: For example the type of premises, its general situation and layout and any other information which could be relevant to the licensing objectives. This should include any activities in or associated with the use of the premises which may give rise to concern in respect of children regardless of whether you intend children to have access to the premises, for example (but not exclusively) nudity or semi-nudity, films for restricted age groups, the presence of gaming machines etc.

3. You do not have to pay a fee if the only purpose of the variation for which you are applying is to avoid becoming liable to the late night levy.

4. Give full details of all the proposed variation(s). Failure to provide sufficient information may lead to the refusal of your application. Details should include a description of the proposed variation(s) in terms as precise as possible. If you are not precise, the licensing authority may decide that the changes you propose would be potentially broader in scope than you intend and reject your application as not being a 'minor' variation. You should also include a statement about why you consider the variations proposed could not have an impact on the licensing objectives listed in section 4(2) of the Act. You should cover each of the objectives that could possibly apply to your proposal (or if more than one, to each proposal) and say why you think there could be no adverse impact on that objective. Your application will be assisted by including as much information as you can about this. **(However, there is a box at the end of the form for 'further information', and this should be used for any relevant background information not directly related to the variation.)** Relevant information includes:

a) **Variations to licensable activities/licensing hours** (all timings should be given in 24 hour clock e.g. 16.00. Only give details for the days of the week when you intend the premises to be used for the activity), such as:

- Whether new or increased levels of licensable activities will be taking place indoors or outdoors (indoors may include a tent);
- Relevant further details, for example whether music will be amplified or unamplified;
- Standard days and timing when the activity will take place, including start and finish times;
- Any seasonal variations in timings, e.g. additional days during the summer; and
- Non-standard timings, e.g. where you wish the activity to go on longer on a particular day such as Christmas Eve.

b) **Variations to premises/club layout**: If you are applying for a variation to the layout of your premises, you must include a revised plan. You should be aware that your application is likely to be refused if the proposed variation could:

- increase capacity for drinking on the premises;
- affect access between the public part of the premises and the rest of the premises or the street or public way, e.g. block emergency exits or routes to emergency exits; or

- impede the effective operation of a noise reduction measure.

c) **Revisions, removals and additions of conditions:** The minor variation process may be used to remove conditions which are out of date or invalid and to revise conditions which are unclear (as long as the intention and effect remains the same). It can also be used to add a new condition volunteered by the applicant or mutually agreed between the applicant and a responsible authority, such as the police or the environmental health authority (subject to impact on the licensing objectives).

d) **Variations to opening hours:** Details of any changes to hours when the premises or club is open to the public.

5. Further information: You should use this box to provide any additional evidence to support your claim that the proposed variation is 'minor' and could not have an adverse impact on the promotion of the licensing objectives.

6. Signatures: The application form must be signed.

7. Authorised agent: An applicant's agent (e.g. solicitor) may sign the form on their behalf and, in so doing, will be confirming that they have actual authority to do so.

8. 2nd Applicant: Where there is more than one applicant, both applicants or their respective agents must sign the application form.

9. This is the address which we shall use to correspond with you about this application. This might not be the same as the address of the premises or applicant, but these addresses must also be provided.

Data Protection Notice – Premises Licence Application under the Licensing Act 2003

East Lindsey District Council is a Data Controller and can be contacted at:

Tedder Hall, Manby Park, Louth, Lincolnshire, LN11 8UP
Tel: 01507 601111

The Data Protection Officer for this Authority can be contacted at the same address.

We are collecting your personal data in order to process your licence application under the Licensing Act 2003 as we are the Licensing Authority.

Your personal data may be shared in the following ways as part of this application:

The law requires us to verify that applicants for premises licences have the right to work in the UK. Where necessary, we may need to verify your information with the Home Office.

The Council may also share personal information with the Police and the other Responsible Authorities as part of the licensing process. Any information sharing will be managed in accordance with relevant privacy and data protection legislation.

Your data will not be shared with third parties but may be used for Council purposes, in order to prevent or detect crime, to protect public funds or where we are required or permitted to share data under other legislation.

Some limited Premises User / Licence Holder information will be made available to the public as the Licensing Act 2003 requires us to maintain a Register of Licence Applications. The Register includes the name of the licence holder.

In line with our retention policy your data will be kept for the period of time that you hold a licence with this Authority and then for a further 6 years after your licence expires. The data will then be deleted / destroyed.

We also keep data for six years from the resolution of an unsuccessful licence application or the resolution of legal proceedings.

You have the right to access your data and to rectify mistakes, erase, restrict, object or move your data in certain circumstances. Please contact the Data Protection Officer for further information or go to our website where your rights are explained in more detail. If you would like to receive an explanation of your rights in paper format please contact the Data Protection Officer.

Any complaints regarding your data should be addressed to the Data Protection Officer in the first instance. If the matter is not resolved you can contact the Information Commissioner's Office at:

Wycliffe House, Water Lane, Wilmslow, Cheshire, SK9 5AF
Tel: 0303 123 1113

If you do not provide the information required on the form then we will not be able to process your licence application.

For further information on our Data Protection Policies please go to our website: www.e-lindsey.gov.uk



If you would like this information in a different format, please contact us on 01507 601111.