Guidance on Applying to Vary a Premises Licence

# General

The holder of a Premises Licence can apply to vary that licence at any time. There are two types of variation process dependent upon the scope and nature of the proposed variation.

Where small changes are proposed, you may be eligible to apply through the Minor Variation process, separate guidance is available on this process to see whether you may meet the criteria. A Minor Variation is defined as one that would not impact adversely on any of the four Licensing Objectives.

The Licensing Objectives are:

* Prevention of Crime & Disorder
* Public Safety
* Prevention of Public Nuisance
* Protection of Children from Harm

If you do not meet that criteria, you are required to apply for a full variation, and this guidance will assist you with that process.

# Variations – scope and limitations

A variation application cannot be used to vary the licence to extend the period for which the licence is in effect. In addition, it cannot be used to vary substantially the premises to which it relates. An application for the grant of a new premises licence should be submitted in these cases.

You may submit a variation to;

* Add the sale by retail or supply of alcohol as an activity authorised by the licence
* Increase the amount of time on any day during which alcohol may be sold by retail or supplied
* Add, remove or modify conditions appearing on the licence
* Alter the structure of the premises

You cannot use a variation to;

* Extend the licence to extend the period for which the licence is in effect
* Vary substantially the premises to which the licence relates
* Vary the Designated Premises Supervisor named on the licence

# Advertising your application

When you are applying to vary a premises licence, you must advertise the application in two ways *(if your premise is over 50 square metres please see guidance in red below regarding on site advertisement).*

**1** – A notice must be prominently displayed at the premises where it can be conveniently read from the exterior of the premises. The notice must comply with the following:

* Font size to be equal to or larger than size 16
* Printed in black ink
* Printed on pale blue paper
* This notice must be in place no later than the day following submitting your application and must remain in place for 28 consecutive days

**2** – The same notice must be published in your local newspaper within 10 working days of submitting your application.

Please use our Guidance on Advertising for an advertisement notice template.

If your premises is over 50 square metres, as well as following point 1 above, you are also required to place 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.

# Representations

Once your application is submitted, there is a 28-day consultation period, whereby people are permitted to submit any representations against your application.

Your application will be forwarded to the following Responsible Authorities –

* Greater Manchester Police
* Greater Manchester Fire & Rescue Service
* Planning
* Trading Standards (Weights & Measures)
* Environmental Health (Noise Nuisance & Health and Safety)
* Public Health
* Safeguarding (protection of children from harm)
* Home Office Immigration Enforcement

As well as Responsible Authorities, any other person can play a role in a number of licensing processes under the 2003 Act. This includes any individual, body or business entitled to make representations to licensing authorities in relation to application for the grant, variation, minor variation or review of premises licences and club premises certificates, regardless of their geographical proximity to the premises

Any representations made by these persons must be ‘relevant’. For a representation to be relevant it must:

* relate to the likely effect of the grant of the licence on the promotion of the licensing objectives
* be made by an interested party or responsible authority
* not have been withdrawn
* not be ‘frivolous’ or ‘vexatious’ or, in the case of a review, ‘repetitious’ if made by an interested party

In the case of variation applications, the representation must be confined to the subject matter of the variation.

If any representations are submitted, the Licensing Authority will notify you upon receipt of the representation. Where possible, mediation between yourselves and the objector will be arranged so an amicable solution may be reached. In the case an agreement is reached, the representation will be withdrawn. In the instance an agreement cannot be reached, the application will proceed to a Licensing Committee Hearing.

A Licensing Committee Hearing is held before three Councillors from the Licensing Committee. The matters will be considered, and a decision reached at the hearing.

A hearing can still go ahead in the absence of any party. At the hearing the licensing panel will decide how to proceed in order to promote the licensing objectives and what they deem as appropriate in the circumstances.

A written result of the hearing will be sent to you afterwards and all parties have a right of appeal to their local magistrates’ court within 21 days of being notified of the decision.

If no representations are made during the 28-day consultation period, the licence will be granted on the 29th day.

# Other things to consider

If you are applying to change the layout or structure of the premises, in addition to a completed application form you are required to submit a plan of the premises. The plan does not need to be in any particular scale, but it must be in a format which is “clear and legible in all material aspects” i.e. it must be accessible and provide sufficient detail for the Licensing Authority to be able to determine the application, including the relative size of any features relevant to the application. The plan must show the following information:

* Extent of the boundary of the building, if relevant, and any external and internal walls and, if different, the perimeter of the premises
* The location of access to and egress points from the premises
* Escape routes (if these are different from above)
* In a case where the premises is to be used for more than one licensable activity, the area within the premises used for each activity
* All fixed structures (including furniture) or similar objects temporarily in a fixed location (but not furniture) which may impact o the ability of individuals on the premises to use exits or escape routes without impediment
* Raised flooring areas (the location and height of each raised area)
* The location of any steps, stairs, elevators or lifts
* Public conveniences
* All fire safety equipment (location & type)
* Location of kitchen (if any)

We have created separate guidance on how to create a floor plan should you require it, with a handy example drawing.

# Useful contact information/links:

The Licensing Service receive applications and respond to queries by email. You can contact a member of the team at licensing@oldham.gov.uk

The Licensing Service provides all their application forms and guidance on the Council website. These can be found at [www.oldham.gov.uk/licensing](http://www.oldham.gov.uk/licensing).

The Licensing Act 2003 can be found online at <https://www.legislation.gov.uk/ukpga/2003/17/contents>

Statutory Guidance can be found online at <https://www.gov.uk/government/publications/explanatory-memorandum-revised-guidance-issued-under-s-182-of-licensing-act-2003>