

LICENSING ACT 2003 APPLICATION FOR A VARIATION OF A CLUB PREMISES CERTIFICATE GUIDANCE NOTES

This document is intended to give general guidance on how to make a variation application of a Club Premises Certificate under the Licensing Act 2003.

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Variation of a Club Premises Certificate

A club which holds a club premises certificate may apply to the relevant licensing authority for variation of the certificate, including:

- varying the hours during which a licensable activity is permitted;
- adding or removing qualifying club licensable activities;
- amending, adding or removing conditions within a certificate; and
- altering any aspect of the layout of the premises which is shown on the plan.

A variation cannot be used to vary a certificate so as to:

- transfer the certificate from one premises to another

How do I make my application?

The application is made to the licensing authority for the area in which the premises are situated.

The following must be provided in order that your application may be accepted for processing:

- **The completed application form**
- **Application Fee (see [Annex A](#))**
- **You must also submit the current licence/certificate (or it's appropriate part), or if that is not practicable, a statement of the reasons for the failure to provide the licence/certificate (or part).**
- **A Plan(s) of the premises (1:100 scale)**

The plan 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 (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.

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”. 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 nature of the application (see [Annex C](#) on page 7). 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. 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 Forest of Dean District 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 Club
- 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 Forest of Dean District Council will make the details your application available to the public.
- The date by which an interested party or responsible authority may make representations to the Forest of Dean District Council (28 days from the application date).
- That all representations shall be made in writing.
- That it is an offence under Section 158 of the Licensing Act 2003, to make a false statement in or in connection with an application. Those who do so may be liable on summary of conviction to a fine of any amount.

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 wait for a 28 day period in order to allow the responsible authorities and interested parties to make representation if required.

If there are no relevant representations from the responsible authorities or interested parties within 28 days from your application, your certificate will be granted without the need for a hearing.

If a relevant representation has been received (please see [below](#)), the licensing team will decide whether it is appropriate to arrange a mediation meeting between the relevant parties to try and find a reasonable compromise. If this informal process is unsuccessful a hearing before the 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 Licensing Committee or Sub-Committee and the details of that decision will be circulated to the parties concerned.

Appeals

Any person aggrieved by the decision of the hearing has a right to appeal to the Magistrates Courts appropriate to the location of the premises concerned. If you disagree with any decision of the Licensing Authority we recommend that professional advice should be sought if you are uncertain about the best course of action.

What makes a representation 'relevant'?

The Licensing Act 2003 specifies 4 objectives, if a representation is received which makes reasonable argument that the granting of the certificate will undermine those objectives, then this must be considered.

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 is the operating schedule?

The operating schedule is a document in which the applicant sets out various details on how a premises is proposed to operate when carrying on licensable activities.

It must contain the following information:

- the licensable activities to be carried out;
- the proposed hours that the relevant licensable activities are to take place;
- where alcohol is to be supplied, whether supplies are for consumption on and/or off the premises;
- a statement of the steps the applicant proposes to take to promote the [licensing objectives](#).

The significance of the club operating schedule is that if the application to vary the club premises certificate is granted, it will be incorporated into the certificate and will set out the permitted activities and any limitations.

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. Careful consideration should be given to comments entered in this section as these comments could become the basis of conditions placed on the certificate.

Licensing Section Contact Details:

If you would like to make an appointment to see a licensing officer you can contact us by using one of the following methods.

Postal Address:

Business Support - Licensing
Environmental & Regulatory Services
Forest of Dean District Council
High Street
Coleford, GL16 8HG

Telephone: 01594 810000

Email: ers.licensing@publicagroup.uk

Internet:

<https://www.fdean.gov.uk/business/licences-permits/>

Annex A

LICENSING ACT 2003 FEE STRUCTURE FOR CLUB PREMISES

Fees for all Licensing Act 2003 permissions have been set by Central Government. The fees are based on the non-domestic rateable value (NDRV) of the premises.

BAND	A	B	C	D	E
Rateable value	£0 - £4300	£4,301 – £33,000	£33,001 - £87,000	£87,001 - £125,000	£125,001 and above

TABLE A. CLUB PREMISES CERTIFICATES

The application fees for club premises certificates are listed in the next table. There will be a multiplier applied to premises in Bands D and E where they are used exclusively or primarily for the supply of alcohol for consumption on the premises.

NDRV	Band	New/Variation	Annual Fee
£0 - £4300	A	£100	£70
£4,301 - £33,000	B	£190	£180
£33,001 - £87,000	C	£315	£295
£87,001 - £125,000	D	£450	£320
£87,001 - £125,000	D - Primarily supplying alcohol	£900	£640
£125,001 and above	E	£635	£350
£125,001 and above	E – Primarily supplying alcohol	£1,905	£1,050

NOTES

1. Where a premises had no rateable value the fee for Band A should be applied, except where a premises is under construction where the fee for Band C should be applied.
2. Where a premises is part of a larger premises then the rateable value for the whole premises should be used to calculate the fee.

TABLE B. ADDITIONAL CHARGES FOR EXCEPTIONALLY LARGE EVENTS

Where the number of people to be allowed on the premises at the same time is 5,000 or more, in addition to the fee specified in Table A, a supplementary fee will be charged in accordance with Table B except where the premises is a structure which is not a vehicle, vessel or moveable structure and has been constructed or altered for the purpose of the activity.

No. of Persons	Additional Fee	Annual Fee
5,000 to 9,999	£1,000	£500
10,000 to 14,999	£2,000	£1,000
15,000 to 19,999	£4,000	£2,000
20,000 to 29,999	£8,000	£4,000
30,000 to 39,999	£16,000	£8,000
40,000 to 49,999	£24,000	£12,000
50,000 to 59,999	£32,000	£16,000
60,000 to 69,999	£40,000	£20,000
70,000 to 79,999	£48,000	£24,000
80,000 to 89,999	£56,000	£28,000
90,000 and over	£64,000	£32,000

ANNUAL FEES

An annual fee is payable on the anniversary of the grant date of the Club Premises Certificate. Forest of Dean District Council will send the certificate holder an invoice when this fee is due.

LICENSING ACT 2003 RESPONSIBLE AUTHORITIES CONTACT DETAILS

Licensing Authority (please include the fee with this copy)

Business Support - Licensing
Environmental & Regulatory Services
Forest of Dean District Council
High Street
Coleford
GL16 8HG

Gloucestershire Constabulary

Licensing Unit
Community Engagement Dept
Police Headquarters
No 1 Waterwells
Quedgeley
Gloucester
GL2 2AN

Gloucestershire Fire and Rescue Service

Service Delivery Support
Gloucestershire Fire and Rescue Service Head Quarters
Waterwells Drive
Quedgeley
Gloucester
GL2 2AX

Local Planning Authority

Planning Services
Forest of Dean District Council
High Street
Coleford
GL16 8HG

Technical Pollution Service

Technical Pollution Service
Environmental & Regulatory Services
Forest of Dean District Council
High Street
Coleford
GL16 8HG

Health and Safety Enforcement – (where Forest of Dean District Council is the enforcing authority)

Food Health & Safety Service
Environmental & Regulatory Services
Forest of Dean District Council
High Street
Coleford
GL16 8HG

Health and Safety Enforcement – (where the Health and Safety Executive is the enforcing authority)

Health and Safety Executive
4th Floor, The Pithay
All Saints Street
Bristol
BS1 2ND

Gloucestershire Safeguarding Children Board

Gloucestershire Safeguarding Children Board
Room 128, 1st Floor, Block 4
Shire Hall
Westgate Street
Gloucester
GL1 2TG

Trading Standards

Trading Standards
Gloucestershire County Council
The Tri-Service Centre
Waterwells Drive
Quedgeley
Gloucester
GL2 2AX

Health Authority (Primary Care Trust)

Public Health Department
Block 4, 2nd Floor
Gloucestershire County Council
Shire Hall, Westgate Street, Gloucester GL1 2TG

Alcohol Licensing Team (Home Office)

Alcohol Licensing Team
Lunar House
40 Wellesley Road
Croydon
CR9 2BY

PUBLIC NOTICE OF APPLICATION FOR CLUB PREMISES CERTIFICATE

The following page has the template that you should use for the public notice that should be displayed at the premises for 28 days. This is also the template that should be used for the newspaper advert. The guidance notes on how to complete the notice are on the following page.

Public Notice guidance notes:

(1) Name of applicant or Club

(2) Address of the premises you are applying to licence with a brief description

(3) With the proposal to *licence these premises ~~for/vary the current premises licence~~
by

In this area briefly describe the activities that you have applied for on the operating schedule in your application (including opening times) or the variation to the existing licensed activities e.g.

Altering the terminal hours for Fridays and Saturdays to allow music and dancing (a Discotheque) until 02:00am
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Altering the terminal hour for serving alcohol on Mondays, Tuesdays, Wednesdays and Thursdays from 11:00pm to 12 midnight.
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- i) * means delete as necessary e.g. *licence these premises for/~~vary the current premises licence~~ by
- ii) ** Insert the date of making the application and the closing date – 28 days after application given to the Licensing Authority.
- iii) If this form is downloaded this notice MUST be on pale blue paper and not less than A4 size. It MUST be printed legibly or typed in BLACK and equal to or greater than font size 16.

This sentence is font sized 16.

This advert must be displayed continuously for 28 days following the day on which the application was given to the Licensing Authority. It must be displayed in a prominent position at or on the premises where it can be conveniently read from the exterior of the premises.