

BRISTOL CITY COUNCIL
LICENSING OFFICE (TEMPLE STREET
PO BOX 3399 BRISTOL BS1 9NE
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Licensing Act 2003

How to Apply for the Variation of a Premises Licence

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Scope

This document is intended to give general guidance on how to make an application to vary a premises licence under the Licensing Act 2003.

The Licensing Team are unable to assist you with the detailed completion of the application form or provide any advice over and above that contained in the guidance document. If you require help we recommend you seek your own independent advice.

Before completing the application form, please read this guidance. Application forms and further information can be found on our website at www.bristol.gov.uk/licensing

This information has been made as comprehensive as possible. However, in attempting to simplify the law, certain requirements have been omitted. Full details of what you must do are in the legislation itself. The information in this guidance was accurate when produced but you are always advised to seek your own legal advice should you have any queries and you should note that the Council cannot be liable in any way for the contents of this guidance.

When can I apply for a variation?

You can apply to vary your premises licence to:

- Extend the hours for existing licensable activities
- To apply for the provision of additional licensable activities
- To remove, or add conditions
- To amend the plan of the premises

Only the premises licence holder (or authorised representative) can submit the application.

Some minor amendments, including those which fall into the categories listed above, may be made under a minor variation application, please see our website for further guidance.

A licence may not be varied:

- to extend the period for which the licence has effect, or
- to vary substantially the premises to which it relates.

What activity doesn't need a licence?

Deregulatory changes that have amended the Act mean that **no licence is required** for the following:

- **Plays**,
where the performance is between 08.00 and 23.00 on any day, and the audience does not exceed 500.
- **Dance**,
where the performance is between 08.00 and 23.00 on any day, and the audience does not exceed 500.
- **Films**,
 - where it is 'not-for-profit' and the exhibition is held in a community premises between 08.00 and 23.00 on any day and the audience does not exceed 500; and the organiser
 - has consent from a person with responsibility for the premises; and

- ensures that the screening abides by age classification ratings.
- Where the purpose is to demonstrate any product, advertise any goods or services, or to provide information, education or instruction, or is part of an exhibit at a museum or art gallery.
- Simultaneous live broadcast of television.
- **Indoor sporting events**,
where the event is between 08.00 and 23.00 on any day, and that those present does not exceed 1000.
- **Boxing or wrestling entertainment**,
where it is Greco-Roman and freestyle forms of wrestling held between 08.00 and 23.00 on any day, provided that the audience does not exceed 1000. All other forms of wrestling, including mixed martial arts, are licensable for contests, exhibitions and displays irrespective of the size of audience.
- **Live Music**
 - **Unamplified live music**, between 08.00 and 23.00 on any day, on any premises.
 - **Amplified live music**, between 08.00 and 23.00 on any day on premises which is authorised to sell alcohol to be consumed on-site and for an audience that does not exceed 500 persons. The premises must be open for the sale of alcohol during the time that the live music is provided for the exemption(s) to take effect.

Any condition attached to the premises licence relating to live music will cease to have effect in respect of the live music when offered between 08.00 and 23.00 unless such conditions have been reinstated by the Licensing Authority as part of a review hearing.

- **Live music in other venues**
 - **Workplaces** when it takes place between 08.00am and 11pm and in the presence of an audience of 500 persons or less.
 - **Church hall, village hall, community hall, or other similar community premises** when it takes place between 08.00 and 23.00 on any day and where there is no premises licence to sell alcohol provided that
 - the audience does not exceed 500, and
 - the organiser gets consent for the performance from a person who is responsible for the premises.
 - **Non-residential local authority, school or hospital premises** when it takes place between 08.00 and 23.00 provided that
 - the audience does not exceed 500, and
 - the organiser gets consent for the performance on the relevant premises
- **Incidental music**
Performance of live music or the playing or recorded music that is incidental to some other activity which is itself not an entertainment or the provision of entertainment facilities. For example recorded music played in a supermarket.
- **Recorded music**
 - **Recorded music**, between 08.00 and 23.00 on any day on premises which is authorised to sell alcohol to be consumed on-site and for an audience that does

not exceed 500 persons. The premises must be open for the sale of alcohol during the time that the live music is provided for the exemption(s) to take effect.

- **Church hall, village hall, community hall, or other similar community premises** when it takes place between 08.00 and 23.00 on any day and where there is no premises licence to sell alcohol provided that
 - the audience does not exceed 500, and
 - the organiser gets consent for the performance from a person who is responsible for the premises.
- **Non-residential local authority, school or hospital premises** when it takes place between 08.00 and 23.00 provided that
 - the audience does not exceed 500, and
 - the organiser gets consent for the performance on the relevant premises
- **Other regulated entertainment exemptions**
 - **Religious Services and Places of Worship** Entertainment or entertainment facilities for or incidental to a religious meeting or service or at a place of religious worship does not constitute regulated entertainment.
 - **Garden Fetes, etc** Garden fetes or functions or events of a similar nature do not constitute regulated entertainment provided that they are not conducted for private gain.
 - **Morris Dancing, etc.** A performance of Morris dancing or any dancing of a similar nature or a performance of un-amplified, live music as an integral part of such a performance, or facilities enabling people to take part shall not constitute regulated entertainment.
 - **Circus**, any entertainment as part of a circus performance except the showing of a film or boxing or wrestling, does not constitute regulated entertainment as long as it takes place between 08.00 and 23.00 and is in a moveable structure which has not been on the same site for more than 28 days.
- **Late night refreshment**

The following activities would not be classed as late night refreshment.

- Hot drink which consists of or contains alcohol (This requires a licence for the sale of alcohol)
- Supply of hot drink by means of a vending machine
- Hot food or hot drink that is free of charge
- Supply of hot food or drink by a registered charity
- The following premises where there is no admission to the public at the time of the supply of hot food or drink
 - a member of a recognised club supplied by the club;
 - persons staying overnight in a hotel, guest house, lodging house, hostel, a caravan or camping site or any other premises whose main purpose is providing overnight accommodation;
 - an employee of a particular employer (for example in a staff canteen);
 - a person who is engaged in a particular profession or who follows a particular vocation (for example, a tradesman carrying out work at particular premises);
 - a guest of any of the above.

How do I make my application?

The application must be made to the licensing authority who issued the current premises licence.

The following must be provided:

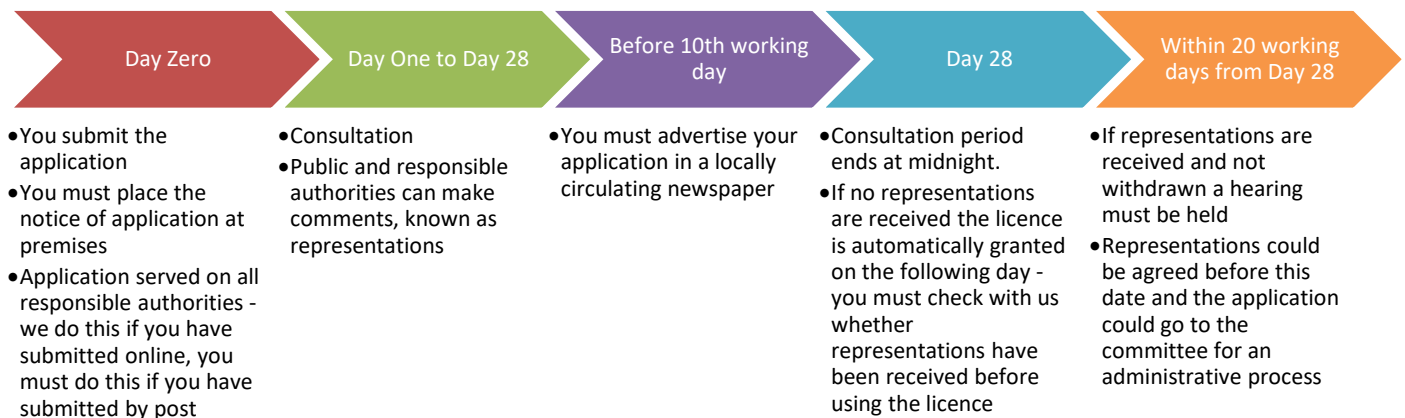
- The completed application form
- Application Fee (**see Annex A**).
- Plan of the premises which is clear and legible in all material respects (If changes to the plan are being made).

You will also need to:

- Serve a copy of the application on the Responsible Authorities if you have submitted your application via post (See Annex B)
- Advertise the application via a site notice at the premises, and in a local newspaper. There are specific requirements for these, please see the section on advertising and site notices for more details.

If an application is not able to proceed because it is incorrectly advertised, or there are significant errors, then a fresh application including the fee will be required.

Timelines



Completing the application form

If you submit an application which is incomplete, or incorrect your application will not be valid. The consultation period will not begin until the issues are resolved.

Part 1 – Premises details

Complete the section with the details of your premises. You can find the non-domestic rateable value of the premises on the [Valuation Office Agency's website](#). The rateable value of your premises determines the fee you will need to pay, you can find further information on fees in Annex A

Part 2 – Applicant details

Complete the section to indicate what type of applicant you are, if you are applying as an individual you will need to complete section A (individual applicants), any other applicant will need to complete section B (other applicants).

Part 3 - Variation

You can indicate the date you wish the variation to have effect from.

Description of the variation

Please describe the proposed variation. For example, if the variation was to extend the hours for the sale of alcohol and to make changes to the plans you could say: *"To vary the hours for the sale of alcohol until 02:00 hours every day and to amend the ground floor plans to show a new seating area."*

If more than 5,000 people are expected to attend the premises at any one time specify the number of people expected here.

Part 4 - Operating Schedule**Licensable Activities**

You must state what licensable activities you intend to change as part of the application and whether these will be provided indoors, outdoors or both. For the sale of alcohol, you must say if it will be provided for consumption on the premises, off the premises or both.

You must enter any seasonal variations to the hours sought. These must be specific and clearly defined. For example you could state "one additional terminal hour for each Friday in December".

You must state any non-standard timings to the hours sought. These must be specific and clearly defined, for example stating "longer hours on New Year's Eve" would not be sufficient. However specifying "one additional terminal hour on New Year's Eve" would be acceptable. This would need to be entered in the non-standard timings box for each activity different hours were sought and for opening hours. This would normally be used for additional hours for bank and public holidays or sporting/national events.

Please only complete the sections for the activities you are seeking to change. If you do not intend to make a change to a particular activity please leave the section blank.

Part K – Adult Entertainment

Give information about anything intended to occur at the premises or ancillary to 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 etc gambling machines etc.

Part L – Opening hours

These are the hours your premises can be open to the public. Please state the hours that you intend to change as part of the application. If you do not wish to amend the opening hours please leave the section blank.

Many premises have the same opening hours as for licensable activities, however you need to consider what is appropriate for your premises. For example, you may wish to have “drinking up time” after the sale of alcohol has finished, or you may operate a delivery service from your premises where there is no access for the public at any time.

Conditions to be removed

Please identify conditions on the current premises licence that you believe can be removed as a result of the variation application, including those conditions you wish to be removed.

Part M - Steps you intend to take to promote the licensing objectives

The licensing objectives are:

- The prevention of crime and disorder.
- Public safety.
- The protection of children from harm.
- The prevention of public nuisance

Please describe any additional steps you intend to take to promote the licensing objectives as a result of the proposed variation application.

This section is an essential part of your application. You are advised to consider the needs of your future business activities when considering the operation of your premises. Careful consideration should be given to comments entered in this section as we are required to use these comments as the basis for conditions to be placed on the licence.

In order to assist applicants we have produced a [pool of conditions](#) and [template operating schedules](#) that you may wish to use when completing this section.

You need to satisfy the responsible authorities and any other interested parties (e.g. local residents), that you can run the premises responsibly and in accordance with the licensing objectives. If they do not feel the steps you propose are adequate, they may object to the application being granted.

You should not include steps which would be covered under other legislation e.g. “I will not serve alcohol to people who are obviously drunk” or “I will make sure there are smoke detectors in the premises”.

Part 4 – Signatures

If the application is made by a limited company, partnership or unincorporated association, someone who has the capacity to bind the company or partnership should sign. Your agent (e.g. a solicitor) may sign providing he or she has actual authority to do so.

Where there is more than one applicant, they must all sign the form.

Plans

The information contained in the plan must be clear and legible in all material respects.

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 from the premises;
- c) If different from paragraph (b) above, 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
- i) The location and type of any fire safety and other safety equipment; and
- j) The location of a kitchen, if any, on the premises

The plan may include a legend through which the matters mentioned or referred to in a) to j) above are sufficiently illustrated by the use of symbols on the plan.

What other organisations require copy of the application?

A copy of your application must be provided to all of the responsible authorities on the same day on which you make an application to the Licensing Authority.

If you apply using the online portal we will complete this step for you. If you apply by post it is your responsibility to ensure the application is served on all parties. We do not accept service via email.

A list of the responsible Authorities and their contact details can be found at Annex B at the end of this document.

Advertising your application

An application for the variation of a premises licence must be advertised on the site and in a locally circulating newspaper.

Site Notice

The notice must be displayed for a period of no less than 28 consecutive days, starting on the day after the day on which the application was given to Bristol City Council. Therefore, the notice must be placed at the premises on the day the application is submitted to ensure it is displayed for 28 full days.

The notice must be:

- A4 sized or larger
- On pale blue
- Printed legibly or typed in black in a font size of point 16 or larger

The notice must in all cases be displayed prominently at or on the premises to which the application relates and 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

Common issues with the display of notices that may result in the application having to be resubmitted include:

- placed too high or too low to be easily read.
- obscured by closed shutters
- placed on doors which are regularly opened or left open.
- removed by contractors or obscured by building works.
- printed on the incorrect colour paper.

The site notice must state the following:

- Name of the applicant for a variation of the premises licence
- The postal address of the premises. If there is no postal address a description of the premises sufficient to enable the location and extent to be identified
- 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
- Describe the proposed variation. In order that the public can make a properly informed decision as to whether or not to make representations you must include the proposed days and times of licensable activities, opening hours if different and the type of licensable activities proposed at the premises. You must also include any non-standard timings and any seasonal variations. It is not sufficient to state “regulated entertainment”, each individual activity must be listed. If the times sought for different activities are the same you may list those activities together and list the times only once. For example:

“Plays, Films, Indoor Sporting Events on Monday to Sunday from 10:00 to 23:30

Live Music on Monday to Sunday from 10:00 to 01:00

Alcohol on Monday to Sunday from 10:00 to 02:00

Opening Hours on Monday to Sunday from 10:00 to 02:30.”

- The date by which an interested party or responsible authority may make representations to the Licensing Authority
- That representations shall be in writing
- That it is an offence to knowingly or recklessly make a false statement in connection with an application and the maximum fine for such an offence.

Common issues with the content of notices that may result in the application having to be resubmitted include:

- Description of the activities being insufficient or incorrect
- Incorrect representation end date
- Incorrect postal address for the licensing authority – Bristol has two addresses that are required to be displayed, one for post and one for where the register can be viewed.

A sample site notice format is attached as Annex C should you wish to use it. We would advise applicants to regularly take photographs of the site notices on display at the premises and make a note of when they have been displayed.

Newspaper notice

The applicant shall publish a notice in a locally circulating newspaper or, if there is none, in a local newsletter, circular or similar document circulating in the vicinity of the premises. We currently accept advertisements placed in the Bristol Post and the Western Daily Press. If you wish to use an alternative newspaper please contact the Licensing Team first to ensure this will be accepted.

The newspaper notice must be published on at least one occasion during the period of ten working days, starting on the day after the day on which the application was served on us.

The newspaper notice must contain the same information as the site notice. The newspaper notice does not need to appear in size 16 font.

What happens if relevant representations are made?

Representations may be submitted by a responsible authority or interested party. All representations must relate to the impact the grant of the application would have on the promotion of the licensing objectives.

If representations are made, we will hold a hearing to consider the representations, unless we, the applicant and those making representations agree a full hearing is not necessary. This may be the case where all parties meet prior to a hearing and resolve the issues that resulted in representations being made. In such circumstances the representations may be modified, and a request made to the committee that the application be granted with amendments or conditions agreed between all parties. This is normally administrative with no need for parties to attend.

If no agreement is reached prior to the hearing, then the Council's Licensing Sub Committee will determine your application. The Sub Committee will comprise of elected members who are drawn from the Licensing Committee.

You will be invited to attend the hearing to present your case and answer questions. You are also permitted to nominate other parties to appear at the hearing if they may assist the committee in relation to the application. The committee will listen to all parties before deciding whether to grant the application. They may grant it as requested, grant with conditions (providing they are relevant to the licensing objectives), grant part of the application and refuse part or refuse your application entirely.

Can I challenge a decision?

If, as the applicant, you are unhappy with a decision made by the Council, you may appeal to the Magistrates' Court for the petty sessions area in which the premises are situated, within 21 days of being notified of the Council's decision.

ANNEX A – Fees

The application fee for the grant of a premises licence is determined by the rateable value of a premises. You can find out the non-domestic rateable value of your premises by entering the premises postcode into the Valuation Office's website at www.voa.gov.uk.

Where the premises are exclusively or primarily in the business of supplying alcohol there will be a multiplier applied to premises in Bands D (X 2 the basic fee) and E (X3 the basic fee)

The values are divided into five bands:

Band	Non-domestic rateable value
A	No rateable value to £4,300
B	£4,301 to £33,000
C	£33,001 to £87,000
D	£87,001 to £125,000
E	£125,001 and above

The application fee required in each band is;

Band	Fee payable
A	£100
B	£190
C	£315
D	£450
D where primarily supplying alcohol	£900
E	£635
E where primarily supplying alcohol	£1905

If more than 4,999 people will be on the premises at any one time an additional fee will be required for these capacities. This is in addition to the initial application fee. The additional fee which applies in these cases is:

Number of people on the premises	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

Contact Addresses and Telephone numbers in respect of Responsible Authorities

RESPONSIBLE AUTHORITY	ADDRESS	TELEPHONE NUMBER
Avon and Somerset Constabulary	Postal applications should be directed to: Chief Officer of Police, Licensing, First Floor, PO Box 3119, Bristol, BS1 9GG. Email: BRISTOLLICENSINGTEAM@avonandsomerset.police.uk The Bridewell, 1 - 2 Bridewell Street, Bristol, BS1 2AA	01278 649299 Or 01278 649306
Avon Fire and Rescue	Business Fire Safety Patchway Fire Station Rodway Road Patchway Bristol BS34 5PE	0117 926 2061
Bristol City Council – Planning	Postal applications should be directed to: Bristol City Council Planning Searches (City Hall) P.O Box 3399 Bristol BS1 9NE Email: Planning.enforcement@bristol.gov.uk Bristol City Council, Planning Searches, City Hall, College Green, Bristol BS1 5TR	0117 922 3097
Bristol City Council – Health and Safety	Postal applications should be directed to: Bristol City Council Health and Safety (City Hall) P.O Box 3399 Bristol BS1 9NE email: Health.safety@bristol.gov.uk Bristol City Council, Health & Safety, City Hall, College Green, Bristol, BS1 5TR	0117 922 3388
Bristol City Council – Pollution Control	Postal applications should be directed to: Bristol City Council Pollution Control (City Hall) PO BOX 3399 Bristol BS1 9NE email: pollution@bristol.gov.uk Bristol City Council - Pollution Control City Hall, College Green, Bristol, BS1 5TR	0117 922 2500
Bristol City Council – Trading Standards	Postal applications should be directed to: Bristol City Council Trading Standards (100 TS) P.O Box 3399	0117 922 3604

	<p>Bristol BS1 9NE email: Trading.standards@bristol.gov.uk</p> <p>Bristol City Council – Trading Standards 100 Temple Street, Bristol, BS1 6AG</p>	
Bristol City Council – Children and Young Peoples Services (for matters relating to the protection of children from harm)	<p>Child Protection 3rd Floor Bridewell Police Station 1-2 Bridewell Street Bristol BS1 2AA email: childprotection@bristol.gov.uk</p>	0117 9037780
Bristol City Council Licensing Authority	<p>Postal applications should be directed to: Licensing Team (100 TS) PO BOX 3399 Bristol BS1 9NE email: licensingresponsibleauthority@bristol.gov.uk</p> <p>Bristol City Council - Licensing Team 100 Temple Street, Bristol, BS1 6AG</p>	0117 3574900
Associate Director of Public Health	<p>Postal applications should be directed to: Public Health (City Hall) PO BOX 3399 Bristol BS1 9NE email: inclusionhealth@bristol.gov.uk</p> <p>Bristol City Council - Public Health Principal City Hall, College Green, Bristol, BS1 5TR</p>	0117 900 2629
Coastguard and Maritime Agency (for applications involving boats)	<p>Cardiff Marine Office Ocean Way Cardiff CF24 5JW Email: cardiffmo@mcga.gov.uk</p>	02920448822
Principal Inspector for the Bristol Area (for HSE enforced premises such as Council owned land and fairs)	<p>Health and Safety Executive 4th Floor The Pithay All Saints Street Bristol BS1 2ND</p>	
Home Office Immigration Enforcement	<p>Alcohol Licensing Team Lunar House 40 Wellesley Road Croydon CR9 2BY Or email: alcohol@homeoffice.gov.uk</p>	

ANNEX C – sample site notice and newspaper notice**LICENSING ACT 2003****Application for the Variation of a Premises Licence**

I (Insert full name of applicant).....

Of (Insert the full postal address of the premises).....

(Where there is no postal address a description of the premises sufficient to enable the location and extent of the premises to be identified)

I have submitted an application for the variation of a premises licence to Bristol City Council, Licensing Authority 100 Temple Street, Bristol BS1 6AG. The record of the application may also be inspected at this address between 9.00 am and 5.00 pm Monday – Friday, with the exception of Wednesday when the opening hours are 10.00 am and 5.00 pm or on the Council’s website at www.bristol.gov.uk.

Details of application (Type of licensable activity, proposed days & times of activities and opening hours of premises, details of any non standard timings & any seasonal variations).....

Relevant persons and responsible authorities may make written representation to the relevant Licensing Authority by.....(Insert date which shall be no less than 28 consecutive days starting on the day after the day on which the application was given to the Licensing Authority) **such representation shall be made in writing to Licensing Team(100TS) PO BOX 3399 Bristol BS1 9NE or via email: licensing@bristol.gov.uk**

It is an offence to knowingly or recklessly make a false statement in connection with an application, the maximum fee for which a person is liable on summary conviction for the offence is an unlimited fine.