



Premises Licence Variation Information Pack

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How to contact us

If you need further information about licensing, please contact us on:

Telephone: 01394 444802

E-mail: licensing@eastsuffolk.gov.uk

If you want us to check your application before submitting it you must make an appointment before coming to the office. Alternatively you can email your application and supporting documents to Licensing@eastsuffolk.gov.uk

If you would like to discuss your application with any of the responsible authorities please contact them direct (See contact details).

WARNING: This pack provides advice based on information available at the time of writing and this may change. It is intended for guidance only and does not provide authoritative legal advice.

Variation Overview

What is a variation and when do I need to apply for one?

If you already hold a premises licence issued by East Suffolk Council then you will have some form of authorisation to carry out one or more licensable activities. Under the legislation (Section 34 of the Licensing Act 2003) you can at any time make an application to vary your premises licence to alter the terms of your licence.

You may want to apply to extend the hours you sell alcohol, or to have conditions removed from your existing licence. Alternatively, you may want to apply to add a licensable activity that your current licence does not authorise you to carry out or apply for a combination of these or other changes.

Note: If you wish to add the supply of alcohol as a new licensable activity you must nominate a Designated Premise Supervisor (DPS). This individual will be responsible for authorising the sale or supply of alcohol in line with your premises licence. The DPS must be a Personal Licence holder.

How to apply to vary your existing licence

You will need to:

1. Fully complete the appropriate application form – if you require assistance please make an appointment to see a member of the Council's Licensing Team.
2. If the sale of alcohol is proposed, submit the form of consent completed by the proposed Designated Premises Supervisor. See below for further information.
3. Supply the correct fee. You will need to check www.voa.gov.uk to calculate your fee using the Fee Table. Please pay online on our website - <https://www.eastsuffolk.gov.uk/make-a-payment/>
4. Supply a plan of the premises, indicating the prescribed information. If your application to vary is going to lead to substantial changes to the nature of the premises licence then you will need to submit a new plan. For example, if you are adding a new licensable activity then this would require an updated plan showing where the new licensable activity will take place. If you are not sure whether you need to submit a new plan please contact the Licensing Team for advice.
5. Serve your application on all of the Responsible Authorities. Their details are listed within this document. **N.B.** If you are seeking to licence a school or hospital the Health & Safety Executive would be the relevant Responsible Authority or for a boat the Maritime & Coastguard Agency/Broads Authority. If you are submitting your application electronically, then the Licensing Authority will forward your application to the Responsible Authorities.
6. Advertise the application by means of a Notice displayed on the Premises and published in a local newspaper. N.B. Notices should set out a brief summary of the variation, including matters such as the proposed licensable activities and the proposed hours of opening – templates are provided within this document.

*(Note: you must publish your notice within 10 working days of submitting your completed application to the Licensing Authority. It is important to time the submission of your application accordingly. Please check with us first that your application is complete and valid **before** placing your advertisement.*

It is an offence to knowingly or recklessly make a false statement in connection with an application for a premises licence. To do so may result in prosecution and a fine of up to £5000.

Licensable Activities

Alcohol

Any retail sale of alcohol requires a licence.

Entertainment

Regulated entertainment is the provision of either entertainment and includes any of the following:

- The performance of a play – between the hours of 23:00 – 08:00 and/or to an audience of over 500
- An indoor sporting event – between the hours of 23:00 – 08:00 and/or to an audience of over 1,000
- Boxing or wrestling entertainment – between the hours of 23:00 – 08:00 and/or to an audience of over 1,000
- A performance of live music – see exemption below.
- Any playing of recorded music (other than background music played at low volume) – see exemptions below
- A performance of dance - between the hours of 23:00 – 08:00 and/or to an audience of over 500 (not including dance of an adult nature).
- Entertainment of a similar description to live music, recorded music or dance.

Entertainment for an audience and/or for profit

For the entertainment or the entertainment facilities to be licensable they must be provided for the public **or** for members of a club (*and their guests*) **or** for payment and with a view to profit (including raising money for charity). This means that the provision of music or the performance of a play to either the public, members of a qualifying club (e.g. Working Men's Club etc.), or members of an association, (e.g. a Parent Teacher Association) where an entrance fee is paid to raise funds, are all licensable activities.

Exemptions:

Live amplified music and/or **recorded music** in venues licensed for the 'on' sale of alcohol when it takes place in the presence of an audience of 500 or less and is provided between 08:00 and 23:00.

Live amplified music in venues that are unlicensed but defined as a 'workplace'; when it takes place in the presence of an audience of 500 or less and is provided between 08:00 and 23:00.

Live unamplified music in any premises, when it takes place between 08:00 and 23:00.

Plays – performances between 08:00 and 23:00 to an audience limit of 500.

Dance – performances of dance between 08:00 and 23:00 to an audience limit of 500.

Indoor Sport – between the hours of 08:00 and 23:00 to an audience limit of 1,000.

Film exhibitions for the purposes of advertisement, information, education etc or shown in museums or art galleries if the film consists of part of an exhibit.

Music Incidental to another non-licensable activity e.g. a fashion show.

Use of television or radio receivers

Religious services and places of worship. The provision of entertainment provided in connection with a religious service or meeting or at a place of public religious worship are exempt (e.g. nativity plays during a service anywhere, choral works or a play in a church even where not part of a service).

Garden fetes and functions of a similar character, provided they are run for charitable purposes.

Morris dancing (or similar).

Late Night Refreshment

The provision of late night refreshment means the supply of hot food or hot drink between 11.00pm and 5.00am to members of the public, either on or from any premises for consumption either on or off the premises.

("Hot" means that the food or drink has been heated to above ambient temperature, or that after it has been sold it can be heated on the premises.)

This means that any restaurant, pub, snack bar, chip shop, 24 hour supermarket, etc supplying hot food or hot drink after 11.00pm will require a premises licence.

Exemptions:

- Where hot food or hot drink is supplied to members of a private members club
- Someone staying at a hotel or guest house, etc (either by an employer to employees or to guests)
- Drinks (not food) from vending machines; free food or drink; food or drink supplied by registered charities.

Supplementary Information

Village halls, church halls, community halls and similar will require a licence for regulated entertainment, other than for **live** or **recorded** music between the hours of **08:00 – 23:00**, provided that the audience does not exceed **500** and the organizer gets consent for the performance from the person who is responsible for the premises; but there will be an exemption from having to pay the fee **unless** the supply of alcohol or late night refreshment is involved.

Non-residential premises of (i) a local authority, or (ii) a school or (iii) a hospital, do not require a licence for **live** or **recorded** music if it is between the hours of **08:00 – 23:00** and the audience does not exceed **500** provided that (a) the organizer gets consent for the performance from (i) the local authority concerned, or (ii) the school proprietor or (iii) the health care provider for the premises.

Where the public are not invited to an entertainment but a charge is made to a **private audience** (like family and friends) just to cover costs – and not to make a profit – then a licence will not be required. The same would apply where anyone invited to a private performance was not charged for attending the event but was free to make a voluntary donation to a charity.

The playing of **recorded music that is incidental** to other activities that are not themselves the provision of regulated entertainment will be exempt. A jukebox in a pub will not necessarily have to be authorised unless, for instance, a dance floor is also provided or it is not incidental. A Disc Jockey playing to a public audience would amount to regulated entertainment and would therefore need to be authorised.

Games commonly played in pubs like pool or darts would not need to be licensed if they are not played for the entertainment of spectators. However, a darts exhibition match or championship staged for spectators would be regulated entertainment

Schools and sixth form colleges will require a licence to stage regulated entertainment to which the public is invited or where a fee is charged with a view to profit. However, they will be exempt from the fees where the entertainment is provided by and at the school or college and for the purposes of the school or college.

Licence Conditions

The Licensing Act 2003 requires that the conditions attached to premises licences and club premises certificates must reflect the operating plan submitted as part of the application. However, if relevant representations are made about the application it is likely that a hearing will be held and this may result in the operating plan being amended. Therefore, with the exception of mandatory conditions (see below), conditions attached to licences will be individual to the premises concerned.

Mandatory conditions are the only standard conditions permitted under the Licensing Act 2003. They will only apply to licences in appropriate cases:

- Where a premises licence permits the sale of alcohol, the following conditions will apply:
There must be a Designated Premises Supervisor specified in the premises licence and this person must be a personal licence holder.
- Where either the premises licence or the club premises certificate authorises the exhibition of films, a condition requiring the admission of children to be restricted in accordance with film classification will be applied to the licence.
- Where the operating plan specifies the employment of Door Supervisors a condition requiring the Door Supervisors to be licensed by the Security Industry Authority will be applied to the licence.

The Operating Plan

The Licensing Authority has a duty to promote the objectives of the Licensing Act 2003:

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

These are the only four objectives in the Act and as such they are paramount to all licensing considerations.

The application form requires you to list the measures that you will take at the premises to promote the objectives. It is important to remember that these measures will be converted into conditions and that failure to comply with conditions attached to a licence certificate is an offence under the Act.

The operating plan should therefore be appropriate and proportionate to the type of business concerned, and you must be confident that you are able to deliver the measures on a permanent basis.

Remember that:

- Responsible authorities will examine your proposed operating plan and that they can make representations if they feel that it is inadequate.
- The operating plan does not need to duplicate requirements in other legislation.
- The Licensing Team will be happy to discuss this aspect of your application with you.
- You can contact responsible authorities to obtain their views on your proposed operating plan before submitting your application form.

Designated Premises Supervisors

What is the Designated Premises Supervisor?

The DPS is the person responsible for supervising/authorising the supply of alcohol at a premises, and is usually the first point of contact for the Licensing Authority and Responsible Authorities. A DPS **must** be a personal licence holder and **must** be named on any premises licence where alcohol is supplied.

Can more than one DPS be designated?

No, only one person can be named for each licensed premises.

How do I know if I am the DPS?

Any application for a Premises Licence where alcohol is supplied **must** include a form of consent completed by the person whom the applicant wishes to specify as the DPS.

Who can object to the designation?

Only the Police can object to the designation of the person specified, and only on the grounds that the crime prevention objective could be undermined by the intended appointment.

Is a DPS required at a club premises?

No, a DPS is not required where alcohol is supplied under a club premises certificate.

Does the DPS have to be on the premises at all times when it is open?

No – however, it is expected that the DPS will spend a significant amount of time on the premises and that it will be possible to contact him/her at times when they are absent from the premises. This is particularly important should problems arise at the premises. When the DPS is not present he/she is expected to make proper arrangements to authorise the sale or supply of alcohol in his/her absence.

What happens if the DPS Leaves?

When a DPS leaves his/her employment the Premises Licence holder **must** notify the Licensing Authority of any change in the name or address of the DPS. The premises licence holder commits an offence if this requirement is not complied with.

Alternatively, the DPS **may** give notice to the Licensing Authority that they wish to be removed from the Premises Licence. They **must** provide a copy of the notice to the Premises Licence holder, requiring that the Premises Licence be sent to the relevant Licensing Authority within **14 days** of receipt of the notice. In these circumstances, sale of alcohol must cease until the Premises License holder nominates a replacement DPS.

If the DPS does not give notice that they wish to be removed from the licence as described above, they remain responsible for the sale of alcohol.

The Council's Licensing Team can provide further information or advice on request.

Table of Fees

| Non Domestic Rateable Value (NDRV) (see note 1) | Band | Fee for new licence or variation of existing licence (See Note for exemptions) | The use of the premises exclusively or primarily for the supply of alcohol for consumption on the premises | Annual Charge (See Note for exemptions) |
|---|------|--|--|---|
| No Rateable Value to £4,300 | A | £100 | | £70 |
| £4,300 - £33,000 | B | £190 | | £180 |
| £33,001 - £87,000 | C | £315 | | £295 |
| £87,001 - £125,000 | D | £450 | X 2 Of the fee | £320 |
| £125,001 and above | E | £635 | X 3 Of the fee | £350 |

1. Where NDRV does not apply, the charge will be as for Band A, other than where a premises has not yet been constructed, in which case Band C will apply.
2. If the premises forms only part of the property in the local non-domestic rating list, the premises will be treated as having a rateable value equal to the property of which it forms part (*i.e. a clubhouse cannot be split from the land that surrounds it in order to reduce the fee*).
3. If a premises comprises two or more properties which have separate rateable values in the local non domestic rating list, the premises shall be treated as having a rateable value equal to the value for the property with the highest rateable value.
4. If the maximum number of persons a licensee may allow on a premises is 5,000 or more then an additional fee is payable:

| Additional Fee for exceptionally large premises or events of a temporary nature requiring a premises licence: | Application Fee | Annual Charge |
|---|-----------------|---------------|
| Attendance 5000 – 9999 | £1000 | £500 |
| Attendance 10000 – 14999 | £2000 | £1000 |
| Attendance 15000 – 19999 | £4000 | £2000 |
| Attendance 20000 – 29999 | £8000 | £4000 |
| Attendance 30000 – 39999 | £16000 | £8000 |
| Attendance 40000 – 49999 | £24000 | £12000 |
| Attendance 50000 – 59999 | £32000 | £16000 |
| Attendance 60000 – 69999 | £40000 | £20000 |
| Attendance 70000 – 79999 | £48000 | £24000 |
| Attendance 80000 – 89999 | £56000 | £28000 |
| Attendance 90000 and over | £64000 | £32000 |

Exemptions

Where an application for a premises licence or club premises certificate is restricted to regulated entertainment only, then **no fee** shall be payable for the following:

- For an educational institution, that it is a school or a college and the entertainment is carried on by the institution for and on behalf of the institution; or
- The application is for a premises that is, or forms part of a church hall, chapel hall or similar building or a village hall, parish hall, community hall or other similar building.

PRESS NOTICE – EAST SUFFOLK COUNCIL

Premises Licence/Club Premises Certificate – Variation Application

Name of Applicant #

Name of Premises #

Postal Address of Premises (or description of premises)
#

This application may be viewed at:

EAST SUFFOLK COUNCIL

East Suffolk House, Riduna Park and Riverside

Station Road, Melton

Woodbridge

Suffolk IP12 1RT

Canning Road

Lowestoft

Suffolk NR33 0EQ

Proposed Variation:

Dates between which representations may be made to the
Licensing Authority:

Start Date: #

Closing Date: #

Representations must be made in writing to the Licensing Team, East Suffolk Council (as the Licensing Authority) at one the above addresses, or by e-mail to licensing@eastsoffolk.gov.uk

It is an offence knowingly or recklessly to make a false statement in connection with an application and the maximum fine for which a person is liable on summary conviction for the offence is £5000.

Notes (this section is for information purposes only and does not need to be published):

This Public Notice is required in respect of all new applications. It must be completed and printed on **pale blue paper**. It is important that the **font size is equal to or larger than 16** (as shown on this example). The notice must **be displayed prominently at the premises so that it can be read from outside**, for a continuous period of not less than **28 consecutive days** starting on the day following the day on which the application is accepted by the licensing authority. You must also complete the certificate of posting to confirm that this has/will be done and return the certificate, together with copies of this notice and a copy of the newspaper containing the press notice, to the licensing authority as soon as you have obtained a copy of the latter.

Use the relevant option in each case. # Insert the required information.

PUBLIC NOTICE – EAST SUFFOLK COUNCIL

*Premises Licence/Club Premises Certificate – Variation Application

Name of Applicant #

Name of Premises #

Postal Address of Premises (or description of premises)
#

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* Use the relevant option in each case. # Insert the required information.



Certificate of Posting Notice And Press Advertisement

I (*name of applicant*) _____

of (*name and address of premises*) _____

POSTCODE _____

Hereby certify that on _____ (*Insert date*)

I affixed a copy/copies of the **ATTACHED** notice in accordance with the following requirements:

- At or on the above premises where it can conveniently be read from the outside.
- At every 50 meters along the external perimeter of the premises abutting the highway (Note: this is only required if the premises covers an area of more than 50 square meters)
- This notice/these notices were/will be displayed for at least twenty-eight days from the above date.

I ENCLOSE a copy of the notice published in the following local newspaper (being a local newspaper circulating in the vicinity of the premises):

On _____ (*Insert Date of publication*)

Signed _____

Dated _____

Responsible Authorities

| Responsible Authority | Suffolk Coastal District |
|---|--|
| The Police Licensing Team | Licensing Team Suffolk Constabulary Old Nelson Street Lowestoft NR32 1PE e-mail: policealcohollicensing@suffolk.pnn.police.uk |
| Chief Fire Officer | Suffolk Fire & Rescue Service Endeavour House Russell Road Ipswich IP1 2BX e-mail: fire.businesssupport@suffolk.gov.uk |
| The enforcing authority under the Health & Safety at Work etc. Act 1974. | Food and Safety Team Suffolk Coastal District Council East Suffolk House, Riduna Park Station Road, Melton Woodbridge IP12 1RT e-mail: environment@eastsuffolk.gov.uk |
| The Local Authority exercising Statutory functions to minimise or prevent risk of pollution of the environment. | Environmental Protection Team Suffolk Coastal District Council East Suffolk House, Riduna Park Station Road, Melton Woodbridge IP12 1RT e-mail: environment@eastsuffolk.gov.uk |
| The Local Planning Authority | Development Control Administration Suffolk Coastal District Council East Suffolk House, Riduna Park Station Road, Melton Woodbridge IP12 1RT e-mail: planning@eastsuffolk.gov.uk |
| Public Health | FAO Terezija Zermanos Public Health Endeavour House 8 Russell Road Ipswich IP1 2BX e-mail: PH.licensing@suffolk.gov.uk |
| Suffolk Trading Standards (<i>Body responsible weights and measures</i>) | Suffolk Trading Standards Landmark House 4 Egerton Road Ipswich IP1 5PF e-mail: tradingstandards@suffolk.gov.uk |
| The Home Office (Immigration Enforcement) | Alcohol Licensing Team Lunar House 40 Wellesley Road Croydon CR9 2BY e-mail: alcohol@homeoffice.gov.uk |

RETURN YOUR APPLICATION FORM AND SUPPORTING DOCUMENTS TO THE LICENSING AUTHORITY:

Licensing Department, East Suffolk Council
Riverside, 4 Canning Road, Lowestoft, NR33 0EQ

Alternatively you can email your application and supporting documents to:

Licensing@eastsuffolk.gov.uk

Guidance for Submission of Plans

Plans, for written and electronic applications, will not be required to be submitted in any particular scale, but they must be in a format which is 'clear and legible in all material respects, i.e. they must be accessible and provides sufficient detail for the licensing authority to be able to determine the application, including the relative size of any features relevant to the application. There is no requirement for plans to be professionally drawn as long as they clearly show all the prescribed information.

The following guidance explains how plans could be produced:

1. Scale – Plans could be drawn in ink on durable paper to a scale of 1:100, or, *where agreed following a request*, 1:200, or in the case of public spaces, 1:2500. The plan could indicate each area of the premises which is required to be licensed. This includes all areas that may be accessed by the public during a licensed event.
2. Each plan will need to show the following:
 - 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.
 - The location of points of access to and egress from the premises.
 - If different from above, the location of escape routes from the premises.
 - In a case where the premises is used for more than one existing licensable activity, the area within the premises used for each activity.
 - 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.
 - In a case where the premises include a stage or raised area, the location and height of each stage or area relative to the floor.
 - In a case where the premises include any steps, stairs, elevators or lifts, the location of the steps, stairs, elevators or lifts.
 - In a case where the premises include any room or rooms containing public conveniences, the location of the room or rooms.
 - The location of a kitchen, if any, on the premises.

The plan may include symbols to illustrate such matters, and a key to explain them.

Please ensure you make it clear as to where the different licensable activities are going to take place, use coloured outlines if necessary (remember to update your key if using this method to enable the plan to be easily readable).

Alternatively you may indicate the area to be licensed by **one bold red line**.

Any licence granted will only allow you to operate within the areas specified on the plans you submit.

Consumption of alcohol

The consumption of alcohol is not a licensable activity, however, you should identify where consumption of alcohol takes place on the plan so it is clear that this area forms part of the "premises".

