



**NORTHAMPTON**  
**BOROUGH COUNCIL**

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# **LICENSING ACT 2003**

## **VARIATION PREMISES LICENCE**

### **APPLICATION & CONDITIONS HANDBOOK**

2019.03.01

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## 1.0 GENERAL

This document has been designed in collaboration with the responsible authorities to support applicants through the application processes. It gives some general guidance on completing applications and considering how your business may promote the licensing objectives.

The Licensing Act 2003 (the Act) and the supporting Home Office Guidance can be found at [www.gov.uk publications](http://www.gov.uk/publications). It is always recommended that you read the Home Office Guidance and/or seek your own legal advice before submitting your application.

Applications that do not contain the required information can delay the application process; this may have a detrimental effect on your business and is not the responsibility of the Local Authority.

Some of the information contained in this guidance relates to legal requirements and some of the information is recommendation and will be a business decision. You will find words in bold text and underscored to indicate if it is something that you must do in accordance with legal requirements, or if it is a suggestion.

## 2.0 LICENSING OBJECTIVES

The Home Office regularly publish Guidance in accordance with section 182 of the Licensing Act 2003. The Act and the Home Office Guidance is focused upon promoting the four key licensing objectives of;

Prevention of crime and disorder  
Prevention of public nuisance  
Public safety  
Protection of children from harm.

In addition to the Home Office Guidance, each local authority must also publish its own Statement of Licensing Policy every 5 years. The

Licensing Policy provides a general approach that the local authority will take towards licence applications in order to promote the licensing objectives.

The aim and purpose of the Act, Home Office Guidance and local authority Statement of Licensing Policy is that each application for a Premises Licence/Variation of a Premises Licence should be tailored to meet the individual characteristics of the business, whilst ensuring that the licensing objectives are being promoted.

**It is important to note that each application will be considered on its individual merits.**

A variation application may be used to apply for a variety of different changes to your existing premises licence, for example this could include but not limited to, an extension in hours, adding additional licensable activities, or a change in plan etc.

The requested changes may change the style and type of business that you are currently operating and will need to be considered accordingly.

The application form will ask for information such as details of the applicant, the location of the premises and an operating schedule, including the licensable activities, times and type of business that you intend to run etc.

Your operating schedule must also state how you will manage the premises in order to promote the four licensing objectives. This should clearly demonstrate an understanding of the local area, in particular any local problems, issues or geographical features that would increase the impact of your proposed changes in licensable activities on the local community. You need to demonstrate an understanding of the risks that your proposed changes in licensable activities may pose to the area and clearly identify how you will manage those risks and promote the licensing objectives.

Licence holders, the Council and other agencies must all work together to promote these objectives.

This balance can be achieved with a combination of the operating hours, coupled with applying conditions that are appropriate and proportionate to the character, location and type of business detailed within the application form, or the addition of conditions by the local authority which are appropriate and proportionate to impose upon a licence.

### 3.0 APPLICATION FORM

#### Process

Your application can be made online at [www.northampton.gov.uk/licensing](http://www.northampton.gov.uk/licensing)

You **must** complete the application form and operating schedule and include the following documents:

- a plan of the premises (if applicable - not required if no changes to the plan);
- the original premises licence (pages titled premises licence summary should remain on display until you receive any approved updated licence summary)

There are legal requirements that all applicants **must** comply with;

- Advertise the application by placing a notice on site for 28 consecutive days, starting the day after the application was received by the local authority;
- Place one advert within a local newspaper within 10 working days, starting the day after the application was received by the local authority;
- Serve a copy of the application onto the responsible authorities. (For online applications it is a requirement that the local authority **must** serve the appropriate copy on your behalf).

Contact details of the responsible authorities can be found at [www.northampton.gov.uk/licensing](http://www.northampton.gov.uk/licensing)

Further guidance on the advertising requirements and templates can be found in appendix B

A responsible authority, or any person with an interest may raise an objection or supporting comment in respect of your application during the 28 day consultation period.

If no objections are received your application will automatically be granted.

If valid objections are received and not withdrawn, a hearing must be held within 20 working days following the last date for objections.

At the hearing a Licensing Sub-Committee will consider your application taking into account relevant factors and can decide to do one or more of the following:

- Grant the licence subject to imposing additional conditions;
- Exclude any licensable activities listed in the application;
- Refuse to specify a person as the Designated Premises Supervisor;
- Reject the application.

## **Completing the Application**

### **Premises Details**

Complete with the full postal address of the premises where the licensable activities will be taking place. To avoid any delays ensure that you are sending the application to the correct local authority that is shown on your existing premises licence/club premises certificate.

You must also enter a rateable value for the premises, this information can be found on your latest business rates demand (rateable value is not the same as the amount of business rates that you pay, it is a separate figure shown on your demand that is used to calculate how much you pay).

Your rateable value is set by the Valuation Office and this figure is used to determine how much your Premises Licence application fee will be.

Further information can be viewed at [www.gov.uk/guidance/alcohol-licensing](http://www.gov.uk/guidance/alcohol-licensing)

## **Applicants Details**

The applicant **must** be the current licence holder.

## **Applicants Details**

Add the current premises licence that usually starts with PL

Add the postal address of the premises that is currently licensed.

## **Variation/Operating Schedule**

**Dates** – You can select a date in the future when you wish the licence to start, or to commence as soon as possible.

## **Description of Variation**

Describe the type and style of premises that you will be operating, this is important information that will enable the responsible authorities to consider the **style, type, location and characteristics** of the type of business that you will be operating.

Providing sufficient information in this section may reduce the need for responsible authorities to make enquires as to the type of premises/business that will be run.

For example a public house, off licence, restaurant, etc. will all have different risks associated with the premises and will form a part of the overall consideration of the application and any conditions that may be appropriate.

An accurate and full description of the premises and the activities you intend to undertake will make it easier for responsible authorities to consider your application and may speed up the process.

Providing sufficient information in this section may reduce the need for responsible authorities to make enquiries as to the type of premises/business that will be run.

### **Licensable Activities**

Select from the list those activities that you wish to add/remove/extend to your licence and complete the corresponding boxes making sure that you use the **24 hour clock**. For example if you have selected films, make sure that you complete the corresponding box for films detailing the hours that you are requesting for this activity.

You must also make sure that you use the 24 hour clock or you may find that you have been granted less hours than you intended.

An example of a common mistake made is shown below.

**Example** you wish to apply to sell alcohol from 10:00am in the morning until 11:00pm in the evening

Start  End  X

If the application is completed as above a licence will only be granted for the sale of alcohol for one hour in the morning.

Start  End  ✓

If the application is completed as above a licence will be granted from 11:00am until 11:00pm

Licensing Officers are not able to tell you which boxes you should complete as the style and type of business that you wish to run is your



decision. The Home Office Guidance explains what types of activities might require a licence and it is recommended that you read this information.

The form will also ask you to state the type of activity to be authorised and to give relevant details. If, for example, you have selected music the form gives you an opportunity to explain whether the music will be amplified or unamplified. This explanation will give all interested parties more information and help to identify if this will impact upon the licensing objectives.

If you wish people to be able to consume alcohol on the premises, please tick 'on the premises'. If you wish people to be able to purchase alcohol to consume away from the premises, please tick 'off the premises'. If you wish people to be able to do both, please tick 'both'.

Where taking place in a building or other structure please tick as appropriate (indoors may include a tent).

### **Adult Entertainment**

Please 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 or the presence of gaming machines.

### **Hours Premises Open**

You **must** always complete the opening hours of the premises, again using the 24 hour clock, for the majority of businesses it is expected that your opening hours will be longer than the hours that you have requested for any licensable activity.

For example if you wish to have the sale of alcohol between the hours of 18:00 to 22:00, the opening hours will usually be the same or longer. You may also wish to consider having slightly longer opening hours, in order to allow for drinking up time, or a winding down period etc.

### **Non Standard Timings/Seasonal Variations**

For example (but not exclusively), where you wish the activity to go on longer on a particular day e.g. Christmas Eve, New Year's Eve, Bank Holidays etc. you should state the times you wish licensable activities to be allowed on those days.

You **may** also wish to consider if there are any days of national importance that occur on a regular basis where you may wish to have longer hours, e.g. St Patricks Day etc. and state the times you wish licensable activities to be allowed on those days.

### **Licensing Objectives**

This section is for you to explain what measures your business is prepared to undertake in order to promote the four licensing objectives. This includes for example how you will manage any increased risk in the additional any hours that you are requesting.

This part of the application will be highly relevant for the responsible authorities when determining the level of risk and what measures your business is prepared to undertake in order to minimise the impact of any risks identified.

The details which you add to this part of the application will be used to formulate conditions upon your licence if it is granted without any objections being received.

To assist you with the measures you could consider adopting to uphold the four licensing objectives, some model conditions have been produced for different licence/business types.

Please see [Appendix A](#)

Additional information can be found in the section titled Voluntary Conditions.

## **Checklist & Signature**

Where there is more than one applicant, a signature is required from each person.

Where the application is made by a company, a director or equivalent person who has permission to act on behalf of the company must sign the form.

An applicant's agent (for example a solicitor) may sign the form on their behalf provided that they have actual authority to do so.

For electronic online applications the application will need to be submitted from one of the above appropriate persons email address. You must ensure that you have ticked the checklist to demonstrate that you have enclosed the fee, all applicable documents and will comply with each of the legal requirements.

## **4.0 LICENCE CONDITIONS**

Conditions form a part of a Premises Licence and you may be committing an offence if you do not comply with the conditions that are detailed on your licence.

The following are types of conditions that can be added to a licence:

### **Mandatory Conditions**

There are mandatory conditions as set out in the Licensing Act 2003, which **will** be included on all licences.

The mandatory conditions include the following:

- a ban on irresponsible promotions
- provision of free potable (drinking) water
- adoption of an age verification policy
- the provision of smaller measures

Further information on the mandatory conditions can be found at [www.gov.uk/guidance/alcohol-licensing](http://www.gov.uk/guidance/alcohol-licensing)

## **Licensing Committee Conditions**

If your application is considered by a Licensing Sub-Committee, they may impose conditions onto your licence where it is appropriate and proportionate to do so.

An application will be considered by a Sub-Committee, where a valid comment has been received and not resolved. This may be a comment from a responsible authority or any interested party.

Each application will be considered on its own individual merits.

## **Voluntary Conditions**

These are the conditions that you have volunteered within the operating schedule of your application and/or conditions that you **may** agree with a responsible authority or any interested party during the application period.

These conditions will be included on your licence if the application is not considered by a Sub-committee which decides to change them and you **must** comply with these conditions in the same way as any other conditions added to your licence.

Some of the conditions you may wish to voluntarily add are suggested in **Appendix A** of this guidance.

If your business model already addresses many of the conditions suggested in Appendix A, you may wish to consider including these within your application, in order that all interested parties are able to consider the measures that you propose to have in place and that will address any concerns that they may have about your application.

Conditions are often agreed in order to minimise any concerns that may have been identified and therefore before offering or agreeing to any conditions you should make sure that your business will be able to uphold these.

You can be prosecuted and fined or imprisoned if you do not comply with the operating schedule and conditions on your licence.

## **5.0 Legal Disclaimer**

Nothing in this Application Guidance should be considered as legal advice.

This Guidance has been prepared solely as a document to prevent common errors and to save valuable time when completing an application.

You are strongly advised to seek your own independent legal advice when completing the application for a Premises Licence and the Council will not accept liability for any errors / reliance upon this Guidance.

If you are unsure where to obtain legal advice from, you may conduct a search on [www.lawsociety.org.uk](http://www.lawsociety.org.uk) or [www.barcouncil.org.uk](http://www.barcouncil.org.uk) where suitably experienced legal advisors can be found.

## **6.0 Gov Links**

You can view further information on the legislation, guidance, mandatory conditions, rateable value and fees etc. by visiting

[www.gov.uk/guidance/alcohol-licensing](http://www.gov.uk/guidance/alcohol-licensing)  
[www.gov.uk/government/publications/explanatory-memorandum-revised-guidance-issued-under-s-182-of-licensing-act-2003](http://www.gov.uk/government/publications/explanatory-memorandum-revised-guidance-issued-under-s-182-of-licensing-act-2003)

## APPENDIX A – MODEL CONDITONS

As premise licence applications are concerned with the availability of alcohol, regulated entertainment and late night night refreshment, it is the role of the responsible authorities to consider the impact of these type of activities.

As such the licensing authority would expect anyone wishing to open or extend premises that sell alcohol, provide regulated entertainment or sell hot food to provide extra measures to ensure the licensing objectives can be upheld and any potential problems are not exacerbated.

Your application may attract representations from a number of interested people and in order to mitigate the concerns stated in this document, you are encouraged to contact Northamptonshire Police, Northampton Borough Council Environmental Health and Northamptonshire County Council Public Health teams to see if there are any specific measures that can be adopted.

Contact details for agencies are included in the application packs and on the council website.

If you don't contact the responsible authorities, and you do not offer additional measures you may receive a contact from a number of the agencies about your application. This may be by phone, email or by way of a formal objection to your application.

The table below has been produced to assist you with identifying some model conditions that **may** be suitable for your application.

These model conditions are intended to provide a consistent approach for all parties by suggesting appropriate conditions and to assist you with thinking about the licensing objectives when completing the application.

This is not a definitive list of model conditions, and applicants may of course adapt these conditions or offer other conditions that they think are appropriate in relation to their premises, to promote the licensing objectives.

Prevention of Crime & Disorder
<b>CCTV:</b> (relevant to most venues)
A fully working and maintained system capable of recording and storing images must be installed on the premises. The system must record at all times the premises s open to the public and images must be stored for a minimum of 28 days with date & time stamping. As a minimum this must cover all entry and exit points, both sides of all areas where the sale/supply of alcohol takes place.
A person conversant with the retrieval and down loading of CCTV footage must be present on the premises at all times it is open to the public.
All recordings must be made available to an officer from a responsible authority upon request and in line with the provisions of the current data protection legislation.
<b>Door Supervision:</b> (relevant to mainly late night town centre venues or higher risk events)
Door supervisors will be employed at the premises based upon a threat & risk assessment performed by the premises management and a decision as to whether to employ door supervisors or not will be documented in the venue’s written risk assessment including any rationale as to why this decision was reached. A copy of this risk assessment document should remain at the premises for a minimum period of 6 months and be made available to an officer from a local authority upon request.
All security staff must sign in a register at the commencement and at the end of every duty. This register will contain the name, date of birth and SIA badge number of each security staff member on duty. The register must be fully maintained and kept on the premises at all times and must be made available to an officer from a responsible authority upon reasonable request. Records must be retained for at least 6 months.
Door supervisors employed at the venue will wear hi-visibility outer garments at all times both when working inside and outside the venue.
<b>Policies &amp; Procedures:</b> (Relevant mainly to town centre late night venues)
Vulnerability – The premises will have a written policy in relation to dealing with vulnerable people associated with the venue. This will include as a minimum – a) a

means of contacting any scheme that deal with vulnerable people such as Street Pastors; b) a direct line of communication with the local area CCTV operators; c) documented training for all staff members in dealing with vulnerability and how to spot it within the context of the night-time economy; d) an agreement with a local taxi company(ies) to provide a line a of communication facilitating the removal of vulnerable people to a safe location if the need arises (the choice of company(ies) shall be at the discretion of the venue); e) identification of a safe area inside the venue where vulnerable people can remain until their safety has been insured; f) a nominated member of staff who can be tasked to deal with any vulnerable people within the venue; g) a method of recording the rationale for actions taken when dealing with a person who is deemed as vulnerable.

A copy of this policy will remain on the premises and be made available to all staff as they need to refer to it and to an officer from a responsible authority at all times upon reasonable request.

*\*Note to applicant: Vulnerability is defined by the Home Office as "ANYONE EXPOSED TO THE POSSIBILITY OF BEING ATTACKED OR HARMED, EITHER PHYSICALLY OR EMOTIONALLY.*

*This could be through circumstance e.g. drunkenness/drug use/separation from friends/ harassment by others or through a more permanent disability, their age or medical condition.*

The premises will have a documented searching policy which has been agreed between the management and Northamptonshire Police. This document will be retained upon the premises and made available to an officer from a responsible authority for inspection upon reasonable request.

*\*Note to Applicant - We recommend that the applicant make contact with the Northamptonshire Police Licensing Officers to discuss the content of this policy with them prior to application.*

The premises will have a documented drugs policy which has been agreed between the management and Northamptonshire Police. This document will be retained upon the premises and made available to an officer from a responsible authority for inspection upon reasonable request.

*\*Note to Applicant - We recommend that the applicant make contact with the Northamptonshire Police Licensing Officers to discuss the content of this policy with them prior to application.*

**Training:** (Relevant to all venues where sale/supply of alcohol takes place)

All staff involved in the retail of alcohol will be trained in relation to the law regarding its sale. This training must be completed prior to them being authorised to sell alcohol



and refreshed every 12 months as a minimum. A record of this training must be kept and maintained with a copy of the syllabus attached. The recipient of the training must sign to state that they have received and understood the training and this should be dated. Training records must be kept on the premises at all times and made available to an officer from a responsible authority upon reasonable request.

**Event Conditions: (outdoor events/festivals)**

All alcohol for sale/supply from an outside bar or area will not be kept in those outside areas when the event is closed and be moved to a more secure storage location.

All alcohol sold in the licensable area shall be decanted into non-glass containers for consumption.

There must be at least 2 personal licence holders on duty and present at the event at all times third party contractors are on site for the purposes of providing licensable activity.

Body worn video will be used by security operatives managing the entry/exit points to the venue.

**Public safety**

**Capacity: (Town centre late night venues but could be any venue)**

The premises will have a means of monitoring and controlling its capacity during peak times, (clickers, head count etc). A policy in terms of the maximum and any comfort capacity figures decided upon for the venue will be documented in the venues fire risk assessment and made known to any member of staff employed in the control of entry/exit points.

**Glass: (Any on licence venue)**

Customers must not take open vessels of alcohol from the premises at any time unless there is an authorisation such as a street café licence in place. Where such an authorisation is in place open vessels of alcohol must not be taken beyond the boundaries indicated by the licence.

*See also Event condition around decanting into non-glass vessels*

<b>Prevention of Public Nuisance</b>
<b>Customer Dispersal:</b> (potentially any venue)
The premises will have a dispersal plan in place which involves staff/door staff encouraging and monitoring the safe and peaceful exit of customers from the venue and the immediate area outside.
When live/amplified music is played at high volume within the premises, all doors for access and egress will be opened only for the purpose of access and egress and will be kept open no longer than is necessary to provide this.
All live/amplified music played inside the venue shall be played through an in house sound system subject to control via an electronic noise limiter.
Signs will be displayed at the exit points of the venue requesting that customers respect local residents by leaving and dispersing from the premises and immediate area quietly.
A litter bin is provided at the front of the premises and emptied regularly. Notices in various languages displayed stating that alcohol purchased is for consumption Off and Away from the premises. The front pavement is swept daily or more frequently if littered.
<b>Protection of Children from Harm</b>
<b>Age Verification:</b> (All venues -Challenge 21 for on-licences Challenge 25 for off-licences)
The premises will operate and adhere to an age verification scheme with the minimum standard of Challenge 21*. Signs advertising the policy must be displayed in all areas where alcohol is for sale. All staff shall be trained in how to operate the policy.
<i>*Note to applicant – Challenge 21 is the general advice for on-licences (pubs, clubs etc) and Challenge 25 is the general advice for off-licences. This is because evidence would suggest risk of under-age sales is greater in off-licences due the lower level of scrutiny to a buyer that the seller is able to give in these situations than in an on-licence situation. An increased upper challenge limit therefore gives greater protection for staff and licensing objective.</i>
A refusals register will be kept on the premises the recording of any incidents involving the refusal of a sale of alcohol due to age or drunkenness. The register will be made available to an officer from the local authority for inspection upon reasonable request.
<b>Age Restrictions:</b>
No children under the age of 16/18 will be allowed to enter or remain on the premises after 21.00 unless for the purposes of attendance at a pre-booked private function and

in which case under the supervision of a person age no less than 21-year-old. <i>*(Time is negotiable depending on individual circumstances)</i>
<b>Under 18 events:</b>
There shall be a defined gap of at least one hour between any specified under 18 event and the commencement of alcohol sales at any later opening of the venue.
Any under 18 events will go on until no later than 22.30hrs. <i>(* time is negotiable depending on circumstances)</i>
<b>Miscellaneous</b>
<b>Off Licences</b>
Spirits must be displayed behind the sales point and will not be available for self-service.
There will be no sales of beer, lager, or cider over 6% ABV. <i>(Particularly applicable in situations where street drinking and associated ASB is identified.)</i>
The licensee will display at all times and in close proximity to all alcohol displays within the premises, the current Alcohol Guidelines produced by the UK Chief Medical Officers. The display content will be provided by the Public Health team for display in A4 format.
There will be no display posters or similar advertising containing reference to alcohol displayed on the premises shop frontage or the highway abutting the premises.
No sales of canned or bottled beer, lager or cider in quantities of less than two shall be made.
<b>Restaurant Conditions</b>
Alcohol will only be sold/supplied as ancillary to food served as a table meal. <i>(Applicable where operating schedule is shown as restaurant and to prevent it becoming a drinking establishment/bar)</i>
<b>Home Delivery of Alcohol</b>
Where alcohol is sold for delivery it must only be sold as an accompaniment to hot food purchased on the same order and delivered at the same time.
Where alcohol is to be sold for delivery the person making the delivery must operate a no ID no sale policy for all alcohol sales. A record of the ID produced must be made by the driver and a record of this maintained with the premises at the end of each shift.
The %ABV of alcohol supplied for home delivery will not exceed 20%.

## APPENDIX B – ADVERTISING

### NORTHAMPTON LICENSING AUTHORITY

#### LICENSING ACT 2003

#### Public Notice

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[Name of person or club applying for licence] has applied for the

variation of a

[Premises Licence][Club Premises Certificate] for

[Full name and postal address of premises or a suitable description of the premises to allow the location and extent of the premises or club premises to be identified]

If granted the application will allow the following licensable activities to take place:

[Describe the proposed variation, application activities applied for to include] :

**Sale of alcohol on the premises, sale of alcohol for consumption off the premises, provision of regulated entertainment, provision of facilities for regulated entertainment, provision of late night refreshment, and/or qualifying club activities.**

A copy of the application is kept by the Licensing Authority at the address below and can be viewed Monday to Friday 9.00am to 5.00pm, except Bank Holidays, or online at: [www.northampton.gov.uk](http://www.northampton.gov.uk)

Licensing Department  
Northampton Borough Council  
The Guildhall  
St Giles Square  
Northampton  
NN1 1DE  
[licensing@northampton.gov.uk](mailto:licensing@northampton.gov.uk)

Representations may be made for 28 consecutive days from the date of this notice. The last date for representations being **DD/MM/YY**

It is an offence knowingly or recklessly to make a false statement in connection with an application the maximum fine for which a person is liable on summary conviction for making a false statement is a Level 5 fine on the standard scale.

THIS NOTICE BEING DATED **DD/MM/YY**

## **ADVERTISING GUIDANCE NOTES:**

### **Notice displayed on the premises**

The date of this notice must be the day after the application about the variation was correctly given to the Licensing Authority.

The notice is to be displayed on the premises for a period of no less than 28 consecutive days starting on the day after the day on which the application was given to the relevant licensing authority, by displaying a notice, in all cases, prominently at or on the premises to which the application relates 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.

The notice must be of a size equal or larger than A4, of a pale blue colour, printed legibly in black ink or typed in black in a font of a size equal to or larger than 16.

### **Notice displayed in a local newspaper**

This notice must also be published in a local newspaper or, if there is none, in a local newsletter, circular or similar document circulating in the vicinity of the premises.

It must be published on at least one occasion during a period of 10 working days starting from the day after the application was made to the Licensing Authority.