



# Licensing Act 2003

## Application for a Minor Variation to a Premises Licence or Club Premises Certificate

### PLEASE READ THE FOLLOWING INSTRUCTIONS FIRST

Before completing this form please read the guidance notes at the end of the form. If you are completing this form by hand please write legibly in block capitals. In all cases ensure that your answers are inside the boxes and written in black ink. Use additional sheets if necessary. You may wish to keep a copy of the completed form for your records.

Once completed, send the original application to:

- **Environmental Health - Licensing**, Borough Council of King's Lynn and West Norfolk, King's Court, Chapel Street, King's Lynn, Norfolk, PE30 1EX.

I / We .....  
(insert name(s) of applicant(s))

being the premises licence holder(s) / club holding a club premises certificate, apply to vary a premises licence under Section 41A/club premises certificate under Section 86A of the Licensing Act 2003 for the premises described in Part 1 below

<b>Premises Licence / Club Premises Certificate Number:</b>	
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### Part 1 – Premises Details

Name, postal address of premises or, if none, ordnance survey map reference, or description	

Post town:	Postcode:
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Telephone number at premises (if any):	
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<b>Brief description of premises</b> (Please see Guidance Note 2)

## Part 2 – Applicant Details

I am / we are the premises licence holder / club premises certificate holder (Please delete as appropriate)

Current Postal Address if different from premises			
Post Town:		Postcode:	
Daytime Contact Telephone Number:			
Email Address (optional):			

## Part 3 – Variation

Do you want the proposed variation to have effect as soon as possible? Yes  No

If not, when do you want the variation to have effect? ..... / ..... / .....

Do you want the proposed variation to have effect in relation to the introduction of the late night levy? (Please see guidance note 3) Yes  No

**Please describe the proposed variation(s) in detail in the box below and explain why you consider that they could not have an adverse effect on the promotion of any of the licensing objectives (See Guidance Note 1). This should include whether new or increased levels of licensable activities will be taking place indoors or outdoors (indoors may include a tent):**

Please describe briefly the nature of the proposed variation (please read guidance note 4)
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## Part 4 – Operating Schedule

Please complete those parts of the Operating Schedule below which would be subject to change if this application to vary is successful

### Provision of regulated entertainment

(Please read guidance note 5)

**please tick ✓ all that apply**

- a) Plays
- b) Films
- c) Indoor Sporting Events
- d) Boxing or Wrestling Entertainment
- e) Live Music
- f) Recorded Music
- g) Performance of Dance
- h) Anything or a similar description to that falling within (e), (f) or (g)

### Provision of late night refreshment

### Supply of alcohol

(Note that this can only relate to reducing licensing hours, or moving them without any overall increase between 7am and 11pm)

**Please tick ✓ yes**

- I have enclosed the premises licence/club premises certificate:

If you have not ticked this box, please fill in reasons for not including the licence below

Reasons why I have not enclosed the premises licence.

Any Further information to support your application (See Guidance Note 6)

**Checklist**

Please tick ✓ yes

- I have made or enclosed payment of the fee. Cheques should be made payable to 'BCKLWN':
- I have enclosed two sets of plans of the premises (if variation relates to change of layout):
- I understand that I must now advertise the application on the premises for a continuous period beginning on the first working day after the day on which the application was given to the Borough Council and ending at the expire of the ninth consecutive working day after that day:
- I understand that if I do not comply with the above requirements my application may be rejected:

**It is an offence under section 158 of the Licensing Act 2003 to make a false statement in or in connection with this application. Those who make a false statement may be liable on summary conviction to a fine of any amount.**

The Council has a duty to process and store your personal information safely and securely in line with data protection legislation, which here means the General Data Protection Regulations (Regulation (EC) 2016/679 which is in force from 25 May 2018) (GDPR) and any national implementing laws, regulations and secondary legislation, as amended or updated from time to time, in the UK and then any successor legislation to the GDPR.

The Borough Council of King's Lynn and West Norfolk (the Council), of Kings Court, Chapel Street, King's Lynn, Norfolk, PE30 1EX is the data controller for the purposes of the GDPR and associated domestic law.

We will use your personal information for the purposes of the provision of the licensing services. The processing of this information is necessary for the Council to undertake a public task, i.e. the processing is necessary for the Council to perform a task in the public interest or for its official functions, and the task or function has a clear basis in law, in this case the Licensing Act 2003.

Your data will be used for this specific purpose and may be passed to such third parties, including Council departments and other agencies where there is lawful authority to do so, including for the purposes of preventing or detecting fraud or other crimes.

Your information will be kept strictly confidential. It will be stored separately from other information in a secure, password-protected database on the Council's computer system.

Your personal information will be kept for as long as you require a licence and for a period after the service is terminated. You can find more information about our retention policy on the [privacy notice](https://www.west-norfolk.gov.uk/privacy) page which can be found at the following link <https://www.west-norfolk.gov.uk/privacy>. We will only use your data within the terms of data protection laws, will delete your data securely and only keep it for as long as necessary. We will review dates for keeping personal data in the future and if necessary update these privacy notices.

You have a number of rights available to you, including the right to see copies of all the data held about you by the Council, to ask for it to be corrected, updated or deleted, to request the Council to restrict what it does with your data in certain circumstances, to object to what the Council may do with your data, and to data portability.

Please note that these rights are not absolute and that there are circumstances where they do not apply or the Council's obligations may override these rights. If this is the case, you will be informed of this.

You can find more information about Data Protection and the Council's Data Protection Officer, on our [Data Protection](https://www.west-norfolk.gov.uk/dataprotection) page which can be found at the following link <https://www.west-norfolk.gov.uk/dataprotection>

If you are unhappy with the way your personal information is being handled you can contact the [Independent Information Commissioner, website: https://ico.org.uk/](https://ico.org.uk/).

**Part 5 – Signatures & Contact Details** (See Guidance Note 7)

**Premises Licence:** Signature of applicant (the current premises licence holder) or applicant’s solicitor or other duly authorised agent. (See guidance note 8) If signing on behalf of the applicant please state in what capacity.

Signature: ..... Date: .....

Capacity: .....

Where the premises licence is jointly held signature of 2<sup>nd</sup> applicant (the current premises licence holder) or 2<sup>nd</sup> applicant’s solicitor or other authorised agent. (Please read guidance note 9) If signing on behalf of the applicant please state in what capacity.

Signature: ..... Date: .....

Capacity: .....

**Where the premises are a club:** I (insert name) \_\_\_\_\_ make this application on behalf of the club and have authority to bind the club.

Signature: ..... Date: .....

Capacity: .....

Contact name (where not previously given) and address for correspondence associated with this application (please read guidance note 10)	
<b>Name:</b>	<b>Address:</b>
<b>Telephone number:</b>	
If you prefer us to correspond with you by e-mail your email address (optional):	

**Notes for Guidance**

- General Note: The minor variations process can only be used for variations that could have no adverse impact on the promotion of any of the four licensing objectives. (These are: the prevention of crime and disorder; public safety; the prevention of public nuisance; and the protection of children from harm.)

It cannot be used to:

- extend the period for which the licence has effect;
  - vary substantially the premises to which it relates;
  - specify, in a premises licence, an individual as the designated premises supervisor;
  - add the sale by retail or supply of alcohol as an activity authorised by a licence or certificate;
  - authorise the sale by retail or supply of alcohol at any time between 11pm and 7am;
  - authorise an increase in the amount of time on any day during which alcohol may be sold by retail or supplied;
  - include the alternative licence condition referred to in section 41D(3) of the Licensing Act 2003 in a premises licence.
2. Description of premises: For example the type of premises, its general situation and layout and any other information which could be relevant to the licensing objectives. This should include any activities in or associated with 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, the presence of gaming machines etc.
3. You do not have to pay a fee if the only purpose of the variation for which you are applying is to avoid becoming liable to the late night levy.
4. Give full details of all the proposed variation(s). Failure to provide sufficient information may lead to the refusal of your application. Details should include a description of the proposed variation(s) in terms as precise as possible. If you are not precise, the licensing authority may decide that the changes you propose would be potentially broader in scope than you intend and reject your application as not being a 'minor' variation. You should also include a statement about why you consider the variations proposed could not have an impact on the licensing objectives listed in section 4(2) of the Act. You should cover each of the objectives that could possibly apply to your proposal (or if more than one, to each proposal) and say why you think there could be no adverse impact on that objective. Your application will be assisted by including as much information as you can about this. **(However, there is a box at the end of the form for 'further information', and this should be used for any relevant background information not directly related to the variation.)** Relevant information includes:
- a) **Variations to licensable activities/licensing hours** (all timings should be given in 24 hour clock e.g. 16.00. Only give details for the days of the week when you intend the premises to be used for the activity), such as:
- Whether new or increased levels of licensable activities will be taking place indoors or outdoors (indoors may include a tent);
  - Relevant further details, for example whether music will be amplified or unamplified;
  - Standard days and timing when the activity will take place, including start and finish times;
  - Any seasonal variations in timings, e.g. additional days during the summer; and
  - Non-standard timings, e.g. where you wish the activity to go on longer on a particular day such as Christmas Eve.
- b) **Variations to premises/club layout**: If you are applying for a variation to the layout of your premises, you must include a revised plan. You should be aware that your application is likely to be refused if the proposed variation could:
- increase capacity for drinking on the premises;
  - affect access between the public part of the premises and the rest of the premises or the street or public way, e.g. block emergency exits or routes to emergency exits; or
  - impede the effective operation of a noise reduction measure.
- c) **Revisions, removals and additions of conditions**: The minor variation process may be used to remove conditions which are out of date or invalid and to revise conditions which are unclear (as long as the intention and effect remains the same). It can also be used to add a new condition volunteered by the applicant or mutually agreed between the applicant and a responsible authority, such as the police or the environmental health authority (subject to impact on the licensing objectives).
- d) **Variations to opening hours**: details of any changes to hours when the premises or club is open to the public.
5. In terms of specific regulated entertainments please note that:
- Plays: no licence is required for performances between 08.00 and 23.00 on any day, provided that the audience does not exceed 500.

- Films: no licence is required for 'not-for-profit' film exhibition held in community premises between 08.00 and 23.00 on any day provided that the audience does not exceed 500 and the organiser (a) gets consent to the screening from a person who is responsible for the premises; and (b) ensures that each such screening abides by age classification ratings.
  - Indoor sporting events: no licence is required for performances between 08.00 and 23.00 on any day, provided that the audience does not exceed 1000.
  - Boxing or Wrestling Entertainment: no licence is required for a contest, exhibition or display of Greco-Roman wrestling, or freestyle wrestling between 08.00 and 23.00 on any day, provided that the audience does not exceed 1000. Combined fighting sports – defined as a contest, exhibition or display which combines boxing or wrestling with one or more martial arts – are licensable as a boxing or wrestling entertainment rather than an indoor sporting event.
  - Live music: no licence permission is required for:
    - a performance of unamplified live music between 08.00 and 23.00 on any day, on any premises.
    - a performance of amplified live music between 08.00 and 23.00 on any day on premises authorised to sell alcohol for consumption on those premises, provided that the audience does not exceed 500.
    - a performance of amplified live music between 08.00 and 23.00 on any day, in a workplace that is not licensed to sell alcohol on those premises, provided that the audience does not exceed 500.
    - a performance of amplified live music between 08.00 and 23.00 on any day, in a church hall, village hall, community hall, or other similar community premises, that is not licensed by a premises licence to sell alcohol, provided that (a) the audience does not exceed 500, and (b) the organiser gets consent for the performance from a person who is responsible for the premises.
    - a performance of amplified live music between 08.00 and 23.00 on any day, at the non-residential premises of (i) a local authority, or (ii) a school, or (iii) a hospital, provided that (a) the audience does not exceed 500, and (b) the organiser gets consent for the performance on the relevant premises from: (i) the local authority concerned, or (ii) the school or (iii) the health care provider for the hospital.
  - Recorded Music: no licence permission is required for:
    - any playing of recorded music between 08.00 and 23.00 on any day on premises authorised to sell alcohol for consumption on those premises, provided that the audience does not exceed 500.
    - any playing of recorded music between 08.00 and 23.00 on any day, in a church hall, village hall, community hall, or other similar community premises, that is not licensed by a premises licence to sell alcohol, provided that (a) the audience does not exceed 500, and (b) the organiser gets consent for the performance from a person who is responsible for the premises.
    - any playing of recorded music between 08.00 and 23.00 on any day, at the non-residential premises of (i) a local authority, or (ii) a school, or (iii) a hospital, provided that (a) the audience does not exceed 500, and (b) the organiser gets consent for the performance on the relevant premises from: (i) the local authority concerned, or (ii) the school proprietor or (iii) the health care provider for the hospital.
  - Dance: no licence is required for performances between 08.00 and 23.00 on any day, provided that the audience does not exceed 500. However, a performance which amounts to adult entertainment remains licensable.
    - Cross activity exemptions: no licence is required between 08.00 and 23.00 on any day, with no limit on audience size for:
      - any entertainment taking place on the premises of the local authority where the entertainment is provided by or on behalf of the local authority;
      - any entertainment taking place on the hospital premises of the health care provider where the entertainment is provided by or on behalf of the health care provider;
      - any entertainment taking place on the premises of the school where the entertainment is provided by or on behalf of the school proprietor; and
    - any entertainment (excluding films and a boxing or wrestling entertainment) taking place at a travelling circus, provided that (a) it takes place within a moveable structure that accommodates the audience, and (b) that the travelling circus has not been located on the same site for more than 28 consecutive days.
6. Further information: You should use this box to provide any additional evidence to support your claim that the proposed variation is 'minor' and could not have an adverse impact on the promotion of the licensing objectives
7. Signatures: The application form must be signed.

8. Authorised agent: An applicant's agent (e.g. solicitor) may sign the form on their behalf and, in so doing, will be confirming that they have actual authority to do so.
9. 2nd Applicant: Where there is more than one applicant, both applicants or their respective agents must sign the application form.
10. This is the address which we shall use to correspond with you about this application. This might not be the same as the address of the premises or applicant, but these addresses must also be provided.