

SPELTHORNE BOROUGH COUNCIL

NOTES TO ACCOMPANY PREMISES LICENCE (NO ALCOHOL INCLUDED AS A LICENSABLE ACTIVITY)

If your premises licence permits the sale or supply of alcohol there are additional requirements to the below of which you should be aware. Please contact us for further information

Embedded restrictions

Those who have chosen to convert existing justices' licence with no simultaneous variation to remove such conditions, will need to be aware that the new licence has been granted "subject to conditions which reproduce the effect of any restriction imposed on the use of the premises for the licensable activities under the relevant existing licence or licences by any enactment specified for the purposes of this part".

Duty to notify change of name or address

The holder of a premises licence must as soon as reasonably practicable notify the licensing Authority that issued the licence of any change in his/her name or address;

Where such notice is given the premises licence must be sent to the authority with the prescribed fee of £10.50. (Some premises are exempt from having to pay a fee)

An offence is committed if the notification requirements summarised above are not complied with without reasonable excuse.

Variations of licences

The variation procedure enables holders of premises licences to apply to vary the licensable activities or conditions subject to which the licence is held.

Where "substantial" variations are contemplated, a new premises licence may be necessary. Conversely, small alterations to the layout of premises are unlikely to need a variation application. However, if you are planning to make alterations which may impact on the promotion of the licensing objectives, or make changes which impact on the conditions attached to licences (such as capacity limits), an application for a variation will need to be made.

Variations can also be applied for to provide additional licensable activities at the premises eg music and dancing where these activities are not currently authorised by the licence.

There is a fee for such a variation which is dependant upon the rateable value of the premises. Some premises are exempt from a fee.

Transfer of premises licence

A person may apply for the transfer of a premises licence. An application must be in the approved form and with the prescribed fee (if appropriate) and may be submitted to have interim effect. The application must be copied to the police.

Interim authority notices

Special provision is made for circumstances where a premises licence has lapsed due to the holder's death, incapacity or insolvency.

Review of premises licence

The Act permits nearby residents or businesses, or authorities to apply for a review of a premises licence, which could ultimately lead to the revocation of the premises licence and should therefore be taken seriously. There are grounds for licensing authorities to reject applications for review in certain circumstances, but if not rejected will trigger a hearing of the Licensing sub-committee. The closure of the premises by the police would normally automatically lead to a review.

Production of licence, rights of entry etc

The licensing authority can require the holder of a premises licence to produce the licence (for example for the purpose of updating the documents) to the authority within 14 days.

The holder of the licence must ensure that the licence or a certified copy of it is kept at the premises in the custody of the holder, or a person who has been given a written nomination by the holder for this purpose.

The summary of the licence (or a certified copy) and a notice specifying the position held at the premises by the person responsible for the custody of the licence is prominently displayed at the premises.

A constable or authorised person may, at any reasonable time before the determination of an application for the grant of the licence, enter the premises to which the application relates. An authorised person must produce evidence of his authority if so requested. Intentional obstruction of such a person constitutes an offence.

The Performing Rights Society (PRS)

The PRS (www.prs.co.uk) exists in order to administer the copyright in musical works on behalf of their writer and publisher members. If you will be using music at a premises, don't forget to take out a licence with PRS; as failure to do so could result in legal action being taken by them.

Spelthorne Borough Council
Licensing Team
Council Offices
Knowle Green
Staines
TW18 1XB

Tel 01784 444202
Fax 01784 446437
e-mail environmental.health.commercial@spelthorne.gov.uk
www.spelthorne.gov.uk