



June 2005

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## **PART A: APPLICATION FOR THE CONVERSION OF AN EXISTING LICENCE**

### **When to use the form**

Paragraph 1 of Schedule 8 to the 2003 Act lists all 'existing licences' that can be converted into premises licences during transition. These include alcohol licences and canteen licences issued by licensing justices as well as public entertainment licences, licences under the Theatres Act 1968 and the Cinema Act 1985, licences for late night refreshment houses and night café licences in London which are all issued by local authorities. This guidance relates to the application form for conversion of an existing licence to a premises licence under the Licensing Act 2003. A similar form is available for those seeking to convert an existing club registration certificate to a club premises certificate and Guidance on completion of that form will be available shortly.

The 2003 Act only allows conversion of existing licences that have effect on 7 February 2005. Any licences under the "old" system granted after this date cannot be converted. However, if a licence that existed on 7 February has been transferred to you, you should still be able to apply to benefit from Grandfather rights provided you apply before 6 August 2005.

**ANYONE WISHING TO EXERCISE THEIR RIGHT TO CONVERT THEIR EXISTING LICENCES MUST APPLY TO THEIR LICENSING AUTHORITY NO LATER THAN 6 AUGUST 2005. ANY LICENSEE WHO APPLIES AFTER THIS DATE LOSES THE ABILITY TO CONVERT ALL THEIR EXISTING RIGHTS AND, IF THEY WISH TO CARRY ON LICENSABLE ACTIVITIES AFTER THE SECOND APPOINTED DAY, THEY MUST MAKE A NEW APPLICATION. THIS WOULD ALLOW INTERESTED PARTIES, SUCH AS LOCAL RESIDENTS, AND THE FULL RANGE OF RESPONSIBLE AUTHORITIES TO MAKE REPRESENTATIONS ABOUT WHAT YOU DO NOW, AS WELL AS ANYTHING DIFFERENT THAT YOU WANT TO DO IN THE FUTURE.**

### **NEED MORE HELP?**

This Guidance is intended to help applicants complete the application form. Further information about the Licensing Act 2003 and other sources of help can be found on the DCMS website [www.culture.gov.uk](http://www.culture.gov.uk) Your local licensing authority (in most cases your local authority) should be able to help you with any queries or give advice on how to complete the application. You may also wish to consider other sources of advice such as a relevant trade body, or by engaging professional assistance, such as legal advice.

### **COMPLETING THE FORM**

In the opening statement, you should insert the name of the applicant or applicants who are applying to convert the licence e.g. 'John Smith' or 'Nice Pub Company'.

## **PART A1: Premises Details**

This section asked for the address and some other details of the premises. If the premises has no postal address, for example, if the application relates to an event on open land, you should describe the location of the premises or give the Ordnance Survey map reference.

The section also asks for the non-domestic rateable value (NDRV) of the premises. This is not the same as the actual business rates that you pay, but is a value determined by the Valuation Office which helps determine business rates. The NDRV, rather than your business rates bill, will determine the fee level to be paid with the licence application and the annual fee. The NDRV of any premises can be checked on the Valuation Office Agency (VOA) website [www.voa.gov.uk](http://www.voa.gov.uk). NDRV is revalued every 5 years. A new valuation came into force on 1 April 2005 and business rate payers should have received details of the new value. Premises which do not have a non domestic rateable value are treated as falling into Band A for licensing fee purposes.

See guidance on FEES for more information:  
[www.culture.gov.uk/alcohol\\_and\\_entertainment/fee\\_levels](http://www.culture.gov.uk/alcohol_and_entertainment/fee_levels)

<b>If a new NDRV for my premises puts me in a higher fee band. Which will apply?</b>
NDRV revaluation, such as the one which took effect from 1 April 2005, will not alter the licensing fee band for most properties. However, some may find they are in a higher or lower fee band as a result. The NDRV that should be used is the one which is current when the application is made. Therefore, a property that was be in a higher fee band from 1 April because of NDRV revaluation, would pay the fee for the lower band if the application was made before 1 April. However, the annual fee that will apply in the future will be based on the NDRV that is current when the fee is due.
<b>What about if I appeal against my NDRV revaluation and get it reduced in the future?</b>
The fee will not be changed retrospectively. However, any future fee will be based on the revised figure.

## **Part A2 – Applicants Details**

This section asks you to state the capacity in which you are applying, such as an individual, a limited company, a recognised club, a charity etc. You can only apply in one of these capacities so should only tick one box. You should then give further details in either section **(A) INDIVIDUAL APPLICANTS** or section **(B) OTHER APPLICANTS**, but not both.

## **Part A3 – Operating Schedule**

### **General description of the premises**

You are then asked to describe the premises. For example the type of premises it is, its general situation and layout and any other information that would be relevant to the licensing objectives. You should also describe any areas that you intend to provide for

people to consume alcohol that you sell or supply such as outside areas e.g. beer gardens.

### **5,000 or more people attending**

The question on the number of people attending the premises at any one time is necessary to determine whether an additional fee for large events should apply. It is not necessary to complete this box if you think that less than 5,000 people will attend the premises at any one time. The figure relates to the maximum number of people on the licensed premises, including employees, at any one time – not the total number over a period of time. It is important to note that the attendance figure relates to the 'licensed premises' (i.e. the licensed area identified in the plan) and not areas that are outside the 'licensed premises'. If you decide that the number will not exceed 5,000, you will be responsible for ensuring that the numbers at any one time do not exceed this figure. If you do exceed it, you could be engaging in an unlicensed activity which is a criminal offence.

<b>Do I have to issue everyone a ticket to prove the numbers on the premises?</b>
It is for you to decide when putting your application together whether you need arrangements for counting the numbers coming in or out. However, it is an offence to make a false declaration in the application which could lead to a £5,000 fine.
<b>I run a country show which has a beer tent. Do I have put the total number of people at the show in this section?</b>
It depends whether you are licensing the whole premises. As most of the events at such a show are not licensable activities, it should be possible to simply license the beer tent. In this case the capacity of the beer tent is what counts and this may be unlikely to trigger the additional fee for large events.

### **Existing licensable activities**

It should be clear from your existing licence/licences what activities are authorised. If you have not got a copy of your existing licence you will need to obtain a certified copy from the issuing authority. In the case of a justices' licence, children's certificate or seamen's canteen certificate this means a copy certified by the chief executive of the licensing justices (from 1 April 2005 these are 'designated officers') for the licensing district where the premises are. In any other cases, such as cinema or theatre licences, copies can be certified by a solicitor or notary or, the chief executive of the local authority which issued the licence. If you are unable to locate the licence, or a certified copy, you will have to make a new application and may wish to consult your licensing authority.

If you are converting a licence to sell alcohol, you should give details of the person who you wish to be the designated premises supervisor (DPS) under the new licence. For many premises, this will be the person who is already named on the licence, but you can choose to name someone else. There is only one DPS for each premises (but any number of personal licence holders) and it is usually, but not necessarily, the person who has day to day responsibility for the premises. You will need to submit a consent form signed by the person you wish to be your DPS to confirm that he/she is happy to take on this role and this should be included with your application (see checklist).

See guidance on Premises Licences for more information about DPSs:

[www.culture.gov.uk/alcohol\\_and\\_entertainment/licensing\\_act\\_2003/premises\\_licences](http://www.culture.gov.uk/alcohol_and_entertainment/licensing_act_2003/premises_licences)

For more information about Personal Licences:

[www.culture.gov.uk/alcohol\\_and\\_entertainment/licensing\\_act\\_2003/personal\\_licences](http://www.culture.gov.uk/alcohol_and_entertainment/licensing_act_2003/personal_licences)

**Are 'supper hours certificates'; 'residential licences for guesthouses' and 'Part IV residential licences for restaurants and guesthouses' transferable under grandfather rights or will applicants have to vary to provide the same service they do now?**

Until 6 August, premises that have a supper hours certificate, a residential licence for a guesthouse or a Part IV residential licence for restaurants and guesthouses will be able to convert that licence or certificate, and any conditions attached to it, under grandfather rights. Applicants will need to vary their licence if they wish to remove conditions from any converted premises licence.

**What will happen to my children's certificate when I convert to the new premises licence?**

Your children's certificate should accompany your application to convert your justices' licence, and it will automatically be converted. Following the second appointed day, the Act will abolish children's certificates. However, if a children's certificate exists and you no longer wish its provisions to apply, you will need to apply to vary your licence at the same time as applying to convert.

### **Limitations on hours**

**If applicable, these may include:**

- Permitted hours, as set out in Part 3 of the Licensing Act 1964 (if you are allowed to sell alcohol outside normal permitted hours, you should state that and why).
- Where a premises has a restriction order on it.
- Where there are conditions restricting permitted hours (e.g. – Six day licence; Early closing licence; Mid-day only or evening only conditions for restaurants; Seasonal Licence; Off-sales department conditions).
- Any conditions relating to hours that are attached to the licence you are converting.

**Do not include**

- Where licences are restricted by undertakings. Undertakings are temporary provisions which do not carry over on conversion.

### **Existing conditions and licensing objectives**

You are asked to describe, where possible, which of your current conditions relate to the licensing objectives. For example, you may be required currently to have door staff (crime and disorder) or to keep all windows and doors closed after a certain time (prevention of public nuisance).

These conditions will be transferred to your new licence. Where the conditions to which your existing licence(s) is granted do not relate solely to any one of the four licensing

objectives, please describe such conditions in the general box (a). It is not possible to add new conditions to a converted licence where no variation has been applied for.

<b>My public entertainment licence comes with a large number of standard conditions. Do I have to allocate these individually?</b>
The licensing authority may well be happy for you to simply refer to those conditions in the box relating to all the objectives and to attach a copy of the document or to simply give its reference details. If you have any concerns you should contact the licensing officer at your local authority.
<b>What if I have no conditions that relate to a licensing objective? Can I leave it blank?</b>
It may well be the case that you do not have any conditions that apply to some of the licensing objectives and therefore do not have to complete those boxes. It would probably be better to write 'none' or 'N/A' to be clear that you have considered this, rather than simply forgotten to complete the box.

### Checklist and declaration

By ticking this list, you are making a declaration that you have carried out the listed actions. If you tick the boxes and do not carry out these actions, you may be making a false statement in relation to the application which is an offence which, on conviction, is liable to a fine of up to £5,000.

You should check that you have included all the required documentation and the correct fee. This includes a copy of your existing licence(s); a plan of the premises; the DPS consent form and (where necessary) the consent of the justices' licence holder or holders with your application. You are also required to give a copy of this application, including the accompanying documentation, to the chief officer of police for the police area in which the premises are situated no later than 48 hours after the application is made to the relevant licensing authority.

### Plans

The plan for the premises should be included as part of the copy of the licence which you are also required to send to the police. You also need to include a plan of the premises that meets the requirements set out in the Act and the Licensing Act 2003 (Transitional provisions) Order 2005 SI 2005/40 to show the following:

- (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 egress from the premises;
- (c) if different from paragraph (3)(b), 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) in a case where an existing licensable activity relates to the supply of alcohol, the location or locations on the premises which is or are used for consumption of alcohol;
- (f) 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;
- (g) 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;
- (h) in a case where the premises includes any steps, stairs, elevators or lifts, the location of the steps, stairs, elevators or lifts;
- (i) in a case where the premises includes any room or rooms containing public conveniences, the location of the room or rooms;
- (j) the location and type of any fire safety and any other safety equipment; and
- (k) the location of a kitchen, if any, on the premises.

The plan may include a key of symbols to illustrate the above on the plan, but there is no requirement to do so.

<b>Do I have to have new plans professionally drawn?</b>
There is no requirement to have plans professionally drawn. What is important is that they are accurate and meet the requirements referred to above.
<b>Do I have to provide a new plan or can I include the one on my current licence?</b>
If you have an up to date plan on your existing licence that shows the correct information, you should not need to draw up a new plan. If not, you may be able to amend an existing plan to include the required information. If your existing plan is not drawn in standard scale, where 1 millimetre represents 100 millimetres, you will first need to obtain the licensing authority's written agreement that it is willing to accept an alternative scale.
<b>Do I need to show a consumption area, such as a beer garden, on the plan if it is not included as part of the licence I am converting?</b>
There is no requirement to show on the plan to convert your licence any areas which are not part of the premises to which the existing licensable activities relate. You should, however, describe any areas that you intend to provide for people to consume alcohol that you sell or supply under the general description of the premises which you are required to give at the beginning of Part A3 of the application form.

#### **Part A4 – Signatures**

The application form must be signed.

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

Where there is more than one applicant, both applicants or their respective agents must sign the application form.

<b>If I do not want to apply for a variation, do I need to copy the form to all of the responsible authorities?</b>
If you are seeking to convert your licence (and not vary) you only need to send a copy of Part A and the accompanying documents to the police, not to the other responsible authorities. However, it might be helpful if you mention in a covering letter that you have not included part B as you are not applying for a variation.

**DO NOT FORGET TO ENCLOSE THE CORRECT FEE**

Details on fees can be found in the relevant guidance note:  
[www.culture.gov.uk/beer\\_and\\_entertainment/fee\\_levels](http://www.culture.gov.uk/beer_and_entertainment/fee_levels)

## PART B: APPLICATION TO VARY A PREMISES LICENCE UNDER THE 2003 LICENSING ACT

### When to use the form

*This guidance relates to Part B of the application form which allows you to seek changes to the licence you are converting under Part A. This may be to remove existing conditions, change opening times (including longer opening) or to add new licensable activities.*

**To use this form, you must also have completed part A to apply for the conversion of an existing licence. If you do not wish to vary that licence, you should not complete any section of part B.**

*Broadly speaking, the following activities have to be licensed:*

- *the sale or supply of alcohol*
- *the provision of public entertainment*
- *late night hot food and drink.*

*Further information about what activities are licensable are given later in this guidance. Licensing officers at your local licensing authority (in most cases your local authority) should also be able to give you more help about which activities need a licence under the Licensing Act 2003. Information is also available on the DCMS web site [[www.culture.gov.uk](http://www.culture.gov.uk)].*

*When considering variation of your licence you should consider both the Licensing Act 2003 (Transitional provisions) Order 2005 and the Licensing Act 2003 (Premises licences and club premises certificates) Regulations 2005 as well as the Licensing Act 2003 itself.*

*Similar guidance will shortly be available for those seeking to vary a converted existing club certificate to a club premises certificate.*

*The form cannot be used to vary substantially the premises to which the premises licence relates. Where a variation relates to such a substantial change that the premises is effectively a new one (for example the addition of an extension to the licensed premises) a new premises licence application should be made. You should consult the licensing authority if you are unsure whether the changes you plan would be substantial.*

**ANYONE WISHING TO EXERCISE THEIR RIGHT TO CONVERT THEIR EXISTING LICENCES, AND APPLY TO VARY AT THE SAME TIME, MUST APPLY TO THEIR LICENSING AUTHORITY NO LATER THAN 6 AUGUST 2005.** If you do not apply to vary your licence at the same time as you put in your application to convert your existing licence, you will have to wait until after the second appointed day to make changes to your licence.

Applications for variation under part B must be advertised as set out in the Act and the Licensing Act (Premises licences and club premises certificates) Regulations 2005. This includes displaying a sign at or outside the premises and an advertisement in a locally circulating newspaper. For more advice, speak to your licensing officer at your local licensing authority or see the guidance on the DCMS website [[www.culture.gov.uk](http://www.culture.gov.uk)]

## **.NEED MORE HELP?**

This Guidance is intended to help applicants complete the application form. Further information about the Licensing Act 2003 and other sources of help can be found on the DCMS website [[www.culture.gov.uk](http://www.culture.gov.uk)]. Your local licensing authority may be able to help you with queries on how to complete the application forms. You may also wish to consider other sources of advice such as a relevant trade body, or by engaging professional assistance, such as legal advice.

## **COMPLETING THE FORM**

In the opening statement, you should add the name of the applicant or applicants who hold the premises licence after it is converted e.g. 'John Smith' or 'Nice Pub Company'

You should delete the words 'section 34' if you are varying your licence to specify an individual as premises supervisor, and delete the words 'section 37' if you are applying to vary your premises licence in any other way. If you are specifying a new premises supervisor and varying your premises at the same time, for example by adding the sale of alcohol, then you should not delete any words from this section.

### **Part B1 – Variation**

*You should state the date from which you would like the variation to start. As the licence does not come into operation until the second appointed day, that is the earliest date that the changes may start.*

### **Description of nature of proposed variation**

*You should briefly describe what changes you wish to make to your licence. If this means changing the premises in any way, for example by changing the boundary or perimeter, you should give a full description of that change and include plans.*

### **5,000 or more people attending**

You only need to answer this question if you are going to have 5000 or more people (including staff, performers and customers) on your licensed premises at any one time. You should answer this question to help determine whether the variation will mean an additional fee for large events should apply. The figure relates to the maximum number of people on the licensed premises, including employees, at any one time – not the total number over a period of time. It is important to note that the attendance figure relates to the 'licensed premises' (i.e. the licensed area identified in the plan) and not areas that are outside the 'licensed premises'. If you decide that the number will not exceed 5,000, you will be responsible for ensuring that the numbers at any one time do not exceed this figure. If you do exceed it, you could be engaging in an unlicensed activity which is a criminal offence.

<b>Do I have to issue everyone a ticket to prove the numbers on the premises?</b>
It is for you to decide when putting your application together whether you need arrangements for counting the numbers coming in or out. However, it is an offence to make a false declaration in the application which could lead to a £5,000 fine.

**I run a country show which has a beer tent. Do I have put the total number of people at the show in this section?**

It depends whether you are licensing the whole premises. As most of the events at such a show are not licensable activities, it should be possible to simply license the beer tent. In this case the capacity of the beer tent is what counts and this may be unlikely to trigger the additional fee for large events.

**Should I include my beer garden on my premises licence?**

That is for you to decide. In doing so, you will want to consider whether you might want to use the garden at some point in the future to sell alcohol – perhaps an outdoor bar at a barbeque or possibly through waited drinks service. Also, if you do not include the garden as part of the licensed premises, drinks that are bought to be consumed there will count as off supplies and any conditions that relate to off sales would apply. If the beer garden is being provided for consumption of off-supplies, you must include a description of where the place is and its proximity to the premises.

## **Part B2 – Operating Schedule**

In considering what to write in this section, you should think about all the activities you may want to conduct at the premises in the future and consider whether any are licensable activities under the 2003 Act. You then need to consider whether these activities are already contained within Part A of this form as an application for Conversion. If not, then you should include them in Part B. There may also be conditions or restriction on activities in Part A which you may wish to remove or change, in which case you can ask for them to be removed in Part B.

You should give timings using the 24 hour clock and only give details for days of the week when you intend the premises to be used for the licensable activities in question. The space marked 'state any seasonal variations', gives you the opportunity to include any, for example, longer hours or additional days during the summer. The space marked 'non standard timings', gives you the opportunity to record occasions when the timings will change. For example, you may wish the activity to go on longer on Christmas Eve or weekends preceding bank holidays.

**You should tick the appropriate list in relation to the activities you wish to vary and then complete the relevant box from A to M which relates to that activity. You do not have to complete those boxes where the information is unchanged.** For example, if you sell alcohol and want to keep the hours the same, but put on live music, you would tick live music then go on to complete the details in box E, but would not tick the sale of alcohol nor complete box M or part B3.

**Do I have to vary to keep my occasional licence or special orders of exemption?**

Yes. Only existing licences within paragraph 1(1) of Schedule 1 of the Act can be converted so temporary permissions, such as occasional licences and special orders of exemption cannot. If, for example, you usually obtain an occasional licence to open longer on Christmas Day, you would have to vary your licence or in future rely on Temporary Event Notices.

**Can I simply say under 'non standard timings' that I will open late to cover Rugby World Cup/Aussie Rules Football/sporting events overseas which are broadcast late**

## **night/early morning in the UK?**

You can include whatever licensable activities you like, but should think about how these might be viewed by responsible authorities or interested parties. It might be worth talking to your licensing authority and the relevant responsible authorities first to see what conditions, if any, you might offer to reassure any concerns.

### **Provision of regulated entertainment**

**Only complete the boxes that relate to the activities you have ticked in the first part of B2.**

Except in box C (indoor sport) you are asked to indicate whether the activity is taking place indoors, outdoors or both. Indoors may include a tent.

In the space marked 'Please give further details here', please state type of activity to be authorised, if not already stated, and give relevant further details, for example (but not exclusively) whether or not music will be amplified or unamplified.

In completing boxes A-K you should consider Schedule 1 of the 2003 Act which contains provisions on regulated entertainment and consider carefully how the variation(s) you are proposing relate to this Schedule. If in doubt, you should contact your licensing authority.

### **BOXES A – H (Provision of regulated entertainment)**

#### **BOX A: Plays**

A performance of any dramatic piece, (including rehearsal), whether involving improvisation or not, which is wholly or in part by one or more persons present and performing in which the whole or a major proportion of what is done by the person(s) performing, whether by way of speech, singing or action, involves the playing of a role.

#### **BOX B: Films**

Any exhibition of moving pictures except where its sole or main purpose is to demonstrate a product, advertise goods or services or provide information, education or instruction, if it consists or forms part of an exhibit put on show for any purposes of a museum or art gallery. The use of television or radio receivers is not licensable, except for the showing of pre-recorded programmes.

#### **BOX C: Indoor sporting event**

A sporting event is defined in the Act as any contest, exhibition or display in which physical skill is the predominant factor, and any form of physical recreation which is also engaged in for purposes of competition or display which takes place wholly inside a building, and at which the spectators are accommodated inside that building. This includes any roofed structure and includes a vehicle, vessel or moveable structure.

A venue with a roof that opens and closes is regarded under the Act as being an outdoor event and sporting activities in such venues are not licensable under the 2003 Act. But note that other activities at such venues (such as the sale of alcohol or live music) are licensable.

#### **BOX D: Boxing or wrestling entertainment**

Unlike other sports, boxing and wrestling is licensable whether held indoors or outdoors.

**BOX E: Live music**

Music includes vocal or instrumental music or any combination of the two. The old '2 in a bar' rule will no longer apply after the second appointed day. Live music will then require a licence regardless of the number of participants. The performance of live music, if it is incidental to some other activity which is not itself regulated entertainment, is not licensable.

**BOX F: Recorded music**

Your licence does not have to cover the playing of recorded music if it is incidental to some other activity which is not itself regulated entertainment as this is exempt. For example, background music in a supermarket is likely to be considered to be incidental. If you have a juke box or a disc jockey at your premises you need to think whether, in your case, this is incidental music or whether it is a licensable activity. If in doubt, discuss this with your licensing authority.

**BOX G: Performances of dance**

Morris dancing or any dancing of a similar nature is not licensable, nor is the performance of unamplified live music as an integral part of such dancing.

**BOX H: Entertainment of a similar description to that falling within (e) live music, (f) recorded music or (g) performance of dance**

**BOXES I – K (the provision of entertainment facilities)**

This refers to facilities provided for allowing people to take part in making music, in dancing and in similar activities. Where a public hall committee hires out a hall for use as a dance venue (an "entertainment facility") to the host and organiser of a private wedding the event may not be licensable unless the public hall committee are also managing or organising the provision of the entertainment for those attending (see Schedule 1, paragraphs 1(2) and (4) of the Licensing Act 2003).

**BOX I: Provisions of facilities for making music**

**BOX J: Provision of facilities for dancing**

**BOX K: Provision of facilities for entertainment of a similar description to that falling within (i) provision of facilities for dancing or (j) performance of dance**

**BOX L (the provision of late night refreshment)**

This covers the supply of hot food or drink between 11:00pm and 5:00am, although there are several exemptions. Hot drinks consisting of, or containing alcohol, should be authorised under the supply of alcohol, rather than late night refreshment.

A hot drink from a vending machine where the payment is inserted into the machine by the customer and the drink supplied directly by the machine is not licensable, but will be if a member of staff takes the money or serves the drink.

Free hot food or hot drink is not licensable, nor is that supplied by supplied a registered charity or by a person authorised by a registered charity.

Hot food or hot drink supplied on a vehicle, which is not permanently or temporarily parked at the time is also exempt.

There are also exemptions that apply to hotel guests, certain employees or particular trades or professions. Supplies of hot food or hot drink on or from premises already licensed under certain other Acts – for example, those used as "near beer" premises in London. If in doubt, you should contact your licensing authority.

**BOX M: (sale by retail of alcohol)**

This box should be completed if you wish to add the sale of alcohol to your activities or, if you already sell alcohol, change the hours when you are allowed to do so.

You need only refer to what you wish to change. If you wish people to be able to consume alcohol on the premises, please tick 'on'. If you wish people to be able to purchase alcohol to consume away from the premises, please tick 'off'. If you wish people to be able to do both, please tick 'both'.

**BOX N**

This asks you to give information about anything to occur at the premises or ancillary to the use of the premises which may give rise to concern in respect of children, for example (but not exclusively) nudity or semi-nudity, films for restricted age groups or gambling. You do not need to give details here of AWP machines. You do not complete this section if it does not apply to your premises, but rather than leave blank, it would be better to write 'none' or 'N/A' to be clear that you have considered this, rather than simply forgotten to complete the box.

**BOX O: Hours premises are open to the public.**

While this may include times where no licensable activities take place, it is important for responsible authorities, interested parties and the licensing authority to know how long your premises is open in addition to the times where licensable activities will take place. For example, it might be necessary and proportionate to ensure that licensable activities finish in good time before the premises closes to the public to allow orderly departure. However, this section cannot be used to change consumption hours or drinking up time.

**Do not complete this section if you are only converting your licence under part A - remember, no section of part B should be completed if you are not seeking a variation to your licence.**

**BOX P: Conditions, terms and restrictions to be removed**

This section allows you to state the conditions, terms or restrictions currently imposed on your current licence that you wish to be removed. For example, if you want to sell or supply alcohol for longer than the permitted hours under the 1964 Act you should have included these details in box M. However, if you wish to remove a condition that does

not seem relevant i.e. relating to sale or supply of alcohol where you will no longer be selling or supplying alcohol, you should include this in box P.

### **BOX Q: Steps to promote the licensing objectives**

You should consider carefully whether, because of your proposed variation, you need to take any **additional** steps to meet the licensing objectives set out in these sections. Don't forget that you should already be abiding by relevant legislation in other areas and may have conditions already attached to your licence. Your starting point should be compliance with these requirements. If you feel there is nothing further to do, then it is probably better to say that than leave these sections blank. If you feel there is nothing more to add then you might wish to write 'N/A' or something like 'nothing beyond existing Health and Safety/Fire Safety etc requirements'. This shows you have considered the objectives and come to a decision that you have nothing additional to do and not that you have forgotten to write anything in this section. Of course, if a responsible authority for one of the licensing objectives considers that you need to do more than the existing regimes, they will be able to make representations. If you have concerns, you may find it useful to talk to the relevant responsible authority before completing the form. Further information on responsible authorities is available from the DCMS website [www.culture.gov.uk](http://www.culture.gov.uk) or from your local authority licensing officer or website.

If you do intend to take additional measures, you should consider carefully what to include. Anything you put down here is likely to become a condition of your licence. Failure to meet those conditions would mean committing an offence under the Act. You should therefore think carefully about adding conditions to ensure that they are achievable, realistic, necessary, appropriate, proportionate and within your control. Base your response on a proper, common sense consideration of the risks and what you can realistically do to mitigate them.

Examples of possible conditions in relation to the four licensing objectives are included in the Guidance which the Secretary of State has issued to licensing authorities and are available from the DCMS website [[www.culture.gov.uk](http://www.culture.gov.uk)]. These are simply given as a pool of potential conditions which might be helpful for people to consider. They are not model conditions and in no way should be seen as standard conditions that should be applied to everyone.

In the 'General Box', list the additional steps you will take to promote all four licensing objectives together, for example, employing additional staff.

### **Part B3 – Premises Supervisor**

Give details of your DPS unless the variation does not concern the sale or supply of alcohol. If the DPS details are the same as in part A, you can simply state this in each box.

### **Checklist and declaration**

By ticking this list, you are making a declaration that you have carried out the listed actions. If you tick the boxes and do not carry out these actions, you may be making a false statement in relation to the application which is an offence which, on conviction, is liable to a fine of up to £5,000.

You should check that you have included all the required documentation and the correct fee. If your variation relates to the sale of alcohol, this should include a consent form signed by the proposed DPS.

You should copy all of the application (including part A) to the responsible authorities (which include the police), with the exception of part B3 (if relevant) which is only copied to the police.

#### **Do I have to include a plan with part B?**

If you are applying to vary at the same time as convert your licence, you must copy the whole applications (parts A&B) to the responsible authorities. This includes all documentation such as the plan to accompany part A. You may wish to submit another plan to show the effect of your planned variation but there is no requirement in the legislation to do so. It should be noted though, that where the variation requested may affect the plan of the premises, then it may be that the Responsible Authorities request a plan is provided to show the effect of the requested variation or that an updated plan is submitted to the Licensing Authority after the variation is granted. You may be able to show on the plan you have included with Part A any changes that would result if the variation were granted.

#### **Part B4 – Signatures**

The application form must be signed

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

Where there is more than one applicant, both applicants or their respective agents must sign the application form.

#### **DO NOT FORGET TO ENCLOSE THE CORRECT FEE**

Details on fees can be found in the relevant guidance note:  
[www.culture.gov.uk/alcohol\\_and\\_entertainment/fee\\_levels](http://www.culture.gov.uk/alcohol_and_entertainment/fee_levels)