

Minor Variations to premises licences or club premises certificates:

General

It is now possible to make small changes to your premises licence or club premises certificate through the minor variation process, which is cheaper, easier and quicker than the full variation process.

A minor variation is defined as one that could not impact adversely on 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.)

We expect that the process will be used for changes such as:

- small changes to the structure or layout of a premises;
- the addition of authorisation for late night refreshment or regulated entertainment (such as live music, performance of plays or film exhibitions);
- small changes to licensing hours (but see below on changes that relate to alcohol);
- revisions, removals and additions of conditions (this could include the removal or amendment of out of date, irrelevant or unenforceable conditions, or the addition of volunteered conditions).

The Minor Variations process **cannot** be used to:

- add the retail or supply of alcohol to a licence
- extend licensing hours for the sale or supply of alcohol at any time between 11pm and 7am;
- increase the amount of time on any day during which alcohol may be sold by retail or supplied;
- extend the period for which the licence or certificate has effect;
- transfer the licence or certificate from one premises to another, or vary substantially the premises to which it relates
- specify, in a premises licence, an individual as the premises supervisor;
- add the sale by retail or supply of alcohol as an activity authorised by a licence or certificate; or
- disapply the mandatory conditions relating to a designated premises supervisor (there is a separate process by which community premises can apply for this).

Fee

The fee for a minor variation is £89 and this must be included with your application.

Applying for a Minor Variation:

It is recommended that you discuss your application with your local licensing officer before completing the form.

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.

It is important to realise your application will be assisted by including as much information as you can. Therefore below is a list of information you may wish to include in your application:

- Variations to licensable activities/licensing hours
What are the licensable activities you wish to include on to your licence. All timings you give must be in 24 hour clock (e.g. 16.00). You should only give details for the days of the week when you intend the premises to be used for the activity.
- 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.

- Revisions, removals and additions of conditions
You can use the minor variation process to remove conditions which you think are out of date or invalid (as they are now irrelevant) and you may revise conditions which you consider are unclear (as long as the intention and effect remains the same).

You can also volunteer a new condition these must be agreed between yourself and a responsible authority, such as the police or the environmental health authority (subject to impact on the licensing objectives).

- Variations to opening hours
You should give details of any changes to hours when the premises or club is open to the public.

How your minor variation may have an impact on licensing objectives

You should also include a statement about why you consider the variations proposed could not have an impact on the licensing objectives. 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

Advertising the application

After you have sent your application to your local licensing authority for them to process, you must advertise your application locally.

Under the Minor variation process, you are not required to advertise the variation in a newspaper or circular or copy it to responsible authorities. However, **you must display it on a white notice** the notice must be displayed for a period of ten working days starting on the working day after the minor variation application was given to the licensing authority.

Role of licensing authorities

When the licensing authority receives your application they will consider whether the variation could impact adversely on the licensing objectives.

On receipt and whilst considering the application, the licensing authority will consult relevant responsible authorities if there is any doubt about the impact of the variation on the licensing objectives and if they need specialist advice, and take their views into account before reaching a decision (E.g. they may need to consult the environmental health officer on an application with possible public nuisance implications).

You should be aware that in the case of minor variations, there is no right to a hearing (as for a full variation or new application), but licensing authorities must take any relevant representations into account in arriving at a decision. (Representations are only relevant if they clearly relate to the likely effect of the grant of the variation on the promotion of at least one of the licensing objectives.

Interested parties (such as local residents) have ten working days from the 'initial day', i.e., the day after the application is received by the licensing authority, (this when your notice must be in place and available to be seen) to submit representations.

The licensing authority must wait until this ten working day period has elapsed before determining the application, but must do so at the latest within 15 working days, beginning on the first working day after the authority received the application, with effect either that:

- the minor variation is granted; or,
- the application is refused.

If the licensing authority fails to respond to you within 15 days your application will be treated as refused and the authority must return your fee.

However, you and the licensing authority may agree instead that the undetermined application should be treated as a new application and that the fee originally submitted will be treated as a fee for the new application.

Full Applications

If your application is **refused** and you **re-submit through the full variation process**, the full 28 days notification period will then apply from the date the new application is received and you should advertise the application and copy it to all responsible authorities in accordance with the regulations applicable to full variations.

The Statutory Guidance issued under s.182 is available on the Home Office website.

Completing the application form:

1. 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. 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.

4. 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.

5. Signatures: The application form must be signed.

6. 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.

7. 2nd Applicant: Where there is more than one applicant, both applicants or their respective agents must sign the application form.

8. 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.