

Minor Variations to premises licences or club premises certificates: guidance for applicants

General

It is 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.)

The process may 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 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- revisions, removals and additions of conditions (this could include the removal or amendment of out of date, irrelevant or unenforceable conditions, or the addition of volunteered conditions).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).

The Fee

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

Applying for a Minor Variation: The application form

The form for a Minor Variations application is substantially shorter than for a full variation. It is available from the Business Link website:

<http://www.businesslink.gov.uk/bdotg/action/home> or from the Home Office <http://www.homeoffice.gov.uk>. This form can be printed or filled in online.

You may also wish to discuss your application with your local licensing officer before completing the form.

When you are completing your application you will need to give a full detailed description of all the proposed variation(s) to your local Licensing Authority as **failure to provide sufficient information may lead to the refusal of your application**. 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 would 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

Then send your completed form to your local licensing authority

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

Advertising

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 other 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.

Any other persons (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 Amended Guidance issued under section 182 of the Licensing Act 2003 is available on the Home Office website. Chapter 8 relates to applications and variations.

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