

## **Licensing and Regulation Committee** **Members Information Sheet**

### **Licensing Act 2003 - Minor variations**

#### **Overview**

A minor variations procedure has been introduced in order to allow operators to make small changes to their premises licences. The procedure was introduced because the financial cost to operators of making minor amendments to their licences was found to be disproportionate in relation to the negligible impact such changes would have.

The minor variation regulations came into effect on 29 July 2009.

Only changes that will not undermine the licensing objectives are permitted under this procedure.

The Licensing Authority will consult with any relevant responsible authority and residents can make representations. There is however, no hearing, and decisions will be made by officers.

#### **What type of applications will be made under this process?**

It is envisaged that there will be 4 main types of minor variation application:

- Minor changes to the structure or layout of a premises
- Small adjustments to licensing hours
- Removal of irrelevant or unenforceable conditions or volunteering of conditions
- Adding certain licensable activities.

#### **What type of application cannot be included under this process?**

There are limitations to the type of application that be considered a minor variation. Those which cannot be considered include;

- Adding sale and supply of alcohol as an activity
- Increasing the amount of time during a day that alcohol may be sold.

## **The fee**

The fee per application is £83.

## **The application procedure**

Applications are made to the Licensing Authority on standard forms together with the fee. The applicant must advertise the application by displaying a white notice at the premises for 10 working days starting the day after the application is submitted. There is no requirement to advertise the application in a local newspaper and no requirement for the applicant to notify the responsible authorities.

## **The decision procedure**

On receipt of the application the Licensing Authority must first be satisfied that it meets the criteria to be a minor variation. If it does, the Licensing Authority must then consider if there could be any impact on the licensing objectives that would cause concern to any of the responsible authorities. If yes they must consult with the relevant authority. For example if the variation related to live music they may consult with the Environmental Noise Protection Section. Additionally the Licensing Authority must take into account any relevant representations from interested parties such as residents. If the authority feels that the application could have adverse impact on the licensing objectives they must reject the application. If they believe there is no adverse impact they must grant the application. The Licensing Authority cannot impose conditions however they may add any conditions that are volunteered by the applicant.

## **Timescale**

The Licensing Authority must process the application and determine it within 15 working days. If the Authority is unable to make a decision in this period the application is deemed rejected.

The first 10 working days of the 15 working day period constitutes a consultation period in which interested parties may make representations to the Licensing Authority. A determination cannot be made during the 10 day consultation period.

## **Delegation**

The Government's Guidance recommends that the Licensing Authority delegates decision making on all minor variation applications to licensing officers. This is because it is expected that only those applications that have no adverse effect on the licensing objectives will be granted. There is no provision in the regulations for hearings under the minor variation process. Stroud District Council's Constitution currently permits Officers to make decisions only where no representations are received; otherwise applications must be considered by a hearing panel. We are therefore seeking to amend the Constitution so that, in accordance with the Government's recommendations, Officers can make decisions on all minor variations. Until

this is resolved only the Licensing and Regulation Committee have delegated power to determine applications for a minor variation that attract representation. Once the delegations to Officers are in place there will be virtually no Councillor involvement in this decision-making process.

### **Role of responsible authorities**

There is no requirement for applicants to notify responsible authorities of their application. Instead, responsible authorities are involved at the request of the Licensing Officer responsible for determining the application.

The Guidance from the Secretary of State suggests that Licensing Officers “must consult relevant responsible authorities if there is any doubt about the impact of the variation on the licensing objectives and they need specialist advice, and take their views into account in reaching a decision.”

### **Role of interested parties (residents and other organisations/individuals)**

Interested parties may make representations based on the licensing objectives. Representations do not trigger a hearing under the minor variations process, but the Guidance states relevant representations must be into account in the decision-making process.

### **Options to the applicant where a minor variation application is rejected**

The applicant can submit a revised minor variation. Alternatively they can submit a full variation application which includes the full cost, advertising and representation process. In the case of a full variation that attracts relevant representation the application will go before the hearing panel for a decision.

### **Forms and Fact Sheets**

The application forms for minor variations have now been released by the Government and are available from Stroud District Council’s Licensing Section. The Section is also currently working on fact sheets and information for businesses to provide advice and assistance to those wishing to make minor variation applications. Once these are completed the forms and information will be available on the Licensing Pages of Stroud District Council’s website [www.stroud.gov.uk](http://www.stroud.gov.uk).

When the web pages are ready the link will be sent to all members for their information.

### **Further Information**

For further Information please contact us in the Licensing Section on the following numbers:

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