

## **Information Sheet - Licensing Act 2003**

### **Minor variations to Premises Licences and Club Premises Certificates**

#### **Overview**

A minor variations procedure has been introduced in order to allow operators to make small changes to their Premises Licences and Club Premises Certificates. Only changes that will not undermine the licensing objectives are permitted under this procedure.

The Licensing Objectives are:

- Prevention of crime and disorder
- Public nuisance
- Public safety
- Protection of children

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

There are 4 main types of minor variation application:

- Minor changes to the structure or layout of a premises (eg a repositioning of a bar counter that does not adversely effect staffs' view of the premises)
- Small adjustments to licensing hours (Cannot increase hours for alcohol)
- Removal of irrelevant or unenforceable conditions or volunteering of conditions
- Adding certain licensable activities. (Not alcohol)

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

There are limitations to the type of application that can be considered as a minor variation. Those which cannot be considered are:

- Extending the period where a licence has effect (This relates only to licences that are for a limited date period)
- Varying substantially the premises to which the licence relates
- Specifying a person as a designated premises supervisor
- Adding sale and supply of alcohol as an activity
- Authorising the sale of alcohol at any time between 11 pm and 7 am

- Increasing the amount of time during a day that alcohol may be sold.
- To include the alternative community premises condition in relation to sale of alcohol

### **What is the fee?**

The fee per application is £89. Cheques should be made payable to Stroud District Council.

### **How do I submit an application?**

Applications are made to the Licensing Section at Stroud District Council on the prescribed form together with the fee. Application forms are available from the Licensing Section. There is no requirement for the applicant to notify the responsible authorities. The application should include:

- The completed application form
- The fee
- The current Premises Licence Part A and Part B (If these cannot be provided, a statement explaining the reason should be made on the relevant part of the application form).
- A scale plan (If the application relates to changes to the original plans)

### **Advertising**

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. The white notice must be placed in a prominent position at or on the premises concerned where it can be conveniently read from the exterior of the premises. A blank notice is available from the Licensing Section. There is no requirement to advertise the application in a local newspaper

### **How does the Licensing Authority make its decision?**

On receipt of the application the Licensing Officers must first be satisfied that it meets the criteria to be a minor variation. If it does, the Licensing Officers must then consider if there would 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 Officers must take into account any relevant representations from other persons such as residents. If the officers then feel that the application could have adverse impact on the licensing objectives they must reject the application. There is no provision in the Act for a hearing by the Licensing Panel. If the Officers believe there is no adverse impact on the licensing objective they must grant the application. The Licensing Officers cannot impose conditions however they may add any conditions that are volunteered by the applicant.

## **Timescales**

The Licensing Authority must process the application and determine it within 15 working days starting the day after the application has been received.

The first 10 working days of the 15 working day period constitutes a consultation period in which other persons may make representations to the Licensing Authority and Officers can consult with any responsible authorities they feel may have concerns. A determination cannot be made during the 10 day consultation period.

If the Authority has failed to make a decision in the 5 working days after the consultation period, the application is then deemed rejected and the fee will be refunded to the applicant. In these circumstances, if the applicant and the licensing authority both agree, the minor variation can be resubmitted and the original fee carried across to the resubmitted application.

(NB - The fee is not refunded if the application has been considered and rejected by officers).

## **Full Variation**

If the a minor variation is not accepted because it does not meet the minor variation criteria or it has been considered and rejected because it may have impact on the licensing objectives; the applicant may submit a full variation which involves full advertising, a 28 consultation period and will go before a hearing panel if representations are received. Please contact the Licensing Section for forms and information on making a full variation application.

## **Where do I send the application?**

Applications should be submitted to Stroud District Council at the following address

The Licensing Section  
Stroud District Council  
Ebley Mill  
Westward Road  
Stroud  
Gloucestershire, GL5 4UB.

## **Contact Details**

For more information please contact the Licensing Section at Stroud District Council

Telephone	01453 754440
Email	<a href="mailto:licensing@stroud.gov.uk">licensing@stroud.gov.uk</a>
Web	<a href="http://www.stroud.gov.uk">www.stroud.gov.uk</a>