

Licensing Act 2003 - Minor Variation Guidance

The minor variation process can be used in the following circumstances:

- Minor changes to the structure or layout of a premises
- Small adjustments to licensing hours (but NOT to extend the hours for alcohol)
- Amending conditions: removing out of date, irrelevant or unenforceable conditions or adding new conditions
- Adding a licensable activity e.g. recorded music or late night refreshment

The application procedure

The fee for a minor variation is £89 and applications must be made in the prescribed format.

Applicants may volunteer additional or amended conditions that may arise from their own risk assessment, or following discussions with the responsible authorities or the licensing authority.

If the application is with regard to a change of layout then a revised plan must be enclosed.

A notice must also be placed on the premises to advertise application. This notice must be on white paper that is A4 or larger, and outline the details of the application, including a brief description of the proposed variation; name of the applicant or club; address of premises; and date by which an interested party may make representations. A template for the notice is available in request from the Licensing Department.

The notice must be displayed for 10 consecutive working days, starting the day after the day the application was given to the Licensing Authority.

There is no requirement to advertise the application in a local newspaper.

Timescale

The Licensing Authority must determine the application within 15 working days. This period begins the first working day following the date that the Licensing Authority receive the application.

The first 10 working days are the consultation period, when the licensing officer will consider the application and consult relevant responsible authorities, or receive relevant representation from other persons.

Determining minor variation applications

In determining a minor variation application, the licensing officer must consider if the proposed variation could impact adversely on any of the four licensing objectives. Officers have no power to impose conditions or amend the times for licensable activities and only conditions volunteered by the applicant can be added to the licence under the minor variations procedure.

Granted applications: the licensing authority will notify the applicant of any variation granted, together with the time that the variation will take effect.

Refused applications: the licensing authority will give notice to the applicant that the application has been refused, together with the reasons for the refusal.

Applicants whose minor variation has been refused, will be invited to pursue the changes requested using the full variation procedure.