

Licensing Act 2003 Premises Licence Minor Variation Procedure

As of the 29 July 2009 new legislation has been introduced to be included in the Licensing Act 2003. This legislation now allows premises licence and club premises certificate holders to apply for 'minor variations' to their licences in certain cases. For example, it is possible to make minor changes to the layout of a premise or to add some activities to a licence e.g. regulated entertainment, provided that the variation does not have an adverse effect on any of the licensing objectives.

However, this procedure may not be used to:

- extend the period for which the licence has effect
- vary substantially the premises to which it relates
- change the designated premises supervisor
- add the sale or supply of alcohol
- authorise the supply of alcohol at any time between 11.00 pm and 7.00 am, or
- authorise an increase in the amount of time on any day during which alcohol may be sold or supplied

Under this process the application must be made on the prescribed form and it will be necessary for the applicant to display a notice at the premises. A template notice and guidance on the requirements for its format are provided below.

The licensing authority must grant an application only if it considers that none of the variations proposed in the application could have an adverse effect on the promotion of any of the licensing objectives. In any other case the authority must reject the application. This procedure is in contrast to the normal procedure for the variation of a premises licence or club premises certificate, where the applicant must give notice of the application to each responsible authority, and where the application must be referred to a licensing hearing (consisting of councillors) in the event that a responsible authority or interested party makes a relevant representation.

Requirements for minor variation notices

For applications for minor variations to licences, the applicant is required to display a notice on the premises for a period of no less than 10 working days. This period starts on the day after the day on which the application was given to West Lindsey District Council.

The notice must be in all cases prominently displayed at or on the premises to which the application relates, where it can be conveniently read from the exterior of the premises. In the case of a premises covering an area of more than fifty metres square, a further notice in the same form and subject to the same requirements must be displayed every fifty metres along the external perimeter of the premises abutting any highway.

The notice to be displayed at the premises must:

- be of a size equal or larger than A4
- be on white paper
- be printed legibly in black ink or typed in black;
- contain a heading with a font of a size equal to or larger than 32
- have wording in the rest of the notice in a font size equal to or larger than 16

How long will it take to process my application?

Other persons have 10 working days from the 'initial day', that is, the day after the licensing authority receive the application, to submit representations. West Lindsey District Council must therefore wait until this 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 we received the application, with effect either that:

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

If we fail to respond to an applicant within 15 working days, the application will be treated as refused and we will return the fee to the applicant forthwith. However if agreed with the applicant, we may instead treat the undetermined application as a new application using the fee originally submitted.

Fee

Applications should be accompanied with the fee of £89.

Contact Details

Applications should be sent to:

The Licensing Team, West Lindsey District Council, Guildhall, Marshall's Yard, Gainsborough, Lincolnshire, DN21 2NA