



Guidance notes - Minor variations

Applicants should refer to the Home Office Revised Guidance issued under section 182 of the Licensing Act 2003, regarding the minor variation process.

Minor variations will generally fall into four categories:

- Minor changes to the structure or layout of the premises
- Small adjustments to licensing hours
- The removal of out of date, irrelevant or unenforceable conditions or addition of volunteered conditions
- And the addition of certain licensable activities

Fees

The fee per application is £89

Annual fees remain unaffected and fall due as per the original grant.

The application procedure

Applications are made to the licensing authority on correct application form. The timescale set out in the legislation is 15 working days. Day one is the "initial day", i.e. the first working day after the day the licensing authority receives the application. The licensing authority must then process the application, and determine it within 15 working days of the initial day. If the authority fails to determine the application within 15 working days, the application is deemed refused, and the fee will be returned to the applicant.

The first 10 working days of the 15 working day period constitute a consultation period in which 'Other Persons' may make representations to the licensing authority. A determination cannot be made during the 10 working day period, leaving the remaining 5 working days to determine the application.

If the application is rejected within the 15 days, the Licensing Authority retains the fee in the usual way.

The application must be advertised on a white notice at the premises for Ten consecutive working days, commencing on the day after the application is given to the Licensing Authority. The notice must comply with the requirements set out in regulation 26A of the Licensing Act 2003 (Premises licences and club premises certificates) Regulations 2005.

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

The applicants can volunteer conditions as part of the minor variations process. These conditions may arise from their own risk assessment of the variation, or from informal discussions with the responsible authorities or the licensing authority.

Hearings

There are **no hearings** under the minor variation process.

Role of responsible authorities

There is no requirement for applicants to notify responsible authorities of their application. Instead, responsible authorities are only involved at the request of the licensing officer. The Guidance 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 ‘Other Persons’

Other Persons may make representations based on the licensing objectives. Representations do not trigger a hearing under the Minor Variations process, but the Guidance states that licensing authorities must take any representations into account in arriving at a decision.

The key test is whether the proposed variation could impact adversely on any of the four licensing objectives.

Licensing officers have no power to impose conditions; only conditions volunteered by the applicant can be added to the licence under the minor variations procedure. The determination is therefore either to grant or to refuse an application.

Licensing Authority will notify the applicant of any variation granted, together with the time that the variation will take effect. This will usually be as stipulated in the application, but if the applicant stipulates a date before the notice of determination is given, the licensing authority will specify a later time in the notice.

The licensing authority must give notice to the applicant that the application has been refused, together with the reasons for the refusal.

Applications that have been rejected under the minor variations process can then be the subject of a full variation application, and the minor variations refusal does not affect any subsequent variation application in respect of the same premises.