

# Licensing Act 2003

## Guidance Note – Minor Variations



### Purpose

This guidance note is for premises licence holders who wish to apply to make minor variations to their premises licences.

### Scope

The minor variations process can only be used for variations that could have no adverse impact on the promotion of the licensing objectives.

It cannot be used to:

- Extend the period for which a licence has effect (i.e. a time limited licence)
- Transfer the licence from one premises to another
- Specify, in a premises licence, an individual as a premises supervisor.
- To add the sale by retail or supply of alcohol as an activity authorised by a premises licence
- To authorise the sale by retail or supply of alcohol at any time between 11pm and 7am
- To authorise an increase in the amount of time in any day during which alcohol may be sold by retail or supplied

You may like to use the minor variations process to make:

- Minor changes to the structure or layout of a premises
- Small adjustments to the licensing hours
- Removal of out of date, irrelevant or unenforceable conditions
- Addition of licensable activities

### Application Process

- Complete application form
- Attach plan
- Payment of the fee (£89)
- Place site notice at premises

Once the application form has been received by the Licensing Authority an officer will check the application form and any attachments to determine if the proposed variation meets the criteria for a minor variation. If there are any minor clerical errors on the form an officer will contact you to discuss them with you.

**If, at this preliminary stage, its obvious your application is outside of the scope of the minor variations process, your application will be returned to you with the fee and not taken any further.**

Once the application has been properly made, an acknowledgement letter will be sent to you detailing who the case officer is and confirming the consultation period during which you should display your notice.

### Advertisement

You must display a notice at or on your licensed premises. The notice must be displayed for 10 working days. A working day means Monday to Friday, not including Christmas Day, Good

Friday or Bank Holidays. The 10 days run from the day after the day we receive your application. Please contact us if you are unsure of the notice period.

The notice must be on white A4 paper, although it can be larger, with black lettering. The lettering must be at least in 16pt font. The title must be in 32pt font. Do not obscure the notice in any way or make it difficult to read. Others must be able to read the notice from outside your premises. If your premises is more than 50 metres square you must place a notice, identical to the one described above, every 50 metres along the external perimeter of your premises where it touches the highway.

If your premises is within a complex or its own grounds and the public will be unable to view the notice or notices from the exterior of the site then you should also display a notice at the nearest public thoroughfare (such as at the entrance to the complex/site) so the notice is easily read by the passing public.

When preparing your notices, please ensure they contain all of the prescribed information:

- The title "Licensing Act 2003: Minor Variation of Premises Licence" or "Licensing Act 2003: Minor Variation of Club Premises Certificate"
- A brief description of the proposed variation.
- Your, or your clubs, name
- The postal address of the premises, or club.
- The Council's postal address and web address.
- The date by which an interested party may make representations
- And a phrase which explains that it is an offence knowingly or recklessly to make a false statement in connection with an application and the maximum fine for this a person is liable on summary conviction for this offence.

A sample notice is available at the end of this document.

Once you have sent us your application one of our enforcement officers will visit your site to inspect the notices. If it is found that the notices or their positioning does not meet the requirements of the Act then we may ask you to redisplay the notices and we may reset your 10 working day notice period. Please feel free to contact us before you submit your application to clarify what our requirements will be in this regard so as to reduce the chances of this happening.

### **What happens next**

The licensing authority will forward a copy of your application to the relevant responsible authority who will assess whether your application could have an adverse impact on one or more of the licensing objectives. For example, Environmental Health will be asked to comment on any application which includes live music.

Furthermore, the licensing authority will make a judgement on the application taking into account the locality, times and nature of the licensable activities. Office systems will be used to check whether the premises have been subject to previous complaints or similar matters which may suggest the nature of the application could undermine the licensing objectives.

Interested parties, such as people living in the vicinity or local businesses, can make a representation to the council. The representation must be relevant to the application in question and relate to one or more of the licensing objectives.

At the end of the ten working day consultation period, the licensing authority will determine the application. In the absence of any relevant representation from interested parties, and provided the licensing authority and responsible authorities are satisfied the variation would not adversely impact on the licensing objectives, the application will be granted and the varied licence issued.

Should the council receive relevant representation or adverse concerns from responsible authorities, and the authority determines that in light of this information the variation would adversely impact on the licensing objective then the application will be rejected.

A notice will be supplied which will contain details as to why the application has been rejected. The minor variation process does not provide for a hearing before the licensing sub-committee and neither is there any appeal process.

From the notice you will be able to determine alternative options available. It could be that, after discussion with the responsible authority you are able to resubmit the minor variation application form with additional voluntary conditions that address those concerns.

Alternatively you may wish to follow the full variation process. This may attract similar representations which can then be considered at a hearing before the licensing sub-committee.

The entire process will take fifteen working days. If, for any reason, it takes longer than this the application will be refused and returned to you with the fee. However an officer will contact you beforehand to ask if you would like your application and fee to be resubmitted immediately.

## Payment

The fee for a minor variation is £89. We can accept payment by all major credit and debit cards at our St George House office. Please visit St George House, Great George Street, Leeds, LS1 3DL and report to our reception on the first floor. Please make cheques payable to Leeds City Council.



## Use of personal data

Leeds City Council is under a duty to protect the public funds it administers, and to this end may use the information you have provided on your application for the prevention and detection of fraud. It may also share this information with other bodies responsible for auditing or administering public funds for these purposes.

## Contact details and address to send application to:

Entertainment Licensing Section  
Leeds City Council  
Civic Hall  
Leeds  
LS1 1UR

Phone: 0113 247 4095  
Fax: 0113 224 3885  
Website: [www.leeds.gov.uk/licensing](http://www.leeds.gov.uk/licensing)  
Email: [entertainment.licensing@leeds.gov.uk](mailto:entertainment.licensing@leeds.gov.uk)

**This document should be used as a guidance tool. Only the courts can give an authoritative opinion on statute law.**

**Every effort has been made to ensure this document is both comprehensive and accurate but in an attempt to simplify the law omissions have been made. Please refer to the Licensing Act 2003 and associated regulations for full details of the law.**

**You should seek your own legal advice on the matters raised in this guidance note.**

# Licensing Act 2003: Minor Variation of Premises Licence

Notice is hereby given that I, **JOHN SMITH**, have made an application under Section 41A of the Licensing Act 2003 to make a minor variation to the Premises Licence held in respect of the premises known as:

**THE RAT AND DRAINPIPE, LEEDS ROAD, LS2 1AA**

I intend to vary the licence as follows:

- Add recorded music 11:00 to 23:00 Monday to Sunday
- Make structural alterations by moving the bar from the north end of the saloon bar to the western end and creating a disabled toilet accessible from the public bar

Interested parties (within the meaning of the Act) may make written representations to Leeds City Council about this application until **10<sup>th</sup> March 2009** which should be sent to the following address:

Entertainment Licensing Section  
Leeds City Council  
Civic Hall  
Leeds, LS1 1UR

For full details and to view a copy of the application please contact Entertainment Licensing on 0113 247 4095 or email [entertainment.licensing@leeds.gov.uk](mailto:entertainment.licensing@leeds.gov.uk)

**It is an offence to knowingly or recklessly make a false statement in connection with an application and the maximum fine for which a person is liable on conviction for this offence is a fine not exceeding £5,000**

# Licensing Act 2003: Minor Variation of Club Premises Certificate

Notice is hereby given that **Leeds Road Working Mens Club** have made an application under Section 86A of the Licensing Act 2003 to make a minor variation to the Club Premises Certificate held in respect of the premises known as:

**LEEDS ROAD WORKING MENS CLUB, LEEDS ROAD, LS2 1AA**

I intend to vary the licence as follows:

- Add recorded music 11:00 to 23:00 Monday to Sunday
- Make structural alterations by moving the bar from the north end of the saloon bar to the western end and creating a disabled toilet accessible from the games room

Interested parties (within the meaning of the Act) may make written representations to Leeds City Council about this application until **10<sup>th</sup> March 2009** which should be sent to the following address:

Entertainment Licensing Section  
Leeds City Council  
Civic Hall  
Leeds, LS1 1UR

For full details and to view a copy of the application please contact Entertainment Licensing on 0113 247 4095 or email [entertainment.licensing@leeds.gov.uk](mailto:entertainment.licensing@leeds.gov.uk)

**It is an offence to knowingly or recklessly make a false statement in connection with an application and the maximum fine for which a person is liable on conviction for this offence is a fine not exceeding £5,000**