

## **LICENSING ACT MINOR VARIATIONS**

### **RECOMMENDATION**

- 1.1 To consider the details within the report.
- 1.2 To recommend to Council the delegation of the decision making for minor variations to designated Licensing Officers.

### **SUPPORTING INFORMATION**

- 2.1 The minor variation procedure was introduced on 29 July 2009. The purpose of the procedure is to allow operators to make small changes to their Premises Licence or Club Premises Certificate and to allow community centres to make an application to dis-apply the usual mandatory conditions that relate to Personal Licence holders and Designated Premises Supervisors.
- 2.2 In relation to Premises Licences and Club Premises Certificates, only changes that would not undermine the licensing objectives are permitted.
- 2.3 It is envisaged that four types of applications will be made under the minor variation procedure:
  - Minor changes to structural layout
  - Small adjustments to licensing hours
  - Removal of irrelevant or unenforceable conditions or the volunteering of conditions
  - The addition of certain licensable activities
- 2.4 The extension of hours for the sale or supply of alcohol on or off the premises between the hours of 11.00pm and 7.00am or the increase of time on any day when alcohol may be sold or supplied are specifically excluded from the minor variation process.
- 2.5 Applications are made to the Licensing Authority on standard forms. The applicant is required to advertise the application at the premises,

but there is no requirement to notify Responsible Authorities or advertise the application in a local newspaper. Advertisements at the premises, as with full applications, should be of a specified size and placed in a window or other location visible from the pavement (where possible).

- 2.6 When considering the application, the Licensing Authority would have to consider whether the variation could adversely impact on the licensing objectives and consult with Responsible Authorities if in doubt about the impact a minor variation may have.
- 2.7 The Licensing Authority may not add conditions to the licence under the minor variation process, but the applicant can volunteer conditions following informal discussions with Responsible Authorities or the Licensing Authority.
- 2.8 The Licensing Authority must consider any relevant representations from interested parties when making their decision.
- 2.9 Interested parties have 10 days from the day after the application is received by the licensing authority to submit their representations.
- 2.10 The licensing authority must either grant or refuse the licence within 15 days from the first working day after the application is received.
- 2.11 The government recommends that the decision making process for minor variations is delegated to Licensing Officers. Although agreeing with this, Licensing Managers in Derby are proposing that such decisions are only made by a designated senior officer (Licensing Manager, Head of Service, Assistant Director or other specified competent officer) and competency criteria for this designation, based on appropriate training and experience will need to be established.
- 2.12 If an application is refused, it can be re-submitted through the full variation process.

<b>For more information contact:</b>	Sandra Mansell on 01332 64193, <a href="mailto:sandra.mansell@derby.gov.uk">sandra.mansell@derby.gov.uk</a>
<b>Background papers:</b>	None
<b>List of appendices:</b>	Appendix 1 – Implications

## APPENDIX 1

### IMPLICATIONS

#### Financial

- 1.1 If the application is refused, the applicant will forfeit the fee. Should they wish to re-apply for a variation of the premise license at a later date a fresh fee will have to be paid.
- 1.2 If the Licensing Authority fails to respond to the applicant within 15 working days, the application will be treated as refused and the fee must be returned.
- 1.3 If the Licensing Authority and the applicant agree that the undetermined application should be treated as a new application the fee can be used as a fee for a new application.

#### Legal

- 2.1 If the Scheme of Delegations delegates a function to an officer on a specified tier, the same powers are deemed to be vested to that officer's relevant senior officer/manager within the hierarchical structure.

#### Personnel

- 3.1 None directly arising.

#### Equalities Impact

- 4.1 None directly arising.

#### Corporate objectives and priorities for change

- 5.1. The introduction of the minor variation process and the delegation to officers to determine these contribute to the Council's objectives of **creating a 21<sup>st</sup> Century city centre** and **giving excellent service and value for money.**