

APPLYING FOR A MINOR VARIATION

INTRODUCTION

This process can be used to make minor variations to existing Premises Licences and Club Premises Certificates issued under the Licensing Act 2003. The Home Office has published revised Statutory Guidance to Licensing Authorities.

The Statutory Guidance envisages 4 main types of minor variation application:

- Minor changes to the structure or layout of a premises.
- Small adjustments to licensing hours.
- Conditions: removal of irrelevant or unenforceable conditions.
- Licensable activities: adding certain licensable activities, including live music.

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

We strongly advise applicants to speak to us before making formal application. We can provide guidance on the suitability of your proposals for this type of variation.

FEES

The fee per application is £89.

Annual fees (where applicable) are unaffected and still fall due on the anniversary of the date of first grant of the licence.

APPLICATION PROCEDURE

Applicants will need to complete an 'Application for a minor variation to a premises licence or club premises certificate under the Licensing Act 2003', and include the following:

- A plan of the premises – where necessary (see below).
- The fee.
- The Premises Licence.
- The application must be advertised (see below).

Application forms are available on our Business Licence pages at www.n-kesteven.gov.uk or by contacting the licensing team at the address below.

THE PLAN

A plan of the premises will be required if the proposed variation will affect the layout of the premises, the plan does not have to be to scale but the information contained therein must be clear and legible in all material respects and should include the following details:

- the extent of the boundary of the building, if relevant, and any external and internal walls of the building and, if different, the perimeter of the premises;
- the location of points of access to and egress from the premises;
- if different from the sub-paragraph above the location of escape routes from the premises;
- in a case where the premises is to be used for more than one licensable activity, the area within the premises used for each activity;
- fixed structures (including furniture) or similar objects temporarily in a fixed location (but not furniture) which may impact on the ability of individuals on the premises to use exits or escape routes without impediment;
- in a case where the premises includes a stage or raised area, the location and height of each stage or area relative to the floor;
- in a case where the premises includes any steps, stairs, elevators or lifts, the location of the steps, stairs, elevators or lifts;
- in the case where the premises includes any room or rooms containing public conveniences, the location of the room or rooms;
- the location and type of any fire safety and any other safety equipment;
- the location of a kitchen, if any, on the premises.

The plan should include a key through which the matters mentioned or referred to are sufficiently illustrated by the use of symbols on the plan.

ADVERTISING THE APPLICATION

The application must be advertised on a white notice at or on the premises. The notice must be A4 or larger, and contain basic details such as a brief description of the proposed variation(s); name of the applicant or club; address of premises; and date by which any person party may make representations. The notice must be prominently displayed so that it can be conveniently read from the exterior of the premises. There is no requirement for the applicant to advertise the application in a local newspaper.

The title section must be in font size 32 and the body of the notice in font size 16. An example of a notice is attached at the end of this guidance.

REPRESENTATIONS

The application process takes 15 working days, starting on the day after the day on which the application is given to us. During the first 10 days we must consult relevant Responsible Authorities if there is any doubt about the impact of the variation on the licensing objectives and take their views into account in reaching a decision. We may also receive representations from any other persons during this 10 day period. Licensing officers will determine the application during the last 5 working days.

Applicants can volunteer conditions as part of the minor variations process, whether from their own risk assessment of the variation, or from informal discussions with the responsible authorities or the licensing authority. 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. There is no provision for a formal Hearing under this process.

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

CHANGES TO THE PROVISION OF REGULATED ENTERTAINMENT

Regulated entertainment is:

- Performance of a play
- Exhibition of a film
- Indoor sporting events
- Boxing or wrestling entertainment
- Performances of live music
- Playing of recorded music
- Performances of Dance

In terms of specific regulated entertainments please note that:

- Plays: no licence is required for performances between 08:00 and 23.00 on any day, provided that the audience does not exceed 500.
- Films: no licence is required for 'not-for-profit' film exhibition held in community premises between 08.00 and 23.00 on any day provided that the audience does not exceed 500 and the organiser (a) gets consent to the screening from a person who is responsible for the premises; and (b) ensures that each such screening abides by age classification ratings.
- Indoor sporting events: no licence is required for performances between 08.00 and 23.00 on any day, provided that the audience does not exceed 1000.
- Boxing or Wrestling Entertainment: no licence is required for a contest, exhibition or display of Greco-Roman wrestling, or freestyle wrestling between 08.00 and 23.00 on any day, provided that the audience does not exceed 1000. Combined fighting sports – defined as a contest, exhibition or display which combines boxing or wrestling with one or more martial arts – are licensable as a boxing or wrestling entertainment rather than an indoor sporting event.
- Live music: no licence permission is required for:
 - a performance of unamplified live music between 08.00 and 23.00 on any day, on any premises.
 - a performance of amplified live music between 08.00 and 23.00 on any day on premises authorised to sell alcohol for consumption on those premises, provided that the audience does not exceed 500.
 - a performance of amplified live music between 08.00 and 23.00 on any day, in a workplace that is not licensed to sell alcohol on those premises, provided that the audience does not exceed 500.
 - a performance of amplified live music between 08.00 and 23.00 on any day, in a church hall, village hall, community hall, or other

- similar community premises, that is not licensed by a premises licence to sell alcohol, provided that (a) the audience does not exceed 500, and (b) the organiser gets consent for the performance from a person who is responsible for the premises.
- a performance of amplified live music between 08.00 and 23.00 on any day, at the non-residential premises of (i) a local authority, or (ii) a school, or (iii) a hospital, provided that (a) the audience does not exceed 500, and (b) the organiser gets consent for the performance on the relevant premises from: (i) the local authority concerned, or (ii) the school or (iii) the health care provider for the hospital.
- Recorded Music: no licence permission is required for:
 - any playing of recorded music between 08.00 and 23.00 on any day on premises authorised to sell alcohol for consumption on those premises, provided that the audience does not exceed 500.
 - any playing of recorded music between 08.00 and 23.00 on any day, in a church hall, village hall, community hall, or other similar community premises, that is not licensed by a premises licence to sell alcohol, provided that (a) the audience does not exceed 500, and (b) the organiser gets consent for the performance from a person who is responsible for the premises.
 - any playing of recorded music between 08.00 and 23.00 on any day, at the non-residential premises of (i) a local authority, or (ii) a school, or (iii) a hospital, provided that (a) the audience does not exceed 500, and (b) the organiser gets consent for the performance on the relevant premises from: (i) the local authority concerned, or (ii) the school proprietor or (iii) the health care provider for the hospital.
 - Dance: no licence is required for performances between 08.00 and 23.00 on any day, provided that the audience does not exceed 500. However, a performance which amounts to adult entertainment remains licensable.
 - Cross activity exemptions: no licence is required between 08.00 and 23.00 on any day, with no limit on audience size for:
 - any entertainment taking place on the premises of the local authority where the entertainment is provided by or on behalf of the local authority;
 - any entertainment taking place on the hospital premises of the health care provider where the entertainment is provided by or on behalf of the health care provider;
 - any entertainment taking place on the premises of the school where the entertainment is provided by or on behalf of the school proprietor; and
 - any entertainment (excluding films and a boxing or wrestling entertainment) taking place at a travelling circus, provided that (a) it takes place within a moveable structure that accommodates the audience, and (b) that the travelling circus has not been located on the same site for more than 28 consecutive days.

There are some other exemptions when a licence for regulated entertainment is not needed, they are:

- Activities which involve participation as acts of worship in a religious context.
- Activities in places of public religious worship.
- Education – teaching students to perform music or to dance.
- The demonstration of a product – for example, a guitar – in a music shop.
- The rehearsal of a play or performance of music for a private audience where no charge is made with a view to making a profit.
- Morris dancing (or similar).
- Incidental music – the performance of live music or the playing of recorded music if it is incidental to some other activity.
- Incidental film – an exhibition of moving pictures if it is incidental to some other activity.
- A spontaneous performance of music, singing or dancing.
- Garden fetes – or similar if not being promoted or held for purposes of private gain.
- Films for advertisement, information, education or in museums or art galleries.
- Television or radio broadcasts – as long as the programme is live and simultaneous.
- Vehicles in motion – at a time when the vehicle is not permanently or temporarily parked.
- Games played in pubs, youth clubs etc. (e.g. pool, darts and table tennis).
- Stand-up comedy.
- Provision of entertainment facilities (e.g. dance floors).

What does “incidental” mean?

This is sometimes a difficult area and if you are unsure you should contact us for advice. Examples of “incidental” entertainment are:

- A supermarket playing background music (people go there to shop – the music is not an influencing factor);
- Music during keep fit classes (people are there to exercise);
- Salsa dance classes (people are there to learn to dance);
- A pub jukebox playing in the background (people are there to drink, the music is not an influencing factor).

CONTACT US

IF YOU HAVE UNANSWERED QUESTIONS ABOUT MINOR VARIATIONS PLEASE CONTACT US BY:

Visiting the Council’s website www.n-kesteven.gov.uk or telephone the Licensing Team on 01529 414155 or e-mail licensingteam@n-kesteven.gov.uk. Alternatively you can also make an appointment with an officer of the Licensing team.

The Licensing Team
North Kesteven District Council
District Council Offices
Kesteven Street
Sleaford
Lincolnshire
NG34 7EF

PLEASE NOTE THAT THE INFORMATION CONTAINED IN THIS GUIDANCE DOCUMENT IS THE LICENSING AUTHORITY'S UNDERSTANDING OF THE CURRENT LEGISLATION. APPLICANTS ARE STRONGLY ADVISED TO SEEK ADVICE FROM A QUALIFIED PROFESSIONAL

Over/

Example of "Premises Notice"

Public Notice

Licensing Act 2003: Minor Variation of Premises Licence

I/We (1)

Do hereby give notice that I/we have applied to the Licensing Authority at North Kesteven District Council for a minor variation to the Premises Licence/Club Registration(2) Certificate at(3)

The application is to:- (4)

Any person wishing to make representations to this application may do so by writing to the Council Licensing Team, Kesteven Street, Sleaford. NG34 7EF. or by email to;

licensingteam@n-kesteven.gov.uk not later than (5)

Representations received after this date cannot be considered.

A copy of the application can be viewed at the Council Offices, Kesteven Street. Sleaford, during normal office hours.

It is an offence for anyone knowingly or recklessly to make a false statement in connection with a licence application. Those who make a false statement may be liable on summary conviction to a fine of any amount.

Signed:

Applicant / on behalf of the applicant

Dated:

(Note: This notice must be prominently displayed on the premises to which it relates where it can be seen by members of the public for 10 working days starting on the day after the day on which the application was given to North Kesteven District Council)

(1) *Insert name of applicant (normally holder of Premises Licence or club Premises Certificate)*

(2) *Delete that not applicable*

(3) *Insert name and postal address of premises*

(4) *Insert brief description of proposed variation*

(5) *Insert date 10 working days after the date the application is given to the Local Authority*