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 or 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.nkesteven.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 LIVE MUSIC AND ENTERTAINMENT**

As a result of the amendments to the 2003 Act by the Live Music Act 2012 Act ("2012 Act") and subsequent amendment Orders, Live Music and some other forms of entertainment are no longer licensable activities between certain times and subject to the criteria detailed below.

**Live Music Anywhere**

The Act says that live unamplified music provided anywhere shall not be regarded as regulated entertainment if it takes place between 8am and 11pm, regardless of the number of people in the audience.

**Live Music in Licensed Premises**

The Act suspends live music related conditions from the licence if the following criteria are satisfied:

- There is a premises licence or club premises certificate in place permitting “on sales”;
- The premises are open for the sale or supply of alcohol for consumption on the premises;
- Live music is taking place between 8am and 11pm;
- If the live music is amplified, the audience consists of no more than 200 people.

Live amplified music is no longer classed as regulated entertainment if the above criteria are satisfied.

The 2012 Act also removes the need to licence entertainment facilities completely – regardless of time or audience size. This means that dance floors, microphone stands, pianos made available for use by the public etc. are not licensable from 1 October 2012.

**Changes to Regulated Entertainment – Summary**

No licence is required for the following activities to the extent that they take place between 8am and 11pm on any day:

- a performance of a play in the presence of any audience of no more than 500 people;
- an indoor sporting event in the presence of any audience of no more than 1,000 people;
- performances of dance in the presence of any audience of no more than 500 people; and
- live music, where the live music comprises:
  - a performance of unamplified live music;
- a performance of live amplified music in a workplace with an audience of no more than 200 people; or
- a performance of live music on alcohol licensed premises which takes place in the presence of an audience of no more than 200 people, at a time when the premises are open for the purpose of being used for the supply of alcohol for consumption.

Please contact us if you have any questions about the changes to the Live Music and Entertainment provisions.

**CONTACT US**

IF YOU HAVE UNANSWERED QUESTIONS ABOUT THE LICENSING ACT THEN 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
Environment and Public Protection
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 knowingly or recklessly to make a false statement in connection with this application, the maximum fine on summary conviction being £5,000.

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