



GUIDANCE FOR APPLICANTS

For applications for minor variation
of a premises licence

under *Section 41A to 41C* of the

Licensing Act 2003

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GUIDANCE FOR APPLICANTS

Minor variation of a Premises Licence under the Licensing Act 2003

1. INTRODUCTION

This guidance is for existing premises licence holders seeking to make an application for minor variation(s) to their premises licence in accordance with sections 41A to 41C of the Licensing Act 2003. The procedure generally applies to -

- (a) minor changes to the structure or layout of a premises,
- (b) small adjustments to licensing hours,
- (c) the removal of out of date, irrelevant or unenforceable conditions; or
- (d) the addition of volunteered conditions; and
- (e) the addition of certain licensable activities.

However, by law, the minor variations process cannot be used for any of the following for which separate guidance and procedures apply; namely to -

- (a) extend the period for which the licence has effect;
- (b) transfer the licence from one premises to another;
- (c) vary substantially the premises to which it relates;
- (d) specify, in the premises licence, an individual as the premises supervisor;
- (e) add the retail sale or supply of alcohol as an activity authorised by the licence;
- (f) authorise the retail sale or supply of alcohol between 23:00pm and 07:00am;
- (g) authorise an increase in the amount of time on any day during which alcohol may be sold by retail or supplied; or
- (h) include the alternative condition regarding the supervision of alcohol sales.

NB: In all cases, the minor variations process should only be used for variations that have no adverse impact on the promotion of any of the four licensing objectives (see below). Any other changes require an application to vary under section 34 of the Act.

2. MAKING AN APPLICATION

For all applications for minor variation of an existing Premises Licence, the following documents and submissions and completing the actions specified. Unless otherwise stated, all documents must be original, as photocopies will **NOT** be accepted.

Please note that applications that do not meet the criteria detailed below may be deemed invalid and/or rejected.

(a) Application Form

Applications must be made in the form and contain the information set out in Schedule 4B of the Licensing Act 2003 (Premises Licences and Club Premises Certificates) (Miscellaneous Amendments) Regulations 2009 (Statutory Instrument 2009 No.1809).

(b) Prescribed Documents

(1) Licence Documents

The application must be accompanied by the relevant premises licence (and, where appropriate, the summary document) which the application seeks to vary.

(2) Plan(s) of the Premises

Where the proposed variation(s) affect the layout of the premises, the application must also be accompanied by a plan of the premises.

Where necessary, the plan of the premises **must** be drawn in the standard scale 1:100 and **must** show the following features:

- (a) The extent of the boundary of the building, if relevant and any external walls of the building and, if different, the perimeter of the premises;
- (b) The location of points of access to and egress from the premises;
- (c) The location of escape routes from the premises;
- (d) The area within the premises to be used for each licensable activity;
- (e) Fixed structures (including furniture) or similar objects temporarily in a fixed location which may impact on the ability of individuals on the premises to use exists or escape routes without impediment;
- (f) Where appropriate, the location and height of any stage or raised area relative to the floor;
- (g) Where appropriate, the location of any steps, stairs, elevators or lifts;
- (h) Where appropriate, the location of any room or rooms containing public conveniences;
- (i) The location and type of any fire safety and any other safety equipment; and
- (j) The location of a kitchen, if any, on the premises.

Plans may include a legend through which the matters referred to above are sufficiently illustrated by the use of symbols on the plan.

(c) Advertisement of applications

In all cases, an application for minor variation of a Premises Licence must be advertised by the person making the application by displaying a notice at or on the premises. This notice must be A4 or larger in size, white in colour and located in a prominent position where it can be conveniently read from the exterior of the premises.

The notice must be printed legibly (font size 16 or larger) in type or black ink and be entitled 'Licensing Act 2003: Minor variation of premises licence' in a font size equal to or larger than 32.

Notices must be displayed for a period of 10 (ten) consecutive **working** days beginning with the first working day after the day on which the application is given to the licensing authority.

An A4 notice must be displayed at least every 50m where the premises has an external perimeter longer than 100m which is accessible by the public.

All notices must contain a brief description of the proposed variation(s) **and** must, in addition, contain/state the following:

- (a) The name of the applicant;
- (b) the postal address of the premises concerned;
- (c) the postal address and website of the relevant licensing authority (in this case Rushmoor Borough Council), stating where and when the record of the application on the licensing register may be inspected;
- (d) the date by which an interested party may make representation(s) to the licensing authority and that all such representations must be made in writing; and
- (e) That it is an offence to knowingly or recklessly to make a false statement in connection with an application together with the maximum fine for which a person is liable on summary conviction.

The licensing authority may check to ensure that applications have been advertised in the correct manner. Failure to advertise the application in the prescribed manner may render the application invalid.

(d) Fee(s) & Charges

All applications for minor variation of a Premises Licence must be accompanied by the prescribed fee.

All cheques and/or postal orders should be made payable to RUSHMOOR BOROUGH COUNCIL.

3. WHAT HAPPENS NEXT

On receipt, your application for minor variation of a premises licence will be allocated to one of the Council's licensing officers. The licensing officer will check to ensure that the application is valid and has been satisfactorily completed i.e. all the relevant information and documentation has been provided. The licensing officer will also check to ensure the application has been advertised correctly.

(a) What will happen if we identify a problem?

If there is a relatively minor problem with the application, the licensing officer may contact you for further information or may return the application (or part of it) to you for your attention as may be appropriate. Where there is a fundamental error, the application may be rejected.

(b) Why do we check whether the application has been advertised?

By law, any application for a minor variation of a premises licence must be advertised in the prescribed manner. Failure to advertise the application correctly may render the application invalid because people may not know that an application has been made and may miss the(ir) opportunity to make representation(s). For this reason, we will check that the application has been advertised correctly (see above).

(c) What happens following validation?

On receipt of a valid application for minor variation, we will consider whether the proposed variation could adversely impact on the licensing objectives. The licensing objectives are:-

- (a) the prevention of crime and disorder;
- (b) the prevention of public nuisance;
- (c) ensuring public safety; and
- (d) the protection of children from harm.

(d) Consultation with the Responsible Authorities

If there is any doubt, we may consult with one or more (but not necessarily all) of the 'responsible authorities' and must subsequently take their views into account in deciding whether the proposed variation adversely impacts on the licensing objectives.

The '*responsible authorities*' are specifically defined and include the local Police, Fire Authority, Planning Authority, the relevant Health & Safety Enforcing Authority, Environmental Health, Trading Standards and Social Services. A full list of responsible authority contact details is given below.

RESPONSIBLE AUTHORITIES – CONTACT DETAILS

| RESPONSIBLE AUTHORITY | CONTACT DETAILS |
|---|--|
| 1. Hampshire Constabulary www.hampshire.police.uk | C/o Admin Office, Aldershot Police Station, Wellington Road Aldershot, Hampshire GU11 1NZ. Telephone: 01256 406414 (Admin), 07748 428906 (Technical) Email: northandeast.licensing@hampshire.pnn.police.uk |
| 2. Hampshire Fire & Rescue Service www.hantsfire.gov.uk | C/o Technical Fire Safety Group North West Ham Close, Basingstoke, Hampshire RG22 6PH Telephone: 01256 818881, Fax: 01256 818889 Email: fs.adminnorth@hantsfire.gov.uk |
| 3. The Environmental Health Manager (Pollution Control) Rushmoor Borough Council www.rushmoor.gov.uk | C/o Environmental Health Services Council Offices, Farnborough Road, Farnborough, Hampshire GU14 7JU Telephone: 01252 398398, Fax: 01252 524017 Email: pollutionlicensing@rushmoor.gov.uk |
| 4. C/o The Planning Authority Rushmoor Borough Council www.rushmoor.gov.uk | C/o The Planning Officer, Planning Services Council Offices, Farnborough Road, Farnborough, Hampshire GU14 7JU Telephone: 01252 398398, Fax: 01252 524017 Email: PLAN@rushmoor.gov.uk |
| 5. C/o The Principal Health & Safety Officer Rushmoor Borough Council www.rushmoor.gov.uk | C/o Environmental Health Services Council Offices, Farnborough Road, Farnborough, Hampshire GU14 7JU Telephone: 01252 398398, Fax: 01252 524017 Email: healthandsafetylicensing@rushmoor.gov.uk |
| 6. Health & Safety Executive & The Employment Medical Advisory Service www.hse.gov.uk | C/o Priestley House Priestley Road, Basingstoke RG24 9MW Telephone: 01256 404000, Fax: 01256 404100 Email: eselicensing@hse.gsi.gov.uk |
| 7. The Safeguarding Unit C/o Hampshire County Council www.hants.gov.uk | C/o Clarendon House, Monarch Way, Winchester, SO22 5PW Telephone: 01962 876222 Email: child.protection@hants.gov.uk |
| 8. C/o The Head of Safety and Standards Trading Standards Service www.hants.gov.uk/regulatory/ | C/o Hampshire County Council Trading Standards Montgomery House, Monarch Way, Winchester Hampshire SO22 5PW Telephone: 01962 833620, Fax: 01962 833699 Email: liquor.licensing@hants.gov.uk |
| 9. The Public Health Manager National Health Service | C/o The Public Health Manager NHS Hampshire HQ, Omega House, 112 Southampton Road, Eastleigh, Hampshire, SO50 5PB Telephone: 023 8062 7639 Email: licensing@hampshire.nhs.uk |
| 10. C/o The Licensing Authority Rushmoor Borough Council | C/o The Licensing Team, Council Offices, Farnborough Road, Farnborough, Hampshire, GU14 7JU Telephone: 01252 398855, Fax: 01252 398088 Email: licensing@rushmoor.gov.uk |

(e) Consideration of relevant representations

We will also consider and take into account any 'relevant representation(s)' made by any other person.

To be 'relevant', representations must be about the likely effect of the grant of the application on the promotion of the licensing objectives. To be considered, representations must be received within ten working days, beginning on the first working day after the day on which we receive the application.

NB: Normally, where we receive relevant representations, a hearing must be held to determine applications made under the Licensing Act (unless all parties agree a hearing is not necessary). However, in the case of applications for minor variation(s), there is no right to a hearing (as for the full variation procedure).

(f) Determination of the application

We will normally refuse the application if the authority considers that the minor variation(s) proposed (whether considered separately or together (if more than one)) have an adverse effect on the promotion of the licensing objectives. However, if we consider that the proposed variation(s) could not have an adverse effect on one or more of the licensing objectives, the proposed variation(s) will be granted as sought.

(g) How long will it take us to determine your application?

We aim to process applications for minor variation of a premises licence within a period of 15 working days (beginning on the first working day after the day on which we receive the application). However, because we deal with a large number of licence applications, permits and other authorisations, it can sometimes take us a little longer.

NB: If we have not determined the application within this time, the law treats it as having been refused.

(h) What happens if your application is refused?

If the application is deemed refused because we have not determined it within the fifteen working days permitted, you are entitled to a full refund of the fee(s) paid. However, if this is due to an error or fault on our part, we can, with your agreement, treat the application as a new application (i.e. from the date of agreement) and/or treat the fee originally submitted as the fee for any new application.

If, after consideration of relevant representations (or comments of the responsible authorities) we refuse the application on determination, we will inform you of our decision in writing, together with the reason(s) for refusal and your rights of appeal, what you need to do to appeal and the time in which you have to do it should you choose to do so. In these cases, there is no fee refund.

(i) What happens if your application is granted?

Where an application for minor variation is granted, we will advise you by notice of grant that tells you about any variation of the premises licence which is to have effect as a result of the application and the date / time at which that variation takes effect. We will also amend your premises licence documents in light of the approved variation(s) and return these to you with the grant notice.

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