

## **Licensing Act 2003**

### **Application for a minor variation to a premises licence or club premises certificate guidance notes**

This document is intended to give general guidance on how to make a minor variation application for a Premises Licence or Club Premises Certificate under the Licensing Act 2003.

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## What is a minor variation?

Minor variations will generally fall into the following four categories:

- i) Minor changes to the structure or layout of a premises;
- ii) Small adjustments to licensing hours;
- iii) The removal of out of date, irrelevant or unenforceable conditions or addition of volunteered conditions; and,
- iv) The addition of certain licensable activities.

However, the following cases cannot be applied for under a minor variation and must be treated as a full variation without exception:

- i) extend licensing hours for the sale or supply of alcohol for consumption on or off the premises between the hours of 23.00 and 07.00; or
- ii) to increase the amount of time on any day during which alcohol may be sold or supplied for consumption on or off the premises

Applications to reduce licensing hours for the sale of alcohol or to move (without increasing) the licensed hours between 07.00 and 23.00 will be normally classed as minor variations.

## How do I make my application?

The application is made to the licensing authority for the area in which the premises are situated. The following must be provided in order that your application may be accepted for processing:

- **The completed application form**
- **Application Fee (the fee for this application is £89.00).**
- **You must also submit the current licence/certificate (or it's appropriate part), or if that is not practicable, a statement of the reasons for the failure to provide the licence/certificate (or part).**
- **A Plan(s) of the premises (1:100 scale) – only applicable if this is relevant to the minor variation**

The plan must show:

- a) 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.
- b) The location of points of access to and egress from the premises.
- c) If different from paragraph (3)(b), the location of escape routes from the premises.
- d) In a case where the premises is used for more than one existing licensable activity, the area within the premises used for each activity.
- e) in a case where an existing licensable activity relates to the supply of alcohol, the location or locations on the premises which is or are used for consumption of alcohol.
- f) 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.
- g) 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.
- h) in a case where the premises includes any steps, stairs, elevators or lifts, the location of the steps, stairs, elevators or lifts.
- i) in a case where the premises includes any room or rooms containing public conveniences, the

location of the room or rooms.

- j) The location and type of any fire safety and any other safety equipment; and
- k) The location of a kitchen, if any, on the premises.

NB: The plan may include a legend through which these matters are sufficiently illustrated by the use of symbols on the plan.

## Licensable Activities

The Licensing Act 2003 stipulates 4 activities which require a licence:

- the sale by retail of alcohol,
- the supply of alcohol by or on behalf of a club to, or to the order of, a member of the club,
- the provision of regulated entertainment
- the provision of late night refreshment.

The **provision of late night refreshment** refers to the sale of hot food or drink to the public between the hours of 11pm and 5am.

The **provision of regulated entertainment** is largely defined as an activity that is provided for the purpose of entertaining an audience and which takes place on premises which are made available for the purpose of enabling the activity. An activity which takes place in private is also licensable if it is subject to a charge which is intended to raise profit. Examples of such activities are below:

- a performance of a play
- an exhibition of a film
- an indoor sporting event
- a boxing or wrestling entertainment
- a performance of live music
- playing of recorded music
- a performance of dance

## Deregulatory changes

Deregulatory changes that have amended the Act mean that **no licence is required** for the following:

- **Plays**, where the performance is between 08.00 and 23.00 on any day, and the audience does not exceed 500.
- **Dance**, where the performance is between 08.00 and 23.00 on any day, and the audience does not exceed 500.
- **Films**, where it is 'not-for-profit' and the exhibition is held in a community premises between 08.00 and 23.00 on any day and the audience does not exceed 500; and the organiser (a) has consent from a person with responsibility for the premises; and (b) ensures that the screening abides by age classification ratings.
- **Indoor sporting events**, where the event is between 08.00 and 23.00 on any day, and that those present does not exceed 1000.
- **Boxing or wrestling entertainment**, held between 08.00 and 23.00 on any day, provided that the audience does not exceed 1000.
- **Unamplified live music**, between 08.00 and 23.00 on any day, on any premises.
- **Amplified live music**, between 08.00 and 23.00 on any day on premises which is authorised to sell alcohol to be consumed on-site.

## What else do I need to know about making the application?

You must submit a full copy of your completed application to the licensing authority. Depending on the nature of the minor variation and which [licensing objectives](#) may be affected, the application will be shared with some or all of the “responsible authorities” (see [Annex A](#)) by the licensing authority. For your own benefit you are advised to obtain a receipt to confirm the safe delivery of the application.

You must also advertise the application by displaying a white notice in a prominent position where it can be conveniently read from the exterior of the premises concerned. The notice must be no less than size A4, with black printing or type equal to or greater than font size 16. The notice must detail the nature of the application (see [Annex B](#)). This notice must be displayed for not less than 10 working days following the day on which the application was given to the licensing authority. Where the premises covers an area of more than 50 metres square further notices must be displayed every 50 metres along any external boundary of the premises adjacent to the highway.

**The premises notice for the application should give brief details of the application and must contain the following information:**

- The name of the Premises.
- The postal address of the premises.
- The name and postal address of where the application has been made and the website or contact address where Cotswold District Council will make the details of your application available to the public.
- The date by which an interested party or responsible authority may make representations to Cotswold District Council (28 days from the day after the application date).
- That all representations shall be made in writing.
- That it is an offence under Section 158 of the Licensing Act 2003, to make a false statement in or in connection with an application. Those who do so may be liable on summary of conviction to a fine of any amount.

## What happens next?

When we receive your application we will send you an acknowledgement letter that will confirm if your application is complete or whether you need to provide more information. In all cases the overall test for the Council will be to decide whether or not the proposed minor variation would impact adversely on any of the four [licensing objectives](#).

Providing that the application is complete, interested parties then have a period of 10 working days to make relevant representations to us about the application (as opposed to 28 calendar days for a full variation or new application). In making our decision we are required to consider any relevant representations received from interested parties within this time limit;

With respect to responsible authorities, we are required to copy the application to those we consider appropriate in each case. However, this obligation only applies if we are in any doubt about the impact of the minor variation on the licensing objectives. We are required to take into account any views expressed by the authorities we consult.

There is no right to a hearing to consider these views, but they will have a bearing on (and may even be decisive of) our view as to whether the changes proposed in the application amount to a “minor variation” of the licence or certificate.

As interested parties have 10 working days to make representations, we must therefore wait until this period has elapsed before determining the application. However, we must inform an applicant of our

decision to grant or reject the variation within, at the latest, 15 working days or the application is treated as refused and we must return the fee to the applicant.

## Appeals

There is no right of appeal. If the application is refused, an applicant may resubmit a revised application through the minor variations procedure or submit a full variation application.

### What makes a representation 'relevant'?

The Licensing Act 2003 specifies 4 objectives, if a representation is received which makes reasonable argument that the granting of the licence will undermine those objectives, then this must be considered.

#### **The Act's Objectives are:**

- The prevention of crime and disorder.
- Public safety.
- The protection of children from harm.
- The prevention of public nuisance.

### Licensing Section Contact Details:

**If you would like to make an appointment to see a licensing officer you can contact us by using one of the following methods.**

#### **Postal Address:**

Business Support – Licensing  
Environmental & Regulatory Services  
Cotswold District Council  
Trinity Road  
Cirencester, GL7 1PX

**Telephone:** 01285 623000

**Email:** [ers@cotswold.gov.uk](mailto:ers@cotswold.gov.uk)

**Internet:** [www.cotswold.gov.uk/business-and-licensing/apply-or-renew-business-licenses-and-permits/alcohol-and-entertainment/premises-licence/](http://www.cotswold.gov.uk/business-and-licensing/apply-or-renew-business-licenses-and-permits/alcohol-and-entertainment/premises-licence/)

**Licensing Act 2003 Responsible Authorities Contact Details**

**Licensing Authority (please include the fee with this copy)**

Business Support - Licensing  
Environmental & Regulatory Services  
Cotswold District Council  
Trinity Road  
Cirencester  
GL7 1PX

**Gloucestershire Constabulary**

Licensing Unit  
Community Engagement Dept  
Police Headquarters  
No 1 Waterwells  
Quedgeley  
Gloucester  
GL2 2AN

**Gloucestershire Fire and Rescue Service**

Service Delivery Support  
Gloucestershire Fire and Rescue Service Head Quarters  
Waterwells Drive  
Quedgeley  
Gloucester  
GL2 2AX

**Local Planning Authority**

Development Control  
Cotswold District Council  
Trinity Road  
Cirencester  
Glos  
GL7 1PX

**Technical Pollution Service**

Technical Pollution Service  
Environmental & Regulatory Services  
Cotswold District Council  
Trinity Road  
Cirencester  
Glos  
GL7 1PX

**Health and Safety Enforcement – (where Cotswold District Council is the enforcing authority)**

Food Health & Safety Service  
Environmental & Regulatory Services  
Cotswold District Council  
Trinity Road  
Cirencester  
Glos  
GL7 1PX

**Health and Safety Enforcement – (where the Health and Safety Executive is the enforcing authority)**

Health and Safety Executive  
4<sup>th</sup> Floor, The Pithay  
All Saints Street  
Bristol  
BS1 2ND

**Gloucestershire Safeguarding Children Board**

Gloucestershire Safeguarding Children Board  
Room 128, 1st Floor, Block 4  
Shire Hall  
Westgate Street  
Gloucester  
GL1 2TG

**Trading Standards**

Trading Standards  
Gloucestershire County Council  
The Tri-Service Centre  
Waterwells Drive  
Quedgeley  
Gloucester  
GL2 2AX

**Health Authority (Primary Care Trust)**

Public Health Department  
Block 4, 2nd Floor  
Gloucestershire County Council  
Shire Hall, Westgate Street, Gloucester GL1 2TG

**Alcohol Licensing Team (Home Office)**

Alcohol Licensing Team  
Lunar House  
40 Wellesley Road  
Croydon  
CR9 2BY

**Notice of an application for a minor variation to a Premises licence or club premises certificate**

The following page has the template that you should use for the public notice that should be displayed at the premises for 10 working days. The guidance notes on how to complete the notice are on the following page.





**Business Support - Licensing, Environmental & Regulatory Services, Cotswold District Council, Trinity Road, Cirencester, Glos., GL7 1PX** Tel: 01285 623000 Email: [ers@cotswold.gov.uk](mailto:ers@cotswold.gov.uk)

It is an offence under Section 158 of the Licensing Act 2003, to make a false statement in or in connection with an application. Those who do so may be liable on summary of conviction to a fine of any amount.

**Public Notice guidance notes:**

- (1) Insert the name of applicant or Club
- (2) Insert the address of the premises to which the minor variation relates
- (3) In this area briefly describe the activities that you have applied for on the operating schedule in your application (including opening times) or the variation to the existing licensed activities e.g.

Altering the terminal hours for Fridays and Saturdays to allow music and dancing (a Discotheque) until 02:00am
Altering the terminal hour for serving alcohol on Mondays, Tuesdays, Wednesdays and Thursdays from 11:00pm to 12 midnight.

- i) \* \* Insert the date of making the application and the closing date – 10 working days after application given to the Licensing Authority.
- ii) \* Delete as necessary
- iii) If this form is downloaded this notice MUST be on white paper and not less than A4 size. It MUST be printed legibly or typed in BLACK and equal to or greater than font size 16.

***This sentence is font sized 16.***

This advert must be displayed for 10 working days following the day on which the application was given to the Licensing Authority. It must be displayed in a prominent position at or on the premises where it can be conveniently read from the exterior of the premises.

**Data Protection Statement**

We will only use your personal information gathered for the specific purposes of your application. We will not give information about you to anyone else or use information about you for any other purpose, unless the law allows us to. Further privacy information can be found on our website.