

Licensing Committee – 2nd December 2008

6. Minor Variations to Premises Licences and Club Premises Certificates

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Purpose of the Report

Report on the introduction of a simplified process for minor variations to Premises Licences and Club Premises Certificates.

Recommendation

This report is for information only and committee members are asked to note the contents of the report.

Background

The Government proposes to amend Parts 3 and 4 of the Licensing Act 2003 to make provision for a simplified process for minor variations to premises licences and club premises certificates

Proposed amendment to the Licensing Act 2003

Under the proposals, variations to be considered as minor will generally fall into four main categories; minor changes to the structure or layout of the premises, small adjustments to the licensing hours; the removal of out of date conditions; and the addition of certain licensable activities. In all cases, consideration must be given to the potential for the minor variations to impact adversely on the four licensing objectives. These could include increasing the capacity for drinking on the premises; affecting access between the public and private parts of the premises, or the street or public way resulting in, for example, the blocking of emergency exits or routes to emergency exits.

The proposed minor variation process will include the following requirements;

- Licensing Authorities to consult with relevant authorities as necessary and take their views into account when determining an application.
- Licensing Authorities to respond to applicants within 10-working days following the receipt of an application, either to allow the minor variation or refer it to the full variation process. If an application is not replied to by the Licensing Authority for what ever reason within the 10-day period then the applicant must re-submit the dis-application form, no further fee will be chargeable.
- No right of appeal against a decision to reject an application for minor variations.

- Where applications are referred to the full variation process that process will apply in full including the full 28-day notification period.

The following changes are excluded from the minor variation process:

- The addition of the sale or supply of alcohol to a licence or club premises certificate.
- The sale or supply of alcohol at any time between 11pm and 7am; and
- Any increase in the amount of time on any day during which alcohol may be sold or supplied.

Applications to vary the time during which other licensable activities take place will be considered on a case by case basis with reference to the likely impact on the licensing objectives. The nature of the licensable activity, the additional hours sought, proximity of the premises to local residents, the track record of the establishment, and whether the proposed extension of hours will apply only on weekends or during the week, will all need to be considered when reviewing an application for a minor variation. These factors are not an exhaustive list; previous experience or general knowledge regarding the premises will also need to be taken into account.

This proposal is a welcome amendment in that it reduces the burden on local businesses and expense in relation to the existing variation application process. It also gives the licensing authority a degree of flexibility, which will allow common sense judgements to be made where only minor changes are requested that have no detrimental impact of the licensing objectives.

Financial Implications

The Government expects to set fees at a level that would achieve full recovery of the administration, inspection and enforcement costs falling on the licensing authority associated with their licensing functions under the Licensing Act 2003. Following the Governments consultation with its key stakeholders including LACORS (Local Authority Co-ordinators of Regulatory Services) the recommended fee for minor variation shall initially be set at £73.

Increased and additional financial income for the licensing service however this may need to be offset against an increased application rate. It is expected to be cost neutral overall.

Background Papers: *Government consultation on Licensing Act amendment.
Licensing Act 2003.*
