

# LICENSING ACT 2003: 'MINOR VARIATIONS' SUMMARY SHEET



Summary of the main changes to the law for 'minor variations':

<p><b>What is a 'minor variation'?</b></p>	<p>Small change(s) to the licence that will <b>not affect the licensing objectives</b> of preventing crime and disorder, public safety, preventing public nuisance and protecting children from harm. This new process came into effect from 29<sup>th</sup> July 2009 and can apply to both Premises Licences and Club Premises Certificates.</p>
<p><b>What is different from a normal variation?</b></p>	<p>The new process is simplified, quicker and less costly for the premises licence or club certificate holder.</p> <ul style="list-style-type: none"> <li>○ The application will be determined in 15 working days instead of up to 2 months;</li> <li>○ Local residents and businesses only have 10 working days to comment rather than the usual 28 consecutive days;</li> <li>○ No hearings are necessary as minor variation requests are either granted or rejected by the Licensing Officer;</li> <li>○ No press advertisement is needed, only a <b>white</b> (instead of the usual blue) notice needs to be displayed on the premises;</li> <li>○ The licence/certificate holder does not have to serve the application on responsible authorities as the Licensing Officer will contact them and seek feedback on whether the licensing objectives are likely to be affected;</li> <li>○ Conditions can not be imposed under this process - but can be volunteered as part of an application or after discussion with the responsible authorities. A minor variation may ask for existing conditions to be amended, or even removed, where the licensing objectives would be unaffected by it.</li> </ul>
<p><b>What is the cost?</b></p>	<p>£89.00 (payable to 'Babergh District Council'). This fee is prescribed by regulation.</p>
<p><b>Is the form the same as a normal variation?</b></p>	<p><b>No</b> - there is a separate form for this application which must be used. It is available via a link from the Council website at <a href="http://www.babergh.gov.uk">www.babergh.gov.uk</a> or directly from <a href="http://www.culture.gov.uk">www.culture.gov.uk</a> in both PDF or Word format.</p>
<p><b>What is the intention behind these changes?</b></p>	<ul style="list-style-type: none"> <li>○ To link in with 'Better Regulation' principles of minimising administrative and cost burden of regulation on local businesses.</li> <li>○ To respond to the current economic climate and encourage some premises to diversify to stay competitive/viable, and also to encourage cultural and community activities.</li> </ul>
<p><b>Are there any specific exclusions from what can be a 'minor variation'?</b></p>	<p><b>Yes</b> - the following can <u>NOT</u> be considered minor variations:</p> <ul style="list-style-type: none"> <li>○ Adding sale and supply of alcohol as an activity or increase the amount of time during a day that alcohol may be sold;</li> <li>○ Authorising any sale or supply of alcohol between 11pm and 7am;</li> <li>○ DPS can not be varied under this process;</li> <li>○ 'Substantial variations' or extending period licence has effect for.</li> </ul> <p>Other requests will be assessed on a case-by-case basis. Pre-application discussion with responsible authorities is recommended.</p>
<p><b>What if my request is rejected?</b></p>	<p>You will need to apply as a full variation (or sometimes a new application) where the licensing objectives may be affected by your proposals. In the event of a rejection, the Licensing Officer will advise you of the reasons why. Fees can not be refunded if your application is rejected.</p>
<p><b>Further information:</b></p>	<p>Further information is available from Department for Culture Media &amp; Sport (DCMS), 2 - 4 Cockspur Street, LONDON SW1Y 5DH or via their website <a href="http://www.culture.gov.uk">www.culture.gov.uk</a></p> <p>The minor variations reform order is Statutory Instrument 1772 of 2009 and available in full at <a href="http://www.opsi.gov.uk">www.opsi.gov.uk</a></p>