

Licensing Act 2003 – Minor Variation

The Government introduced a new procedure in July 2009 to allow licence or certificate holders to apply for small changes to their existing premises licence or club certificate, avoiding (in most cases) the need to make a full “application to vary a licence” which is expensive and time consuming.

The new procedure has some limitations and exceptions. However, if the change needed is small, the new process may be suitable. The Guidance envisages four main types of minor variation -

- Minor changes to the structure or layout of a premises;
- Small adjustments to licensing hours;
- Conditions: removal of out of date irrelevant or unenforceable conditions, and
- Licensable activities: adding certain licensable activities, especially live music.

The fee per application is £89. There are no exemptions to this fee (i.e. an otherwise exempt school still has to pay the £89 fee). The fee is only returned if we fail to determine your application within 15 working days (not including the initial day). Annual maintenance fees remain unaffected and fall due on the anniversary of the grant of the original licence or club certificate.

We urge any potential applicant to speak with us before making a minor variation application, we will give an opinion as to which variation process is most suitable in the particular circumstances. Some examples are given below, more detail is found in Secretary of State’s formal Guidance (amended July 2009 and found on the DCMS website, www.culture.gov.uk).

An application must be advertised at the premises for ten working days not including the day the application is made (white A4 poster as detailed in the Licensing Act 2003 and reproduced overleaf), but there is no press advertisement, and there is no need to copy the application to anyone else. The application form can be downloaded from the DCMS (www.culture.gov.uk) or via the link on our website – and can be sent on request.

Where we have any doubt about potential impact on the licensing objectives, we will consult with those responsible authorities that we consider appropriate to the application. After ten working days we will consider any representations, and decide whether the proposals would impact adversely on any of the four licensing objectives. Within fifteen working days the Licensing Unit will determine the application and will either grant the minor variation or refuse the application. There is no right of appeal.

To proceed after we’ve refused an application, it would be necessary to apply for a new or varied licence: and the normal fees, advertising and consultation requirements and time periods would apply.

We can’t process minor variation applications to increase capacity for drinking on the premises, change emergency exit routes, add sale or supply of alcohol where it isn’t already authorised, extend hours for the sale or supply of alcohol between 23:00 and 07:00 or to increase the amount of time on any day during which alcohol may be sold or supplied.

Get help at:

Licensing Unit, Environmental Services, Wychavon District Council, Civic Centre, Queen Elizabeth Drive, Pershore, Worcestershire, WR10 1PT. Phone 01386 565016, fax 01386 561826