

Gambling and Licensing Acts Committee

18 June 2010

Report of the Director of Communities and Neighbourhoods

Licensing Act 2003 – Minor Variations

Summary

1. Following a report brought to members on the amendments to the Licensing Act 2003 in respect of minor variations applications, this report is to advise members of the number and type of applications received since the amendments came into force.

Background

2. Following the Legislative Reform (Minor Variation to Premises Licences and Club Premise Certificates) Order 2009, which came into force on 29 July 2009, licensing authorities can now receive minor variation applications. Minor variations are classed as small variations that will not impact adversely on the licensing objectives, and are therefore subject to a simplified process. Statutory Guidance gives examples of minor variations as:
 - small variations to structure and layout;
 - the removal of a licensable activity;
 - addition of a licensable activity (excluding the supply of alcohol);
 - to reduce licensing hours or to alter (without increasing) the hours between 07:00 and 23:00;
 - addition of volunteered conditions (the licensing authority cannot impose conditions);
 - amending or removing existing conditions, in most cases any application to remove or change conditions should be treated as a full variation, however there may be some circumstances when the minor variations process is appropriate, for example premises change over time and circumstances that led to conditions being attached may not longer apply, such as embedded restrictions carried forward from the Licensing Act 1964.
3. An application for a minor variation is only submitted to the licensing authority. A white notice must be placed at the premise for a period of 10 days. The application does not need to be advertised in the local press.
4. When a minor variation application is received the licensing authority must consider whether the variation could adversely impact the licensing objectives. The licensing authority must consult the relevant responsible authority if there is any doubt on the impact of the proposed variation, however there is no requirement to consult on every application. When determining the application the

licensing authority must also consider any representations received from interested parties. There is a 10 day representation period.

5. At the end of the 10 day period the licensing authority must determine the application within the next 5 working days (from receipt of the application it is determined within 15 days). The application can be granted or refused. There is no right to a hearing, if the application is refused the fee must be returned. Applications that are not determined within the 15 day period will be treated as being refused. A refused application maybe resubmitted as a full variation.
6. Since the 29 June 2009 14 minor variations applications have been received. Please find attached at Annex 1 a summary of these applications.

Consultation

7. There has been no consultation associated with this report.

Options

8. Option 1 – That Members note the content of this report
9. Option 2 – That Members note the content of this report and request that officers report back on an annual basis.

Analysis

10. None

Corporate Strategy

11. The Licensing Act 2003 has 4 objectives the prevention of crime and disorder, public safety, prevention of public nuisance and the protection of children from harm.
12. The promotion of the licensing objectives will support the Council's strategy to make York a safer city with low crime rates and high opinions of the city's safety record.

Implications

13. **Financial:** None

Human Resources (HR): None

Equalities: None

Legal : None

Crime and Disorder: None

Information Technology (IT): None

Property: None

Other: None

Risk Management

14. There is no risk to the council with respect to this report.

Recommendations

15. Members are asked to approve option 2 and instruct officers to provide an annual update, which will be included in the annual report to Members on the Licensing Act 2003.
16. Reason – To keep Members informed of the effect of their Licensing Policy.

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**Communities and
Neighbourhoods**

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Report Approved



Date 08/06/10

Specialist Implications Officer Legal
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Wards Affected: All



For further information please contact the author of the report.

Annexes:

Annex 1 – Summary of applications received