

**LICENSING ACT 2003 REGULATORY REFORM  
(Report by Head of Democratic and Central Services)**

**1. INTRODUCTION**

The purpose of this report is to acquaint members with changes to the Licensing Act 2003 that have been brought about by three new statutory instruments that took effect on the 29<sup>th</sup> July 2009.

The statutory instruments are:

- The Legislative Reform (Minor Variations to Premises Licences and Club Premises Certificates) Order 2009 No 1772
- The Licensing Act 2003 (Premises Licences and Club Premises Certificates) (Miscellaneous Amendments) Regulations 2009 No 1809
- The Legislative Reform (Supervision of Alcohol Sales in Church and Village Halls &c.) 2008 No 1724

1.1 The changes introduce a simplified process for minor variations to premises licences and club premises certificates and remove the requirement, subject to certain provisions, for a designated premises supervisor (DPS) for community premises licensed for the sale of alcohol.

1.2 Guidance has been issued under section 182 of the Licensing Act 2003 on both the simplified process for minor variations and the removal of the requirement for a DPS and personal licence holder at community premises. The guidance has recommended that the decision making process is delegated to officers.

**2. Minor Variation**

2.1 The purpose of a minor variation is to enable premises licences and club premises certificates to be varied by a less costly process and less time consuming process. The fee set by Government is £89.00. The overall test for a minor variation will be whether the proposed variation could impact adversely on any of the four licensing objectives:

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

2.2 Small variations that do not impact upon the licensing objectives can be processed as a minor variation, Government guidance envisages that the type of application made under this process will be for:

- Minor changes to the structure or layout of the premises
- Small adjustments to licensing hours

- The removal of out of date, irrelevant or unenforceable conditions or the volunteering of conditions by licence holders
  - Adding certain licensable activities
- 2.3 For any other changes to the licence which are not considered minor for example the authorisation for the sale of alcohol between 23.00 and 07.00 hours or to authorise an increase in the amount of time on any day when alcohol may be sold/supplied a full application will need to be made in accordance with current arrangements.
- 2.4 The Local Authority Co-ordinators of Regulatory Services (LACORS) has produced a Councillor Briefing and this is attached at appendix A.
- 2.5 On receipt of an application for a minor variation, the licensing authority must consider whether the variation could impact adversely on the licensing objectives. If not, then the application can be processed as a minor variation and there will no hearing, regardless of whether or not representations are received. In line with the Government Guidance, therefore, the decision making process needs to be delegated from the licensing committee to officers. If there is an adverse impact, then a full variation will be required. Full variation applications with no representations are already delegated to officers and where representations are received, the current procedure of holding a hearing will not change.
- 2.6 There is no requirement for applicants to notify responsible authorities. Responsible authorities will only be involved at the request of the licensing authority. The licensing authority is recommended to consult with responsible authorities if it is considered the variation may impact adversely on the licensing objectives. The views of responsible authorities are to be taken into account in reaching a decision.
- 2.7 Interested parties are able to make a representation following a minor variation application. Interested parties are advised of the application by way of a public notice that applicants are required to place on the premises for a period of ten working days following the application. Representations must be taken into account by officers when arriving at a decision. There is no right to a licensing hearing. The licensing authority can not impose conditions they may however be volunteered by the applicant. The complete process from receiving an application to the officer making a decision to grant or refuse must be accomplished within fifteen working days. Should a decision not be reached within this time frame the application is deemed refused and the applicant must be refunded the application fee.
- 3. Removal of the Requirement for the Designated Supervisor in Community Premises**
- 3.1 The change allows community premises to make application to remove the mandatory condition that requires premises selling alcohol to have a DPS. It is substituted by a mandatory condition “that every supply of alcohol must be made or authorised by the management committee”. The condition also removes the necessity for a personal licence to be involved in authorising the sale of alcohol. The police must be served with a copy of the application and they may issue a notice to the licensing authority seeking a refusal if they are satisfied that the granting of the application would undermine the crime prevention objective. Officers would be unable to determine the application

following the receipt of such a notice and the matter would be referred to a Licensing Sub-Committee for determination. The application fee has been set at £23.00 by Government who consider it to be a simplified process similar to an application to vary the DPS.

#### **4. Recommendation**

##### **4.1**

- It is recommended that members note the contents of this report.
- Members to delegate to the Head of Administration and Democratic Services or in his absence the Central Services Manager the power under:
  1. Licensing Act 2003 section 41 to determine a minor variation application to vary a premises licence.
  2. Licensing Act 2003 section 86 to determine a minor variation application to vary a club premises certificate.
  3. Licensing Act 2003 section 19 determine a application for the mandatory alcohol condition requiring a designated premises supervisor in respect of a premises licence to be disapplied.

#### **BACKGROUND INFORMATION**

Guidance issued under section 182 of the Licensing Act 2003  
Guidance circulated by Lacors on minor variations and changes to designated premises supervisor requirement.

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