

Appendix A

Councillor Briefing

Licensing Act: Minor variations: a quick overview

Summary:

A minor variations procedure has been introduced in order to allow operators to make small changes to their (Licensing Act) premises licences in England and Wales. The procedure was introduced as the financial cost to operators of making minor amendments to their licences was found to be disproportionate in view of the negligible impact such changes would have.

Only changes that would not undermine the licensing objectives are permitted under this procedure.

The Government recommends that the LA delegates decision making on Minor Variation applications to licensing officers. Interested parties, such as residents can make representations, which must be taken into account, but there is no hearing.

What type of applications will be made under this process?

The Guidance envisages 4 main types of minor variation application:

- Minor changes to the structure or layout or a premises
- Small adjustments to licensing hours
- Conditions: removal of out of date irrelevant or unenforceable conditions or volunteering of conditions
- Licensable activities: adding certain licensable activities

Fees

The fee per application is £89, and notably if the application is not dealt with within 15 working days, the fee must be refunded.

The application procedure

Applications are made to the licensing authority on standard forms. The application must be advertised on a white notice at the premises. There is no requirement to advertise the application in a local newspaper and no requirement to notify the responsible authorities.

Timescale

The licensing authority must process the application and determine it within 15 working days.

The first 10 working days of the 15 working day period constitute a consultation period in which Interested Parties may make representations to the licensing authority. LAs may also wish to consider the application and consult relevant responsible authorities during this time. A determination cannot be made during the 10 day consultation period.

Delegation

The Government recommends that the LA delegates decision making on Minor Variation applications to licensing officers. There are no hearings under the minor variation process. It is likely therefore that there will be no councillor involvement in this decision-making process.

Role of responsible authorities

There is no requirement for applicants to notify responsible authorities of their application. Instead, responsible authorities are involved at the request of the licensing officer responsible for determining the application.

The [DCMS Guidance](#) suggests that licensing officers “must consult relevant responsible authorities if there is any doubt about the impact of the variation on the licensing objectives and they need specialist advice, and take their views into account in reaching a decision.”

Role of interested parties (residents and other organisations/individuals)

Interested parties may make representations based on the licensing objectives. Representations do not trigger a hearing under the Minor Variations process, but the Guidance states relevant representations must be into account in the decision-making process.

Live music

DCMS is encouraging licensing authorities to encourage the growth of live music whenever appropriate and possible through the minor variations procedure. For more information about this approach, please see a First article, available [here](#)

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