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## MINOR VARIATIONS

### 1.0 Matter for consideration

- 1.1 The Committee to consider a report from the Licensing Service dealing with the new minor variations process under the Licensing Act 2003.

### 2.0 Recommendation(s)

- 2.1 To note the legislative changes
- 2.2 To recommend to the Executive to recommend to the Council, the amendment to the scheme of delegations outlined in Section 7 of Part 3 of the Council's Constitution, as outlined in the report.

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### 3.0 Information

- 3.1 The Licensing Act 2003 gives the responsibility for alcohol and entertainment licensing to the local authority
- 3.2 The existing procedure for varying premises licences is bureaucratic and expensive for licence holders. To vary the licence, the holder must
- Serve copies on the licensing authority and seven responsible authorities
  - Advertise in the newspaper
  - Advertise the application on the premises for 28 days
  - Pay a fee based on the non-domestic rateable value (Between £100 - £635)

The whole process takes a minimum of 28 days, possibly longer if representations are received.

- 3.3 **The Legislative Reform (Minor Variations to Premises Licences and Club Premises Certificates) Order 2009** came into force on 29<sup>th</sup> July 2009 and introduces a simplified process for dealing with minor variations which will have no impact on the licensing objectives.
- 3.4 The new procedure is intended to deal with the following situations:
- 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  - The removal of out of date, irrelevant or unenforceable conditions, or the addition of volunteered conditions

Specifically excluded from the process are

- Adding the sale of alcohol as a licensed activity
- Applications to extend licensing hours for the sale or supply of alcohol for consumption on or off the premises between the hours of 23.00 and 07.00 hours
- Applications to increase the amount of time on any day during which alcohol may be sold or supplied for consumption on or off the premises.

- 3.5 The simplified process means:
- Application served on local authority only
  - The licensing authority may consult with any responsible authority it considers appropriate
  - Application to be advertised only on the premises for 10 working days
  - Fee payable of £89.00
- 3.6 Interested parties and any responsible authorities consulted have 10 working days from the date of application to make representations on the likely effect of the variation on the licensing objectives. There is no right to a hearing, but the licensing officer must take any relevant representations into account
- 3.7 The applicant must be notified of the decision no later than 15 working days after the date of application. If a decision is not made in that time, the application is deemed refused and the application fee must be returned.
- 3.8 The Government intended this procedure be dealt with at officer level, hence the requirement for a decision within 15 days of receipt.
- 3.9 Where the officer feels that the application if granted would adversely impact on the licensing objectives, the minor variation application would be refused and a full variation would be required allowing for full consultation and a hearing before a licensing panel if representations were received.
- 3.10 Under the existing scheme of delegation officers have no power to refuse an application. This means that if officers wish to refuse an application because they do not believe it is a minor variation, or representations are made in respect of an application then a licensing panel must be convened at short notice to determine the application.
- 3.11 It is therefore proposed that an application for a minor variation should be dealt with at officer level whether or not representations are received.

#### **4.0 Financial considerations**

4.1 None

#### **5.0 Legal considerations**

5.1 None

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#### **Relevant officer:**

Sharon Davies, Principal Solicitor- Licensing

Tel: (01253) 478518, e-mail Sharon.davies@blackpool.gov.uk

**Appendices attached:** None

**Background papers:** None

**Websites and e-mail links for further information:** None

**Glossary:** None