

Taunton Deane Borough Council

Licensing – 01 October 2008

Report by the Licensing Officer

Report on the introduction of a simplified process for minor variations to Premises Licences and Club Premises Certificates

1 SUMMARY

1.1 The Government proposes to amend parts 3 and 4 of the Licensing Act 2003 to make provision for a simplified process for minor variations (changes) to premises licences and club premises certificates.

2 PURPOSE OF REPORT

2.1 This report is intended to update the Licensing Committee on Government proposals to simplify the process for minor variations to premises licences and club premises certificates.

3 BACKGROUND

3.1 It is proposed that the Licensing Act 2003 is to be amended to introduce a new process for 'minor variations'. Minor variations are broadly defined as any variation that does not impact adversely on the promotion of the licensing objectives. Licensing authorities will be required to consult with relevant responsible authorities as necessary, depending on the individual circumstances of the minor variation. Under this new process the applicant is not required to advertise the variation in a newspaper or circular or display it on a blue notice, or copy it to responsible authorities as they currently have to.

3.2 The minor variation process will include the following requirements;

- Licensing Authorities to consult with relevant authorities as necessary and take their views into account when determining an application.
- Licensing Authorities to respond to applicants within 10-working days following the receipt of an application, either to allow the minor variation or refer it to the full variation process. (if an application is not replied to by the Licensing Authority for what ever reason within the 10-day period then the applicant must re-submit the dis-application form, no further fee will be chargeable.
- No right of appeal against a decision to reject an application for minor variations.
- Where applications are referred to the full variation process that process will apply in full including the full 28-day notification period.

3.3 Exclusions of the minor variation process are as follows;

- The addition of the sale or supply of alcohol to a licence or club premises certificate.
- The sale or supply of alcohol at any time between 11pm and 7am; and

- Any increase in the amount of time on any day during which alcohol may be sold or supplied.

3.4 Minor variations will generally fall into four main categories; minor changes to the structure or layout of the premises, small adjustments to the licensing hours; the removal of out of date conditions; and the addition of certain licensable activities. In all cases it must be considered if the minor variations could impact adversely on the four licensing objectives. Adverse impacts on the four licensing objectives may be increasing the capacity for drinking on the premises; affecting access between the public part of the premises and the rest of the premises or the street or public way e.g. block emergency exits or routes to emergency exits.

4 OFFICER'S COMMENTS

4.1 Applications to vary the time during which other licensable activities take place should be considered on a case by case basis with reference to the likely impact on the licensing objectives. The nature of the licensable activity, the additional hours sought, proximity of the premises to local residents, the track record of the establishment, and if the proposed extensions of hours will apply only on weekends or during the week, will all need to be considered when reviewing an application for a minor variation. These factors are not an exhaustive list, previous experience or general knowledge regarding the premises should also be taken into account.

4.2 The Government expects to set fees at a level that would achieve full recovery of the administration, inspection and enforcement costs falling on the licensing authority associated with their licensing functions under the Licensing Act 2003. Following the Governments consultation with its keys stakeholders including LACORS (Local Authority Co-ordinators of Regulatory Services) the recommended fee for minor variation shall initially be set at £73.

4.3 This proposal is a welcome amendment in that it reduces the burden on local businesses and expense in relation to the existing variation application process. It also gives the licensing authority a degree of flexibility where common sense judgements can be made where only minor changes are requested that have no detrimental impact of the licensing objectives.

5 RECOMMENDATION

5.1 The committee is requested to note the contents of the report.

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