Licensing Act 2003

Club Premises Certificate

Minor Variation Application

Qualifying clubs who hold a club premises certificate can apply to make minor variations to their certificate in certain circumstances. For example, to make minor changes to the layout of the club premises or to add some activities to a certificate e.g. regulated entertainment, provided that the variation does not have an adverse effect on any of the licensing objectives. The licensing objectives are:

* Prevention of crime and disorder
* Public safety;
* Prevention of public nuisance;
* Protection of children from harm

The minor variation procedure **may not** be used to:-

1. Extend the period for which the certificate has effect
2. Vary substantially the premises to which it relates
3. Add the sale or supply of alcohol
4. Authorise the supply of alcohol at any time between 11pm and 7pm; or

* Authorise an increase in the amount of time on any day during which alcohol may be sold or supplied.

# Purpose and Type of Minor Variations

The purpose of the minor variation process is to save time, money and regulatory resources by allowing small variations that could not impair the promotion of the licensing objectives to be made to club certificates through a simplified and less costly procedure.

Minor variations will generally fall into four categories: -

* minor changes to the structure or layout of a club premises;
* small adjustments to licensing hours;
* the removal of out of date, irrelevant or unenforceable conditions or addition of volunteered conditions;
* the addition of certain licensable activities.

In all cases the overall test is whether the proposed variation could impact adversely on any of the four licensing objectives.

# Public Notice of the Application

Under this process, the applicant is not required to advertise the variation in a newspaper or copy it to Responsible Authorities. However, they must display a prescribed public notice at the premises for a period of ten working days, starting on the working day after the minor variation application was given to the Licensing Authority. A form for this purpose is enclosed (please note that the notice must be white).

It is essential that the notice is displayed prominently at or on the premises to which the application relates, where it can be conveniently read from the exterior of the premises and in the case of a premises covering an area of more than fifty metres square, a further notice in the same form and subject to the same requirements every fifty metres along the external perimeter of the premises abutting any highway.

**Application Process**

Qualifying clubs can apply to the Licensing Authority for a minor variation to the club premises certificate using the prescribed form.

In determining an application the Authority must consult those Responsible Authorities which it considers appropriate. The Authority must take into account any relevant representations made by those Authorities or by any interested party, provided they are made within the ten working day representation period. Relevant representations must be about the likely effect of the grant of the application on the promotion of the licensing objectives.

The Licensing Authority must grant an application only if it considers that none of the variations proposed in the application could have an adverse effect on the promotion of any of the licensing objectives. In any other case the Authority must reject the application. This procedure is in contrast to the normal procedure for the variation of a club premises certificate, where the application must be referred to a licensing hearing where a relevant representation is received.

If the Licensing Authority grants an application under the minor variation provisions it must notify the applicant in writing specifying the variations which are to have effect and the time when they are to have effect.

If an application is refused, the Authority must notify the applicant in writing, giving its reasons for the refusal. The Authority is required to reach its determination within a period of fifteen working days starting on the first working day after the Authority receives the application, otherwise the application is rejected and the Authority must return the application fee. However, the Licensing Authority and the applicant may agree instead that the undetermined application should be treated as a new application and that the fee originally submitted will be treated as a fee for the new application.

# Changes to the Structure and / or Layout of Premises

Many small variations to layout will have no adverse impact on the licensing objectives and so can be subject of a minor variation application. However, changes to layout must be made using the full variation process if they could potentially have an adverse impact on the promotion of the licensing objectives, for example by: -

* 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;
* impeding the effective operation of a noise reduction measure such as an acoustic lobby.

The Licensing Authority will consider the combined effect of a series of applications for successive small layout changes (for example, as part of a rolling refurbishment of premises) which in themselves may not be significant, but which cumulatively may impact adversely on the licensing objectives.

# Licensable Activities

An application to remove a licensable activity will normally be approved as a minor variation. Variations to add the sale or supply of alcohol to a certificate are excluded from the minor variations process and must be treated as full variations in all cases. The addition of live or recorded music to a certificate may impact on the public nuisance objective, but this will depend on many factors.

The Licensing Authority will consider factors such as proximity to residential areas and any noise reduction conditions volunteered by the applicant. It is very much the Government’s intention that applications to vary a certificate for live music should benefit from the minor variations process unless there is likely to be an adverse impact on the licensing objectives. Similarly, in some circumstances, the addition of other types of regulated entertainment, such as the performance of plays or exhibition of films, to a certificate may have no adverse impact on the licensing objectives.

In considering applications to add licensable activities the Licensing Authority will normally consider the following factors: -

* the nature of the proposed licensable activity;
* the proximity of the premises to residential areas;
* any conditions volunteered by the applicant to mitigate the impact of the proposed activity;
* whether alcohol is supplied at the premises when the proposed licensable activity is taking place and whether it will continue to be supplied during the extended period;
* the track record of the premises, whether positive or negative. For example, any complaints or enforcement action related to the licensing objectives, or conversely any evidence of good practice in carrying on the proposed licensable activity, e.g. under temporary event notices;

This is not an exhaustive list and Licensing Officers will bring their own experience and knowledge of licensing to bear when considering applications.

# Licensing Hours

Applications to reduce licensing hours for the sale or supply of alcohol or to move (without increasing) the licensed hours between 07.00 and 23.00 hours will normally be processed as minor variations.

Applications to vary the time during which other licensable activities take place will be considered on a case by case basis with reference to the likely impact on the licensing objectives. In arriving at a decision, the Licensing Authority will normally consider the following factors:

* the nature of the licensable activity;
* the extent of additional hours sought and whether it will involve later opening or opening between 23.00 and 07.00;
* the proximity of the premises to residential areas;
* any conditions already in place to mitigate the impact of the activity;
* any additional conditions volunteered by the applicant;
* the arrangements for dispersal, i.e. when people leave the premises is there potential for noise and disturbance near the venue?
* whether the proposed extension applies only on the weekend or also during week days;
* the track record of the establishment whether positive or negative, e.g. complaints related to the licensing objectives, any enforcement action or conversely any evidence of good practice in carrying on the licensable activity, e.g. under temporary event notices;
* whether the premises is already open during the extended period for other licensable activities;

These factors are not an exhaustive list and Licensing Officers will bring their own experience and knowledge of licensing to bear when considering applications.

Late night levy: There is currently no late night levy in operation in the district.

**Licensing Conditions**

Imposed Conditions

The Licensing Authority cannotimpose its own conditions on the certificate through the minor variations process. If the Licensing Officer considers that the proposed variation would impact adversely on the licensing objectives unless conditions are imposed, the

application will be refused.

Volunteered Conditions

Applicants may volunteer conditions as part of the minor application process. These conditions may arise from their own risk assessment of the variation, or from informal discussions with Responsible Authorities or the Licensing Authority. However, this route should only be used where the agreed variations are minor and the licensee and the Responsible Authority have come to a genuine agreement.

Amending or Removing Existing Conditions

Club Premises Certificate conditions will normally have been volunteered or imposed to mitigate any possible adverse impact on the licensing objectives. In most cases therefore, any application to remove or change the wording of a condition will be treated as a full variation. However, there may be some circumstances when the minor variation process is appropriate.

Premises may change over time and the circumstances that originally led to the condition being attached or volunteered may no longer apply. Equally some embedded conditions may no longer apply. There may also be cases where it is necessary to revise the wording of a condition that is unclear and/or unenforceable.

This would be acceptable as a minor variation as long as the purpose of the condition and its intended effect remain unchanged. Such a change could be expected to promote the licensing objectives by making it easier for the licensee to understand and comply with the condition and easier for the Licensing Authority to enforce it.

*This leaflet has been made as comprehensive as possible. However, in attempting to simplify the law, certain requirements have been omitted. Full details of what is required are in the legislation itself. Laws can and do change. This information was accurate when produced, but may have changed since. The Council must advise that only the Courts can give an authoritative opinion on statute law.*

*Bradford Council*

*Licensing Team*

*3rd Floor Argus Chambers*

*Bradford*

*BD1 1HX*

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Licensing Team, 3rd Floor Argus Chambers, Hall Ings, Bradford, BD1 1HX

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| --- |
| **Application for a minor variation to a premises licence**  **or club premises certificate under the Licensing Act 2003** |
| PLEASE READ THE FOLLOWING INSTRUCTIONS FIRST  Before completing this form please read the Guidance Notes at the end of the form, especially Note 1. If you are completing this form by hand please write legibly in block capitals. In all cases ensure that your answers are inside the boxes and in black ink. Use additional sheets if necessary. Once completed please send your application to the relevant licensing authority. You may wish to keep a copy of the completed form for your records. |
| |  | | --- | |  |   **(Insert name(s) of applicant)**  being the premises licence holder(s) / club holding a club premises certificate, apply to vary a premises licence under section 41A / club premises certificate under section 86A of the Licensing Act 2003 for the premises described in Part 1 below.   |  |  | | --- | --- | | **Postal address of premises** (or, if none, ordnance survey map reference, or description) | | | **Post town** | **Post Code** |   **Part 1 – Premises Details**  **Telephone number at premises (if any)**   |  | | --- | |  |   **Premises licence number/club premises certificate number**   |  | | --- | |  | |
| |  | | --- | | **Brief description of premises** (Please see Guidance Note 2) |   **Part 2 – Applicant Details**    I am / we are the premises licence holder/club premises certificate holder. (Please delete as appropriate)  Contact phone number in working hours (if any)   |  | | --- | |  |  |  |  | | --- | --- | | **Applicant Postal address IF DIFFERENT FROM PREMISES ADDRESS** | | | **Post town** | **Postcode** | | **Please provide email address if you would prefer us to contact you by email (optional)** | |   **Part 3 – Proposed variation(s)**  *Please tick yes*  Do you want the proposed variation to have effect as soon as possible?  Yes  No      DD/MM/YYYY   |  | | --- | |  |   If not, from what date do you want the variation to take effect?  Do you want the proposed variation to have effect in relation to the  Yes  No  introduction of the late night levy? (Please see guidance note 3)  **Please describe the proposed variation(s) in detail in the box below and explain why you consider that they could not have an adverse effect on the promotion of any of the licensing objectives (See Guidance Note 1). This should include whether new or increased levels of licensable activities will be taking place indoors or outdoors (indoors may include a tent):**   |  | | --- | | **Details of proposed variations** (Please see Guidance Note 4) | |
| |  | | --- | | **Details of proposed variations** (Continued) | |

**Part 4 – Operating Schedule**

Please tick those parts of the Operating Schedule which would be subject to change if this application to vary were successful.

**Provision of regulated entertainment**

*Please tick all that apply*

a. plays

b. films

c. indoor sporting events

d. boxing or wrestling entertainment

e. live music

f. recorded music

g. performances of dance

h. anything of a similar description to that falling within (e), (f) or (g)

**Provision of late night refreshment**

**Sale by retail of alcohol**

(Note that this can only relate to reducing licensed hours, or moving them

without any overall increase between 7am and 11pm)

**Enclosures**

Please tick to indicate you have enclosed the following:

I have enclosed the premises licence/club premises certificate

I have enclosed the relevant part of the premises licence/

club premises certificate

I have included a copy of the plan

(necessary if the proposed variation will affect the layout)

If you have not ticked one of the previous three boxes, please explain why in the box below**.**

|  |
| --- |
| **Reasons why you have failed to enclose the premises licence/club premises certificate or relevant parts.** |

|  |
| --- |
| **Any further information to support your application.** (See Guidance Note 4) |

**CHECKLIST**:

*Please tick to indicate agreement*

* I have made or enclosed payment of the fee; or

(£89 – Cheques payable to ‘Bradford Council’)

* I have not made or enclosed payment of the fee because this application has

been made in relation to the introduction of the late night levy

* I have enclosed the plan, if appropriate, of the premises

in scale [1mm to 100mm], unless otherwise agreed with the licensing authority

* I have enclosed the premises licence/club premises certificate

or relevant part of it or provided an explanation

* I understand that if I do not comply with the above requirements

my application will be rejected.

* I understand that I am required to advertise my application by posting a

white notice at or on the premises for ten consecutive working days commencing

on, and including the day after the day when my application is given to the licensing

authority.

**IT IS AN OFFENCE, LIABLE ON SUMMARY CONVICTION TO A FINE NOT EXCEEDING LEVEL 5 ON THE STANDARD SCALE, UNDER SECTION 158 OF THE LICENSING ACT 2003, TO MAKE A FALSE STATEMENT IN OR IN CONNECTION WITH THIS APPLICATION.**

**Part 5 – Signatures and Contact Details**

(See Guidance Note 6)

**Premises Licence: Signature of applicant (the current premises licence holder) or applicant’s solicitor or other duly authorised agent. (See Guidance Note 7) If signing on behalf of the applicant, please state your name and in what capacity you are authorised to sign:**

Signature: ………………………………………………………………………………………………………………….

Date: …………………………………………………………………………………...................................................

Capacity: I / We (insert full name and capacity)

………………………………………………………………………………………….................................................

sign on behalf of and have authority to bind the applicant.

**Where the premises licence is jointly held, signature of 2nd applicant (the current premises licence holder) or 2nd applicant’s solicitor or other authorised agent** (See Guidance Note 8). If signing on behalf of the applicant please state in what capacity.

Signature: ………………………………………………………………………………………………………………….

Date: …………………………………………………………………………………....................................................

Capacity: I / We (insert full name and capacity)

…………………………………………………………………………………………...................................................

sign on behalf of and have authority to bind the applicant.

**Where the premises is a club**

I ………………………………………………………………………………………………………... (*insert full name*)

make this application on behalf of the club and have authority to bind the club

Signature: ………………………………………………………………………………………………………………….

Date: …………………………………………………………………………………...................................................

Capacity: I / We (insert full name and capacity)

…………………………………………………………………………………………..................................................

sign on behalf of and have authority to bind the applicant.

|  |  |
| --- | --- |
| **Contact name (where not previously given) and address for correspondence associated with this application.** (See Guidance Note 9) | |
| Post town | Post code |
| Telephone number (if any) | If you would prefer us to correspond with you by email your email address (optional) |

**Notes for Guidance**

1. General Note: The minor variations process can only be used for variations that could have no adverse impact on the promotion of any of the four licensing objectives. (These are: the prevention of crime and disorder; public safety; the prevention of public nuisance; and the protection of children from harm.)

It cannot be used to:

* extend the period for which the licence has effect;
* vary substantially the premises to which it relates;
* specify, in a premises licence, an individual as the designated premises supervisor;
* add the sale by retail or supply of alcohol as an activity authorised by a licence or certificate;
* authorise the sale by retail or supply of alcohol at any time between 11pm and 7am;
* authorise an increase in the amount of time on any day during which alcohol may be sold by retail or supplied;
* include the alternative licence condition referred to in section 41D (3) of the Licensing Act 2003 in a premises licence.

2. Description of premises: For example the type of premises, its general situation and layout and any other information which could be relevant to the licensing objectives. This should include any activities in or associated with the use of the premises which may give rise to concern in respect of children regardless of whether you intend children to have access to the premises, for example (but not exclusively) nudity or semi-nudity, films for restricted age groups, the presence of gaming machines etc.

3. You do not have to pay a fee if the only purpose of the variation for which you are applying is to avoid becoming liable to the late night levy.

4. Give full details of all the proposed variation(s). Failure to provide sufficient information may lead to the refusal of your application. Details should include a description of the proposed variation(s) in terms as precise as possible. If you are not precise, the licensing authority may decide that the changes you propose would be potentially broader in scope than you intend and reject your application as not being a ‘minor’ variation. You should also include a statement about why you consider the variations proposed could not have an impact on the licensing objectives listed in section 4(2) of the Act. You should cover each of the objectives that could possibly apply to your proposal (or if more than one, to each proposal) and say why you think there could be no adverse impact on that objective. Your application will be assisted by including as much information as you can about this. **(However, there is a box at the end of the form for ‘further information’, and this should be used for any relevant background information not directly related to the variation.)** Relevant information includes:

1. **Variations to licensable activities/licensing hours** (all timings should be given in 24 hour clock e.g. 16.00. Only give details for the days of the week when you intend the premises to be used for the
2. activity), such as:

* Whether new or increased levels of licensable activities will be taking place indoors or outdoors (indoors may include a tent);
* Relevant further details, for example whether music will be amplified or unamplified;
* Standard days and timing when the activity will take place, including start and finish times;
* Any seasonal variations in timings, e.g. additional days during the summer; and
* Non-standard timings, e.g. where you wish the activity to go on longer on a particular day such as Christmas Eve.

b) **Variations to premises/club layout**: If you are applying for a variation to the layout of your premises, you must include a revised plan. You should be aware that your application is likely to be refused if the proposed variation could:

* increase capacity for drinking on the premises;
* affect 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; or
* impede the effective operation of a noise reduction measure.

c) **Revisions, removals and additions of conditions**: The minor variation process may be used to remove conditions which are out of date or invalid and to revise conditions which are unclear (as long as the intention and effect remains the same). It can also be used to add a new condition volunteered by the applicant or mutually agreed between the applicant and a responsible authority, such as the police or the environmental health authority (subject to impact on the licensing objectives).

d) **Variations to opening hours**: Details of any changes to hours when the premises or club is open to the public.

5. Further information: You should use this box to provide any additional evidence to support your claim that the proposed variation is ‘minor’ and could not have an adverse impact on the promotion of the licensing objectives.

6. Signatures: The application form must be signed.

7. Authorised agent: An applicant’s agent (e.g. solicitor) may sign the form on their behalf and, in so doing, will be confirming that they have actual authority to do so.

8. 2nd Applicant: Where there is more than one applicant, both applicants or their respective agents must sign the application form.

9. This is the address which we shall use to correspond with you about this application. This might not be the same as the address of the premises or applicant, but these addresses must also be provided.

**Licensing Act 2003:**

**Minor Variation of**

**Club Premises Certificate**

**APPLICATION HAS BEEN MADE TO THE COUNCIL FOR THE ABOVE BY:**

**Name of Club ……………………………………...……………………..**

**Address of Club Premises..……………………………………………**

**………………………………………………………………………………**

(If no postal address, state a description of the premises which enables the location and extent of the premises to be identified)

**Description of proposed variation(s)………………………………...**

**………………………………………………………………………………**

**………………………………………………………………………………**

**REPRESENTATIONS SHOULD BE MADE IN WRITING TO:**

**DEPARTMENT OF PLACE, LICENSING TEAM, 3RD FLOOR ARGUS CHAMBERS, BRADFORD, BD1 1HX**

**REPRESENTATIONS MUST BE RECEIVED BY ……………………**

(Please insert relevant date. Representations must be received within 10 working days, beginning the first working day after the Licensing Authority receive the application)

**Persons wishing to inspect the licensing register may do so at the above address between the hours of 09.00 – 17.00 Monday to Thursday and 09.00 – 16.30 Friday. The licensing register is also available online at** [**www.bradfordlicensing.org.uk**](http://www.bradfordlicensing.org.uk)

**It is an offence to knowingly or recklessly make a false statement in connection with an application which carries a maximum fine of £5000.**