Guidance on Applying for the Minor Variation of a Premises Licence

# General

The holder of a Premises Licence can apply to vary that licence at any time. There are two types of variation process dependant upon the scope and nature of the proposed variation.

Where small changes are proposed, you may be eligible to apply through the Minor Variation process, which is cheaper, easier, and quicker than the full variation process. A Minor Variation is defined as one that would not impact adversely on any of the four Licensing Objectives.

The Licensing Objectives are:

* Prevention of Crime & Disorder
* Public Safety
* Prevention of Public Nuisance
* Protection of Children from Harm

If you do not meet that criteria, you are required to apply for a full variation, separate guidance is available on that process.

# Minor Variations – scope and limitations

Minor variations will generally fall into four categories; minor changes to the structure of layout of premises; small adjustments to licensing hours; the removal of out of date, irrelevant or unenforceable conditions or addition of volunteered conditions and the addition of certain licensable activities.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.

The minor variation may be used for changes such as:

* Small changes to the structure or layout of a premises
* The addition of authorisation for late night refreshment or regulated entertainment (such as performance of plays or film exhibitions)
* Small changes to licensing hours (but see below on changes that relate to alcohol)
* Revisions, removals and additions of conditions (this could include the removal or amendment of out of date, irrelevant or unenforceable conditions, or the addition of volunteered conditions)

The minor variation process cannot be used to:

* Add the retail or supply of alcohol to a licence
* Extend licensing hours for the sale or supply of alcohol at any time between 11pm and 7am
* Increase the amount of time on any day during which alcohol may be sold by retail or supplied
* Extend the period for which the licence or certificate has effect
* Transfer the licence or certificate from one premises to another, or vary substantially the premises to which it relates
* Specify, in a premises licence, an individual as the premises supervisor
* Add the sale by retail or supply of alcohol as an activity authorised by a licence or certificate
* Disapply the mandatory conditions relating to a designated premises supervisor (there is a separate process by which community premises can apply for this)

# Advertising your application

When you are applying for a minor variation, you must advertise the application by displaying a white notice at the site. The notice must be displayed for a period of ten working days starting on the working day after the minor variation application was submitted. *(if your premise is over 50 square metres please see guidance in red below regarding on site advertisement).*

**Please see the end of this guidance for a template notice you can use.**

If your premises is over 50 square metres, as well as following point 1 above, you are also required to place a further notice, in the same form and subject to the same requirements, every 50 metres along the external perimeter of the premises abutting any highway.

# Representations

Once your application is submitted, there is a 10-working day consultation period, whereby people are permitted to submit any representations against your application.

Your application will be forwarded to the following Responsible Authorities –

* Greater Manchester Police
* Greater Manchester Fire & Rescue Service
* Planning
* Trading Standards (Weights & Measures)
* Environmental Health (Noise Nuisance & Health and Safety)
* Public Health
* Safeguarding (protection of children from harm)
* Home Office Immigration Enforcement

As well as Responsible Authorities, any other person can play a role in a number of licensing processes under the 2003 Act. This includes any individual, body or business entitled to make representations to licensing authorities in relation to application for the grant, variation, minor variation or review of premises licences and club premises certificates, regardless of their geographical proximity to the premises

Any representations made by these persons must be ‘relevant’. For a representation to be relevant it must:

* relate to the likely effect of the grant of the licence on the promotion of the licensing objectives
* be made by an interested party or responsible authority
* not have been withdrawn not be ‘frivolous’ or ‘vexatious’ or, in the case of a review, ‘repetitious’ if made by an interested party

In the case of variation applications, the representation must be confined to the subject matter of the variation.

You should be aware that in the case of minor variations, there is not right to a hearing (as for a full variation or new application), but licensing authorities must take any relevant representations into account in arriving at a decision.

The licensing authority must wait until the ten working day period has elapsed before determining the application but must do so at the latest within 15 working days.

# Other things to consider

If your application is to alter the structure or layout of the premises, in addition to a completed application form you are required to submit a plan of the premises. The plan does not need to be in any particular scale, but it must be in a format which is “clear and legible in all material aspects” i.e. it must be accessible and provide sufficient detail for the Licensing Authority to be able to determine the application, including the relative size of any features relevant to the application. The plan must show the following information:

* Extent of the boundary of the building, if relevant, and any external and internal walls and, if different, the perimeter of the premises
* The location of access to and egress points from the premises
* Escape routes (if these are different from above)
* In a case where the premises is to be used for more than one licensable activity, the area within the premises used for each activity
* All fixed structures (including furniture) or similar objects temporarily in a fixed location (but not furniture) which may impact o the ability of individuals on the premises to use exits or escape routes without impediment
* Raised flooring areas (the location and height of each raised area)
* The location of any steps, stairs, elevators or lifts
* Public conveniences
* All fire safety equipment (location & type)
* Location of kitchen (if any)

We have created separate guidance on how to create a floor plan should you require it, with a handy example drawing.

If your application for a minor variation is refused and you re-submit through the full variation process, the full 28 days notification period will then apply from the date the new application is received and you should use our guidance on applying to vary a premises licence for full details.

# Useful contact information/links:

The Licensing Service receive applications and respond to queries by email. You can contact a member of the team at [licensing@oldham.gov.uk](mailto:licensing@oldham.gov.uk)

The Licensing Service provides all their application forms and guidance on the Council website. These can be found at [www.oldham.gov.uk/licensing](http://www.oldham.gov.uk/licensing).

The Licensing Act 2003 can be found online at <https://www.legislation.gov.uk/ukpga/2003/17/contents>

Statutory Guidance can be found online at <https://www.gov.uk/government/publications/explanatory-memorandum-revised-guidance-issued-under-s-182-of-licensing-act-2003>

**Licensing Act 2003**

**Public Notice**

I/We *(name of applicant)* have applied for the Minor Variation of a Premises Licence for *(full premises address)*

The Minor Variation, if granted, is to…(describe the nature of the variation. Where you are adding/extending hours you must include days/times)

Any person wishing to make representations in relation to this application may do so by visiting [www.oldham.gov.uk/licensing](http://www.oldham.gov.uk/licensing). Alternatively, please contact the licensing team at [licensing@oldham.gov.uk](mailto:licensing@oldham.gov.uk) where a representation form and guidance notes will be provided to you.

Applications can be viewed at the Licensing Office, Sir Robert Peacock House, Vulcan Street, Oldham, OL1 4LA by prior appointment only, or by viewing the public register available at [www.oldham.gov.uk/licensing](http://www.oldham.gov.uk/licensing).

Representations should be made within 10 working days from the date of this notice.

It is an offence knowingly or recklessly to make a false statement in connection with an application. The maximum fine for which a person is liable on summary conviction for making a false statement is Level 5 fine on the standard scale.

Dated: *(The date of this Notice must be the day after the application for the licence was correctly given to the Licensing Authority)*