



LICENSING ACT 2003

GUIDANCE FOR A MINOR VARIATION OF A PREMISES LICENCE OR CLUB PREMISES CERTIFICATE

This document has been produced to assist you applying for a Minor Variation of your Premises Licence / Club Premises Certificate under the Licensing Act.

Scope of what can be considered to be a Minor Variation

It is possible to make small changes to your premises licence or club premises certificate through the minor variation process, which is cheaper, easier and quicker than the full variation process.

A minor variation is one that could not impact adversely on 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.)

The process 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 some regulated entertainment (such as performance of plays or film exhibitions);
- small changes to licensing hours (but NOT to increase the Hours where alcohol can be supplied)
- revisions, removals and additions of conditions (this could include the removal or amendment of out of date, irrelevant or unenforceable conditions, or the addition of volunteered conditions).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 Variations 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;

The Fee for a Minor Variation application

The fee for a minor variation is £89 and this must be included with your application.

Who can apply for a minor variation of a Premises Licence?

Only the person or Company who currently holds the premises licence can vary the Premises Licence. So the application has to be in that name.

Applying for a Minor Variation to a Premises Licence

To make an application you need to:

- Complete the **application form**
- Enclose the correct fee (applications will not be accepted until the fee is paid)
- Make sure the appropriate White Notices are displayed (see sample notice below)

Completing the Minor Variation application

When you are completing your application you will need to give a full detailed description of all the proposed variation(s) to Burnley Borough Council as failure to provide sufficient information may lead to the refusal of your application.

If you are not precise, we 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 can use the minor variation process to remove conditions which you think are out of date or invalid (as they are now irrelevant) and you may revise conditions which you consider are unclear (as long as the intention and effect remains the same).

You can also volunteer a new condition. These must be agreed between yourself and a responsible authority, such as the police or the environmental health authority (subject to impact on the licensing objectives).

Variations to opening hours: You should give details of any changes to hours when the premises or club is open to the public.

The complete application must sent to: **The Principal Licensing Officer, Burnley Borough Council Licensing Unit, 1st Floor, Parker Lane Offices, Parker Lane, Burnley, BB11 2DT.** These can also be sent via email to Licensing@Burnley.gov.uk provided everything is clear and legible and documents are scanned (not photographs)

The application for a Premises Licence must be advertised.

The applicant must display a white notice and the notice must be displayed for a period of ten working days starting on the working day after the minor variation application was accepted by the licensing authority

The notice should be displayed where it can be conveniently read from the exterior of the premises to which it relates and, in the case of a premises covering an area of more than 50 square metres, a further notice in the same form should be displayed every 50 metres along the exterior perimeter of the premises abutting any highway.

The notice should be A4 or larger, in white colour and be printed or typed legibly in black ink in a font equal to or larger than 16.

Under the Minor variation process, you are not required to advertise the variation in a newspaper or circular or copy it to responsible authorities.

The format for the notice is illustrated on the information sheet enclosed.

When varying a Premises Licence this provides you with an opportunity to refresh Licence conditions. This can include adding, modifying or removing redundant conditions.

The relevant application forms, which can be downloaded and printed for use, can be found on the Burnley Council website. www.burnley.gov.uk/Licensing

Please note that data is collected in line with the Data Protection Act, more information can be found on our website www.burnley.gov.uk/about-council/other-information/privacy-notice-formally-fair-processing-notice

PUBLIC NOTICE – LICENSING ACT 2003

I *(insert the name(s) of applicant(s))*

Give notice that a minor variation application has been made to Burnley Borough Council under the Licensing Act 2003 to vary a Premises Licence in respect of premises known as:

(insert name and address of premises)

The details of the minor variation are as follows:-

(list proposed changes to licensable activities and days and times between which these activities will take place)

The place where the record of the application may be inspected and where the register of the Licensing Authority is kept is, Contact Burnley, Burnley Borough Council, Parker Lane, Burnley, BB11 2BY. The record of the application may be inspected between 9am and 4pm Monday to Friday.

An interested party or responsible authority may make a representation in writing to the Principal Licensing Officer, Burnley Borough Council Licensing Unit, 1st Floor Parker Lane Offices, Parker Lane, Burnley, Lancashire, BB11 2DT by

(state date - the 10th working day following the day after the date on which the application is given to the Council).

It is an offence knowingly or recklessly to make a false statement in connection with an application and the maximum fine for which a person is liable on summary conviction for the offence is level 5 on the Standard Scale, currently £5,000.